

**Docket Nos. UE-180899 and UG-180900 (Consolidated) -
Vol. I**

**Washington Utilities and Transportation Commission v.
Puget Sound Energy**

November 28, 2018



206.287.9066 | 800.846.6989

1325 Fourth Avenue, Suite 1840, Seattle, Washington 98101

www.buellrealtime.com

email: info@buellrealtime.com



BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,) DOCKET NOS. UE-180899 and) UG-180900 (Consolidated)

Complainant,)
v.)
PUGET SOUND ENERGY,)
Respondent.)

PREHEARING CONFERENCE, VOLUME 1
Pages 1-19
ADMINISTRATIVE LAW JUDGES RAYNE PEARSON AND LAURA CHARTOFF

November 28, 2018

2:00 P.M.

Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive Southwest
Olympia, Washington 98504

REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358

Buell Realtime Reporting, LLC
1325 Fourth Avenue, Suite 1840
Seattle, Washington 98101
(206) 287-9066 | Seattle
(253) 253-0111 | Tacoma
(800) 846-6989 | National
www.buellrealtime.com

APPEARANCES (Cont.)

FOR THE ENERGY PROJECT:

SIMON FFITCH
Attorney at Law
321 High School Road NE
Suite D3, No. 383
Bainbridge Island, Washington 98110
(206) 669-8197
simon@ffitchlaw.com

FOR AWEC:

TYLER PEPPEL
Davison Van Cleve PC
1750 SW Harbor Way, Suite 450
Portland, Oregon 97201
(503) 241-7242
tcp@dvclaw.com

FOR THE FEA:
(Via phone)

RITA LIOTTA
US Navy
1 Avenue of the Palms, Suite 161
San Francisco, California 94130
(415) 743-4718
rita.liotta@navy.mil

FOR NUCOR STEEL:
(Via phone)

SHAUN MOHLER
Stone Mattheis Xenopoulos &
Brew, P.C.
1025 Thomas Jefferson Street NW
8th Floor, West Tower
Washington, DC 20007
(202) 342-0800
smohler@smxblaw.com

APPEARANCES

ADMINISTRATIVE LAW JUDGES:
RAYNE PEARSON
LAURA CHARTOFF
Washington Utilities and
Transportation Commission
1300 South Evergreen Park Drive SW
Olympia, Washington 98504
(360) 664-1160

FOR PUBLIC COUNSEL:

LISA GAFKEN
Attorney General's Office
800 - 5th Avenue, Suite 2000
Seattle, Washington 98104
(206) 464-6595
lisa.gafken@atg.wa.gov

FOR COMMISSION STAFF:

CHRISTOPHER CASEY
Assistant Attorney General
PO Box 40128
Olympia, Washington 98504
(360) 664-1189
ccasey@utc.wa.gov

FOR PUGET SOUND ENERGY:

SHEREE STROM CARSON
Perkins Coie
The PSE Building
10885 NE Fourth Street, Suite 700
Bellevue, Washington 98004
(425) 635-1422
scarson@perkinscoie.com

OLYMPIA, WASHINGTON; NOVEMBER 28, 2018
2:00 P.M.

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PROCEEDINGS

JUDGE CHARTOFF: Okay. We are on the record. Good afternoon. We're here for a prehearing conference in consolidated Dockets UE-180899 and UG-180900, Washington Utilities and Transportation Commission, complainant, versus Puget Sound Energy, respondent.

Today is Wednesday, November 28th, 2018, and the time is 2:00 p.m.

My name is Laura Chartoff and sitting next to me is Rayne Pearson. We are administrative law judges with the Washington Utilities and Transportation Commission, and we will be co-presiding in this matter.

Let's start by taking short appearances starting with the Company.

MS. STROM CARSON: Good afternoon, Your Honors. I'm Sheree Strom Carson with Perkins Coie. I represent Puget Sound Energy, and also representing PSE in this case is David Steele.

JUDGE CHARTOFF: Thank you.
And Staff?

