

WUTC v. Cascade Natural Gas Corporation

Docket No. UG-240008 - Vol. I

May 16, 2024



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BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND)
TRANSPORTATION COMMISSION,)
Complainant,)
)) DOCKET NO. UG-240008
vs.)
))
CASCADE NATURAL GAS CORPORATION,)
))
Respondent.) PAGES 1-13
))

PREHEARING CONFERENCE - VOL. I
BEFORE ADMINISTRATIVE LAW JUDGE CONNOR THOMPSON
May 16, 2024

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

TRANSCRIBED BY: ELIZABETH PATTERSON HARVEY, WA CCR 2731

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1 May 16, 2024
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4 JUDGE THOMPSON: Good morning. Let's be on
5 the record. We're here today for a prehearing conference
6 in Docket UG-240008. This case is captioned Washington
7 Utilities and Transportation Commission versus Cascade
8 Natural Gas Corporation. This is a general rate case
9 filed by Cascade Natural Gas Corporation or Cascade.
10 My name is Connor Thompson. I am an
11 administrative law judge with the commission, and I will
12 be presiding in this matter along with the commissioners.
13 The commissioners will not be joining us at this
14 prehearing conference.
15 Let's go ahead and get started by taking
16 appearances, beginning with Cascade.
17 ATTORNEY BARNETT: Good morning. Donna
18 Barnett for Cascade with Perkins Coie, and I'll be lead
19 counsel for Cascade on this matter. But joining me is
20 co-counsel Sherree Strong Carson and Megan Lin. And we
21 filed notice of appearances for all of us.
22 JUDGE THOMPSON: Thank you.
23 Staff?
24 ATTORNEY JONES: Good morning, your Honor.
25 My name is Josephine Strauss. I'm an assistant attorney

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1 general with the Washington State Attorney General's
 2 Office. I'll be representing staff in this matter. My
 3 co-counsel will be Liam Weiland, although he is not here
 4 today.
 5 JUDGE THOMPSON: Thank you.
 6 And for public counsel?
 7 ATTORNEY O'NEILL: My name is Tad Robinson
 8 O'Neill. I'm an assistant attorney general representing
 9 public counsel. I will be joined by another attorney
 10 later in the proceedings, but nobody else is here today.
 11 JUDGE THOMPSON: Great. Thank you.
 12 And for AWEC?
 13 ATTORNEY BROOKS: Good morning. My name is
 14 Tommy Brooks from the firm Cable Huston, representing the
 15 Alliance of Western Energy Consumers. Appearing with me
 16 too is Chad Stokes, who's not present. And he will be
 17 lead counsel in the matter.
 18 JUDGE THOMPSON: Thank you.
 19 And for The Energy Project?
 20 ATTORNEY ZAKAI: Good morning. My full name
 21 is Yochanan Zakai. I go by Yochi. My pronouns are
 22 he/him. And my firm is Shute, Mihaley & Weinberger. And
 23 I'm here today on behalf of The Energy Project. And in
 24 my petition to intervene is my full contact information,
 25 and those individuals from my firm that we requested to

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1 be on the service list.
 2 JUDGE THOMPSON: Wonderful. Thank you.
 3 And let me ask, are there any other
 4 organizations on the call that want to give a verbal
 5 notice of appearance here?
 6 Okay. Hearing none, we have two petitions
 7 to intervene that have been filed in writing. I've
 8 reviewed both of those petitions for The Energy Project
 9 and for AWEC. Are there any objections to any of the
 10 petitions?
 11 Okay. Hearing none, they are granted.
 12 The procedural schedule, before today's
 13 conference call, I received a suggested schedule from the
 14 company, and I understand that the parties have all
 15 agreed to that schedule. Is that correct?
 16 Okay. I see heads nodding. Wonderful.
 17 Okay. Thank you.
 18 I do have one -- let me pull up the
 19 schedule. One question for the parties. We have the
 20 public comment hearing as down for Monday, December 9.
 21 Is there any objection to moving that to somewhere in the
 22 middle of the week, either Tuesday, Wednesday, or
 23 Thursday?
 24 And I can give everybody a moment to look
 25 at their calendars so that they can provide an answer.

