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1 BEFORE THE WASHINGTON STATE
 2 UTILITIES AND TRANSPORTATION COMMISSION

4 WASHINGTON UTILITIES AND)
 TRANSPORTATION COMMISSION,)
 5 Complainant,) Docket Nos.
 6 v.) UE-160228 &
) UG-160229
) (Consolidated)
 8 AVISTA CORPORATION, d/b/a AVISTA)
 UTILITIES,)
 9 Respondent,)

12 PREHEARING CONFERENCE - VOL. I
 13 Pages 1-29
 14 ADMINISTRATIVE LAW JUDGE DENNIS J. MOSS

16 9:34 a.m.
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 18 Washington Utilities and Transportation Commission
 1300 South Evergreen Park Drive Southwest
 19 Olympia, Washington 98504-7250

20 REPORTED BY: ANITA W. SELF, RPR, CCR #3032
 21 Buell Realtime Reporting, LLC.
 1325 Fourth Avenue
 22 Suite 1840
 Seattle, Washington 98101
 23 206.287.9066 | Seattle
 360.534.9066 | Olympia
 800.846.6989 | National
 24 www.buellrealtime.com
 25

Page 2

1 A P P E A R A N C E S
 2 ADMINISTRATIVE LAW JUDGE:
 3 DENNIS J. MOSS
 4 Washington Utilities and
 Transportation Commission
 5 1300 So. Evergreen Park Drive SW
 P.O. Box 47250
 6 Olympia, Washington 98504
 360.664.1164
 dmoss@utc.wa.gov

8 FOR WASHINGTON UTILITIES AND
 9 TRANSPORTATION COMMISSION:
 10 PATRICK OSHIE
 Assistant Attorney General
 11 BRETT P. SHEARER
 Assistant Attorney General
 12 P.O. Box 40128
 Olympia, Washington 98504
 13 360.664.1188
 360.664.1187
 14 poshie@utc.wa.gov
 bshearer@utc.wa.gov

16 FOR AVISTA CORPORATION:
 17 DAVID MEYER
 1411 E. Mission Avenue
 18 Spokane, Washington 99220
 509.495.4316
 david.meyer@avistacorp.com

20 FOR INDUSTRIAL CUSTOMERS OF NORTHWEST UTILITIES:
 21 JESSE E. COWELL
 Davison Van Cleve, PC
 22 333 SW Taylor, Suite 400
 Portland, Oregon 97204
 23 503.241.7242
 jec@dvclaw.com
 24 (Continued...)
 25

Page 3

1 A P P E A R A N C E S (Continued)
 2 FOR PUBLIC COUNSEL:
 3 SIMON J. FFITCH
 4 Attorney General of Washington
 Public Counsel Section
 5 800 5th Avenue, Suite 2000, TB-14
 Seattle, Washington 98104-3158
 6 206.389.2055
 simonff@atg.wa.gov

8 FOR THE ENERGY PROJECT:
 9 RONALD L. ROSEMAN
 10 2011 Fourteenth Avenue East
 Seattle, Washington 98112
 11 206.324.8792
 ronaldroseman@comcast.net

14 FOR NORTHWEST INDUSTRIAL GAS USERS:
 15 CHAD STOKES
 Cable Huston, Benedict, Haagensen & Lloyd, LLP
 1001 SW Fifth Avenue, Suite 2000
 16 Portland, Oregon 97204-1136
 503.224.3092
 cstokes@cablehuston.com

19 * * * * *

Page 4

1 OLYMPIA, WASHINGTON; MARCH 23, 2016
 2 9:33 A.M.

4 JUDGE MOSS: All right. Let's be on the
 5 record.
 6 Good morning, everyone. My name is Dennis
 7 Moss. I'm an administrative law judge for the
 8 Washington Utilities and Transportation Commission,
 9 known I believe to all of you as you are to me.
 10 Sitting to my right, and that's from your
 11 perspective, is our newest judge, although not all that
 12 new anymore, but this is Administrative Law Judge Rayne
 13 Pearson, and she will be co-presiding with me in this
 14 case, and following it from beginning to end. I will
 15 also be fully engaged from beginning to end, and for the
 16 postmortem as well, I'm sure.
 17 In addition to that personnel announcement,
 18 I want to acknowledge the many, many years of wonderful
 19 support and work that Kippi Walker has given us. She
 20 has decided to separate from State service after -- I
 21 hesitate to say -- I think it's 31 years. Yeah, as
 22 young as she is, that's hard to believe, isn't it? But
 23 that is this case. And so she will be spending more
 24 time down in Southern California where her husband is
 25 working.