<p style="text-align: right;">Page 5</p> <p>1 MR. CASEY: Good afternoon, Your Honors. My 2 name is Christopher Casey, Assistant Attorney General, 3 for Commission Staff. And also representing Commission 4 Staff in this case is Jeff Roberson, Harry Fukano, and 5 Joseph Dallas, and all have already put in notices of 6 appearance. 7 JUDGE CHARTOFF: Thank you. 8 Public Counsel? 9 MS. GAFKEN: Good afternoon. I'm Lisa 10 Gafken, Assistant Attorney General, appearing on behalf 11 of Public Counsel. And also appearing with me in this 12 matter will be Nina Suetake. 13 JUDGE CHARTOFF: Thank you. 14 Looks like The Energy Project? 15 MR. FFITCH: Good afternoon, Your Honors. 16 Simon ffitich appearing on behalf of The Energy Project. 17 JUDGE CHARTOFF: AWEC? 18 MR. PEPPLER: Good afternoon. Tyler Pepple 19 for the Alliance of Western Energy Consumers. 20 JUDGE CHARTOFF: Thank you. 21 And Federal Executive Agencies? 22 MS. LIOTTA: Good afternoon, Your Honors. 23 This is Rita Liotta on behalf of the FEA. 24 JUDGE CHARTOFF: Thank you. 25 Do I have Nucor Steel Seattle?</p>	<p style="text-align: right;">Page 7</p> <p>1 or support staff who should receive electronic courtesy 2 copies for all documents filed in this proceeding, 3 please email that to us as well. However, for those 4 parties who are in the room today, I made -- I have two 5 draft service lists, which I'll leave on counsel table, 6 and if you could take a look at it, make any edits 7 directly to the draft, that would be very helpful. So 8 we can do that at the break. 9 MR. FFITCH: Your Honor? 10 JUDGE CHARTOFF: Yes. 11 MR. FFITCH: Simon ffitich for The Energy 12 Project. We sent an email alerting folks to this that 13 we inadvertently included an out-of-date email address 14 and phone number in our petition to intervene for 15 Mr. Collins. And so we have attempted to remedy that 16 already by email, but I just wanted to, in the excess of 17 caution, flag that again and we'll make the correction 18 as you requested today. 19 JUDGE CHARTOFF: Okay. Thank you. 20 Okay. A few more things. Electronic 21 service. So as a reminder, the Commission has adopted 22 new procedural rules that provide for electronic service 23 of all documents. So absent the request for paper 24 service, the Commission will only serve documents 25 electronically. I also want to remind everyone that the</p>
<p style="text-align: right;">Page 6</p> <p>1 MR. MOHLER: Yes, Your Honor. This is Shaun 2 Mohler from the law firm of Stone Mattheis Xenopoulos & 3 Brew, appearing for Nucor Steel. And also will be 4 appearing Damon Xenopoulos from our firm. 5 JUDGE CHARTOFF: Thank you. 6 And is there anyone else present in the room 7 or on the bridge line who would like to enter an 8 appearance? 9 Okay. Hearing nothing, that brings us to 10 the petitions to intervene. So far The Energy Project, 11 AWEC, Federal Executive Agencies, and Nucor Steel 12 Seattle have all filed petitions for intervention. Is 13 there anyone else seeking to intervene in this 14 proceeding? Okay. Hearing nothing, is there an 15 objection to any petition to intervene? Okay. Hearing 16 nothing, those petitions are granted. 17 Okay. A few more housekeeping matters. We 18 have already entered a standard protective order and the 19 discovery rules are available. 20 So I would like to address the issue of 21 service. If any party has not yet designated a lead 22 representative for service, please do so via email to 23 Judge Pearson and me as soon as possible. 24 And if there are any other -- with regard to 25 the service list, if there are any other representatives</p>	<p style="text-align: right;">Page 8</p> <p>1 new rules require parties to serve each other by 2 delivering electronic copies. Paper copies are not 3 sufficient, but paper copies can be delivered to a party 4 that requests paper in addition to the electronic copy. 5 Filing will be in accordance with Commission 6 rules. The Commission requires electronic filing of 7 documents for formal filings; however, in this case, the 8 Commission will also require the original and four paper 9 copies to be filed with the Commission for internal 10 distribution. If filings include information designated 11 as confidential or highly confidential, please file the 12 original and four copies of the fully unredacted 13 version, the original and one copy of any partly 14 redacted version, and the original and one copy of the 15 fully redacted version. 16 And lastly, now I want to address the usual 17 first data requests that parties send out to every other 18 party requesting that every data request and any 19 response to that request be copied to that party. We 20 intend to address this in the prehearing conference 21 order to require that parties send data requests and 22 responses to every other party. So is there any 23 objection to us including that in the order? No. 24 Hearing nothing, we will include that in the prehearing 25 conference order, and now I'm going to turn the rest of</p>

Page 9

1 the hearing over to Rayne Pearson.
2 JUDGE PEARSON: Okay. So we spoke briefly
3 before the hearing, we were off the record, about the
4 proposed procedural schedules, and it is our
5 understanding that the parties have not reached an
6 agreement on a procedural schedule. We have PSE's
7 proposed schedule that was filed with its original case,
8 and then Public Counsel has proposed a schedule with the
9 hearing date the week of March 18th. And Staff, AWEC,
10 and The Energy Project seem to prefer Staff's schedule
11 but are okay with the Company's schedule; is that
12 accurate? Or AWEC, you prefer Staff, Public Counsel's
13 schedule?
14 MR. PEPPLER: Our position was consistent
15 with Staff's and The Energy Project.
16 JUDGE PEARSON: Okay.
17 MR. PEPPLER: I would say that we would
18 prefer the Public Counsel schedule, but we do not oppose
19 PSE's.
20 JUDGE PEARSON: Okay. All right. So
21 another question I had is, I don't see built into either
22 schedule a public comment hearing.
23 So, Ms. Gafken, did you want to address
24 that?
25 MS. GAFKEN: I was planning on addressing

