

01197

1 BEFORE THE WASHINGTON UTILITIES AND
2 TRANSPORTATION COMMISSION

3 THE WASHINGTON UTILITIES)
4 AND TRANSPORTATION COMMISSION,)
5 Complainant,)
6 vs.) DOCKET NO. UE-991606
7 AVISTA CORPORATION,) VOLUME X
8 Respondent.) Pages 1197 - 1244

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9 THE WASHINGTON UTILITIES)
10 AND TRANSPORTATION COMMISSION,)
11 Complainant,)
12 vs.) DOCKET NO. UG-991607
13 AVISTA CORPORATION,) VOLUME 10
14 Respondent.) Pages 1197 - 1244
15 -----

15 A prehearing conference in the above matter
16 was held on July 10, 2000, at 11:00 a.m., at 1300 South
17 Evergreen Park Drive Southwest, Olympia, Washington,
18 before Administrative Law Judges MARJORIE R. SCHAER and
19 KAREN CAILLE.

20 The parties were present as follows:

21 THE WASHINGTON UTILITIES AND TRANSPORTATION
22 COMMISSION, by GREGORY J. TRAUTMAN and MARY M. TENNYSON,
23 Assistant Attorney General, 1400 South Evergreen Park
24 Drive Southwest, Post Office Box 40128, Olympia,
25 Washington, 98504.

24 Joan E. Kinn, CCR, RPR
25 Court Reporter

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1 AVISTA CORPORATION, by DAVID J. MEYER, General
Counsel, E. 1411 Mission Avenue, Spokane, Washington,
2 99220.

3 NORTHWEST ENERGY COALITION, via bridge line,
by DANIELLE DIXON, Policy Associate, 219 First Avenue
4 South, Suite 100, Seattle, Washington, 98104.

5 THE PUBLIC, by SIMON J. FFITCH, Assistant
Attorney General, 900 Fourth Avenue, Suite 2000,
6 Seattle, Washington, 98164-1012.

7 NORTHWEST INDUSTRIAL GAS USERS, via bridge
line, by EDWARD A. FINKLEA, Attorney at Law, Energy
8 Advocates, LLP, 526 Northwest 18th Avenue, Portland,
Oregon, 97209.

9

10 INDUSTRIAL CUSTOMERS OF NORTHWEST UTILITIES,
via bridge line, by S. BRADLEY VAN CLEVE, Attorney at
Law, Duncan, Weinberg, Genzer and Pembroke, 1300
11 Southwest Fifth Avenue, Suite 2915, Portland, Oregon,
97201.

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01204

1 P R O C E E D I N G S

2 JUDGE SCHAER: We're here this morning for a
3 prehearing conference in two consolidated dockets, WUTC
4 versus Avista Utilities in Docket Number UE-991606, a
5 filing by the electric arm of Avista, and WUTC versus
6 Avista Utilities in Docket Number UG-991607, a general
7 rate filing by the gas arm of Avista.

8 We are in the Commission's hearing room 206
9 in the Commission headquarters building in Olympia,
10 Washington. I'm Marjorie Schaer. To my left is Karen
11 Caille. We are the administrative law judges assigned
12 by the Commission to this proceeding. I would like to
13 start this morning by taking appearances from all the
14 parties starting with the company, please, Mr. Meyer.

15 MR. MEYER: Thank you, Your Honor, appearing
16 on behalf of Avista is David Meyer.

17 JUDGE SCHAER: And then for staff.

18 MR. TRAUTMAN: Greg Trautman and Mary
19 Tennyson.

20 JUDGE SCHAER: Public counsel.

21 MR. FFITCH: Simon ffitch for public counsel.

22 JUDGE SCHAER: And then do we have
23 appearances over the conference bridge?

24 MR. VAN CLEVE: Yes, Your Honor, Brad Van
25 Cleve for ICNU.

01205

1 JUDGE SCHAER: Thank you.

2 MS. DIXON: Danielle Dixon for Northwest
3 Energy Coalition.

4 JUDGE SCHAER: Thank you.

5 MR. FINKLEA: Ed Finklea for Northwest
6 Industrial Gas Users.

7 JUDGE SCHAER: All right. This is a
8 prehearing conference that was continued from a
9 prehearing conference held on July 6th, 2000. The
10 purposes of this conference are, one, to identify or to
11 number for identification any additional
12 cross-examination exhibits provided by the parties; two,
13 to consider admission of pre-filed testimony and
14 exhibits and cross exhibits of witnesses who will not be
15 called in this proceeding; and three, to address any
16 other preliminary matters that should be decided before
17 cross-examination begins at 1:30 today.

18 Any objections to pre-filed materials or
19 dispositive motions were required to be filed and served
20 no later than 1:00 p.m. on July 5th, 2000. No such
21 objections or motions were filed.

22 So let's start out with number one. We're
23 going to number for identification any additional
24 cross-examination exhibits provided by the parties.
25 We're going to start with you, please, Mr. Meyer.

01206

1 MR. MEYER: Thank you. I have one additional
2 cross-examination exhibit, and I pre-distributed that.
3 It is the company's response to public counsel request
4 number 164.

5 JUDGE SCHAER: All right, and you have
6 indicated that that is going to be a cross exhibit that
7 you wish to sponsor through Mr. Buckley; is that right?

8 MR. MEYER: That is correct.

9 JUDGE SCHAER: Okay, I have numbered that
10 Exhibit 564 for identification.

11 Are there any other cross exhibits that were
12 not distributed last week that are now available for
13 distribution?

14 MR. FFITCH: Your Honor, for public counsel,
15 I have a number of items. First of all, I now have
16 copies of a response to public counsel data request 182,
17 response to public counsel data request 212, and I now
18 also have copies of the Centralia, excuse me, the public
19 counsel motion to reopen in Centralia and the
20 Commission's fourth supplemental order in the Centralia
21 docket ruling on that motion.

22 JUDGE SCHAER: And those items were all given
23 numbers for identification last week; is that correct?

24 MR. FFITCH: That's my understanding.

25 JUDGE SCHAER: Do you have the exhibit

01207

1 numbers on them?