Page 5

1 We have managed to hire a very capable woman
 2 to replace Kippi, although, of course, no one could
 3 actually replace Kippi, but we're confident that she'll
 4 do as fine a job over time. And this is Paige Doyle,
 5 who is sitting in the back of the room here. So you all
 6 will have many opportunities to interact with Ms. Doyle
 7 over the coming months and years, I hope, and we'll
 8 enjoy having her with us.

9 And let's see. I guess we'll -- I'll
 10 announce the proceeding, I suppose, first and then we'll
 11 take appearances.

12 The proceeding is Washington Utilities and
 13 Transportation Commission against Avista Corporation
 14 d/b/a Avista Utilities, Dockets UE-160228 and UG-160229,
 15 and these have previously been consolidated.

16 So with that, we'll take appearances and
 17 we'll start with the Company.

18 MR. MEYER: Yes. Thank you, your Honor.
 19 Will the short form of appearance suffice? I provided
 20 the particulars.

21 JUDGE MOSS: Yes. The short form of
 22 appearance will suffice. Thank you for asking.

23 MR. MEYER: Thanks, because I'm not sure I
 24 could remember all of the phone numbers anyway.

25 JUDGE MOSS: I always wrote it down.

Page 6

1 MR. MEYER: Okay. David Meyer on behalf of
 2 Avista.

3 JUDGE MOSS: Thank you very much. We'll
 4 just go around the room.

5 Mr. Cowell?

6 MR. COWELL: Jesse Cowell on behalf of the
 7 of the Industrial Customers of Northwest Utilities.

8 JUDGE MOSS: Mr. Roseman?

9 MR. ROSEMAN: Ronald Roseman on behalf of
 10 The Energy Project.

11 MR. FFITCH: Good morning, your Honor --
 12 Honors. Simon ffitich for the Public Counsel office.

13 MR. SHEARER: Brett Shearer on behalf of
 14 Staff.

15 MR. OSHIE: Patrick Oshie on behalf of
 16 Staff, and we'll be also joined on this case by Jennifer
 17 Cameron-Rulkowski, so put an appearance for her in this
 18 morning. And if there's other attorneys that will be
 19 joining, we will provide the necessary documentation.

20 JUDGE MOSS: Don't overwhelm us, Counsel. I
 21 will --

22 MR. OSHIE: We like company on the bench,
 23 your Honor.

24 JUDGE MOSS: So that's only fair, I suppose,
 25 that you should team up on me.

Page 7

1 All right. And I will make some -- discuss
 2 a little bit later information that I'll need concerning
 3 the master service list and whatnot. We'll get to that
 4 presently.

5 I have petitions to intervene that I have
 6 seen, at least --

7 MR. STOKES (via the bridge line):
 8 Your Honor --

9 JUDGE MOSS: Sorry. Is somebody on the
 10 bridge line? Oh, Northwest Industrial Gas Users must be
 11 on the bridge line.

12 MR. STOKES: Yes, your Honor. Thank you.

13 JUDGE MOSS: Mr. Brooks; is that right?

14 MR. STOKES: No. This is Chad Stokes.

15 JUDGE MOSS: Oh, Mr. Stokes. How are you
 16 this morning?

17 MR. STOKES: I'm doing fine. Thank you.

18 JUDGE MOSS: I'm sorry that I overlooked
 19 you. I didn't realize you'd be on the bridge line.

20 THE WITNESS: I apologize for not being
 21 there in person.

22 JUDGE MOSS: It's quite all right. Go ahead
 23 and enter your appearance, please.

24 MR. STOKES: Good morning. Chad Stokes for
 25 the Northwest Industrial Gas Users.

Page 8

1 JUDGE MOSS: All right. And you will need
 2 to furnish the reporter with your contact information.
 3 Let's do that at the end, if that's all right.

