

# **WUTC v. Washington Water Supply, Inc.**

**Docket No. UW-230997 - Vol. I**

**March 25, 2024**



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1 JUDGE THOMPSON: Ms. Grimes?  
 2 ATTORNEY GRIMES: Yes, your Honor. I know my  
 3 client would oppose consolidation. And we'd like the  
 4 opportunity for briefing if that were to be an option.  
 5 JUDGE THOMPSON: Like I said, I think there's  
 6 reasons for keeping the two separate. But it does  
 7 involve the same company and a request for a surcharge,  
 8 and so I wanted to run it by the parties to get your  
 9 thoughts on it.  
 10 But hearing from both of you, I think we're  
 11 going to go ahead and not consolidate the two proceedings  
 12 at this time.  
 13 Ms. Grimes, I do have a question for you. As  
 14 part of the previous docket where Washington Water Supply  
 15 had requested a surcharge for six months, which was  
 16 granted, there was a condition in that docket to file a  
 17 rate case.  
 18 And there is that pending motion to sever out  
 19 there in 240097 [sic]. My understanding is that staff's  
 20 position -- and staff can correct me if I'm wrong on this  
 21 -- is that there should be a general rate proceeding, and  
 22 that those proceedings should be handled together. Do  
 23 you know where your client is at on filing a general rate  
 24 proceeding and when we might be able to expect that  
 25 coming in?

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1 And the reason I ask is I'd like to get an  
 2 order out on that motion, but I do feel that I need to  
 3 ask you and know where the company is at as far as  
 4 complying with the conditions of that previous order.  
 5 ATTORNEY GRIMES: Of course. Yes, I spoke to  
 6 my client this morning, and he's willing to file the  
 7 general rate case at this time. It is his position that  
 8 he would like the surcharge in this document approved  
 9 before he does so.  
 10 JUDGE THOMPSON: Okay. Thank you.  
 11 Moving back to this proceeding, let's go  
 12 ahead and talk about the procedure. Would the parties  
 13 like to have discovery rules available?  
 14 We can start with staff.  
 15 ATTORNEY JONES: Yes, your Honor. The staff  
 16 would like discovery rules available.  
 17 JUDGE THOMPSON: And Ms. Grimes?  
 18 ATTORNEY GRIMES: Yes, I'd agree to that.  
 19 JUDGE THOMPSON: Okay. Wonderful. We will  
 20 go ahead and proceed. Discovery will be conducted  
 21 according to the commission's procedural rules.  
 22 During proceedings at the commission, parties  
 23 often issue a first data request asking that any  
 24 subsequent data requests and responses are shared with  
 25 every other party. Would it make it easier on the

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1 parties if I included this requirement in the prehearing  
 2 conference order?  
 3 ATTORNEY GRIMES: Yes, your Honor, please.  
 4 ATTORNEY JONES: Yes, thank you, your Honor.  
 5 JUDGE THOMPSON: Would the parties like a  
 6 protective order in this proceeding?  
 7 ATTORNEY JONES: Your Honor, I'm not sure  
 8 that we need a protective order for this proceeding.  
 9 ATTORNEY GRIMES: I agree. I don't see the  
 10 need for one.  
 11 JUDGE THOMPSON: Okay. I will not issue a  
 12 protective order.  
 13 Have the parties had an opportunity to  
 14 discuss a procedural schedule, and do we have any  
 15 agreement on a procedural schedule?  
 16 ATTORNEY GRIMES: Yes. Ms. Gafken sent an  
 17 updated schedule this morning with the new proposed  
 18 settlement conference date of April 15, and my client  
 19 agrees to all dates proposed.  
 20 JUDGE THOMPSON: So I heard a settlement  
 21 conference date of April 15. Let me take note of that.  
 22 And would one of you please like to read the  
 23 agreed-upon procedural schedule into the record for me.  
 24 And I may have to ask you to read it twice if there's a  
 25 need, if I can't get down dates quickly enough. But I'd

