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BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION

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In the Matter of: )  
 )  
 WASHINGTON UTILITIES & )  
 TRANSPORTATION COMMISSION, )  
 Complainant, )  
 )  
 and ) Docket PG-082253  
 )  
 AVISTA CORPORATION, D/B/A AVISTA )  
 UTILITIES, )  
 Respondent. )  
 -----)

A hearing in the above matter was held on Thursday, July 15,  
2010 at 1:30 p.m. at 1300 South Evergreen Park Drive  
Southwest, Olympia, Washington, before Administrative Law  
Judge MARGUERITE FRIEDLANDER

The parties were present as follows:

WASHINGTON UTILITIES & TRANSPORTATION  
COMMISSION by Donald T. trotter, Assistant Attorney General,  
1400 South Evergreen Park Drive Southwest, P.O. Box 40128,  
Olympia, Washington 98504-0128; 360-664-1189

AVISTA CORPORATION by David J. Meyer, Attorney  
at Law, 1411 East Mission Avenue, P.O. Box 3727, Spokane,  
Washington 99220; 509-493-4316 (on Bridge line)

INJURED PARTIES REYES AND McCLURE by Tom  
Cordell, Attorney at Law, P.O. Box 1547 Moses Lake,  
Washington 98837; 509-765-1226 (on Bridge line)

Tami Lynn Vondran, CCR No. 2157  
Court Reporter

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1 (Whereupon, the proceedings went on the  
2 record at 1:34 p.m.)

3 JUDGE FRIEDLANDER: Good afternoon everybody. My  
4 name is Judge Friedlander, and I'm presiding over the  
5 proceeding today. We're here before the Washington  
6 Utilities & Transportation Commission on Thursday, July  
7 15th, 2010. It's approximately 1:37 in the afternoon for a  
8 prehearing conference in Docket PG-082253 which has been  
9 styled Washington Utilities & Transportation Commission  
10 versus Avista Corporation d/b/a Avista Utilities.

11 The purpose of today's prehearing conference is to  
12 take appearances of the parties and discuss the procedural  
13 schedule for the Commission's consideration of the  
14 complaint.

15 We do have a new court reporter so I would  
16 appreciate it if everyone would speak slowly and clearly and  
17 have a bit of patience. So we'll go ahead and get started.  
18 Why don't we go ahead and take full appearances since we  
19 haven't met before. That includes name, who you represent,  
20 your full address, e-mail, phone and fax number.

21 And beginning with Staff.

22 MR. TROTTER: Thank you, Your Honor. My name is  
23 Donald T. Trotter, Assistant Attorney General. I'm  
24 appearing for the Commission Staff in this docket. My  
25 address is 1400 South Evergreen Park Drive Southwest, P.O.

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1 Box 40128, Olympia, Washington 98504-0128. Phone number is  
2 360-664-1189. Fax is 360-586-5522. And my e-mail is  
3 dtrotter@utc.wa.gov.

4 JUDGE FRIEDLANDER: Thank you. Appearing today on  
5 behalf of Avista?

6 MR. MEYER: Yeah. Thank you. My name is David J.  
7 Meyer, M-e-y-e-r. And my address is 1411 East Mission  
8 Avenue, P.O. Box 3727, Spokane, Washington 99220. Phone  
9 number is 509-495-4316. And my fax number is 509-495 --

10 JUDGE FRIEDLANDER: I'm sorry, could you say your  
11 fax number again, we couldn't hear you?

12 MR. MEYER: Is my connection coming through or do  
13 I need to speak up?

14 JUDGE FRIEDLANDER: Well, actually you seem to be  
15 fading in and out.

16 MR. MEYER: Do I? Let me know if I fade out too  
17 much. Fax number is 509-495-8851.

18 JUDGE FRIEDLANDER: Okay. And how about e-mail  
19 address?

20 MR. MEYER: E-mail is david.meyer, M-e-y-e-r,  
21 @avistacorp, one word, A-V-I-S-T-A -- dot --

22 JUDGE FRIEDLANDER: Could you repeat that again,  
23 because you were fading out. Maybe I should just repeat it  
24 the way I heard it and you can affirm or deny. D as in  
25 David, meyer@avistacorp.com.

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1           MR. MEYER: Not quite. It's full David, spell out  
2 the first name, david.meyer, and then the rest is right.