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1 If anybody knows right off the bat that those days will
 2 not work, please go ahead and feel free to speak up. But
 3 I'll give you a moment, and then I'll run through
 4 everybody and ask if that would be a problem.
 5 Okay. And having given some time to look
 6 at the calendars, does the company have an issue with
 7 moving the public comment hearing to either Tuesday,
 8 Wednesday, or Thursday of that week? 9 ATTORNEY
 BARNETT: Sorry. No issue.
 9 JUDGE THOMPSON: Okay. Staff?
 10 ATTORNEY STRAUSS: No issue, your Honor.
 11 JUDGE THOMPSON: Okay. Public counsel?
 12 ATTORNEY O'NEILL: We're available all
 13 three days.
 14 JUDGE THOMPSON: Okay. Wonderful. AWEC?
 15 ATTORNEY BROOKS: No issue with that.
 16 JUDGE THOMPSON: All right. Great. And
 17 The Energy Project?
 18 ATTORNEY ZAKAI: No issue.
 19 JUDGE THOMPSON: Okay. And then in the
 20 e-mail, there was also the possibility to move up the
 21 date of the simultaneous reply briefs.
 22 Generally, right now, on general rate
 23 cases, we do have two LJ's assigned to those. We do not
 24 have two in this case. I'm presiding on my own for the
 25 time being. And so if there's no objection, I likely

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1 will move up the simultaneous reply brief date.
 2 But I wanted to hear from the parties just
 3 to confirm that there was no objection to that. Is that
 4 -- I understand that's okay with the company,
 5 Ms. Barnett?
 6 ATTORNEY BARNETT: Yes. Either date is
 7 fine with the company. And hopefully the reply brief
 8 itself will help streamline things and make it easier for
 9 your review. But no problem either date.
 10 JUDGE THOMPSON: Okay. Wonderful.
 11 And does staff have any objection?
 12 ATTORNEY STRAUSS: No objection, your
 13 Honor.
 14 JUDGE THOMPSON: Okay. And public
 15 counsel?
 16 ATTORNEY O'NEILL: No, no objection.
 17 JUDGE THOMPSON: Great. And AWEC?
 18 ATTORNEY BROOKS: No objection.
 19 JUDGE THOMPSON: And how about The Energy
 20 Project?
 21 ATTORNEY ZAKAI: No objection.
 22 JUDGE THOMPSON: Okay. Wonderful. I'll
 23 give that a little bit of thought before issuing the
 24 prehearing conference order. But I just wanted to
 25 confirm that everybody would be okay with moving that