2 MR. FFITCH: Not at this time.

3 JUDGE SCHAER: Okay, well, then let's take a
4 moment for you to look up what those exhibit numbers
5 would be so that we can get them marked and distributed.

6 MR. FFITCH: I also have a couple of other
7 things. Should I go through my other items as well?

8 JUDGE SCHAER: What we're looking for at this
9 point are cross exhibits for the witnesses who are going
10 to be testifying. In a moment we will be taking
11 exhibits and testimony of witnesses who are not going to
12 be testifying. And then we will be taking up any other
13 matters that there may be. So with that information,
14 let me know if you have more to go through now.

15 MR. FFITCH: I have a correction to an
16 exhibit, a couple of exhibits, that are identified for
17 Mr. Buckley, and that is the Exhibit 560 has attached
18 pages which actually belong as attachments to Exhibit
19 558.

20 JUDGE SCHAER: So do you have corrected
21 copies of both of those exhibits, or are you wanting us
22 to make those corrections here?

23 MR. FFITCH: I was hoping that the parties
24 could simply move the pages from one exhibit to the
25 other. I don't have a corrected exhibit in that case.

01208

1 JUDGE SCHAER: So you want us to move the
2 pages attached to Exhibit 560 for identification.

3 MR. FFITCH: Correct.

4 JUDGE SCHAER: To 558 for identification; is
5 that correct?

6 MR. FFITCH: Correct.

7 JUDGE SCHAER: Okay. And were there other
8 corrections?

9 MR. FFITCH: The other items I have I believe
10 relate to exhibits that are coming in through -- let me
11 check and see if we have this. Yes, okay, I have
12 corrections for Johnson also. I wasn't sure if Johnson
13 was being examined by staff.

14 JUDGE SCHAER: Right now it appears that
15 Johnson is being examined tomorrow.

16 MR. FFITCH: Okay, so do you want to hear
17 about Johnson now?

18 MR. MEYER: He's not here. Actually, let's
19 do it, because that would -- if there is a need for him
20 to be versed in what the change was, it will give him
21 this evening to look at it and avoid time delays.

22 JUDGE SCHAER: That appears appropriate to me
23 also. Why don't we go ahead with that, Mr. ffitch.

24 MR. FFITCH: Very well. With regard to
25 Mr. Johnson's exhibits, we have provided an Exhibit 430,

01209

1 excuse me, well, an exhibit has been marked as 430. It
2 has been identified as Exhibit 304 from the Centralia
3 docket. It should be correctly identified as containing
4 both Exhibits 304 and Exhibit 322 from the Centralia
5 docket. In addition, we have provided a marked up copy.
6 Presently what parties and the Bench has is a marked up
7 copy of that exhibit with Mr. Lazar's handwritten
8 comments. We are in the process of producing clean
9 copies of those exhibits to substitute, and I will have
10 those available tomorrow.

11 In addition, Exhibit 431 is an excerpt from
12 the transcript of the Centralia docket of the
13 examination of Mr. Johnson by public counsel. I have a
14 substitute exhibit. There are two changes. One change
15 is to add page 417, which is the page of the transcript
16 where Exhibit 322 is offered to the Centralia record.
17 And I have also included cover pages with docket numbers
18 on them just so that it's easier to tell what transcript
19 you're looking at when you look at this exhibit. And I
20 have 20 copies of that substitute Exhibit 431.

21 JUDGE SCHAER: Why don't you go ahead and
22 distribute those at this time.

23 MR. FFITCH: And at this point then, Your
24 Honor, I will ascertain the exhibit numbers on the other
25 four exhibits that I mentioned earlier. The Centralia

01210

1 order you had indicated did not need to have an exhibit
2 number. That's fine with us. I will note that a couple
3 of the other orders that have been identified for use at
4 the hearing have been given exhibit numbers, and I have
5 no preference. But for the supplemental order right now
6 I hadn't intended to -- we don't have an exhibit number
7 identified for it.

8 JUDGE SCHAER: And you indicate you have no
9 preference?

10 MR. FFITCH: I have no preference.

11 JUDGE SCHAER: Okay. While Mr. ffitich is
12 looking for those numbers, Mr. Meyer, you had
13 distributed a document. Have I already marked Exhibit
14 564 for identification on the record?

15 MR. MEYER: You have.

16 JUDGE SCHAER: Okay.

17 MR. MEYER: The other documents that I had
18 distributed were not in the nature of cross examination
19 exhibits. They were data responses that I believe by
20 stipulation of counsel can be marked and entered.

21 JUDGE SCHAER: Okay, we will do that in just
22 a moment. If my memory from Friday is worth anything,
23 Mr. ffitich, those might -- no, those were found, never
24 mind. Those weren't what I was thinking.

25 MS. TENNYSON: Your Honor, while we're

01211

1 waiting, if I might, I noticed there is a space left for
2 an exhibit for Mr. Eliassen.

3 JUDGE SCHAER: And what exhibit number?

4 MS. TENNYSON: Exhibit Number 522.

5 JUDGE SCHAER: Okay.

6 MS. TENNYSON: The one I was contemplating to
7 offer in looking at the exhibit list is already being
8 offered as Exhibit 149.

9 JUDGE SCHAER: Okay, although I believe we
10 discussed that -- actually, who is 149?

11 MS. TENNYSON: 149 is an exhibit, it's the
12 response to public counsel data request number 145.

13 JUDGE SCHAER: Which witness will be
14 sponsoring it?

15 MS. TENNYSON: Dr. Avera.

16 JUDGE SCHAER: So that will be in before
17 Mr. Eliassen?

18 MS. TENNYSON: That's correct.

19 JUDGE SCHAER: So we will change our notation
20 on 522 to be this is in as -- give me the exhibit number
21 for Avera again, please.

22 MS. TENNYSON: 149.

23 JUDGE SCHAER: Thank you.

24 MS. TENNYSON: I would also like to refer to
25 the Commission's order in case number 83-26, U-83-26 in

01212

1 the cross-examination of Mr. Eliassen. I don't have a
2 preference about making that an exhibit or not. I can
3 pass copies out for reference. The copy I was making
4 this morning unfortunately came out on pink paper, so
5 I'm having it redone so it doesn't look like it's a
6 confidential exhibit, as it is not. So I can have
7 reference copies available. I don't feel I need to make
8 it an exhibit in the case.

