

**Docket Nos. UE-220053, UG-220054, and UE-210854
(Consolidated) - Vol. III**

WUTC v. Avista Corporation

June 21, 2022



206.287.9066 | 800.846.6989

1325 Fourth Avenue, Suite 1840, Seattle, Washington 98101

www.buellrealtime.com

email: info@buellrealtime.com



Page 71

BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND)
TRANSPORTATION COMMISSION,)
)
Complainant,)
) Dockets UE-220053,
vs.) UG-220054, UE-210854
) (Consolidated)
AVISTA CORPORATION, d/b/a)
AVISTA UTILITIES,)
)
Respondent.

VIRTUAL PREHEARING CONFERENCE
ADMINISTRATIVE LAW JUDGE ANDREW O'CONNELL
VOLUME III

June 21, 2022
11:02 a.m.

Pages 71-80

REPORTED BY: CARISA KITSELMAN, RPR, CCR 2018

Page 72

1 A P P E A R A N C E S
2 ADMINISTRATIVE LAW JUDGE:
3 ANDREW O'CONNELL
4 FOR STAFF:
5 NASH I. CALLAGHAN
6 Office of the Assistant Attorney General
7 P.O. Box 40128
8 Olympia, Washington 98504
9 360.664.1186
10 Nash.callaghan@utc.wa.gov

11 FOR RESPONDENT:
12 DAVID J. MEYER, Esq.
13 P.O. Box 3727
14 1411 East Mission Avenue
15 MSC-27
16 Spokane, Washington 99220
17 509.495.4316
18 David.meyer@avistacorp.com

19 PUBLIC COUNSEL:
20 NINA M. SUETAKE
21 ANN PAISNER
22 Washington Attorney General's Office
23 800 - 5th Avenue
24 Suite 2000
25 Seattle, Washington 98104
206.464.6595
Nina.suetake@atg.wa.gov
Ann.paisner@atg.wa.gov

FOR ALLIANCE OF WESTERN ENERGY CONSUMERS:
SOMMER MOSER
Davison Van Cleve
1750 Southwest Harbor Way
Suite 450
Portland, Oregon 97201
971.710.1157
Sjm@dvclaw.com

Page 73

1 A P P E A R A N C E S (continued)
2 FOR NORTHWEST ENERGY COALITION:
3 ELLIE HARDWICK
4 Sanger Law
5 503.756.7533
6 Ellie@sanger-law.com

7 FOR THE ENERGY PROJECT:
8 YOCHI ZAKAI
9 Shute, Mihaly & Weinberger
10 396 Hayes Street
11 San Francisco, California 94102
12 415.552.7272
13 Yzakai@smwlaw.com

14 FOR THE SIERRA CLUB:
15 JIM DENNISON
16 Sierra Club
17 85 - 2nd Street
18 Second Floor
19 San Francisco, California 94105
20 415.977.5532
21 Jim.dennison@sierraclub.org

22 FOR WALMART:
23 VICKI BALDWIN
24 Parsons Behle & Latimer
25 201 South Main Street
Suite 1800
Salt Lake City, Utah 84111
vbaldwin@parsonsbehle.com

For SMALL BUSINESS UTILITY ADVOCATES:
JEFF WINMILL
Small Business Utility Advocates
548 Market St., Suite 11200
San Francisco, California 94104
206.516.9660
jeff@utilityadvocates.org

Page 74

1 JUNE 21, 2022
2 11:02 A.M.

3 JUDGE O'CONNELL: Good morning. The time is
4 approximately 11:00 a.m. My name is Andrew O'Connell. I
5 am the administrative law judge with the Washington --
6 sorry, Washington Utilities and Transportation
7 Commission. I'm presiding along with the commissioners
8 in this matter, Dockets UE-220053, UG-220054, and
9 UE-210845. Excuse me one moment. I might have gotten
10 that docket number wrong. I believe it is UE-210854. My
11 apologies.