3           JUDGE FRIEDLANDER: Okay, great, thank you. And I  
4 believe we received a notice of appearance on behalf of  
5 Mr. Tom Cordell. And, Mr. Cordell, I believe you're on the  
6 Bridge line; is that correct?

7           MR. CORDELL: Yes, Your Honor, I am. I'd like to  
8 appear on behalf of Roger Reyes and Cassandra McClure,  
9 they're injured in the matter at hand. And my address is  
10 P.O. Box 1547 Moses Lake, Washington 98837. And my phone  
11 number is 509-765-1226. And my fax 766-2376. And e-mail  
12 address you could use would be tomcordell2004@yahoo.com.

13           JUDGE FRIEDLANDER: And Tom Cordell, could you  
14 repeat that?

15           MR. CORDELL: Tomcordell2004@yahoo.com.

16           JUDGE FRIEDLANDER: Thank you. As I indicated  
17 previously, you filed a notice of appearance. When we were  
18 off the record you indicated you might be wanting to make  
19 that a petition to intervene in this matter; is that  
20 correct?

21           MR. CORDELL: Yes, Your Honor.

22           JUDGE FRIEDLANDER: Okay. Why don't you go ahead  
23 and make that petition at this point orally.

24           MR. CORDELL: I ask for lead with the Court to be  
25 allowed to intervene in this matter and appear and whatever

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1 is necessary or testimony that is required.

2 JUDGE FRIEDLANDER: Okay. Thank you. And I would  
3 like to hear now from Staff and Avista whether they have any  
4 objections to Mr. Cordell's intervention on behalf of his  
5 two clients, starting with Staff.

6 MR. TROTTER: Thank you, Your Honor. According to  
7 the notice of appearance and my understanding--I've spoken  
8 with Mr. Cordell previously--that he does represent two  
9 persons that were injured in the explosion that's the  
10 subject of this docket, as such Staff has no objection to  
11 the intervention.

12 JUDGE FRIEDLANDER: Thank you. Mr. Meyer, on  
13 behalf of Avista?

14 MR. MEYER: Avista likewise has no objection.

15 JUDGE FRIEDLANDER: Thank you. Based on the  
16 parties not objecting, and the appearance of substantial  
17 interest in the proceeding, I'll go ahead and grant  
18 Mr. Cordell's intervention on behalf of his two clients.

19 MR. CORDELL: Thank you, Your Honor.

20 JUDGE FRIEDLANDER: Thank you.

21 Is there anyone else on the conference Bridge who  
22 would like to put in an appearance or wishes to request  
23 intervention status?

24 Okay, hearing nothing we'll go forward.

25 Prior to the prehearing conference I did receive a

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1 proposed procedural schedule. And, Mr. Cordell, did you  
2 receive that from either Mr. Trotter or Mr. Meyer?

3 MR. CORDELL: I received it, I don't remember what  
4 it says.

5 MR. TROTTER: Your Honor, we did. My secretary --  
6 I wasn't sure what e-mail or number to use for Mr. Cordell,  
7 so my secretary contacted his secretary and we e-mailed it  
8 to her the same day that I e-mailed it to you and Mr. Meyer.

9 JUDGE FRIEDLANDER: Okay. Thank you.

10 MR. CORDELL: I --

11 JUDGE FRIEDLANDER: I'm sorry, Mr. Cordell, we  
12 couldn't hear you.

13 MR. CORDELL: I said maybe I can get her to  
14 forward it to me real quick here.

15 JUDGE FRIEDLANDER: We'll go ahead and discuss it.

16 Mr. Trotter, why don't you go ahead and elucidate  
17 us.

18 MR. TROTTER: Sure. The schedule that I  
19 circulated called for a formal settlement discussion meeting  
20 to take place August 12th of this year. Staff would file  
21 its direct case in written form, testimony and exhibits on  
22 September 15th, 2010. Avista and Interveners would file  
23 response cases on October 15th, 2010. Staff would file its  
24 rebuttal on November 15th, 2010. Hearings -- excuse me,  
25 evidentiary hearings for cross-examination and so on would

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1 be January 25 & 26, 2011 with post hearing briefs due  
2 February 18th, 2011. And I also put in a provision for a  
3 prehearing conference for marking exhibits for the hearing,  
4 cross-examination exhibits, but I didn't specify a date.