4 MR. STOKES: Absolutely. Thank you.

5 JUDGE MOSS: All right. Thank you very
 6 much.

7 Now, as I was mentioning, I do have
 8 petitions to intervene from the Industrial Customers of
 9 Northwest Utilities. I would have quickly realized my
 10 error in that Northwest Industrial Gas Users have also
 11 filed a petition to intervene, as has The Energy
 12 Project.

13 Are there any others who wish to enter a
 14 petition to intervene in this proceeding?

15 Hearing nothing in the hearing room or on
 16 the bridge line, I will safely assume, I believe, that
 17 it is limited to those three.

18 Are there any objections?

19 MR. MEYER: No objections, your Honor.

20 MR. OSHIE: No objections, your Honor, from
 21 Commission Staff.

22 MR. FFITCH: No objections.

23 JUDGE MOSS: All right. And you won't
 24 object to each other, I'm sure.

25 Well, these are, of course, familiar parties

Page 9

1 who participate regularly in these proceedings and have
 2 demonstrated their interest in this case, and that their
 3 participation will be in the public interest, and they
 4 accordingly will be granted the status of intervenors,
 5 full rights as parties.
 6 I note, from reviewing the record in this
 7 proceeding thus far, that the Commission entered Order
 8 2, a protective order, standard form of protective
 9 order, on March the 9th, 2016, so that's taken care of.
 10 Are there any preliminary matters other than
 11 the schedule that counsel wish to bring to our
 12 attention?
 13 MR. MEYER: No preliminary matters, but the
 14 usual invitation that we extend to the parties to
 15 prepare and serve their discovery as early as they can
 16 so we can get the process moving.
 17 JUDGE MOSS: Sure. And as we work on the
 18 procedural schedule, I actually was working a little
 19 earlier this morning off of the prehearing conference
 20 order in the prior case, and I noticed that you all set
 21 a number of dates, and I'm assuming we're going to
 22 similarly set those dates here.
 23 There was some tweaking to the discovery, as
 24 I recall, response times -- just looking through here,
 25 there's -- you set dates for exchange of

Page 10

1 cross-examination exhibits and, of course, the hearing.
 2 In any event, I assume that we'll have similar detail in
 3 this procedural schedule.
 4 And I'll just note for the record that both
 5 Avista and Staff have circulated to the assembled group
 6 and to the Bench proposed schedules that are a little
 7 bit off one from the other.
 8 So what I would suggest that we do, before
 9 having any discussion about the procedural schedule, is
 10 that we recess briefly and allow the parties to see if
 11 they can reconcile these small differences and present
 12 an agreed schedule, which is always preferable, I think,
 13 because that gives everybody buy-in.
 14 So why don't we have -- how much time do you
 15 think you'll need, 15 minutes?
 16 MR. MEYER: Fifteen should be plenty.
 17 JUDGE MOSS: Okay. And I'll be down in my
 18 office -- we'll be down in our offices, which are almost
 19 adjacent to one another, so just send somebody down and
 20 let us know and we'll be back.
 21 MR. MEYER: Thank you.
 22 JUDGE MOSS: Thank you. We're in recess.
 23 (A break was taken from
 24 9:42 a.m. to 10:17 a.m.)
 25 JUDGE MOSS: Let's go back on the record.