9 MR. MEYER: I would like a copy of that.

10 MS. TENNYSON: Certainly, yes, I was going to
11 pass out copies.

12 JUDGE SCHAER: If someone has a preference at
13 some point and expresses it, I will probably go along
14 with it. But since you have no preference, let's not
15 put that in as an exhibit at this time. But I would
16 like you to have copies to distribute.

17 MS. TENNYSON: I will have those.

18 JUDGE SCHAER: At the time you do your
19 questioning.

20 MS. TENNYSON: I will have those copies this
21 afternoon.

22 JUDGE SCHAER: Thank you.

23 MR. FFITCH: Your honor.

24 JUDGE SCHAER: Yes.

25 MR. FFITCH: I have identified those exhibit

01213

1 numbers now.

2 JUDGE SCHAER: Thank you, Mr. ffitch.

3 MR. FFITCH: The response to public counsel
4 data request 182 has been marked for identification as
5 Exhibit 94.

6 JUDGE SCHAER: Okay.

7 MR. FFITCH: And to be honest, Your Honor, I
8 find that I -- we seem to -- I already -- the parties
9 may already have that exhibit. I'm not quite sure.

10 JUDGE SCHAER: My notes now that you got me
11 to the right spot do indicate to be provided by public
12 counsel.

13 MR. FFITCH: Somehow I think what happened
14 was the reason it's in my book is presumably I put it in
15 there, or one of my staff put it in there this weekend,
16 but I wasn't sure. Okay, good, so you do need that, all
17 right.

18 JUDGE SCHAER: That's data request 182; is
19 that correct?

20 MR. FFITCH: That is correct.

21 JUDGE SCHAER: Okay, why don't you go ahead
22 and pass that out.

23 MR. FFITCH: And then --

24 JUDGE SCHAER: And then the next one, give me
25 the exhibit number first and then the identifier, if you

01214

1 would, because then I can be up to where you are and
2 match the identifier with the number hopefully.

3 MR. FFITCH: Now I have already provided that
4 to the Bench, but I didn't put a number on it. Or have
5 I? No, here it is, okay. Your Honor, I just realized
6 these aren't punched, so.

7 JUDGE SCHAER: Okay, why don't you take them
8 back then and get them punched, and maybe we can meet a
9 few minutes before 1:30 to get stuff passed out.

10 MR. FFITCH: I Apologize.

11 JUDGE SCHAER: Do the other exhibits need to
12 be punched as well?

13 MR. FFITCH: Yes.

14 JUDGE SCHAER: Okay.

15 MR. FFITCH: I may be able to get that done
16 quickly. Perhaps I can ask the record center to do it.

17 JUDGE SCHAER: Actually, the old one that was
18 in the mail room is on this floor behind the copy
19 center, so you probably can get someone to do that
20 quickly for you. It looks like Mr. Parvinen might be
21 feeling charitable.

22 MR. FFITCH: Thank you.

23 JUDGE SCHAER: Is there anything else
24 regarding exhibits for witnesses who are going to
25 testify?

01215

1 MR. TRAUTMAN: Yes, Your Honor.

2 JUDGE SCHAER: Go ahead, Mr. Trautman.

3 MR. TRAUTMAN: We have, for staff, we have
4 four additional witnesses, not four additional
5 witnesses, four additional exhibits.

6 JUDGE SCHAER: Okay, that I will allow.

7 MR. TRAUTMAN: For Ms. Mitchell that I have
8 pre-distributed. Three of them are responses to data
9 requests, and one of them is a form 10-K for 1997.

10 JUDGE SCHAER: Okay. These have not
11 previously been numbered; is that correct?

12 MR. TRAUTMAN: Correct.

13 JUDGE SCHAER: So it looks to me as if --

14 MS. TENNYSON: Mitchell ends with 411.

15 JUDGE SCHAER: Yes, I'm just looking for my
16 copy of the items, which is why I'm trying to take this
17 in pieces so I don't get too lost. So it appears to me
18 that we would be marking them for identification as
19 Exhibit 412, the Avista response to UTC data request
20 number 19; as Exhibit 413, the Avista response to UTC
21 data request number 310; as Exhibit 414, the Avista
22 response to WUTC data request number 347; and as Exhibit
23 415, what is identified as the Washington Power Company
24 form 10-K for fiscal year ended December 31st, 1997. Do
25 you have all of those documents, Mr. Meyer?

01216

1 MR. MEYER: Yes, I do.

2 JUDGE SCHAER: Okay. Is there anything else
3 for witnesses who we believe are going to be testifying?

4 MR. TRAUTMAN: I have also distributed a copy
5 of an order of the Commission from 1987 involving
6 Northwest Natural Gas Company. I have not marked that
7 as an exhibit but have pre-distributed it for reference.

8 JUDGE SCHAER: Do you know which witness you
9 may be discussing this with?

10 MR. TRAUTMAN: Likely Ms. Mitchell.

11 JUDGE SCHAER: Okay. Is there anything else
12 for witnesses who we believe are going to be testifying?

13 MR. VAN CLEVE: Your Honor, this is Brad Van
14 Cleve.

15 JUDGE SCHAER: Yes, Mr. Van Cleve.

16 MR. VAN CLEVE: We received data responses
17 from the company late last week, and I was just able to
18 this morning, so I haven't been able to --

19 JUDGE SCHAER: Mr. Van Cleve, you're going to
20 have to speak up.

21 MR. VAN CLEVE: Okay. We have four exhibits,
22 two for Mr. Johnson and two for Mr. --

23 JUDGE SCHAER: I heard Johnson. I couldn't
24 hear the second name.

25 MR. VAN CLEVE: Norwood.

01217

1 JUDGE SCHAER: Norwood, thank you.

2 MR. VAN CLEVE: And for Mr. Johnson, the
3 first exhibit is the company's response to ICNU data
4 request 71.

5 JUDGE SCHAER: Okay.

6 MR. VAN CLEVE: And the second exhibit is the
7 company's response to ICNU data request 72.

8 JUDGE SCHAER: Okay.

9 MR. VAN CLEVE: And for Mr. Norwood --

10 JUDGE SCHAER: Just a moment, let's mark
11 those for identification.

12 Mr. Meyer, do you have copies of those
13 available to you, or do you need to make some
14 arrangement for Mr. Van Cleve to get those to you today?