12 So these are Avista's 2022 general rate case and
13 Avista's electric service reliability reporting plan.

14 Okay. Let's begin with appearances, starting
15 with a Avista.

16 MR. MEYER: Thank you. Am I being heard?
17 JUDGE O'CONNELL: Yes.

18 MR. MEYER: Okay. Thank you. Appearing for
19 Vista, David Meyer. Thank you.

20 JUDGE O'CONNELL: And for Staff.

21 MR. CALLAGHAN: Thank you, Your Honor.
22 Nash Callaghan, assistant attorney general, on
23 behalf of Commission Staff.

24 JUDGE O'CONNELL: Public counsel.
25 MS. SUETAKE: Good morning. Nina Suetake,

Page 75

1 assistant attorney general, on behalf of public counsel
2 unit. I'm joined by Ann Paisner.
3 JUDGE O'CONNELL: Thank you.
4 And the Alliance of Western Energy Consumers.
5 MS. MOSER: Sommer Moser on behalf of AWEC.
6 JUDGE O'CONNELL: And for Northwest Energy
7 Coalition.
8 MS. HARDWICK: Good morning. This is Ellie
9 Hardwick for NWEAC.
10 JUDGE O'CONNELL: Thank you.
11 For the Energy Project.
12 MR. ZAKAI: Good morning. This is Yochi Zakai
13 with Shute, Mihaly & Weinberger on behalf of the Energy
14 Project or TEP.
15 JUDGE O'CONNELL: Okay. Thank you.
16 And for the Sierra Club.
17 JIM DENNISON: Good morning. This is Jim
18 Dennison with Sierra Club.
19 JUDGE O'CONNELL: Thank you.
20 For Walmart.
21 MS. BALDWIN: Good morning. This is Vicki
22 Baldwin for Walmart.
23 JUDGE O'CONNELL: And for Small Business
24 Utility Advocates.
25 MR. WINMILL: Jeff Winmill on behalf of SBUA.

Page 76

1 JUDGE O'CONNELL: Thank you.
2 So the parties informed the commission on
3 June 10 that you had reached a full, multiparty
4 settlement. And you requested the commission suspend the
5 current procedural schedule and hold a status conference
6 to establish a new schedule.
7 I suspended the procedural schedule. And
8 today's status conference will be for discussing the new
9 agreed procedural schedule that the parties have shared
10 with me.
11 I have only a few questions for the parties.
12 First, Mr. Meyer, are there any additions or
13 changes to the parties' proposed schedule?
14 MR. MEYER: Not that I'm aware of.
15 In part, after we hear from public counsel as to
16 what items they would litigate, if any, then we can, I
17 think, turn to that. But it would be good to know what
18 the playing field is at the outset.
19 JUDGE O'CONNELL: Thank you.
20 Yes. I wanted to turn to public counsel next.
21 It had been my understanding that public counsel
22 had not yet decided whether it would join in part or
23 contest the settlement.
24 Let me turn to you, Ms. Suetake.
25 Are there any updates from public counsel?

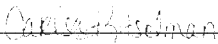
Page 77

1 MS. SUETAKE: At this time we are still in the
2 process of working through our approval process. So I
3 don't have an update for you right now.
4 I think given -- we have not, thus far, been
5 wholly supportive of the entire settlement.
6 But we -- as we work through our settlement
7 authority process, I can't tell you whether or not that's
8 100 percent going to stay the same.
9 But just as a matter of scheduling, I think it
10 would be safe to continue on with the settlement proposed
11 schedule as if we are going to litigate, rather than try
12 to change the schedule later on.
13 JUDGE O'CONNELL: Thank you. I agree with
14 you. I think it's appropriate to set the schedule
15 affording you the opportunity to contest and the settling
16 parties the opportunity to respond to that opposition.
17 If those circumstances change, we would expect
18 that the parties will inform the commission.
19 I see that the proposed date for settlement
20 hearing is the former date for the evidentiary hearing.
21 The commission still has this date available. So I don't
22 have -- the commission doesn't have any objection to
23 keeping that date.
24 Is there anything else regarding the procedural
25 schedule that we should state on the record at this time?