Page 10

1 that, and I didn't put in a date or a proposed date, but
2 I would like to propose that we do hold public comment
3 hearings. As you know, under WAC 480-07-498, the
4 Commission has the authority to convene one or more
5 public comment hearings. Our proposal is that the
6 Commission hold two.
7 So 50 percent of Puget's service territory
8 is in King County and then 50 percent of their service
9 territory is spread throughout the rest of Western
10 Washington. We would propose that one of those public
11 comment hearings be held in King County in Bellevue and
12 the other one be held in Olympia. I would also propose
13 that Public Counsel work with Andrew Roberts of
14 Commission Staff about scheduling those public comment
15 hearings.
16 JUDGE PEARSON: Okay. So based on feedback
17 from the Commissioners, they want to do one public
18 comment hearing and their preference would be to do it
19 here in Olympia. Maybe the evening after the
20 evidentiary hearing depending. So just bear that in
21 mind when you all are discussing schedule.
22 MS. GAFKEN: Okay.
23 JUDGE PEARSON: It was definitely one. They
24 are open to doing it, but their preference is to do it
25 in Olympia. So I would just schedule that accordingly.

Page 11

1 MR. CASEY: Your Honor, is their preference
2 to do it after the hearing?
3 JUDGE PEARSON: That was something that was
4 just suggested by one of them. I think they would be
5 fine with that but...
6 MR. CASEY: Okay. Thank you.
7 MS. GAFKEN: And I know --
8 JUDGE PEARSON: Another day would be fine
9 too.
10 MS. GAFKEN: And I know we've done public
11 comment hearings in the evening after the evidentiary
12 hearing before in other matters. I don't have a
13 fundamental objection either way on that.
14 JUDGE PEARSON: Okay.
15 MS. GAFKEN: So long as there is one.
16 JUDGE PEARSON: Right. And it looks like
17 both of the parties -- or all of the parties agree that
18 this will only take one day; is that correct? We
19 anticipate only one day for the hearing?
20 MS. STROM CARSON: That's correct.
21 JUDGE PEARSON: Okay. All right. Well,
22 bearing that in mind, we also had an opportunity to
23 speak with the Commissioners about a preferred hearing
24 date. Their timeline matches up more closely with
25 Public Counsel's proposed schedule. We have some

Page 12

1 hearing dates for you all to choose from, and then we
2 can take a break, and working with those dates in mind,
3 we can build a procedural schedule backwards from there.
4 And the dates are March 19th, March 20th, March 21st,
5 March 25th, and March 26th.
6 So now that we have provided you with that
7 information, we will take a recess and allow the parties
8 a chance to reach an agreement on a full schedule.
9 And we will be in our office, Mr. Casey, if
10 you could come let us know when you all are ready.
11 MS. STROM CARSON: May I address you ALJs,
12 please?
13 JUDGE PEARSON: Sure.
14 MS. STROM CARSON: I guess it's important
15 for PSE to know if that is a decision that the
16 Commission has made that we will not be able to do the
17 120-day schedule, because this was an important term for
18 PSE in its last general rate case settlement. This was
19 a negotiated term. PSE gave up other things for the
20 ability to have an ERF to be filed within one year and
21 for parties to support or not oppose a 120-day schedule,
22 and nearly every party to the general rate case in 2017
23 agreed to that. And as you heard here, they are not
24 opposing that 120-day schedule with -- with rates to be
25 in effect 120 days after the filing. And indeed they

Page 13

1 shouldn't because they all agreed to it and they all got
2 benefits from the settlement as a result of that.
3 So some of that was lower ROE, some of that
4 was more revenue requirements, some of that was
5 increased funding for low energy, low -- low income for
6 The Energy Project. So there -- there were a lot of
7 benefits that were negotiated on the other end in
8 exchange for PSE having the right to an ERF with an
9 expedited schedule. And the problem with increasing the
10 timeline for this is you lose the benefits of having an
11 expedited rate filing.
12 With an expedited rate filing, PSE doesn't
13 have the opportunity for pro forma adjustments. And so
14 the longer this drags out, in terms of a, quote,
15 expedited rate filing, when it turns into six months,
16 seven months, it's losing the benefit. And it's doing
17 away with the value of having this tool in the
18 Commissioners' toolbox of an expedited rate filing. So,
19 you know, this has been done in the past on a shortened
20 schedule in 2013. It was very successful and, you know,
21 we encourage the Commission to allow this to go forward
22 on a truly expedited schedule.
23 JUDGE PEARSON: Okay. Well, thank you for
24 your comments. And just actually to speak to Public
25 Counsel's proposed dates, this is a proposed date of

Page 14

1 final order of May 24th. This schedule that Judge
2 Chartoff and I developed would have a proposed final
3 order out by May 8th, so it would be 60 additional days.
4 And the simultaneous briefing would be a little bit
5 shorter in term of time between that and the hearing.
6 But, again, you know, we did speak with all
7 three Commissioners, and there was a two-to-one decision
8 that this schedule would work better for both our
9 staffing needs, resources, other things that are going
10 on right now.
11 MS. STROM CARSON: Okay. Well, just for the
12 record, I note PSE's objection to this.
13 JUDGE PEARSON: Okay. It's noted. So we
14 will be in recess.
15 And, Mr. Casey, if you will come get us.
16 Thank you.
17 (Recess taken from 2:17 p.m.
18 until 2:48 p.m.)
19 JUDGE PEARSON: Okay. We will be back on
20 the record following a brief recess, and I understand
21 that the parties have agreed to a procedural schedule?
22 MS. GAFKEN: We have agreed to a procedural
23 schedule.
24 JUDGE PEARSON: Okay.
25 MS. STROM CARSON: Offer the objection of