15 MR. MEYER: I believe we should have copies
16 of those two, yes.

17 MS. TENNYSON: Who is the witness?

18 JUDGE SCHAER: The witness is Mr. Johnson.

19 MR. VAN CLEVE: That's correct.

20 JUDGE SCHAER: So I'm going to mark for
21 identification as Exhibit 432 the Avista response to
22 ICNU data request number 71. I'm going to mark for
23 identification as Exhibit 433 the Avista response to
24 ICNU data request number 72.

25 When will you be providing copies of those,

01218

1 Mr. Van Cleve?

2 MR. VAN CLEVE: If it's okay, I would like to
3 provide them in the morning.

4 JUDGE SCHAER: Tomorrow morning?

5 MR. VAN CLEVE: Yes.

6 JUDGE SCHAER: Is there anyone here who would
7 be prejudiced by not receiving them before tomorrow
8 morning?

9 That appears to be fine. Let's go ahead then
10 with your exhibits for Mr. Norwood.

11 MR. VAN CLEVE: The first exhibit is the
12 company's response to ICNU data request 73.

13 JUDGE SCHAER: Okay.

14 MR. VAN CLEVE: And the second exhibit is the
15 company's response to ICNU data request 80.

16 JUDGE SCHAER: All right. Now let me take
17 just a moment to find out the last number for
18 Mr. Norwood, which appears to be Exhibit Number 222 for
19 identification. So we will mark for identification as
20 Exhibit 223 the Avista response to ICNU data request
21 number 73. And we will mark for identification as
22 Exhibit 224 the Avista response to ICNU data request
23 number 80.

24 Mr. Meyer, do you have copies of those
25 available to you?

01219

1 MR. MEYER: I do.

2 JUDGE SCHAER: And would you be bringing
3 those tomorrow morning as well, Mr. Van Cleve?

4 MR. VAN CLEVE: Yes, I will, Your Honor.

5 JUDGE SCHAER: Does anyone else feel
6 prejudiced by not having those before tomorrow morning?

7 All right, those copies are marked for
8 identification, and we will get printed copies tomorrow
9 morning by Mr. Van Cleve.

10 MR. VAN CLEVE: If I could raise one other
11 thing, Your Honor. In response to data request number
12 70, the company refers to its response to public -- that
13 was ICNU data request 70 -- to public counsel request
14 192, which is Mr. Avera's rebuttal work papers. And the
15 copy that we got of public counsel 192 does not have the
16 work papers attached. So I would like for, if possible,
17 for the company to provide a copy of those work papers
18 sometime before Mr. Avera testifies. And I would also
19 like to reserve the right to offer some portion of that
20 as an exhibit.

21 JUDGE SCHAER: Mr. Meyer, do you have any
22 objection to that manner of proceeding?

23 MR. MEYER: Well, I may or may not object to
24 partial offers.

25 JUDGE SCHAER: Certainly.

01220

1 MR. MEYER: But in terms of marking, no, I
2 don't. I'm not sure it's -- those work papers are
3 voluminous. I'm not sure that today we have them, but
4 I'm quite sure that by the time Dr. Avera arrives here
5 on Wednesday and Thursday we will have those. So I
6 don't see a problem is the short answer.

7 MS. TENNYSON: Staff does have a copy of
8 those as well.

9 JUDGE SCHAER: I am concerned, Mr. Meyer, if
10 you refer to something in response to a data request
11 that the party did not have. If you want to limit the
12 number, you know, if you want to limit the work papers
13 that are given to the ones that you believe are
14 responsive to the data request, that may be appropriate.
15 But I think you should try, if possible, to provide
16 those no later than tomorrow so that there is some
17 preparation time.

18 MR. MEYER: If we need to Fedex those out, we
19 would need to do that today.

20 JUDGE SCHAER: It appears to me that Mr. Van
21 Cleve will be in the hearing room tomorrow and that
22 commission staff has a copy of the work papers that you
23 would be allowed to work from.

24 MR. MEYER: Okay.

25 JUDGE SCHAER: And then I think it is your

01221

1 determination whether you want to provide all of them or
2 whether there is something more focused that would be
3 responsive to the data request.

4 MR. MEYER: Sure.

5 JUDGE SCHAER: I have no idea what the
6 request was, but I do think it deserves a response
7 that's complete.

8 Will that meet your needs, Mr. Van Cleve?

9 MR. VAN CLEVE: Yes, it would, Your Honor.

10 JUDGE SCHAER: Anything else?

11 MR. TRAUTMAN: Your honor.

12 JUDGE SCHAER: Yes.

13 MR. TRAUTMAN: We have one additional
14 exhibit. I believe this has been distributed by
15 Mr. Meyer, and I thought it was for Mr. Anderson, but I
16 believe it's for Mr. Falkner. It was the Avista
17 response to staff data request number 350.

18 MR. MEYER: Actually, that was in the packet
19 that I pre-distributed 348, 49, and 50, so we haven't
20 identified those, and those were part of the category of
21 exhibits to be introduced by stipulation.

22 MR. TRAUTMAN: Oh, okay. The only reason I
23 raise this is because this would be through a witness
24 who is expected to testify.

25 JUDGE SCHAER: Do you have any problem

01222

1 putting this in by stipulation today, Mr. Trautman?

2 MR. TRAUTMAN: No.

3 JUDGE SCHAER: Okay, then let's proceed in
4 that manner. I'm going to take those items up next.

5 First, Mr. Finklea, are you there?

6 MR. FINKLEA: Yes, Your Honor.

7 JUDGE SCHAER: We got an errata from you this
8 morning that has confused me, although it hasn't
9 confused some of the others in the room.

10 MR. FINKLEA: It is an errata that simply
11 corrects a typographical error on the cover sheet of
12 Mr. Schoenbeck's testimony, which has been marked for
13 identification as Exhibit T-721.

14 JUDGE SCHAER: Okay.

15 MR. FINKLEA: There's no changes to the
16 testimony. It's just an error on the cover sheet, an
17 errata cover sheet is the only error.