Page 11

1 All right. Mr. Meyer is handing up what is
 2 represented to be an agreed-upon schedule, and I will
 3 take that representation and run with it.
 4 MR. MEYER: May I just, for the record, read
 5 those dates so -- they haven't seen my chicken
 6 scratching, and I want to make sure that everyone is
 7 still --
 8 JUDGE MOSS: Yeah. We want to make sure
 9 everybody's on the same page.
 10 MR. MEYER: -- on the same page. We
 11 rehearsed it once, but let's do it again.
 12 MR. FFITCH: Could we take a brief pause?
 13 I'm sorry. There's one thing I realized we did not
 14 discuss.
 15 MR. MEYER: Sure.
 16 (Brief pause in the proceedings.)
 17 MR. FFITCH: We -- I guess, just to be
 18 transparent, I noticed that your schedule has a date --
 19 the Avista schedule has a date that we did not discuss
 20 on January 1st, and that's -- that's not something we're
 21 agreeing to as a target date. We understand you're
 22 requesting that, but that's not part of the agreement,
 23 from our perspective.
 24 MR. OSHIE: And that is absolutely true for
 25 the Staff as well, your Honor. Staff doesn't agree to

Page 12

1 the January 1st requested date. If the Commission needs
 2 the time, it needs the time, and that's how the Staff
 3 views it. We think the important date is the suspension
 4 date, and that is on the schedule January 21 so...
 5 JUDGE MOSS: All right. And I'll have a
 6 question about that as well. I have read Mr. Morris's
 7 testimony, at least, and I was -- my recollection may be
 8 wrong, but I thought that he made some comment there
 9 about you all were going to seek an 18-month period, you
 10 were going to try to make rates effective in the summer
 11 period instead of in the middle of the winter, which, I
 12 will tell you, sounded like a good idea to me.
 13 Now, not to prejudice anything, and I may be
 14 the only one who's involved in this case who even knew
 15 that, but I just wanted to ask about that.
 16 MR. MEYER: Yes. That's very much part of
 17 the design of the case is to get off that annual
 18 winter-to-winter cycle, and so this is the case to do
 19 the two-step increase January 1, '17, and then again
 20 January 1, '18, for the next six months, to then get the
 21 rates established through those two steps into the
 22 middle of 2018.
 23 JUDGE MOSS: Okay. So that's still in the
 24 works; it's just --
 25 MR. MEYER: Oh, very much so.

Page 13

1 JUDGE MOSS: So the idea, then, would be to
 2 have an order that would allow for an initial increase
 3 on January 1st followed by one or two increases?
 4 MR. MEYER: Well, there would be just one
 5 more increase the following January.
 6 JUDGE MOSS: And that would be the 18-month
 7 period?
 8 MR. MEYER: That would be the last six
 9 months.
 10 JUDGE MOSS: Oh, through June 18th.
 11 MR. MEYER: Yes.
 12 JUDGE MOSS: Okay. All right. Now I'm
 13 clear.
 14 MR. MEYER: Okay.
 15 JUDGE MOSS: All right.
 16 MR. MEYER: But to your point, the target
 17 effective date is that, it's a target date. The
 18 suspension period -- and we should talk about the
 19 precise date to use there. There's a one-day difference
 20 between the way we calculated it, and I think the other
 21 parties, so maybe some clarification around that.
 22 JUDGE MOSS: A leap year problem perhaps.
 23 MR. MEYER: Well, it was kind of -- yeah, I
 24 wish it were that easy. And we should be accurate on
 25 whatever that date is.

Page 14

1 The reason we put in our date of the 21st is
 2 it was calculated off the proposed effective date of the
 3 tariffs as they were filed.
 4 JUDGE MOSS: Um-hmm. I believe that's the
 5 way the rule reads --
 6 MR. MEYER: Yeah.
 7 JUDGE MOSS: -- or the statute actually.
 8 MR. MEYER: So -- but people see it
 9 differently. If you want to push that up a date to the
 10 20th, we're open to discussion.
 11 JUDGE MOSS: Okay. Well, I'll just say this
 12 about that. These dates at the end here are nothing
 13 more than aspirational. I always say that. We'll get
 14 the order out when we get the order out within the
 15 requirements of the law.
 16 It's not up to me to tie the commissioners'
 17 hands or my own in terms of an upfront commitment to a
 18 specific date. So we'll -- we'll calculate the
 19 suspension date ourselves, and I think we can all rely
 20 on that.
 21 But it's also not my practice to get orders
 22 out at that late a time. I would prefer -- in fact, I
 23 always try to get them out at least days in advance of
 24 the suspension date, if not further than that. So I
 25 don't see the suspension date as posing a problem for