Page 78

1 MS. SUETAKE: Your Honor, just that the
2 parties have agreed to reduce the response time to data
3 requests to five days once the stipulation is filed-- or
4 once the testimony in support of the stipulation is
5 filed.
6 So that would be July 8th, which is a bit
7 earlier in the process than what normally happens.
8 JUDGE O'CONNELL: Thank you. I've made that
9 note for myself.
10 Was there anything else that we need to make
11 sure that we state on the record about the procedural
12 schedule?
13 Okay. Hearing nothing.
14 I expect to confirm the proposed dates with the
15 commissioners and issue a notice of adopting the parties
16 proposed schedule. And that will happen within the next
17 day or two.
18 Is there anything else from the parties that we
19 need to address today?
20 MR. MEYER: Not from Avista's perspective.
21 JUDGE O'CONNELL: I'm seeing head shaking. So
22 I'll wait one more moment if anyone is trying to unmute
23 their microphone.
24 Okay. Thank you. I will issue a notice
25 adopting the proposed schedule. And with that, we are

1 adjourned. Thank you.
2 (Videoconference proceedings
3 adjourned at 11:09 a.m.)
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 CERTIFICATE
2
3 STATE OF WASHINGTON
4 COUNTY OF KITSAP
5
6 I, Carisa Kitselman, a Certified Court Reporter
7 in and for the State of Washington, do hereby certify
8 that the foregoing transcript of the videoconference
9 hearing, on JUNE 21, 2022, is true and accurate to the
10 best of my knowledge, skill and ability.
11 IN WITNESS WHEREOF, I have hereunto set my hand
12 and seal this 6th day of July, 2022.
13
14
15 
16 CARISA KITSELMAN, RPR, CCR #2018
17
18
19
20
21
22
23
24
25



<p style="text-align: center;">A</p> <p>a.m 71:16 74:2,4 79:2 ability 80:10 accurate 80:9 additions 76:12 address 78:19 adjourned 79:1,2 administrative 71:12 72:2 74:5 adopting 78:15,25 Advocates 73:20 73:21 75:24 affording 77:15 agree 77:13 agreed 76:9 78:2 Alliance 72:19 75:4 Andrew 71:12 72:3 74:4 Ann 72:15 75:2 Ann.paisner@at... 72:18 apologies 74:11 appearances 74:14 Appearing 74:18 appropriate 77:14 approval 77:2 approximately 74:4 assistant 72:5 74:22 75:1 attorney 72:5,15 74:22 75:1 authority 77:7 available 77:21 Avenue 72:10,16 Avista 71:7,8 74:15 Avista's 74:12,13 78:20 aware 76:14 AWEC 75:5</p> <hr/> <p style="text-align: center;">B</p> <p>Baldwin 73:16 75:21,22 behalf 74:23 75:1,5</p>	<p>75:13,25 Behle 73:16 believe 74:10 best 80:10 bit 78:6 Box 72:6,10 Business 73:20,21 75:23</p> <hr/> <p style="text-align: center;">C</p> <p>C 72:1 73:1 80:1,1 California 