18 JUDGE SCHAER: All right. With that
19 explanation, thank you. And did you send these to all
20 of the parties?

21 MR. FINKLEA: Yes.

22 JUDGE SCHAER: In the mail?

23 MR. FINKLEA: Yes.

24 JUDGE SCHAER: Okay. We will let the parties
25 know that the revised cover sheet is in the building.

01223

1 If anyone wants to look at it before we put
2 Mr. Schoenbeck's testimony in, you're welcome to come
3 look at my copy and examine it in as much detail as you
4 wish.

5 Do you have anything else, Mr. Meyer, I mean
6 Mr. Finklea?

7 MR. FINKLEA: Simply to move the admission of
8 those marked for identification as Exhibit T-718, the
9 direct testimony of Mr. Schoenbeck.

10 JUDGE SCHAER: We're going to take that up in
11 just a moment.

12 I believe Mr. ffitch now has copies of the
13 exhibits that he wishes to distribute, and I would like
14 to make sure I have my copies identified correctly, and
15 then we will proceed to dealing with the witnesses who
16 are not present.

17 MR. FFITCH: Thank you, Your Honor. I have
18 passed out -- what would you like first, the exhibit
19 number?

20 JUDGE SCHAER: I think that makes it easier
21 for the people that are updating their exhibit lists.

22 MR. FFITCH: Okay, Exhibit 94 is Avista's
23 response to public counsel data request 182.

24 JUDGE SCHAER: Thank you, that is marked for
25 identification.

01224

1 MR. FFITCH: Exhibit 150 is public counsel
2 data response, or excuse me, Avista's response to public
3 counsel data request 212.

4 JUDGE SCHAER: Thank you, that is marked for
5 identification.

6 MR. FFITCH: And Exhibit 221 --

7 JUDGE SCHAER: Just a moment.

8 MR. FFITCH: You don't have it yet.

9 JUDGE SCHAER: Oh, okay.

10 MR. FFITCH: I'm about to pass out Exhibit
11 221, which is the public counsel motion to reopen
12 Centralia.

13 JUDGE SCHAER: All right, that document will
14 be marked for identification as Exhibit 221.

15 MR. FFITCH: Then in addition, I have the
16 copy of the Commission's fourth supplemental order in
17 the Centralia decision.

18 JUDGE SCHAER: And you wish to distribute
19 that as something that people can refer to --

20 MR. FFITCH: Yes.

21 JUDGE SCHAER: -- in the same manner as staff
22 presented another order; is that correct?

23 MR. FFITCH: Right, and it does accompany
24 Exhibit 221.

25 JUDGE SCHAER: Thank you, then that's where

01225

1 I'll put it in my book. Go ahead and distribute those
2 last two documents, please.

3 Okay, does that deal with all of the exhibits
4 that are going to be associated with cross-examination
5 of witnesses who will testify in this proceeding?

6 I would like to move next then to the
7 witnesses whose testimony has been stipulated by the
8 parties, and I would like to proceed if the parties are
9 agreeable starting with Ms. Hirsh even though the
10 Commission will have possibly some questions for her. I
11 think it would speed things along if we had her
12 documents identified and entered if none of you at this
13 time have any concerns or questions about them.

14 MR. MEYER: Acceptable.

15 JUDGE SCHAER: Okay. So looking at Exhibit
16 T-649 and Exhibits 650, 651, and 652, and cross exhibit
17 653, do the parties wish to stipulate to the admission
18 of these documents?

19 MR. MEYER: Yes.

20 MR. FFITCH: Your Honor, which witnesses are
21 those associated with?

22 JUDGE SCHAER: Nancy Ellen Hirsh.

23 MS. DIXON: Your Honor, is this new?

24 JUDGE SCHAER: My understanding is that those
25 are going in by stipulation of counsel.

01226

1 MS. DIXON: Oh, okay.
2 MS. TENNYSON: Staff has no objection.
3 JUDGE SCHAER: Okay.
4 MR. FFITCH: Public counsel has no objection.
5 JUDGE SCHAER: Those documents are admitted.
6 Looking next at the testimony of Douglas E.
7 Kilpatrick.
8 MR. FFITCH: Your Honor, may I interject
9 briefly on Hirsh? I apologize, I didn't follow the
10 numbers that were read. There are cross examination --
11 did they include the cross-examination exhibits for
12 Ms. Hirsh?
13 JUDGE SCHAER: I have one exhibit shown on my
14 list. Were there more than one, Mr. ffitch?
15 MR. FFITCH: We had Exhibit 653.
16 JUDGE SCHAER: Yes, I did include that in the
17 description I gave.
18 MR. FFITCH: Thank you.
19 JUDGE SCHAER: And that document has been
20 admitted.
21 Okay, next the testimony and exhibit of Doug
22 Kilpatrick. Do the parties wish to stipulate to the
23 entry of these documents? That would be Exhibit T-658
24 and Exhibit 659 for identification.
25 MR. MEYER: Yes.

01227

1 JUDGE SCHAER: Those documents are admitted.
2 Looking next at the testimony of Joelle
3 Steward which has been marked for identification as
4 Exhibit T-663, it's my understanding that the parties
5 wish to admit this by stipulation; is that correct?

6 MR. TRAUTMAN: Yes.

7 MR. MEYER: Yes, and there we have an agreed
8 upon response to a data request that would go in as an
9 agreed upon stipulated exhibit.

10 JUDGE SCHAER: Is this one of the documents
11 you passed out this morning, Mr. Meyer?

12 MR. TRAUTMAN: I just passed it out, 177,
13 response to data request 177. I just gave it to
14 Ms. Caille.

15 JUDGE SCHAER: Okay, so let's get that
16 identified at this point. It's Exhibit 664. We have
17 the commission staff response to Avista Corporation
18 request number 177. Is there any objection to entry of
19 Exhibit 663 or 664?

20 MR. MEYER: None.

21 JUDGE SCHAER: Those documents are admitted.
22 Looking next at Exhibit T-668, testimony of
23 James Russell, and at Exhibit 669 and 670 for
24 identification. It's my understanding that the parties
25 wish to offer these by stipulation of counsel; is that

01228

1 correct?