<p style="text-align: right;">Page 9</p> <p>1 date up. And I will talk to my colleagues in ALD and see 2 if there may be some changes so that we can keep that 3 date where it is if possible. 4 Okay. With that, I think all of the other 5 dates look good to me. And I think that that will work 6 for the commissioners as well. So we'll go ahead and 7 incorporate that into the prehearing conference order. 8 The commission has approved the extended 9 agreement for intervenor funding in Docket U-210595. 10 Following the terms of the extended agreement, any 11 notices of intent to seek funding and request for case 12 certification were due today. 13 The deadline for proposed budgets will be 14 30 days from today. 15 We have received notices of intent to seek 16 funding from both AWEC and The Energy Project. I plan to 17 rule orally on the record today that AWEC and TEP are 18 case certified, and that they must submit any proposed 19 budgets within 30 days. 20 Do the parties have any concerns or 21 questions that they would like to raise right now? 22 Okay. Wonderful. Let's go ahead and talk 23 about data requests really quick. If the parties have 24 discovery disputes, they should attempt to work those out 25 in good faith. But if they cannot, then they should</p>	<p style="text-align: right;">Page 11</p> <p>1 any objection to my including that requirement? 2 Okay. Hearing none, that takes care of 3 that. 4 I will remind the parties that the 5 commission has already entered a protective order in this 6 docket. Do we have any need for amendments to the 7 protective order, any need for highly confidential 8 protective orders that is not covered in the protective 9 order that's on file? 10 ATTORNEY BARNETT: Not at this time, your 11 Honor. 12 JUDGE THOMPSON: Okay. Thank you. 13 The commission requires electronic filing 14 of documents for formal filings. 15 We will also be requiring the parties to 16 submit five paper copies of testimony, exhibits, and 17 briefs within two business days of electronically filing 18 these same documents. As in the Avista general rate 19 case, we will exempt spreadsheets or models that would 20 exceed five pages. 21 Also, the commission's rules provide for 22 electronic service of documents. The commission will 23 serve the parties electronically, and the parties will 24 serve each other electronically. 25 If any party has not designated a lead</p>
<p style="text-align: right;">Page 10</p> <p>1 bring any motions to the commission for resolution. I 2 would encourage any party to pick up the phone or have a 3 Zoom call with opposing counsel before filing a motion to 4 compel or a motion to strike testimony. 5 I also want to address some specific 6 issues regarding discovery. We intend to adopt the same 7 requirements for identifying data requests as in the 8 Avista general rate case, and has been as been adopted in 9 the PSE general rate case as well. Those are first, the 10 parties agree to identify each data request by subject 11 above each data request in the cover letter and in the 12 distribution e-mail. 13 Data requests propounded in a single set 14 will be grouped by subject in the cover letter and 15 distribution e-mail. 16 The parties will cooperate to develop a 17 uniform list of subjects to facilitate discovery 18 tracking. 19 Does anybody have any objections to 20 that? 21 Okay. Hearing none, I am also aware that 22 the parties often request that any data requests and 23 responses are shared with every other party. It would 24 make this easier on the parties by including such a 25 requirement in the prehearing conference order. Is there</p>	<p style="text-align: right;">Page 12</p> <p>1 representative for service, which I think that you all 2 have, please do so via e-mail to me at Connor -- 3 C-O-N-N-O-R -- thompson@utc.wa.gov. 4 Also, if anyone would like to add names or 5 e-mail addresses of other representatives that are 6 support staff who would like to receive electronic 7 courtesy copies, please let me know at that e-mail as 8 well. 9 Finally, looking at the procedural 10 schedule submitted by the parties, let's talk about 11 errata sheets. I see that our discovery deadline lines 12 up about a week before. Would the parties have any 13 objection to the deadline for errata sheets to exhibits 14 being a week prior to the evidentiary hearing as well? 15 ATTORNEY BARNETT: No objection. 16 JUDGE THOMPSON: Okay. Is there anything 17 else we need to address today? 18 No? Okay. Hearing none, I will issue an 19 order shortly containing the procedural schedule and 20 other guidelines for the disposition of this case. 21 We are adjourned. Thank you, and have a 22 great morning and rest of your day. 23 (Conclusion of hearing) 24 25</p>

3 (Pages 9 to 12)

CERTIFICATE

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

I, Elizabeth Patterson Harvey, a Certified Court Reporter and Registered Professional Reporter within and for the State of Washington, do hereby certify under penalty of perjury that the foregoing legal recordings were transcribed under my direction; that I received the electronic recording in the proprietary format; that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of June, 2024.