Page 15

1 us. Whether we could achieve something that would allow
 2 for January 1st, that -- a lot depends on how the case
 3 goes, and we'll just have to see how that plays out over
 4 time.
 5 There is also, of course, the prospect for
 6 settlement, partial, full, what have you, that can
 7 affect these things. So we don't need to get too far
 8 ahead of ourselves on that. We can put these dates in
 9 the schedule if parties wish to have them memorialized,
 10 or even if just one party wishes to have them
 11 memorialized, with the understanding of what I just
 12 said, that they are nothing more than aspirational,
 13 placeholder-type dates. I'm not going to commit the
 14 Commission to them.
 15 MR. MEYER: Well, I think the Avista
 16 preference -- and maybe the only party -- but the Avista
 17 preference would be to have the target effective date --
 18 Company's target effective.
 19 JUDGE MOSS: All right. Then we'll say,
 20 "Avista requested effective date." How about that?
 21 MR. MEYER: Yes.
 22 JUDGE MOSS: And then the suspension date
 23 will -- like I said, I'll sit down with my calendar and
 24 my abacus and I'll figure it out.
 25 MR. MEYER: So if it pleases the Bench,

Page 16

1 would you like me on the record to restate these dates?
 2 JUDGE MOSS: Sure. Why don't you do that,
 3 just to make sure we don't have any confusion.
 4 MR. MEYER: I'll start from the top and work
 5 down.
 6 The first date was just the date the general
 7 rate cases were filed. That was February 19th of 2016.
 8 Of course, the next entry is today's date,
 9 the Prehearing Conference date, or March 23rd.
 10 The Public Notice Report would be
 11 April 29th, 2016.
 12 Avista would circulate the Joint Issues List
 13 on June 17th of 2016.
 14 The first round of settlement conferences
 15 would be July 13-14 of 2016.
 16 The next date is for Staff, Public Counsel
 17 and Intervenor response testimony and exhibits. That
 18 would be August 17th.
 19 The next entry would be for settlement
 20 conferences on August 24th and 25th.
 21 The Joint Issues List would be filed on
 22 August 31, 2016 -- August 31, 2016.
 23 Company rebuttal, as well as Staff, Public
 24 Counsel, Intervenor, cross-answering testimony and
 25 exhibits, September 19th.

Page 17

1 Public Comment hearing date to be
 2 determined.
 3 Discovery deadline would be September 26th.
 4 And of course, there are a series of
 5 footnotes that talk about response times that lever off
 6 some of these dates, and nothing has changed in that
 7 regard in terms of what has been passed out.
 8 The deadline for filing of cross-exhibits is
 9 October 6th.
 10 Evidentiary hearings, October 11th through
 11 the 13th.
 12 Post-hearing briefs and updated issue lists,
 13 November 7th.
 14 The Company's requested effective date of
 15 January 1, 2017.
 16 The suspension date of -- is what will be
 17 determined.
 18 JUDGE MOSS: Okay. And do we have
 19 confirmation that the October 11 through 13 dates are
 20 available for the commissioners' calendars?
 21 MR. MEYER: Yes, as per Staff's inquiry this
 22 morning.
 23 MR. OSHIE: We have -- excuse me, Counsel.
 24 We had confirmation that the 12th, 13th and 14th dates
 25 were available, not the 11th, 12th and 13th, so --

Page 18

1 MR. MEYER: If there's -- okay. That's a
 2 good correction. So either set of dates. We prefer to
 3 start on the 11th.
 4 JUDGE MOSS: If it has to slip a day or --
 5 MR. MEYER: Yeah, yeah.
 6 JUDGE MOSS: I'll check on that. All right.
 7 I believe we have it down and it's
 8 memorialized for the transcript. So fine. That will be
 9 our procedural schedule, and that will be reflected in
 10 the order.
 11 Mr. ffitch, is your pen up in the air
 12 because you wish to say something or --
 13 MR. FFITCH: Yes, your Honor.
 14 JUDGE MOSS: -- just happenstance?
 15 MR. FFITCH: No. I was waiting for my
 16 moment.
 17 JUDGE MOSS: Here's your moment.
 18 MR. FFITCH: Just a couple things,
 19 your Honor, on the schedule.
 20 The Public Notice Report, we'll consult with
 21 the Company and with the Commissions' Public Affairs
 22 Staff on the form of the Notice as per standard
 23 procedure.
 24 And then with regards to the Public Comment
 25 hearing, I've spoken to the Public Affairs Staff, they

