

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

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

**March 25, 2024**



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BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

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WASHINGTON UTILITIES AND	)	
TRANSPORTATION COMMISSION,	)	
	)	
Complainant,	)	
	)	DOCKET NO. UW-230997
vs.	)	
	)	
WASHINGTON WATER SUPPLY, INC,	)	
	)	
Respondent.	)	PAGES 1-15
	)	

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Prehearing Conference - Vol. I

BEFORE ADMINISTRATIVE LAW JUDGE CONNOR THOMPSON

March 25, 2024

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Washington Utilities and Transportation Commission  
621 Woodland Square Loop SE  
Lacey, Washington 98504

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FAPR, RPR, WA CCR 2731

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A P P E A R A N C E S

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1 March 25, 2024

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4 JUDGE THOMPSON: Good afternoon. Let's be on  
5 the record. The time is 1:31 p.m. My name is Connor  
6 Thompson, and I'm an administrative law judge with the  
7 Washington Utilities and Transportation Commission.

8 We are here today for a prehearing conference  
9 in Docket UW-230997, which is captioned Washington  
10 Utilities and Transportation Commission versus Washington  
11 Water Supply, Inc.

12 Let's start by taking short appearances. And  
13 we'll go ahead and start with staff.

14 ATTORNEY JONES: Good afternoon, your Honor.  
15 My name is Cassandra Jones, assistant attorney general,  
16 and with me is my co-counsel, Lisa Gafken, assistant  
17 attorney general. And we are here on behalf of staff.  
18 Thank you.

19 JUDGE THOMPSON: Thank you.  
20 And for Washington Water Supply?

21 ATTORNEY GRIMES: Good afternoon, your Honor.  
22 Alysa Grimes on behalf of the complainant.

23 JUDGE THOMPSON: Thank you.

24 And that brings us to petitions for  
25 intervention. Are there any parties or petitions for

1 intervention?

2 I did not see any petitions filed prior to  
3 this hearing. But let's take another look at the room.  
4 Are there any petitions for intervention that have not  
5 been filed in writing?

6 Okay. Hearing none, let's go ahead and  
7 proceed. So in today's proceeding, we don't have any  
8 consolidation, but there is a consolidation matter in a  
9 related docket involving Washington Water Supply, Inc.  
10 And I'm thinking about potential consolidation of that  
11 docket with this docket eventually. I don't think it's  
12 going to work out, nor -- and there's reasons for that.

13 But I wanted to give the parties an  
14 opportunity to just ponder that quickly and think it  
15 through as to whether or not it would make sense to  
16 potentially consolidate -- I believe the other docket  
17 number is UW-240079 with this docket.

18 And at this time, I'd like to hear from staff  
19 as to whether or not a potential consolidation makes  
20 sense.

21 ATTORNEY JONES: Thank you, your Honor. At  
22 this time, staff has not made a motion for consolidation,  
23 and weren't seeking it at this time. And that's what we  
24 noted in our response to the company's earlier motion.  
25 So that remains our position.

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?

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

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



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

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

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

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,

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 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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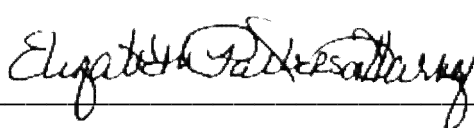

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STATE OF WASHINGTON )  
 ) ss  
COUNTY OF KING )

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IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of April, 2024.

  
  
Elizabeth Patterson Harvey, CCR 2731