

Docket No. PG-160924 - Vol. I

WUTC v. Puget Sound Energy

November 1, 2016



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1 BEFORE THE WASHINGTON
 2 UTILITIES AND TRANSPORTATION COMMISSION

4 WASHINGTON UTILITIES AND)
 4 TRANSPORTATION COMMISSION,)
 5 Complainant,)
 6 vs.) Docket No. PG-160924
 7 PUGET SOUND ENERGY,)
 8 Respondent.)

10 PREHEARING CONFERENCE, VOLUME 1
 11 PAGES 1-10
 12 ADMINISTRATIVE LAW JUDGE GREGORY J. KOPTA

14 9:30 a.m.
 15 November 1, 2016

17 Washington Utilities and Transportation Commission
 18 1300 South Evergreen Park Drive Southwest
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19
 20 REPORTED BY: TAYLER RUSSELL, CCR# 3358

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1 OLYMPIA, WASHINGTON; NOVEMBER 1, 2016
 2 9:30 A.M.
 3 -o0o-

4 JUDGE KOPTA: All right. Let's be on the
 5 record in Docket PG-160924, caption Washington Utilities
 6 and Transportation Commission versus Puget Sound Energy.
 7 It's November 1st, 2016, and we are here for a
 8 prehearing conference.
 9 My name is Gregory J. Kopta. I am the
 10 administrative law judge who will be presiding along
 11 with the Commissioners in this proceeding, and we will
 12 begin this morning by taking appearances starting with
 13 Commission Staff.
 14 MS. BROWN: Sally Brown, Senior Assistant
 15 Attorney General appearing on behalf of Commission
 16 Staff.
 17 MR. BEATTIE: Judge Kopta, also on behalf of
 18 Commission Staff, Julian Beattie, Assistant Attorney
 19 General.
 20 JUDGE KOPTA: And on behalf of Puget Sound
 21 Energy.
 22 MR. WILLIAMS: Good morning, Your Honor.
 23 James Williams from Perkins Coie.
 24 MR. STEELE: Hi, Your Honor, David Steele
 25 with Perkins Coie, as well.

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 22 * * * * *

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1 JUDGE KOPTA: And for Public Counsel.
 2 MS. GAFKEN: Good morning, Lisa Gafken,
 3 Assistant Attorney General appearing on behalf of Public
 4 Counsel.
 5 JUDGE KOPTA: All right. Thank you. Is
 6 there anyone else who wishes to make an appearance this
 7 morning?
 8 Hearing nothing, we will proceed.
 9 First order of business is intervention. I
 10 did not receive any petitions to intervene. Is there
 11 anyone who wants to make an oral petition to intervene?
 12 Again, hearing nothing, I will assume not.
 13 So we will not have any intervenors.
 14 The second order of business is a protective
 15 order. Are there parties wanting to have a protective
 16 order issued in this case? No, no need for a protective
 17 order?
 18 MR. WILLIAMS: No, Your Honor.
 19 JUDGE KOPTA: All right. Then we will not
 20 enter one.
 21 Now, as far as electronic service goes, do
 22 the parties consent to the Commission serving documents
 23 electronically should it choose to do so?
 24 MR. WILLIAMS: PSE does.
 25 MR. BEATTIE: Yes, for Staff.

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1 MS. GAFKEN: Yes.

2 JUDGE KOPTA: Thank you. Discovery, I

3 gather by our prior discussions that the parties want

4 the discovery rules available; is that correct?

5 MR. WILLIAMS: That's correct for PSE, Your

6 Honor.

7 JUDGE KOPTA: All right. We will make the

8 discovery rules available.

9 And last on my list is the schedule for this

10 proceeding. Have the parties had an opportunity to

11 discuss schedule?

12 MR. BEATTIE: We have not, Judge Kopta, and

13 we would request a recess to discuss that off the

14 record.

15 JUDGE KOPTA: All right. And I think --

16 MS. BROWN: We have -- we have prepared a

17 proposed hearing schedule that we circulated to the

18 parties shortly before the hearing began.

19 JUDGE KOPTA: Okay. Then I will let the

20 parties discuss that. Obviously you will need as far as

21 the hearing dates go, to consult with the Commissioners'

22 calendars and mine to see which are available.

23 MS. BROWN: We did check those as well.

24 JUDGE KOPTA: All right. Great. Then I

25 will allow the parties some time to discuss that. If

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1 one of you would let me know when you've reached an

2 agreement or not then we can go on the record and

3 memorialize that.