73:8,13 73:22 Callaghan 72:5 74:21,22 Carisa 71:25 80:6 80:16 case 74:12 CCR 71:25 80:16 Certified 80:6 certify 80:7 change 77:12,17 changes 76:13 circumstances 77:17 City 73:18 Cleve 72:21 Club 73:10,12 75:16,18 Coalition 73:2 75:7 commission 71:2,4 74:7,23 76:2,4 77:18,21,22 commissioners 74:7 78:15 Complainant 71:5 conference 71:11 76:5,8 confirm 78:14 Consolidated 71:7 Consumers 72:19 75:4 contest 76:23 77:15 continue 77:10 continued 73:1 CORPORATION</p>	<p>71:7 counsel 72:13 74:24 75:1 76:15 76:20,21,25 COUNTY 80:4 Court 80:6 current 76:5</p> <hr/> <p style="text-align: center;">D</p> <p>d/b/a 71:7 data 78:2 date 77:19,20,21,23 dates 78:14 David 72:9 74:19 David.meyer@a... 72:12 Davison 72:21 day 78:17 80:12 days 78:3 decided 76:22 Dennison 73:11 75:17,18 discussing 76:8 docket 74:10 Dockets 71:6 74:8</p> <hr/> <p style="text-align: center;">E</p> <p>E 72:1,1 73:1,1 80:1,1 earlier 78:7 East 72:10 electric 74:13 Ellie 73:3 75:8 Ellie@sanger-la... 73:4 Energy 72:19 73:2 73:6 75:4,6,11,13 entire 77:5 Esq 72:9 establish 76:6 evidentiary 77:20 Excuse 74:9 expect 77:17 78:14</p> <hr/> <p style="text-align: center;">F</p> <p>F 80:1</p>	<p>far 77:4 field 76:18 filed 78:5 filed-- 78:3 First 76:12 five 78:3 Floor 73:13 foregoing 80:8 former 77:20 Francisco 73:8,13 73:22 full 76:3</p> <hr/> <p style="text-align: center;">G</p> <p>general 72:5 74:12 74:22 75:1 General's 72:15 given 77:4 going 77:8,11 good 74:3,25 75:8 75:12,17,21 76:17 gotten 74:9</p> <hr/> <p style="text-align: center;">H</p> <p>hand 80:11 happen 78:16 happens 78:7 Harbor 72:21 Hardwick 73:3 75:8,9 Hayes 73:8 head 78:21 hear 76:15 heard 74:16 hearing 77:20,20 78:13 80:9 hereunto 80:11 hold 76:5 Honor 74:21 78:1</p> <hr/> <p style="text-align: center;">I</p> <p>III 71:13 inform 77:18 informed 76:2 issue 78:15,24 items 76:16</p>	<p style="text-align: center;">J</p> <p>J 72:9 Jeff 73:21 75:25 jeff@utilityadvo... 73:23 Jim 73:11 75:17,17 Jim.dennison@si... 73:14 join 76:22 joined 75:2 judge 71:12 72:2 74:3,5,17,20,24 75:3,6,10,15,19 75:23 76:1,19 77:13 78:8,21 July 78:6 80:12 June 71:15 74:1 76:3 80:9</p> <hr/> <p style="text-align: center;">K</p> <p>keeping 77:23 KITSAP 80:4 Kitselman 71:25 80:6,16 know 76:17 knowledge 80:10</p> <hr/> <p style="text-align: center;">L</p> <p>Lake 73:18 Latimer 73:16 law 71:12 72:2 73:3 74:5 Let's 74:14 litigate 76:16 77:11</p> <hr/> <p style="text-align: center;">M</p> <p>M 72:14 Main 73:17 Market 73:22 matter 74:8 77:9 Meyer 72:9 74:16 74:18,19 76:12,14 78:20 microphone 78:23 Mihaly 73:7 75:13 Mission 72:10</p>
--	---	---	--	--