5 JUDGE FRIEDLANDER: Thank you. Mr. Meyer, did you  
6 agree to the proposed schedule, does that work for you?

7 MR. MEYER: Well, I did agree with that. This was  
8 on the, I guess, the assumption that there would not be an  
9 intervener. So we may have to redefine it a little bit to  
10 allow for a fair opportunity for the company to respond to  
11 any testimony that might be filed by the intervener.

12 JUDGE FRIEDLANDER: Okay. Maybe then it would be  
13 better to go off the record at this point to discuss  
14 possible revisions and to get Mr. Cordell a physical copy,  
15 if he needs one, of the proposed schedule. So we'll go off  
16 the record momentarily.

17 (Discussion held off the record from  
18 1:44 to 2:02 p.m.)

19 JUDGE FRIEDLANDER: We're back on the record.  
20 Mr. Trotter, would you like to go ahead and explain the  
21 schedule that you all have arrived at?

22 MR. TROTTER: Yes, Your Honor, I'll summarize our  
23 discussions.

24 As you know, Mr. Cordell is representing the  
25 victims of the explosion, and they have a mediation session

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1 for their claims in early November of this year. And it's  
2 my understanding that if that's resolved successfully that  
3 Mr. Cordell's interest in this proceeding would go away.  
4 So, we thought as a practical matter if we shifted the dates  
5 a little bit after that that could account for that  
6 scenario. So what we came up with -- and I think if it  
7 turns out that that mediation is successful we could revisit  
8 this schedule.

9 But, anyway, in consideration of all of that we  
10 decided on the following proposal: December 15th, 2010,  
11 Staff would distribute its evidence. January 15th,  
12 intervener evidence, that would be 2011. February 7th,  
13 2011, the company could file its evidence. And then on  
14 March 7th, again, 2011 the Staff would file its rebuttal.

15 We did not have the Commission's hearing schedule  
16 before us, so we did not select a hearing date or a brief  
17 date or a prehearing conference date, but perhaps you could  
18 advise us what those dates are, but I think my schedule is  
19 pretty clear in that general time frame.

20 In terms of settlement, formal settlement meeting  
21 date, the parties, I believe, agreed that it wasn't  
22 necessary to formally put one into the schedule, that we  
23 would work that one out on our own, and if we needed the  
24 Commission's guidance in this regard we could always come  
25 back for that.



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1                   JUDGE FRIEDLANDER: Thank you. I just want to  
2 make sure I have the dates correct. December 15th would be  
3 when Staff's direct testimony and exhibits would be due.  
4 And January 15th would be Avista --

5                   MR. TROTTER: Intervener.

6                   JUDGE FRIEDLANDER: That would be the intervener,  
7 intervener direct case, assuming Mr. Cordell has not asked  
8 to be removed from the case. Then February 15th would be  
9 Avista's?

10                  MR. TROTTER: I think we said the 7th.

11                  JUDGE FRIEDLANDER: Oh, February 7th. Okay,  
12 great, thank you. I'm glad I asked. February 7th for  
13 Avista respondent's case. And then March 7th for Staff's  
14 rebuttal. So, let's go ahead and look first at the  
15 evidentiary hearing date. Are the parties, I'm presuming,  
16 looking at April then, sometime the beginning of April or  
17 mid April?

18                  MR. MEYER: That would be fine with Avista.  
19 Again, I don't know who my witnesses are, and I don't know  
20 what their availability is, but I think that's so far ahead  
21 that we could make nearly any date work.

22                  JUDGE FRIEDLANDER: Sure. Why don't we go ahead  
23 then and plan on April 12th and 13th, that's a Tuesday and a  
24 Wednesday. And what we can do then, as far as the  
25 prehearing conference to mark exhibits, is to schedule that

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1 for the 5th of April. Typically, I'll let you know that  
2 that prehearing conference usually disappears anyway. I can  
3 communicate with each of you collectively via e-mail to make  
4 sure that I have the exhibits right and correctly marked and  
5 that all of you agree to them. So, that shouldn't be too  
6 much of a problem. Post hearing briefs then I would assume  
7 would be sometime in May. Does anyone have a particular  
8 preference for a date?

9 MR. TROTTER: The initial schedule we had had it  
10 about three weeks out. So I think that sounds about right,  
11 so the first week of May.

12 JUDGE FRIEDLANDER: Sounds good. So, say Tuesday  
13 May 3rd?

14 MR. MEYER: Your Honor, my only hesitation is, and  
15 has nothing to do with the briefing, but I'm looking at the  
16 provisional hearing dates you set in April?