Page 15

1 PSE.
2 JUDGE PEARSON: Correct. And I just wanted
3 to say something actually. I don't know if you built
4 the public comment hearing into the schedule or if you
5 have it for the same day as the hearing?
6 MS. GAFKEN: We have a proposal.
7 JUDGE PEARSON: Okay. Because my thought
8 was and what I wanted to let the Company know is that in
9 the event that the parties are able to reach a
10 settlement, we can definitely find probably a two- to
11 three-hour chunk of time where all the Commissioners and
12 Judge Chartoff and I are available sooner than the
13 hearing dates that we proposed where we could hold a
14 settlement hearing. So it may be possible to accomplish
15 this in a shorter time period.
16 MS. STROM CARSON: Great. Thank you. We
17 appreciate that.
18 JUDGE PEARSON: Okay. Ms. Gafken, did you
19 want to read the schedule into the record?
20 MS. GAFKEN: Sure, I also placed a schedule
21 up there with handwritten notes so you can follow along,
22 but I only have one.
23 JUDGE PEARSON: Oh, okay. Thank you.
24 MS. GAFKEN: But we -- so we built off of
25 the schedule that I had proposed.

Page 16

1 JUDGE PEARSON: Okay.
2 MS. GAFKEN: With a March 20th hearing date.
3 We are planning on having a settlement conference on
4 January 15th.
5 JUDGE PEARSON: Okay.
6 MS. GAFKEN: Staff and intervenor response
7 testimony will be due on January 25th. These are all
8 2019 dates. Rebuttal and cross-answering testimony
9 would be due on February 22nd, with the discovery
10 cut-off on March 5th, 2019; cross-exhibits and estimates
11 would come in on March 13th; hearing would be March
12 20th; and simultaneous briefing on April 10th.
13 JUDGE PEARSON: Okay. And with the public
14 comment hearing TBD?
15 MS. GAFKEN: Right. Either -- so our
16 thinking was that it could either be held on the night
17 of the 20th after the hearing.
18 JUDGE PEARSON: Okay.
19 MS. GAFKEN: Or perhaps on the 21st if it
20 turns out that the 20th is going to be a full hearing
21 day.
22 JUDGE PEARSON: Okay.
23 MS. GAFKEN: It's totally up to the
24 Commission's preference I think.
25 JUDGE PEARSON: Okay. Well, typically,

1 though, do you like to have those -- you know, if this
 2 does move towards settlement, we would rather have it
 3 sooner than that and not miss out on it if the parties
 4 were to reach a settlement before that date arrived or
 5 does that matter to you?
 6 MS. GAFKEN: Well, I think we would still
 7 have a public comment hearing even if we have a
 8 settlement.
 9 JUDGE PEARSON: Okay.
 10 MS. GAFKEN: That typically happens in the
 11 cases.
 12 JUDGE PEARSON: Okay.
 13 MS. GAFKEN: So I think we should just
 14 schedule the public comment hearing as we would based on
 15 the --
 16 JUDGE PEARSON: Okay.
 17 MS. GAFKEN: -- schedule that makes sense
 18 and then carry forward. If any modifications need to
 19 happen later, we can do that.
 20 JUDGE PEARSON: Okay.
 21 MS. GAFKEN: A couple other things to note,
 22 we -- we talked about discovery response time and we've
 23 agreed to seven business days before response testimony,
 24 five business days after response testimony, and three
 25 business days after rebuttal and cross-answering

1 CERTIFICATE
 2
 3 STATE OF WASHINGTON
 4 COUNTY OF THURSTON
 5
 6 I, Tayler Garlinghouse, a Certified Shorthand
 7 Reporter in and for the State of Washington, do hereby
 8 certify that the foregoing transcript is true and
 9 accurate to the best of my knowledge, skill and ability.



10
 11
 12 Tayler Garlinghouse
 13 Tayler Garlinghouse, CCR 3358
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1 testimony. We've also agreed among ourselves that work
 2 papers would be filed simultaneously with testimony.
 3 JUDGE PEARSON: Okay. So at this point,
 4 when we are putting together the prehearing conference
 5 order, should we just put the public comment hearing as
 6 TBD or do you want us to choose a date?
 7 MS. GAFKEN: I don't have a preference
 8 either way.
 9 JUDGE PEARSON: Okay.
 10 MS. GAFKEN: It's oftentimes TBD in the
 11 order, the prehearing conference order, and then it's
 12 scheduled later.
 13 JUDGE PEARSON: Okay. That works for us.
 14 And is there anything else that we need to address while
 15 we're here today?
 16 MS. GAFKEN: No.
 17 JUDGE PEARSON: Okay. So we will issue an
 18 order shortly that reflects all of the things that we
 19 have talked about today and we are adjourned. Thank
 20 you.
 21 (Adjourned at 2:52 p.m.)
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 23
 24
 25