Page 19

1 were here earlier, and they're comfortable with the
 2 Commission picking a date in the fall timeframe, and
 3 taking the approach that the Commission has taken for
 4 Avista hearings in several cases in the recent past,
 5 which we support, which is trying to have two hearings.
 6 I think typically it's become a daytime
 7 hearing in Spokane Valley at some location, and an
 8 evening hearing in the center of the city, often at City
 9 Hall, I think, has worked out.
 10 So we think that's been a good approach, and
 11 we would just defer to the Commission on picking
 12 something in those general parameters that works for the
 13 Commission and its Staff.
 14 JUDGE MOSS: All right.
 15 MR. MEYER: And as always, if the Company
 16 can assist in lining up venues --
 17 JUDGE MOSS: All right.
 18 MR. MEYER: -- please call on us.
 19 JUDGE MOSS: Thank you very much.
 20 Mr. Cowell, you have something?
 21 MR. COWELL: Maybe you were gonna get to
 22 this, your Honor, but different judges sometimes have
 23 preferences, would like e-mail service lists or courtesy
 24 lists. Do you have any specifications --
 25 JUDGE MOSS: You're right. I'm going to get

Page 20

1 to that.
 2 Anything else?
 3 MR. OSHIE: Your Honor, on behalf of Staff,
 4 this is Pat Oshie. The -- there's an issue that Staff
 5 would like to bring to the Bench's attention with regard
 6 to how cases are developed by all the parties in the
 7 case. And in Staff's mind, the most -- use of a common
 8 baseline will make the analysis of the case more
 9 effective. It will make it perhaps better
 10 understandable.
 11 The Company begins its case with a per books
 12 analysis; it then makes adjustments from that. Staff
 13 looks at the case, they do their own per books analysis,
 14 and then they perform their own analysis with the
 15 adjustments. So there we have a common baseline that
 16 Staff believes is a common baseline. If the per books
 17 don't match up, Staff will point that out to the
 18 Commission.
 19 Now, it's Staff's request that the other
 20 parties also use the same baseline, and it's Counsel's
 21 understanding here, based on my conversations with
 22 Staff, that if a party uses the adjustments made by the
 23 Company and builds an analysis from that adjustment,
 24 then there's some confusion as to how they got there and
 25 it's hard to compare that with the baseline, the per

Page 21

1 books baseline that both the Company and Staff uses.
 2 So Mr. Schooley's here. He can probably
 3 explain it better than I, the effect of having sort of
 4 mismatched baselines. But this is a matter that Staff
 5 has brought to the attention of at least one party, and
 6 it's just -- it's a question for the Bench in the sense
 7 that -- I mean, Staff is not asking that the Commission
 8 order this. And there may be some further questions
 9 about what Staff does and how there can be some
 10 alignment in all the cases.
 11 But I think we just want to put it on the
 12 table and see if there's further inquiry from the Bench
 13 or from other parties as to, you know, having a
 14 commonly-understood baseline for the analysis of the
 15 cases.
 16 JUDGE MOSS: Well, we can discuss this
 17 further if there's a need to do so. I appreciate you
 18 bringing it up, Mr. Oshie.
 19 The -- in point of fact, I work very closely
 20 with the policy and accounting advisors in these cases,
 21 and I understand the problem of not having this common
 22 baseline. And in fact, I have torn out a considerable
 23 amount of my own hair from time to time when we're
 24 trying to make these apples-to-apples comparisons.
 25 So I will say, before I hear from anybody