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1 go ahead and ask that somebody go ahead and read that  
 2 into the record.  
 3 ATTORNEY JONES: I would be happy to read it  
 4 into the record. And we can also follow up by e-mail  
 5 with the dates so that you have those in writing.  
 6 JUDGE THOMPSON: Wonderful. Thank you.  
 7 ATTORNEY JONES: So we have the date of April  
 8 15, 2024, for a settlement conference.  
 9 And we discussed company testimony being due  
 10 May 30th of 2024. And that would also be the date that  
 11 response times for data requests would be shortened to  
 12 seven business days.  
 13 We have staff response testimony due June  
 14 27th of 2024. And that would be the day that response  
 15 times to data requests be shortened and then maintained  
 16 at five business days.  
 17 Company rebuttal would be due July 25, 2024.  
 18 Last day to submit discovery would be  
 19 August 6.  
 20 Cross exhibits due August 15.  
 21 A hearing August 26.  
 22 Simultaneous briefs due September 19.  
 23 And then the suspension date of November 8.  
 24 Happy to repeat that if needed.  
 25 JUDGE THOMPSON: Okay. I will go ahead and

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1 read it back to you just to make sure I have everything  
 2 correct.  
 3 We have company testimony May 30th of 2024,  
 4 with response times for data requests going to seven  
 5 days.  
 6 Response testimony, June 27, with discovery  
 7 request response times going to five days.  
 8 A discovery deadline of August 6.  
 9 Rebuttal and cross answering August 15.  
 10 And an evidentiary hearing August 26.  
 11 Just looking at those dates, are all those  
 12 correct, first of all?  
 13 ATTORNEY JONES: I think I made a mistake,  
 14 and I think I may have read the wrong date for rebuttal.  
 15 Apologies.  
 16 So staff response testimony due June 27.  
 17 Company rebuttal July 25.  
 18 And then last day to submit discovery is  
 19 August 6.  
 20 I apologize. I think my brain skipped over  
 21 one of those.  
 22 JUDGE THOMPSON: It was probably my error. I  
 23 had an outline of what I thought the dates might be ahead  
 24 of time.  
 25 Okay. That rebuttal date gives policy time

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1 to review the filings. And so I'm comfortable with that.  
 2 And then simultaneous briefing September 19;  
 3 is that correct?  
 4 ATTORNEY JONES: Yes.  
 5 JUDGE THOMPSON: Okay. And the settlement  
 6 conference April 15.  
 7 I'll go ahead and remind the parties that  
 8 you're free to have additional settlement conferences as  
 9 the proceedings move forward. And so if after testimony  
 10 is filed you think it might be prudent to move forward  
 11 with an additional settlement conference, you're free to  
 12 do so. I don't think in this proceeding you need to  
 13 provide notice to anybody. We don't have any other  
 14 intervenors. I just ask that you provide notice to me  
 15 ahead of time that that settlement conference might take  
 16 place and if an additional one is decided among the  
 17 parties.  
 18 Okay. I think that looks good on my end. I  
 19 will confirm that the schedule works for the commission  
 20 and incorporate that into the prehearing conference  
 21 order.  
 22 Would parties prefer to make closing  
 23 arguments at the conclusion of the hearing, or to file  
 24 post-hearing briefs?  
 25 And I know that you mentioned that you would

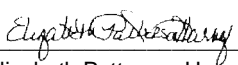
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1 like to have simultaneous briefings. But I did want to  
 2 let you know that the option is available to provide  
 3 closing arguments in stay of those briefings. But it  
 4 sounds like the briefings are preferred.  
 5 ATTORNEY GRIMES: Yes, your Honor. My client  
 6 does prefer that we do the briefing.  
 7 JUDGE THOMPSON: Okay. Wonderful.  
 8 Just a couple of reminders. I want to remind  
 9 the parties that documents should be filed online through  
 10 the electronic filing link on the commission's web page.  
 11 If the parties intend to submit exhibits,  
 12 there will be requirements for filing exhibits and an  
 13 exhibit list in advance of the hearing, which will also  
 14 be done only electronically. I will enter a prehearing  
 15 order with details on this topic.  
 16 Also, the commission's rules provide for  
 17 electronic service of documents. The commission will  
 18 serve the operators electronically, and the parties will  
 19 serve each other electronically.  
 20 If you have any corrections or updates to our  
 21 master service list, which you can find looking on the  
 22 docket list on the UTC's website putting in this docket  
 23 number, please file a written notice of appearance or  
 24 e-mail me at Connor.Thompson@utc.wa.gov.  
 25 And if there are any changes that occur,