Elizabeth Patterson Harvey, CCR 2731



<p style="text-align: center;">A</p> <p>add 12:4 address 10:5 12:17 addresses 12:5 adjourned 12:21 administrative 1:12 4:11 adopt 10:6 adopted 10:8 agree 10:10 agreed 6:15 agreement 9:9,10 ahead 4:15 7:2 9:6 9:22 ALD 9:1 Alliance 2:20 5:15 amendments 11:6 answer 6:25 anybody 7:1 10:19 appearance 6:5 appearances 4:16 4:21 Appearing 5:15 approved 9:8 assigned 7:23 assistant 4:25 5:8 attempt 9:24 attorney 2:4,17 4:17,24,25 5:1,7,8 5:9,13,20 7:8,10 7:12,15,18 8:6,12 8:16,18,21 11:10 12:15 13:14 available 7:12 Avenue 2:18 Avista 10:8 11:18 aware 10:21 AWEC 5:12 6:9 7:14 8:17 9:16,17</p> <hr/> <p style="text-align: center;">B</p> <p>Barnett 2:8 4:17,18 7:8 8:5,6 11:10 12:15 bat 7:1</p>	<p>beginning 4:16 behalf 5:23 Bellevue 2:13 bit 8:23 Box 2:5 brief 8:1,7 briefs 7:21 11:17 bring 10:1 Broadway 2:24 Brooks 2:21 5:13 5:14 7:15 8:18 budgets 9:13,19 business 11:17</p> <hr/> <p style="text-align: center;">C</p> <p>C 2:1 3:1 13:1,1 C-O-N-N-O-R 12:3 Cable 2:23 5:14 calendars 6:25 7:6 California 3:6 call 6:4,13 10:3 captioned 4:6 care 11:2 Carson 2:9 4:20 Cascade 1:7 2:7 4:7 4:9,9,16,18,19 case 4:6,8 7:24 9:11 9:18 10:8,9 11:19 12:20 cases 7:23 CCR 1:24 13:23 certification 9:12 certified 9:18 13:7 certify 13:10 Chad 2:22 5:16 changes 9:2 co-counsel 4:20 5:3 Coie 2:11 4:18 colleagues 9:1 comment 6:20 7:7 commission 1:2,4 1:15 2:2 4:7,11 9:8 10:1 11:5,13 11:22 commission's 11:21 commissioners</p>	<p>4:12,13 9:6 company 6:14 7:6 8:4,7 compel 10:4 Complainant 1:5 concerns 9:20 Conclusion 12:23 conference 1:11 4:5 4:14 6:13 8:24 9:7 10:25 confidential 11:7 confirm 8:3,25 Connor 1:12 4:10 12:2 Consumers 2:20 5:15 CONT 3:1 contact 5:24 containing 12:19 cooperate 10:16 copies 11:16 12:7 Corporation 1:7 4:8,9 correct 6:15 counsel 2:15,17 4:19 5:6,9,17 7:11 8:15 10:3 13:14 COUNTY 13:5 Court 13:8 courtesy 12:7 cover 10:11,14 covered 11:8 cstokes@cablehu... 2:23</p> <hr/> <p style="text-align: center;">D</p> <p>data 9:23 10:7,10 10:11,13,22 date 7:21 8:1,6,9 9:1,3 dates 9:5 day 12:22 13:17 days 7:1,13 9:14,19 11:17 dbarnett@perki... 2:9</p>	<p>deadline 9:13 12:11 12:13 December 6:20 designated 11:25 develop 10:16 direction 13:11 discovery 9:24 10:6 10:17 12:11 disposition 12:20 disputes 9:24 distribution 10:12 10:15 docket 1:6 4:6 9:9 11:6 documents 11:14 11:18,22 Donna 2:8 4:17 due 9:12</p> <hr/> <p style="text-align: center;">E</p> <p>E 2:1,1 3:1,1 13:1,1 e-mail 7:20 10:12 10:15 12:2,5,7 easier 8:8 10:24 either 6:22 7:7 8:6 8:9 electronic 11:13,22 12:6 13:12 electronically 11:17,23,24 Elizabeth 1:24 13:7 13:23 employed 13:14 employee 13:13 encourage 10:2 Energy 2:20 3:3 5:15,19,23 6:8 7:17 8:19 9:16 entered 11:5 errata 12:11,13 everybody 6:24 7:4 8:25 evidentiary 12:14 exceed 11:20 exempt 11:19 exhibits 11:16</p>	<p>12:13 extended 9:8,10</p> <hr/> <p style="text-align: center;">F</p> <p>F 13:1 facilitate 10:17 faith 9:25 feel 7:2 Fifth 2:18 file 11:9 filed 4:9,21 6:7 filing 10:3 11:13,17 filings 11:14 Finally 12:9 financially 13:15 fine 8:7 firm 5:14,22,25 first 10:9 five 11:16,20 Following 9:10 foregoing 13:10 formal 11:14 format 13:13 Fourth 2:12 Francisco 3:6 free 7:2 full 5:20,24 funding 9:9,11,16</p> <hr/> <p style="text-align: center;">G</p> <p>Gas 1:7 2:7 4:8,9 general 2:4,17 4:8 5:1,8 7:22 10:8,9 11:18 General's 5:1 Generally 7:22 give 6:4,24 7:3 8:23 given 7:5 go 4:15 5:21 7:2 9:6 9:22 good 4:4,17,24 5:13 5:20 9:5,25 granted 6:11 great 5:11 7:16 8:17 12:22 grouped 10:14</p>
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