2 MS. TENNYSON: That is correct.

3 JUDGE SCHAER: Okay, those documents are
4 admitted.

5 Looking next at Exhibit T-675, which is the
6 joint testimony of witnesses Kilpatrick, Lazar, and
7 Schoenbeck, joint electric testimony regarding rates for
8 rate design. It's my understanding that the parties
9 wish to offer those exhibits by stipulation; is that
10 correct?

11 MS. TENNYSON: That is correct, Your Honor, I
12 notice on the exhibit list it is this and the joint gas
13 testimony is indicated it's filed on behalf of WUTC
14 staff. It's actually filed, staff filed it, but it is
15 filed on behalf of public counsel and Mr. Schoenbeck as
16 well.

17 JUDGE SCHAER: So I believe the electric
18 would be filed on behalf of ICNU and probably the gas on
19 behalf of --

20 MS. TENNYSON: Northwest Industrial Gas
21 Users.

22 JUDGE SCHAER: NWIGU?

23 MS. TENNYSON: Yes.

24 JUDGE SCHAER: Okay. So looking also then at
25 Exhibit T-680 and Exhibit 681, which are the joint

01229

1 testimony filed on behalf of commission staff, public
2 counsel, and Northwest Industrial Gas Users regarding
3 rate design and rate spread, it's my understanding that
4 the parties wish to stipulate to entry of these
5 documents; is that correct?

6 MS. TENNYSON: Yes, it is.

7 JUDGE SCHAER: Those documents are admitted.

8 Looking next at exhibit for identification
9 T-686, which is the testimony of Jim Lazar, and at
10 Exhibits 687 through 697, it is my understanding that
11 the parties wish to stipulate to the admission of these
12 documents; is that correct?

13 MR. MEYER: That is correct.

14 JUDGE SCHAER: Okay, those documents are
15 admitted.

16 MR. MEYER: Now there is an additional data
17 response that had been directed to Mr. Lazar that we
18 would propose to introduce.

19 JUDGE SCHAER: And is that in the packet of
20 materials you handed out this morning, Mr. Meyer?

21 MR. MEYER: Not yet.

22 JUDGE SCHAER: Okay, why don't you pass that
23 out now, please.

24 MR. MEYER: These look the same, but one is
25 for electric and one is for gas.

01230

1 JUDGE SCHAER: Do you want them marked as one
2 exhibit or as two?

3 MR. MEYER: Better do it as two.

4 JUDGE SCHAER: Okay. I have marked for
5 identification as Exhibit 698 a document which is
6 identified as the response of public counsel to Avista
7 data request 40. And I have marked for identification
8 as Exhibit 699 a document which is entitled the response
9 of public counsel to Avista data request 41.

10 Is there any objection to these documents,
11 Mr. ffitch?

12 MR. FFITCH: No, Your Honor.

13 JUDGE SCHAER: Okay, then I will include
14 these as admitted by stipulation of the parties.

15 Any other party wish to object?

16 Good.

17 MR. MEYER: I'm sorry, while I was
18 distributing them, I didn't get the number down. Which
19 was which?

20 JUDGE SCHAER: Okay, the number 40 is 698.
21 Number 41 is 699.

22 MR. MEYER: Thank you.

23 JUDGE SCHAER: We come next to Exhibit T-703,
24 which is the testimony of Robert Damron and Exhibits 704
25 through 713 previously identified. It's my

01231

1 understanding that the parties wish to have these
2 documents admitted by stipulation of counsel; is that
3 correct?

4 MR. MEYER: Correct.

5 MR. TRAUTMAN: Yes.

6 JUDGE SCHAER: Those documents are admitted.

7 Turning next to Exhibit T-718 and Exhibits
8 719 and 720 and to Exhibit T-721 and Exhibits 722, 723,
9 and 724, which are the testimony and exhibits of Donald
10 Schoenbeck, the first three on behalf of the Industrial
11 Customers of Northwest Utilities, and the second four on
12 behalf of Northwest Industrial Gas Users, I would note
13 first that we received this morning as an errata a
14 correction to the cover sheet for Exhibit T-718 and that
15 it would be that cover sheet which would be included in
16 the exhibit.

17 It's my understanding that the parties wish
18 to stipulate to admission of these documents; is that
19 correct?

20 MS. TENNYSON: That is correct.

21 JUDGE SCHAER: Okay, those documents are
22 admitted.

23 MR. VAN CLEVE: One correction is the errata
24 is to 721 not 718.

25 JUDGE SCHAER: Thank you. It appears that

01232

1 there was already an errata to 718; is that correct?

2 MR. VAN CLEVE: That's correct, Your Honor.

3 JUDGE SCHAER: All right. So let the record
4 show then that there was an errata sheet already filed
5 with Exhibit T-718 which is included as part of that
6 exhibit and that the errata filed today is to the cover
7 sheet for Exhibit T-721, and it is also admitted.

8 MR. VAN CLEVE: And Your Honor, I would like
9 to note for the record that 722, 723, and 724 were
10 public counsel's proposed cross-examination exhibits.

11 JUDGE SCHAER: Thank you, Mr. Van Cleve.
12 That is, as I look more carefully, how this is
13 identified in my exhibit list as well.

14 So have all parties had an opportunity to
15 look at those cross exhibits?

16 All right, then those documents are admitted.

17 We turn next to what has been marked for
18 identification as Exhibit T-726, which is the direct
19 testimony of Roger D. Colton filed on behalf of SNAP,
20 and then we have Exhibits 727 through 736 accompanying
21 that testimony.