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1 updates that occur, you can also reach me at that  
 2 address.  
 3 If any party has not yet designated a lead  
 4 representative for service, please do so via e-mail to me  
 5 as soon as possible, again at that e-mail address.  
 6 And if there are any additions to names or  
 7 e-mail addresses of representatives or support staff who  
 8 should receive electronic courtesy copies, please e-mail  
 9 that to us as well.  
 10 I do have a question regarding lead service  
 11 for Washington Water Supply. Are you going to be the  
 12 lead representative for Washington Water Supply, or is  
 13 that Mr. Ellerbee?  
 14 ATTORNEY GRIMES: I believe that will be my  
 15 boss, Ken Bagwell, and I will be assisting him.  
 16 JUDGE THOMPSON: Okay. And one additional  
 17 question just for making sure we have service and copies  
 18 of the service list correct, is Mr. Ellerbee part of the  
 19 Bagwell Law Firm, or is he separate?  
 20 ATTORNEY GRIMES: He's separate.  
 21 JUDGE THOMPSON: Okay. Great. Thank you.  
 22 Regarding errata sheets under WAC  
 23 480-07-461(B), the deadline for filing errata sheets to  
 24 exhibits may be established in the prehearing conference  
 25 order. Does anyone have an objection to setting a

1 deadline a week prior to the evidentiary hearing for that  
 2 deadline?  
 3 ATTORNEY GRIMES: No, your Honor.  
 4 ATTORNEY JONES: No objection.  
 5 JUDGE THOMPSON: Okay. Is there anything  
 6 else we need to address today?  
 7 ATTORNEY JONES: There's just one final thing  
 8 I wanted to raise on this docket, and that is that the  
 9 commission may wish to consider a public comment hearing  
 10 for this case.  
 11 I would leave it to your judgment if you  
 12 think that's necessary. There has been some public  
 13 comments that have been received in this matter and  
 14 related matters. So that may be something -- the  
 15 commission may wish to have a public comment hearing for  
 16 this case.  
 17 JUDGE THOMPSON: I will take that under  
 18 advisement and include it in the prehearing conference  
 19 order.  
 20 And are there any other matters?  
 21 ATTORNEY JONES: Nothing further from staff,  
 22 your Honor.  
 23 JUDGE THOMPSON: Okay.  
 24 ATTORNEY GRIMES: Nothing here, your Honor.  
 25 JUDGE THOMPSON: Wonderful. Thank you. I

1 CERTIFICATE  
 2  
 3 STATE OF WASHINGTON )  
 ) ss  
 4 COUNTY OF KING )  
 5 I, Elizabeth Patterson Harvey, a Certified  
 6 Court Reporter and Registered Professional Reporter  
 7 within and for the State of Washington, do hereby certify  
 8 under penalty of perjury that the foregoing legal  
 9 recordings were transcribed under my direction; that I  
 10 received the electronic recording in the proprietary  
 11 format; that I am not a relative or employee of any  
 12 attorney or counsel employed by the parties hereto, nor  
 13 financially interested in its outcome.  
 14 IN WITNESS WHEREOF, I have hereunto set my  
 15 hand this 8th day of April, 2024.  
 16  
 17   
 18 Elizabeth Patterson Harvey, CCR 2731  
 19  
 20  
 21  
 22  
 23  
 24  
 25

1 saw you shake your head, but thank you for confirming  
 2 verbally.  
 3 I will issue an order shortly containing the  
 4 procedural schedule and other guidelines for the  
 5 disposition position of this case.  
 6 We are adjourned at this time. Thank you.  
 7 We can go off the record at this time, and  
 8 parties, if you would just remain.  
 9 (Proceedings concluded at 1:45 p.m.)  
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