<p style="text-align: center;">A</p> <p>ability 12:20 19:9 able 12:16 15:9 absent 7:23 accomplish 15:14 accurate 9:12 19:9 addition 8:4 additional 14:3 address 6:20 7:13 8:16,20 9:23 12:11 18:14 addressing 9:25 adjourned 18:19 18:21 adjustments 13:13 administrative 1:13 2:2 4:15 adopted 7:21 afternoon 4:7,20 5:1,9,15,18,22 Agencies 5:21 6:11 agree 11:17 agreed 12:23 13:1 14:21,22 17:23 18:1 agreement 9:6 12:8 alerting 7:12 ALJs 12:11 Alliance 5:19 allow 12:7 13:21 Andrew 10:13 anticipate 11:19 appearance 5:6 6:8 appearances 4:18 appearing 5:10,11 5:16 6:3,4 appreciate 15:17 April 16:12 arrived 17:4 Assistant 2:14 5:2 5:10 attempted 7:15 Attorney 2:9,14 3:4 5:2,10 authority 10:4</p>	<p>available 6:19 15:12 Avenue 1:22 2:9 3:15 AWEC 3:8 5:17 6:11 9:9,12</p> <hr/> <p style="text-align: center;">B</p> <p>back 14:19 backwards 12:3 Bainbridge 3:5 based 10:16 17:14 bear 10:20 bearing 11:22 behalf 5:10,16,23 Bellevue 2:20 10:11 benefit 13:16 benefits 13:2,7,10 best 19:9 better 14:8 bit 14:4 Box 2:14 break 7:8 12:2 Brew 3:20 6:3 bridge 6:7 brief 14:20 briefing 14:4 16:12 briefly 9:2 brings 6:9 Buell 1:21 build 12:3 Building 2:19 built 9:21 15:3,24 business 17:23,24 17:25</p> <hr/> <p style="text-align: center;">C</p> <p>C 2:1 3:1 4:4 19:1,1 California 3:15 carry 17:18 Carson 2:18 4:20 4:21 11:20 12:11 12:14 14:11,25 15:16 case 4:23 5:4 8:7 9:7 12:18,22</p>	<p>cases 17:11 Casey 2:13 5:1,2 11:1,6 12:9 14:15 caution 7:17 ccasey@utc.wa.g... 2:16 CCR 1:20 19:13 Certified 19:6 certify 19:8 chance 12:8 Chartoff 1:13 2:3 4:6,14,24 5:7,13 5:17,20,24 6:5 7:10,19 14:2 15:12 choose 12:1 18:6 Christopher 2:13 5:2 chunk 15:11 Cleve 3:9 closely 11:24 co-presiding 4:17 Coie 2:19 4:21 Collins 7:15 come 12:10 14:15 16:11 comment 9:22 10:2 10:5,11,14,18 11:11 15:4 16:14 17:7,14 18:5 comments 13:24 Commission 1:2,4 1:18 2:4,12 4:10 4:17 5:3,3 7:21,24 8:5,6,8,9 10:4,6 10:14 12:16 13:21 Commission's 16:24 Commissioners 10:17 11:23 14:7 15:11 Commissioners' 13:18 Company 4:19 15:8</p>	<p>Company's 9:11 complainant 1:5 4:10 conference 1:11 4:8 8:20,25 16:3 18:4 18:11 confidential 8:11 8:11 consistent 9:14 consolidated 1:4 4:8 Consumers 5:19 Cont 3:1 convene 10:4 copied 8:19 copies 7:2 8:2,2,3,9 8:12 copy 8:4,13,14 correct 11:18,20 15:2 correction 7:17 counsel 2:7 5:8,11 7:5 9:8,18 10:13 Counsel's 9:12 11:25 13:25 County 10:8,11 19:4 couple 17:21 courtesy 7:1 cross-answering 16:8 17:25 cross-exhibits 16:10 cut-off 16:10</p> <hr/> <p style="text-align: center;">D</p> <p>D 4:4 D3 3:5 Dallas 5:5 Damon 6:4 data 8:17,18,21 date 9:9 10:1,1 11:24 13:25 16:2 17:4 18:6 dates 12:1,2,4 13:25 15:13 16:8</p>	<p>David 4:23 Davison 3:9 day 11:8,18,19 15:5 16:21 days 12:25 14:3 17:23,24,25 DC 3:21 decision 12:15 14:7 definitely 10:23 15:10 delivered 8:3 delivering 8:2 depending 10:20 designated 6:21 8:10 developed 14:2 directly 7:7 discovery 6:19 16:9 17:22 discussing 10:21 distribution 8:10 DOCKET 1:4 Dockets 4:8 documents 7:2,23 7:24 8:7 doing 10:24 13:16 draft 7:5,7 drags 13:14 Drive 1:18 2:5 due 16:7,9</p> <hr/> <p style="text-align: center;">E</p> <p>E 2:1,1 3:1,1 4:4,4 19:1,1 edits 7:6 effect 12:25 either 9:21 11:13 16:15,16 18:8 electronic 7:1,20,22 8:2,4,6 electronically 7:25 email 6:22 7:3,12 7:13,16 encourage 13:21 energy 1:7 2:17 3:2 4:10,22 5:14,16</p>