22 It's my understanding that the parties wish
23 to stipulate to the admission of those documents; is
24 that correct?

25 MS. TENNYSON: Correct, Your Honor.

01233

1 JUDGE SCHAER: Those documents are admitted.
2 Are there any other exhibits we have
3 stipulated to?
4 I believe that you distributed some exhibits,
5 Mr. Meyer, that we should be dealing with at this point.
6 MR. TRAUTMAN: 348 to 350.
7 MR. MEYER: Yes, that's right, they have been
8 numbered but not admitted.
9 JUDGE SCHAER: I don't know that I have
10 numbered them yet.
11 MS. TENNYSON: No, those are the DR numbers.
12 JUDGE SCHAER: Those are the data request
13 numbers?
14 MR. TRAUTMAN: Those are the data request
15 numbers, not the exhibit numbers.
16 JUDGE SCHAER: Okay. Is there a particular
17 witness that these are associated with?
18 MR. MEYER: Anderson for the first two and
19 Falkner for the last one.
20 JUDGE SCHAER: Okay. Let's take just a
21 moment to find out the last exhibit number for
22 Mr. Anderson.
23 MR. TRAUTMAN: It's 353.
24 JUDGE SCHAER: Thank you. So I'm going to
25 mark for identification as Exhibit 354 the Avista

01234

1 Corporation response to WUTC data request 348. I'm
2 going to mark for identification as Exhibit 355 the
3 Avista response to WUTC data request 349.

4 It's my understanding that the parties wish
5 to stipulate to the admission of those exhibits; is that
6 correct?

7 MS. TENNYSON: That's correct, Your Honor.

8 JUDGE SCHAER: Those documents are admitted.

9 MR. FFITCH: There's one more.

10 JUDGE SCHAER: We're getting there.

11 Okay, who has the last number for

12 Mr. Falkner?

13 MS. TENNYSON: 289, page 21 of your list.

14 JUDGE SCHAER: Thank you. So I'm going to
15 mark for identification as Exhibit 290 a document
16 identified as the Avista response to WUTC data request
17 350.

18 It's my understanding that parties wish to
19 stipulate to the admission of that document; is that
20 correct?

21 MR. TRAUTMAN: That's correct.

22 JUDGE SCHAER: That document is admitted.

23 Just a moment. I'm going to need to change the exhibit
24 number on that document, because we already have an
25 Exhibit 290, so we are going to call this Exhibit 289-A.

01235

1 And Exhibit 289-A, which is the Avista response to WUTC
2 data request number 350, is admitted.

3 Are there any other exhibits that we need to
4 consider this morning?

5 MR. MEYER: I don't believe we have admitted
6 the company witnesses that were otherwise excused from
7 appearing.

8 JUDGE SCHAER: Oh, thank you, Mr. Meyer.
9 They are in a different portion of the exhibit list, and
10 you're correct, I hadn't identified them. Would you
11 lead us through those, if you could, please?

12 MR. MEYER: Surely, starting with
13 Mr. Anderson.

14 JUDGE SCHAER: Okay.

15 MR. MEYER: And I show on my exhibit list
16 Exhibits T-349, 350, 351, 352, as well as 327.

17 JUDGE SCHAER: Okay, it's my understanding
18 that the parties wish to enter these documents by
19 stipulation; is that correct?

20 MR. TRAUTMAN: Yes.

21 MR. MEYER: Let's confirm that 327. My
22 exhibit list may be in error on what I had identified as
23 326, I'm sorry, 327, which is according to my list staff
24 data request number 10, Avista response.

25 MR. TRAUTMAN: It's 353.

01236

1 MR. MEYER: Is that 353?
2 MR. TRAUTMAN: Yes.
3 JUDGE SCHAER: And that document has already
4 been admitted.
5 MR. MEYER: Okay, that takes care of
6 Anderson. The next one by stipulation --
7 JUDGE SCHAER: Actually it's just been
8 admitted. All of Exhibits T-349 through 353 are
9 admitted.
10 Go ahead.
11 MR. MEYER: Next company witness would be
12 McKenzie.
13 JUDGE SCHAER: Do you have his last exhibit
14 number?
15 MR. MEYER: I have 450 on my list for his
16 last exhibit number.
17 JUDGE SCHAER: Okay.
18 MR. MEYER: But his three, the three exhibits
19 that would go in by stipulation would be Exhibit T-448,
20 449, and 450.
21 JUDGE SCHAER: Now on my list those show as
22 Exhibit T-447, 448, and 449. What do others show?
23 MR. MEYER: Excuse me, I will go back to my
24 old form.
25 JUDGE SCHAER: Okay. Would you like to

01237

1 double check those numbers in your form?

2 MR. MEYER: Yeah.

3 JUDGE SCHAER: Go ahead, please.

4 MR. MEYER: Okay, I show T-447 for his
5 rebuttal testimony, 448 and 449 were his pre-filed
6 exhibits. Is that consistent with what now the --

7 JUDGE SCHAER: That's consistent with my list
8 also, and it's my understanding that the parties wish to
9 stipulate to the admissibility of those documents; is
10 that correct?

11 MS. TENNYSON: That is correct.

12 JUDGE SCHAER: Those documents are admitted.

13 MR. MEYER: The next company witness would be
14 Tara Knox.

15 JUDGE SCHAER: Okay. And I believe her --

16 MR. MEYER: Her rebuttal.

17 JUDGE SCHAER: -- documents would be Exhibit
18 T-473, Exhibit 474 for identification, and Exhibit 475
19 for identification.

20 MR. MEYER: That's what I have, thank you.

21 JUDGE SCHAER: It's my understanding that the
22 parties wish to stipulate to the admission of these
23 documents; is that correct?

24 MS. TENNYSON: That's correct, Your Honor.

25 MR. FFITCH: That's correct.

01238

1 JUDGE SCHAER: Those documents are admitted.
2 Are there any others, Mr. Meyer?

3 MR. MEYER: Let me check. I think that does
4 it.

5 MS. TENNYSON: Mr. Hirschhorn.

6 JUDGE SCHAER: Mr. Hirschhorn.

7 MR. MEYER: Well, he is going to be available
8 to be crossed, I understood.

9 JUDGE SCHAER: Okay, let's look here. I
10 understand that I have heard at least one earlier
11 exhibit referred to Mr. Hirschhorn as a sponsoring
12 witness, so although it's not totally apparent from the
13 estimates that we have whether or not any party will
14 have questions of him, it may be that he will need to be
15 here. If you can talk with your co-counsel and
16 determine whether or not there are questions for him and
17 whether that exhibit can be put in by stipulation as
18 well as his rebuttal testimony and exhibits, we will
19 certainly entertain that suggestion at any point in the
20 hearings before he takes the stand.