4 Is there anything else that we need to

5 discuss other than schedule at this point?

6 All right. Then let's be off the record.

7 (Recess from 9:34 a.m. until 9:48 a.m.)

8 JUDGE KOPTA: All right. Let's be back on

9 the record after our recess to discuss scheduling. The

10 parties have reached an agreement on scheduling, which I

11 will memorialize at this point. Early settlement

12 meeting will be scheduled for Thursday, December 1st,

13 2016. Staff's initial testimony will be due by Tuesday,

14 January 17th, 2017. PSE and Public Counsel response

15 testimony will be due Tuesday, February 28th, 2017.

16 Staff rebuttal and PSE and Public Counsel

17 cross-answering testimony will be due Tuesday, March

18 28th, 2017.

19 Last day to issue data requests will be

20 Tuesday, April 4th, 2017. Cross-examination exhibits

21 will be due on Friday, April 14th, 2017. The

22 evidentiary hearing will be scheduled for Wednesday and

23 Thursday, April 19th through 20, 2017, and simultaneous

24 post-hearing briefs will be due Thursday, May 25th,

25 2017.

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1 In addition, the parties have agreed that

2 the default ten-day response time to data requests will

3 be shortened to seven days after PSE and Public Counsel

4 file their response testimony, and it will be further

5 shortened to five business days after Staff files its

6 rebuttal and PSE and Public Counsel will file their

7 cross-answering testimony.

8 Have I recited that correctly?

9 MR. WILLIAMS: You have, Your Honor. The

10 only other thing I would add is that PSE would expect

11 that after the early settlement meeting if that's

12 unsuccessful, there will be ongoing opportunities for

13 further settlement discussions afterwards.

14 JUDGE KOPTA: We usually like to memorialize

15 at least one settlement date in the formal schedule and

16 the understanding, of course, that parties are always

17 free to have additional settlement discussion and we

18 certainly encourage that.

19 All right. I believe there was also some

20 discovery issues that the parties wanted to discuss.

21 MR. WILLIAMS: Yes, Your Honor. On behalf

22 of PSE, I'm going to address this Staff issue and

23 Mr. Steele will talk about Pilchuck, but we've agreed on

24 November 18th as the day to try to get the two

25 depositions that we have in mind for Staff --

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1 JUDGE KOPTA: It's the conference bridge.

2 MR. WILLIAMS: Okay. Staff personnel done

3 for Mr. Cullom and Mr. Rathbun on the 18th of November,

4 and if we can't finish that day, we will try to figure

5 out something else, but that's our goal right now.

6 JUDGE KOPTA: Well, that's in agreement with

7 Commission Staff?

8 MS. BROWN: That's correct.

9 JUDGE KOPTA: That works for me. That's

10 fine. Thank you for the notice.

11 MR. STEELE: Your Honor, PSE requests leave

12 to depose Pilchuck, as well. We've consulted with Staff

13 and Staff does not oppose deposing Pilchuck in this

14 case, and we understand that the Commission would have

15 to issue the subpoena to -- to -- because it would be

16 third-party discovery. PSE believes that there's good

17 ground in this case, that Pilchuck played a role

18 in -- in the facts, and that there are factual issues as

19 to what occurred that led to the explosion in this case.

20 And so we request leave that the Commission issue a

21 subpoena to depose Pilchuck and also for records as

22 well.

23 JUDGE KOPTA: Okay. That's a bit unusual,

24 but obviously the circumstances of this case are a bit

25 unusual and Commission generally does not subpoena

1 outside witnesses. What I would ask you to do is to
 2 file a formal motion to that effect rather than have me
 3 reconsider it right now. And also, if possible, to
 4 consult with the company, Pilchuck, and their counsel to
 5 see what, if anything, their view is, whether it's
 6 something they would agree to, whether it was something
 7 they would oppose, because I would like to know to the
 8 extent possible. I will factor that into what the
 9 Commission ultimately decides to do.

10 MR. STEELE: Thank you, Your Honor.

11 JUDGE KOPTA: All right. Is there anything
12 else that we need to discuss today?

13 Hearing nothing, we are adjourned.

14 (Proceeding adjourned at 10:00 a.m.)

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1 CERTIFICATE

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3 STATE OF WASHINGTON
4 COUNTY OF THURSTON
5

6 I, Tayler Russell, a Certified Shorthand Reporter
7 in and for the State of Washington, do hereby certify
8 that the foregoing transcript is true and accurate to
9 the best of my knowledge, skill and ability.

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Tayler Russell, CCR _____