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5:19 6:10 7:11 9:10,15 13:5,6 enter 6:7 entered 6:18 ERF 12:20 13:8 estimates 16:10 evening 10:19 11:11 event 15:9 Evergreen 1:18 2:5 evidentiary 10:20 11:11 excess 7:16 exchange 13:8 Executive 5:21 6:11 expedited 13:9,11 13:12,15,18,22	forma 13:13 formal 8:7 forward 13:21 17:18 four 8:8,12 Fourth 1:22 2:20 Francisco 3:15 Fukano 5:4 full 12:8 16:20 fully 8:12,15 fundamental 11:13 funding 13:5	11:19,23 12:1 14:5 15:4,5,13,14 16:2,11,14,17,20 17:7,14 18:5 hearings 10:3,5,11 10:15 11:11 held 10:11,12 16:16 helpful 7:7 High 3:4 highly 8:11 hold 10:2,6 15:13 Honor 6:1 7:9 11:1 Honors 4:21 5:1,15 5:22 housekeeping 6:17	13:23 14:1,13,19 14:24 15:2,7,12 15:18,23 16:1,5 16:13,18,22,25 17:9,12,16,20 18:3,9,13,17 judges 1:13 2:2 4:16	12:5,5 16:2,10,11 16:11 matches 11:24 matter 4:17 5:12 17:5 matters 6:17 11:12 Mattheis 3:19 6:2 mind 10:21 11:22 12:2 modifications 17:18 Mohler 3:19 6:1,2 months 13:15,16 move 17:2
<hr/> F <hr/> F 19:1 far 6:10 FEA 3:13 5:23 February 16:9 Federal 5:21 6:11 feedback 10:16 ffitch 3:3 5:15,16 7:9,11,11 file 8:11 filed 6:12 7:2 8:9 9:7 12:20 18:2 filing 8:5,6 12:25 13:11,12,15,18 filings 8:7,10 final 14:1,2 find 15:10 fine 11:5,8 firm 6:2,4 first 8:17 five 17:24 flag 7:17 Floor 3:21 folks 7:12 follow 15:21 following 14:20 foregoing 19:8	<hr/> G <hr/> G 4:4 Gafken 2:8 5:9,10 9:23,25 10:22 11:7,10,15 14:22 15:6,18,20,24 16:2,6,15,19,23 17:6,10,13,17,21 18:7,10,16 Garlinghouse 1:20 19:6,13 general 2:14 5:2,10 12:18,22 General's 2:9 go 13:21 going 8:25 14:9 16:20 Good 4:7,20 5:1,9 5:15,18,22 granted 6:16 Great 15:16 guess 12:14	<hr/> I <hr/> important 12:14,17 inadvertently 7:13 include 8:10,24 included 7:13 including 8:23 income 13:5 increased 13:5 increasing 13:9 information 8:10 12:7 intend 8:20 internal 8:9 intervene 6:10,13 6:15 7:14 intervenor 16:6 intervention 6:12 Island 3:5 issue 6:20 18:17	<hr/> K <hr/> King 10:8,11 know 10:3 11:7,10 12:10,15 13:19,20 14:6 15:3,8 17:1 knowledge 19:9	<hr/> N <hr/> N 2:1 3:1 4:4 name 4:14 5:2 National 1:24 Navy 3:14 NE 2:20 3:4 nearly 12:22 need 17:18 18:14 needs 14:9 negotiated 12:19 13:7 new 7:22 8:1 night 16:16 Nina 5:12 NOS 1:4 note 14:12 17:21 noted 14:13 notes 15:21 notices 5:5 November 1:15 4:1 4:12 Nucor 3:18 5:25 6:3,11 number 7:14 NW 3:20
	<hr/> H <hr/> handwritten 15:21 happen 17:19 happens 17:10 Harbor 3:10 Harry 5:4 heard 12:23 hearing 6:9,14,15 8:24 9:1,3,9,22 10:18,20 11:2,12	<hr/> J <hr/> January 16:4,7 Jeff 5:4 Jefferson 3:20 Joseph 5:5 Judge 4:6,24 5:7,13 5:17,20,24 6:5,23 7:10,19 9:2,16,20 10:16,23 11:3,8 11:14,16,21 12:13	<hr/> L <hr/> lastly 8:16 Laura 1:13 2:3 4:14 law 1:13 2:2 3:4 4:15 6:2 lead 6:21 leave 7:5 Let's 4:18 line 6:7 Liotta 3:14 5:22,23 Lisa 2:8 5:9 lisa.gafken@atg.... 2:11 list 6:25 lists 7:5 little 14:4 LLC 1:21 long 11:15 longer 13:14 look 7:6 looks 5:14 11:16 lose 13:10 losing 13:16 lot 13:6 low 13:5,5,5 lower 13:3	<hr/> O <hr/> O 4:4 o0o-- 4:3 objection 6:15 8:23 11:13 14:12,25