Page 22

1 else, that I certainly encourage that. If you will take
 2 the same approach that the -- well, I'll back up half a
 3 step and say, of course the Company puts on a full case;
 4 typically Staff puts on a full case; sometimes,
 5 oftentimes, Public Counsel will put on a full case; and
 6 in those three, it is particularly important to be able
 7 to draw the comparisons, as I said, in an
 8 apples-to-apples basis.
 9 As to other parties, they typically are
 10 focused on discrete issues. And again, if we have the
 11 ability to look at the various proposals on a particular
 12 issue and say, okay, they're all -- they're all measured
 13 the same way, it does help a lot.
 14 And so I encourage it. Staff is not asking
 15 me to order it. You know, at some point we may address
 16 this in our procedural rules rulemaking. It would
 17 probably be a good idea to at least have some discussion
 18 about that at a stakeholder conference. But that's what
 19 I have to say about it.
 20 Now, I'm happy to hear from other parties
 21 who may wish to chime in on this issue so that they have
 22 a record of their position as well.
 23 Mr. Cowell, anything from you?
 24 MR. COWELL: Your Honor, I guess this is a
 25 live issue in another case right now, and I think, as

Page 23

1 you had mentioned, it might be most conducive to resolve
 2 in a general proceeding or a stakeholder conference.
 3 But your -- the preferences are duly noted and -- but in
 4 terms of -- and I know we're not making that final
 5 resolution. We would like to see it maybe handled most
 6 efficiently in the general process.
 7 JUDGE MOSS: Okay. And my recollection may
 8 be confused with the passage of time, but I do seem to
 9 recall cases in the past when we have actually ordered
 10 this to be done, and toward the end of a case. So to
 11 the extent it causes some inconvenience along the way,
 12 or some extra work by an expert witness, it might be
 13 worth making that investment up front, explaining to the
 14 expert that this needs to be done -- rather than having
 15 to respond to a bench request late in the proceeding
 16 that will require the same thing anyway.
 17 I think it's been some time since I have
 18 issued such a bench request, but that is something that
 19 can be done. If we find ourselves, as the Commissions'
 20 advisors, unable to fully analyze the case in a way that
 21 makes us comfortable, we have to figure out ways to deal
 22 with that, and that's always our goal.
 23 And there may still be misunderstandings, as
 24 happens -- certainly these cases are very complicated.
 25 There are a vast number of entries. But we certainly

Page 24

1 make every effort to have everybody, as the overused
 2 expression, on the same page.
 3 Okay. Anything -- Mr. Roseman, did you want
 4 anything else?
 5 MR. FFITCH: Your Honor, I would just echo
 6 Mr. Cowell' comments. We're also in that other
 7 proceeding where it's a live issue, so this is helpful.
 8 I guess we'll see how it bubbles up in that other
 9 proceeding.
 10 JUDGE MOSS: Yeah. And you all may wish to
 11 have a little conference among yourselves, an informal
 12 gathering that's other than a settlement conference,
 13 just to talk about this sort of thing. And I think if
 14 everybody understands the practical situation, maybe
 15 that can -- maybe there can be some meeting of the minds
 16 on this. And certainly you could even involve your
 17 witnesses in such a technical conversation and come to
 18 some understanding of something that will work. That
 19 would certainly be my hope.
 20 But perhaps before I retire, I'll see the
 21 day when everybody does it the same way and it will be,
 22 oh, this is so simple. So -- but yeah, it can be -- it
 23 can be a difficult issue sometimes.
 24 MR. MEYER: Your Honor --
 25 JUDGE MOSS: Go ahead, Mr. Meyer.