21 MR. MEYER: Very well.

22 JUDGE SCHAER: That's true of any of the
23 witnesses. So that takes us through part two of what we
24 had hoped to do this morning. Part three is are there
25 any other preliminary matters we should address before

01239

1 this afternoon?

2 MR. FFITCH: Your Honor, I have a couple of
3 other evidentiary exhibit related items.

4 JUDGE SCHAER: Go ahead, please, Mr. ffitich.

5 MR. FFITCH: I will just note for the record
6 that Exhibits 286 and 603, both of which are public
7 counsel cross exhibits, are one and the same.

8 JUDGE SCHAER: Okay. Which one do you want
9 to withdraw?

10 MR. FFITCH: I'm not sure at this point.

11 JUDGE SCHAER: Do you want to look at the
12 order of witnesses and see who is up first?

13 MR. TRAUTMAN: Well, one is identified as
14 Avista response, and one is staff response.

15 MR. FFITCH: Oh, maybe I'm -- I guess I
16 better check this, Your Honor.

17 JUDGE SCHAER: My notes indicate that exhibit
18 for identification 286 is the Avista response to public
19 counsel data request number 132.

20 MR. FFITCH: Right.

21 JUDGE SCHAER: And that exhibit -- what
22 number did you --

23 MR. TRAUTMAN: 603.

24 JUDGE SCHAER: 603 is the commission staff
25 response to public counsel data request number 132.

01240

1 MR. FFITCH: All right.

2 MS. TENNYSON: However, it is not. What you
3 handed out is actually Avista's response to public
4 counsel data request number 132.

5 JUDGE SCHAER: So it sounds to me like you
6 may be withdrawing 603?

7 MR. FFITCH: I think I better take some time
8 to straighten this out and then let you know how I would
9 like to proceed, Your Honor.

10 JUDGE SCHAER: Thank you, Mr. ffitch.

11 MR. FFITCH: The other point that I wanted to
12 mention is that we had identified, well, one of those,
13 603, and another Exhibit 620 we have identified in
14 connection with staff witnesses. They are actually
15 responses of Avista to data requests. And so in terms
16 of getting them admitted into the record, we would
17 ordinarily want to offer them through Mr. Falkner, who
18 authored the responses, although he comes after these
19 staff witnesses in the order. So I guess what we would
20 propose to do is examine using the identified exhibits
21 but then not offer them until Mr. Falkner is on the
22 stand.

23 JUDGE SCHAER: That would be fine. I do
24 prefer to have exhibits that are questioned offered
25 through someone who knows about their preparation and

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1 what data they contain. If these turn out to be items
2 that you and Mr. Meyer can discuss and can offer by
3 stipulation at the time that you're cross-examining
4 earlier, that would also be acceptable.

5 MR. FFITCH: That would be our preference if
6 the company has no objection. I just wanted to identify
7 that in advance.

8 JUDGE SCHAER: Let's leave it at that point
9 now and let the two of you have a discussion off the
10 record.

11 Is there anything further?

12 MS. DIXON: Your Honor.

13 JUDGE SCHAER: Yes.

14 MS. DIXON: Danielle Dixon, Northwest Energy
15 Coalition. You had asked me at Thursday's prehearing
16 conference to give an update this morning on the
17 Coalition data request for Mr. Colton.

18 JUDGE SCHAER: Yes.

19 MS. DIXON: So I wanted to let you know
20 Mr. Colton is currently working on responses to six data
21 requests for Northwest Energy Coalition. I hope to see
22 them by the end of today or tomorrow morning, at which
23 time we wish to enter them into the record, and I would
24 assume I would have the copies then available for folks
25 to look at.

01242

1 JUDGE SCHAER: I'm having some trouble
2 hearing you. People are shuffling papers, and your
3 voice is very quiet coming across. Can you talk a
4 little louder into the phone, and just repeat the last
5 things that you said.

6 MS. DIXON: Sure. Mr. Colton is currently
7 working on responses to six data requests for the
8 Northwest Energy Coalition. I am hoping to see those by
9 the end of today or tomorrow morning and decide when I
10 get to read them which ones to enter into the record.
11 And I am assuming I will then have them available, the
12 copies for the parties on Wednesday when I'm in Olympia.

13 JUDGE SCHAER: Are you planning to be here
14 more than one day?

15 MS. DIXON: Wednesday, Thursday, Friday.

16 JUDGE SCHAER: So that you can distribute
17 them, and then the parties have can have at least one
18 night to look them over and then decide what their
19 positions were?

20 MS. DIXON: Yes, that's my plan.

21 JUDGE SCHAER: Do you know if any parties
22 have asked as a data request to you that they receive
23 any responses that you receive?

24 MS. DIXON: Public counsel has.

25 JUDGE SCHAER: So you need to make certain

01243

1 that public counsel gets this answer as soon as possible
2 after you do.

3 MS. DIXON: Yes.

4 JUDGE SCHAER: All right. Let's plan to
5 proceed in that manner then.

6 Is there anything further that we need to
7 discuss this morning?

8 Hearing nothing, I'm going to ask the parties
9 to try to be here by about 1:20. I would like to have
10 commission staff witness Buckley on the witness stand,
11 organized, and ready to go, and we will probably deal
12 with his swearing in and admission of his exhibits and
13 try to have him ready to start answering questions at
14 1:30.

15 Anything further?

16 We are off the record.

17 MR. FINKLEA: Your Honor.

18 JUDGE SCHAER: Yes.

19 MR. FINKLEA: Do you know what time we intend
20 to start tomorrow?

21 JUDGE SCHAER: Yes, we're planning to start
22 at 9:30.

23 MR. FINKLEA: Thank you.

24 JUDGE SCHAER: That is one other thing I
25 wanted to indicate to the parties on the record. I have

01244

1 distributed today order of witness and time estimates
2 for cross-examination, and I have also been using an
3 exhibit list prepared by my staff. And I want to
4 indicate to the parties that if anyone wants copies of
5 either of these documents, you're welcome to have them.
6 And if you want them electronically, you may have that
7 as well. You just need to contact Jennifer Watsek in
8 the administrative law division of the Commission, and
9 we can accommodate you with that information.

10 All right, we're off the record until this
11 afternoon.

12 (Proceedings recessed at 12:10 p.m.)

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