<p>Offer 14:25 office 2:9 12:9 oftentimes 18:10 Oh 15:23 okay 4:6 6:9,14,15 6:17 7:19,20 9:2 9:11,16,20 10:16 10:22 11:6,14,21 13:23 14:11,13,19 14:24 15:7,18,23 16:1,5,13,18,22 16:25 17:9,12,16 17:20 18:3,9,13 18:17 Olympia 1:19 2:5 2:15 4:1 10:12,19 10:25 open 10:24 opportunity 11:22 13:13 oppose 9:18 12:21 opposing 12:24 order 6:18 8:21,23 8:25 14:1,3 18:5 18:11,11,18 Oregon 3:10 original 8:8,12,13 8:14 9:7 out-of-date 7:13</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>P 2:1,1 3:1,1 4:4 P.C 3:20 p.m 1:16 4:2,13 14:17,18 18:21 Pages 1:12 Palms 3:15 paper 7:23 8:2,3,4 8:8 papers 18:2 Park 1:18 2:5 parties 7:4 8:1,17 8:21 9:5 11:17,17 12:7,21 14:21 15:9 17:3 partly 8:13</p>	<p>party 6:21 8:3,18 8:19,22 12:22 PC 3:9 Pearson 1:13 2:3 4:15 6:23 9:1,2,16 9:20 10:16,23 11:3,8,14,16,21 12:13 13:23 14:13 14:19,24 15:2,7 15:18,23 16:1,5 16:13,18,22,25 17:9,12,16,20 18:3,9,13,17 Pepple 3:9 5:18,18 9:14,17 percent 10:7,8 period 15:15 Perkins 2:19 4:21 petition 6:15 7:14 petitions 6:10,12 6:16 phone 3:13,18 7:14 placed 15:20 planning 9:25 16:3 please 6:22 7:3 8:11 12:12 PO 2:14 point 18:3 Portland 3:10 position 9:14 possible 6:23 15:14 prefer 9:10,12,18 preference 10:18 10:24 11:1 16:24 18:7 preferred 11:23 prehearing 1:11 4:7 8:20,24 18:4 18:11 present 6:6 pro 13:13 probably 15:10 problem 13:9 procedural 7:22 9:4,6 12:3 14:21</p>	<p>14:22 proceeding 6:14 7:2 Project 3:2 5:14,16 6:10 7:12 9:10,15 13:6 proposal 10:5 15:6 propose 10:2,10,12 proposed 9:4,7,8 10:1 11:25 13:25 13:25 14:2 15:13 15:25 protective 6:18 provide 7:22 provided 12:6 PSE 2:19 4:22 12:15,18,19 13:8 13:12 15:1 PSE's 9:6,19 14:12 public 2:7 5:8,11 9:8,12,18,22 10:2 10:5,10,13,14,17 11:10,25 13:24 15:4 16:13 17:7 17:14 18:5 Puget 1:7 2:17 4:10 4:22 Puget's 10:7 put 5:5 10:1 18:5 putting 18:4</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>question 9:21 quote 13:14</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>R 2:1 3:1 4:4 19:1 rate 12:18,22 13:11 13:12,15,18 rates 12:24 Rayne 1:13 2:3 4:15 9:1 reach 12:8 15:9 17:4 reached 9:5 read 15:19</p>	<p>ready 12:10 Realtime 1:21 rebuttal 16:8 17:25 receive 7:1 recess 12:7 14:14 14:17,20 record 4:7 9:3 14:12,20 15:19 redacted 8:14,15 reflects 18:18 regard 6:24 remedy 7:15 remind 7:25 reminder 7:21 REPORTED 1:20 Reporter 19:7 Reporting 1:21 represent 4:22 representative 6:22 representatives 6:25 representing 4:22 5:3 request 7:23 8:18 8:19 requested 7:18 requesting 8:18 requests 8:4,17,21 require 8:1,8,21 requirements 13:4 requires 8:6 resources 14:9 respondent 1:9 4:11 response 8:19 16:6 17:22,23,24 responses 8:22 rest 8:25 10:9 result 13:2 revenue 13:4 right 9:20 11:16,21 13:8 14:10 16:15 Rita 3:14 5:23 rita.liotta@navy.... 3:16</p>	<p>Road 3:4 Roberson 5:4 Roberts 10:13 ROE 13:3 room 6:6 7:4 rules 6:19 7:22 8:1 8:6</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>S 2:1 3:1 4:4 San 3:15 scarson@perkins... 2:21 schedule 9:6,7,8,10 9:11,13,18,22 10:21,25 11:25 12:3,8,17,21,24 13:9,20,22 14:1,8 14:21,23 15:4,19 15:20,25 17:14,17 scheduled 18:12 schedules 9:4 scheduling 10:14 School 3:4 Seattle 1:22,23 2:10 5:25 6:3,12 see 9:21 seeking 6:13 send 8:17,21 sense 17:17 sent 7:12 serve 7:24 8:1 service 6:21,22,25 7:5,21,22,24 10:7 10:8 settlement 12:18 13:2 15:10,14 16:3 17:2,4,8 seven 13:16 17:23 Shaun 3:19 6:1 Sheree 2:18 4:21 short 4:18 shortened 13:19 shorter 14:5 15:15 Shorthand 19:6 shortly 18:18</p>