Page 25

1 MR. MEYER: May I just address one other
 2 matter very quickly?
 3 JUDGE MOSS: Sure. We're here for your
 4 convenience.
 5 MR. MEYER: Okay. We've settled on a
 6 procedural conference. And at the outset, I encouraged
 7 all the parties to get their discovery to us so we can
 8 get the ball rolling on this, and hope that happens.
 9 The first settlement conference in the
 10 agreed-upon schedule is nearly five months after we
 11 filed this case. Our hope is that all parties will
 12 attend that conference in good faith with sufficient
 13 information in hand and positions, settlement positions
 14 developed, so we can make meaningful progress at that
 15 very first settlement conference.
 16 JUDGE MOSS: All right.
 17 MR. MEYER: I don't know if you have any
 18 further thoughts.
 19 JUDGE MOSS: Well, clearly there's little
 20 advantage in having a settlement conference if people
 21 aren't prepared to participate fully and in good faith,
 22 so I certainly would encourage that.
 23 In fact, when I mediate cases, or disputes,
 24 it's a requirement that you be prepared and negotiate in
 25 good faith. And if you don't, that will bring our

Page 26

1 mediation session to an abrupt halt. So clearly, I
 2 think that is part of the pattern that's anticipated in
 3 settlement negotiations, so I would certainly encourage
 4 that.
 5 Again, there's little I can do to compel it,
 6 not -- but I have done what I can do in encouraging it,
 7 I think.
 8 MR. MEYER: Thank you. That's all.
 9 JUDGE MOSS: All right. Anything else?
 10 You all have me in a good mood. You can
 11 just go with the flow here.
 12 MR. OSHIE: Nothing more from Staff,
 13 your Honor.
 14 JUDGE MOSS: Thank you.
 15 MR. FFITCH: We just have the electronic
 16 service --
 17 JUDGE MOSS: Oh, yes. Thank you very much
 18 for reminding me, Mr. ffitich. I am slipping in my
 19 middle years, or perhaps they are my elder years, I hate
 20 to admit it.
 21 Okay. Yes. I would like to get from each
 22 of you an e-mail identifying lead counsel, that will be
 23 the person who actually gets service from the
 24 Commission; a client contact, who is also a person who
 25 gets service from the Commission; and then what I think

Page 27

1 of as the courtesy e-mail recipients, that is to say,
 2 everybody else. So if you have co-counsel, if you have
 3 experts -- I noticed that the list was fairly extensive
 4 in the prior Avista case.
 5 I looked at that order this morning, and I'm
 6 fine with that. But if I'm going to produce such a
 7 detailed and extensive list, I will need to have
 8 communications from each of you so that I don't miss it.
 9 And sometimes addresses change and phone numbers change,
 10 and I'll be sure to catch anything like that.
 11 MR. MEYER: When would you like that by?
 12 JUDGE MOSS: When would you like a
 13 prehearing conference order by?
 14 MR. MEYER: What is today? Today is the
 15 23rd. I would think that by Friday of this week we'll
 16 have everything to you. And is that an acceptable date?
 17 JUDGE MOSS: Yeah. Friday's fine. And I
 18 can get an order out early next week. There's no real
 19 push on that, I don't think, is there? I usually get my
 20 orders out either the same day or the next day, but
 21 because I'm doing this step, I'm certainly willing to
 22 give a little bit more time. You all have to travel
 23 back to Spokane and so forth, so why don't we just make
 24 it Friday, and I'll get the order out on probably
 25 Monday.

Page 28

1 Mr. Roseman?
 2 MR. ROSEMAN: I just have a question about
 3 that. We have a very small number, and they're the ones
 4 that are listed in our petition to intervene. Do you
 5 want a separate one?
 6 JUDGE MOSS: I can take your representation
 7 that that's the extent of it and use that source instead
 8 of an e-mail, a separate e-mail, if that's your
 9 preference.
 10 MR. ROSEMAN: That is my preference.
 11 JUDGE MOSS: Okay. I will do that.
 12 MR. ROSEMAN: Thank you.
 13 JUDGE MOSS: I think I can be mindful of
 14 that without even taking a note.
 15 All right. Anything else?
 16 Well, thank you all for being here today. I
 17 appreciate the fact that you were able to work out the
 18 schedule, and I look forward to working with all of you
 19 in this case and bringing it to a successful conclusion.
 20 MR. MEYER: Thank you.
 21 JUDGE MOSS: Thank you all.
 22 (Hearing concluded at 10:39 a.m.)
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