17 JUDGE FRIEDLANDER: Yes.

18 MR. MEYER: I don't know if that coincides with  
19 spring break, and that would be the only imaginable conflict  
20 I might have and have family obligations. Would it be okay  
21 if we provisionally set those but you held off on the  
22 issuance of a preparing order until I get back to you the  
23 first of the week; does that work?

24 JUDGE FRIEDLANDER: Would you be getting back to  
25 me by Monday then?

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1 MR. MEYER: I can, I'll get back to you by Monday.

2 JUDGE FRIEDLANDER: Yes, that will be fine.

3 Please just include everybody in the loop so they know  
4 what's going on, as well, include them in the e-mail.

5 MR. MEYER: Sure.

6 JUDGE FRIEDLANDER: So we'll provisionally plan on  
7 the 12th and 13th, however, we'll wait for Mr. Meyer to get  
8 back to us on Monday. So I think we have the schedule  
9 wrapped up. Is there any questions or concerns about the  
10 schedule at this point?

11 MR. MEYER: No, Your Honor.

12 JUDGE FRIEDLANDER: Do the parties wish to invoke  
13 the Commission's discovery rules?

14 MR. TROTTER: Yes, Your Honor.

15 JUDGE FRIEDLANDER: Okay. And how about a  
16 protective order? Is there a need for either the standard  
17 or the highly confidential protective order?

18 (Noise on the line.)

19 JUDGE FRIEDLANDER: I'm sorry, what was that?

20 MR. MEYER: This is Avista. I was puzzling myself  
21 over that. Offhand I can't think of a reason, but I would  
22 still like to have the standard form just in case so we  
23 don't have to go through motion practice to have one  
24 available.

25 JUDGE FRIEDLANDER: Okay. And, Mr. Trotter, did

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1 you have anything to add?

2 MR. TROTTER: Just for Mr. Cordell's benefit, if  
3 he's not aware and he very well may be, but a protective  
4 order is for protection of information that a party deems  
5 confidential, usually invoked by the company for  
6 commercially sensitive information. Heretofore during  
7 Staff's investigation the company has identified no such  
8 information. So I don't anticipate it being necessary.

9 I guess I would prefer not issuing it now, and if  
10 parties need it perhaps we could just have an agreement that  
11 it could be a request to be made by e-mail without the  
12 necessity of a motion?

13 JUDGE FRIEDLANDER: Sure.

14 MR. TROTTER: Because it is often done. In other  
15 cases it's done rather summarily. So if procedures are the  
16 question I think we can finesse those.

17 JUDGE FRIEDLANDER: Yeah, I don't have a problem  
18 with handling this via e-mail, that is having the parties  
19 e-mail me so that I can have the protective order drafted  
20 up. Mr. Meyer, would that work for you?

21 MR. MEYER: Oh, sure, that would be fine.

22 JUDGE FRIEDLANDER: Okay, great. So in that case  
23 I'll just let the parties know that when filing any of the  
24 documents with the Commission please include an original and  
25 four copies.

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1                   And is there anything else that we need to address  
2 before we conclude the prehearing conference today?

3                   MR. TROTTER: Your Honor, I would just request  
4 that you poll the audience here at the Commission. There is  
5 no one in the room, but just so the record shows that you  
6 asked for any further interventions, and maybe someone will  
7 pop up from behind a chair, just so the record shows that  
8 question was asked. You asked about people on the Bridge.

9                   JUDGE FRIEDLANDER: Certainly. Thank you for  
10 catching that. And, yes, I would indicate that there is no  
11 one present in the audience today at the Commission. So I  
12 think with that then, unless someone has anything further?  
13 Okay, then we're adjourned. Thank you.

14   (Proceeding ended at 2:11 p.m.)

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I, TAMI LYNN VONDRAN, a Certified Court Reporter,  
do hereby certify that I reported in machine shorthand the  
foregoing proceedings in the above-entitled cause; that the  
foregoing transcript was prepared under my personal  
supervision and constitutes a true record of the testimony  
of the said witnesses and proceeding.

I further certify that I am not an attorney or  
counsel of any parties, nor a relative or employee of any  
attorney or counsel connected with the action, nor  
financially interested in the action.

DATED at Edgewood, Washington this 26th day of  
July, 2010.

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Tami Lynn Vondran, CCR  
Official Court Reporter  
License No. 2157