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<p>Simon 3:3 5:16 7:11 simon@ffitchlaw... 3:6 simultaneous 14:4 16:12 simultaneously 18:2 sitting 4:14 six 13:15 skill 19:9 smohler@smxbla... 3:22 soon 6:23 sooner 15:12 17:3 Sound 1:7 2:17 4:10,22 South 1:18 2:5 Southwest 1:18 speak 11:23 13:24 14:6 spoke 9:2 spread 10:9 staff 2:12 4:25 5:3 5:4 7:1 9:9,12 10:14 16:6 Staff's 9:10,15 staffing 14:9 standard 6:18 start 4:18 starting 4:19 State 19:3,7 Steel 3:18 5:25 6:11 Steele 4:23 Stone 3:19 6:2 Street 2:20 3:20 Strom 2:18 4:20,21 11:20 12:11,14 14:11,25 15:16 successful 13:20 Suetake 5:12 sufficient 8:3 suggested 11:4 Suite 1:22 2:9,20 3:5,10,15</p>	<p>support 7:1 12:21 Sure 12:13 15:20 SW 2:5 3:10</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>T 19:1,1 table 7:5 Tacoma 1:23 take 7:6 11:18 12:2 12:7 taken 14:17 talked 17:22 18:19 Taylor 1:20 19:6,13 TBD 16:14 18:6,10 tcp@dvclaw.com 3:11 term 12:17,19 14:5 terms 13:14 territory 10:7,9 testimony 16:7,8 17:23,24 18:1,2 thank 4:24 5:7,13 5:20,24 6:5 7:19 11:6 13:23 14:16 15:16,23 18:19 things 7:20 12:19 14:9 17:21 18:18 think 11:4 16:24 17:6,13 thinking 16:16 Thomas 3:20 thought 15:7 three 14:7 17:24 three-hour 15:11 THURSTON 19:4 time 4:13 14:5 15:11,15 17:22 timeline 11:24 13:10 today 4:12 7:4,18 18:15,19 tool 13:17 toolbox 13:18 totally 16:23 Tower 3:21 transcript 19:8</p>	<p>Transportation 1:2 1:4,18 2:4 4:9,16 true 19:8 truly 13:22 turn 8:25 turns 13:15 16:20 two 7:4 10:6 two- 15:10 two-to-one 14:7 Tyler 3:9 5:18 typically 16:25 17:10</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>UE-180899 1:4 4:8 UG-180900 1:4 4:9 understand 14:20 understanding 9:5 unredacted 8:12 usual 8:16 Utilities 1:2,4,18 2:4 4:9,16</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>v 1:6 value 13:17 Van 3:9 version 8:13,14,15 versus 4:10 VOLUME 1:11</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>WAC 10:3 want 7:25 8:16 9:23 10:17 15:19 18:6 wanted 7:16 15:2,8 Washington 1:1,4 1:18,19,22 2:4,5 2:10,15,20 3:5,21 4:1,9,16 10:10 19:3,7 way 3:10 11:13 18:8 we'll 7:17 we're 4:7 18:15</p>	<p>we've 11:10 17:22 18:1 Wednesday 4:12 week 9:9 West 3:21 Western 5:19 10:9 work 10:13 14:8 18:1 working 12:2 works 18:13 www.buellrealti... 1:25</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p>Xenopoulos 3:19 6:2,4</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>year 12:20</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1 1:11 3:15 1-19 1:12 1025 3:20 10885 2:20 10th 16:12 120 12:25 120-day 12:17,21 12:24 1300 1:18 2:5 1325 1:22 13th 16:11 15th 16:4 161 3:15 1750 3:10 1840 1:22 18th 9:9 19th 12:4</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2:00 1:16 4:2,13 2:17 14:17 2:48 14:18</p>	<p>2:52 18:21 2000 2:9 20007 3:21 2013 13:20 2017 12:22 2018 1:15 4:1,12 2019 16:8,10 202 3:22 206 1:23 2:10 3:6 20th 12:4 16:2,12 16:17,20 21st 12:4 16:19 22nd 16:9 241-7242 3:11 24th 14:1 253 1:23 253-0111 1:23 25th 12:5 16:7 26th 12:5 28 1:15 4:1 287-9066 1:23 28th 4:12</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>321 3:4 3358 1:20 19:13 342-0800 3:22 360 2:6,15 383 3:5</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>40128 2:14 415 3:16 425 2:21 450 3:10 464-6595 2:10 480-07-498 10:3</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>50 10:7,8 503 3:11 5th 2:9 16:10</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>60 14:3 635-1422 2:21</p>
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664-1160 2:6
664-1189 2:15
669-8197 3:6

7

700 2:20
743-4718 3:16

8

800 1:24 2:9
846-6989 1:24
8th 3:21 14:3

9

94130 3:15
97201 3:10
98004 2:20
98101 1:22
98104 2:10
98110 3:5
98504 1:19 2:5,15