moment 74:9 78:22	P 72:1,1 73:1,1	requested 76:4	St 73:22	UE-210845 74:9
morning 74:3,25 75:8,12,17,21	P.O 72:6,10	requests 78:3	Staff 72:4 74:20,23	UE-210854 71:6 74:10
Moser 72:20 75:5,5	Pages 71:18	respond 77:16	starting 74:14	UE-220053 71:6 74:8
MSC-27 72:11	Paisner 72:15 75:2	Respondent 71:9 72:8	state 77:25 78:11 80:3,7	UG-220054 71:6 74:8
multiparty 76:3	Parsons 73:16	response 78:2	status 76:5,8	understanding 76:21
N	part 76:15,22	right 77:3	stay 77:8	unit 75:2
N 72:1 73:1	parties 76:2,9,11 77:16,18 78:2,15 78:18	RPR 71:25 80:16	stipulation 78:3,4	unmute 78:22
name 74:4	parties' 76:13	S	Street 73:8,12,17	update 77:3
Nash 72:5 74:22	percent 77:8	S 72:1 73:1	Suetake 72:14 74:25,25 76:24 77:1 78:1	updates 76:25
Nash.callaghan... 72:7	perspective 78:20	safe 77:10	Suite 72:16,22 73:17,22	Utah 73:18
need 78:10,19	plan 74:13	Salt 73:18	support 78:4	Utilities 71:2,4,8 74:6
new 76:6,8	playing 76:18	San 73:8,13,22	supportive 77:5	Utility 73:20,21 75:24
Nina 72:14 74:25	Portland 72:22	Sanger 73:3	sure 78:11	V
Nina.suetake@at... 72:18	PREHEARING 71:11	SBUA 75:25	suspend 76:4	Van 72:21
normally 78:7	presiding 74:7	schedule 76:5,6,7,9 76:13 77:11,12,14 77:25 78:12,16,25	suspended 76:7	vbaldwin@parso... 73:18
Northwest 73:2 75:6	procedural 76:5,7 76:9 77:24 78:11	scheduling 77:9	T	Vicki 73:16 75:21
note 78:9	proceedings 79:2	seal 80:12	T 80:1,1	videoconference 79:2 80:8
notice 78:15,24	process 77:2,2,7 78:7	Seattle 72:17	tell 77:7	VIRTUAL 71:11
number 74:10	Project 73:6 75:11 75:14	Second 73:13	TEP 75:14	Vista 74:19
NWEC 75:9	proposed 76:13 77:10,19 78:14,16 78:25	see 77:19	testimony 78:4	VOLUME 71:13 vs 71:6
O	public 72:13 74:24 75:1 76:15,20,21 76:25	seeing 78:21	Thank 74:16,18,19 74:21 75:3,10,15 75:19 76:1,19 77:13 78:8,24 79:1	W
O'Connell 71:12 72:3 74:3,4,17,20 74:24 75:3,6,10 75:15,19,23 76:1 76:19 77:13 78:8 78:21	Q	service 74:13	think 76:17 77:4,9 77:14	wait 78:22
objection 77:22	questions 76:11	set 77:14 80:11	time 74:3 77:1,25 78:2	Walmart 73:15 75:20,22
Office 72:5,15	R	settlement 76:4,23 77:5,6,10,19	today 78:19	wanted 76:20
Okay 74:14,18 75:15 78:13,24	R 72:1 73:1 80:1	settling 77:15	today's 76:8	Washington 71:1,4 72:6,11,15,17 74:5,6 80:3,7
Olympia 72:6	rate 74:12	shaking 78:21	transcript 80:8	Way 72:21
once 78:3,4	reached 76:3	shared 76:9	Transportation 71:2,4 74:6	Weinberger 73:7 75:13
opportunity 77:15 77:16	record 77:25 78:11	Shute 73:7 75:13	true 80:9	Western 72:19 75:4
opposition 77:16	reduce 78:2	Sierra 73:10,12 75:16,18	try 77:11	WHEREOF 80:11
Oregon 72:22	regarding 77:24	Sjm@dvclaw.com 72:23	trying 78:22	wholly 77:5
outset 76:18	reliability 74:13	skill 80:10	turn 76:17,20,24	
P	REPORTED 71:25	Small 73:20,21 75:23	two 78:17	
	Reporter 80:6	Sommer 72:20 75:5	U	
	reporting 74:13	sorry 74:6		
		South 73:17		
		Southwest 72:21		
		Spokane 72:11		

Winmill 73:21	4		
75:25,25	40128 72:6		
WITNESS 80:11	415.552.7272 73:9		
work 77:6	415.977.5532 73:14		
working 77:2	450 72:22		
wrong 74:10	5		
X	503.756.7533 73:4		
	509.495.4316 72:12		
Y	548 73:22		
Yochi 73:7 75:12	5th 72:16		
Yzakai@smwla...			
73:9	6		
Z	6th 80:12		
Zakai 73:7 75:12	7		
75:12	71-80 71:18		
0	8		
1	800 72:16		
10 76:3	84111 73:18		
100 77:8	85 73:12		
11:00 74:4	8th 78:6		
11:02 71:16 74:2	9		
11:09 79:2	94102 73:8		
11200 73:22	94104 73:22		
1411 72:10	94105 73:13		
1750 72:21	971.710.1157 72:23		
1800 73:17	97201 72:22		
2	98104 72:17		
2000 72:16	98504 72:6		
201 73:17	99220 72:11		
2018 71:25 80:16			
2022 71:15 74:1,12			
80:9,12			
206.464.6595 72:17			
206.516.9660 73:23			
21 71:15 74:1 80:9			
2nd 73:12			
3			
360.664.1186 72:7			
3727 72:10			
396 73:8			