

# **WUTC v. Washington Water Supply, Inc.**

**Docket Nos. UW-240079 and UW-230598 - Vol. I**

**May 13, 2024**



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BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

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WASHINGTON UTILITIES AND	)
TRANSPORTATION COMMISSION,	)
	)
Complainant,	)
	)
vs.	)DOCKETS UW-240079
	)and UW-230598
	)(Consolidated)
	)
WASHINGTON WATER SUPPLY, INC.,	)
	)
Respondent.	)
	)

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PREHEARING CONFERENCE - VOL I

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BEFORE ADMINISTRATIVE LAW JUDGE

CONNOR THOMPSON

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

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DATE HELD: May 13, 2024

TRANSCRIBED BY: ELIZABETH PATTERSON HARVEY, FAPR, RPR,  
WA CCR 2731

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1 JUDGE THOMPSON: Thank you. And the company?

2 ATTORNEY GRIMES: Good afternoon. My name is  
3 Alysa Grimes from Bagwell Law representing Washington  
4 Water Supply, Inc.

5 JUDGE THOMPSON: Okay. Thank you.

6 And Ms. Grimes, do you know if Mr. Ellerbee  
7 is still involved in the case, or has it moved to just  
8 you and Mr. Bagwell?

9 ATTORNEY GRIMES: Mr. Bagwell and I are  
10 taking primary on this, but Mr. Ellerbee is still  
11 attached to the case.

12 JUDGE THOMPSON: Okay. I just wanted to  
13 check for service list. So thank you for clarifying  
14 that.

15 ATTORNEY GRIMES: You're welcome.

16 JUDGE THOMPSON: Do we have any intervenors  
17 here today? I didn't see any petitions for intervention  
18 in the docket.

19 We'll look at our participants. I do not see  
20 any potential intervenors in the room. And so we will go  
21 ahead and proceed.

22 I believe that Order 01/02, which suspended  
23 the tariff revisions in Docket UW-240079 made discovery  
24 available to the parties. If you're looking for that  
25 reference, I believe it's in paragraph 30 of the order.

1 So discovery is already available to the parties.

2           However, I wanted to check with the parties  
3 to see if you'd like me to clarify that or include that  
4 in the prehearing conference order, or to check if  
5 discovery has already started amongst the parties.

6           ATTORNEY GAFKEN: I think it would be helpful  
7 to have it in the prehearing conference order, just to  
8 have everything in one place, even if it did appear in  
9 the initial order in 01/02.

10           I don't believe we've started active  
11 discovery yet amongst the parties. But it's certainly  
12 something that would be helpful and useful.

13           JUDGE THOMPSON: Okay. I'll go ahead and  
14 include that in the prehearing conference order.

15           And would the parties like a protective order  
16 in this docket?

17           I'll start with the company because you're  
18 the one who likely has sensitive information if it needs  
19 to be protected.

20           ATTORNEY GRIMES: We aren't looking for a  
21 protective order at this time. Thank you, your Honor.

22           JUDGE THOMPSON: Okay. And is that okay with  
23 staff?

24           ATTORNEY GAFKEN: That's fine with staff. If  
25 the need arises later during the case, I'm sure parties

1 can make arrangements to get one of those in place.

2 JUDGE THOMPSON: Wonderful. Okay.

3 Have the parties had an opportunity to discuss  
4 a procedural schedule?

5 ATTORNEY GAFKEN: We have discussed a  
6 procedural schedule, and I think we're probably about 95  
7 percent of the way there.

8 There's a couple of dates that we should nail  
9 down. We have a couple of settlement conferences that we  
10 could find some dates for.

11 But I did want to check the commission's  
12 calendar. We're looking at March 18 for the evidentiary  
13 hearing.

14 And then we're also seeking a public comment  
15 hearing. And, you know, we can either find a date for  
16 that here during this prehearing conference or schedule  
17 after as well. But that date will be dependent on the  
18 commission's calendar. So if you're already looking,  
19 maybe we can find a date for the other piece as well.

20 JUDGE THOMPSON: Okay. I believe that March  
21 18 should work fine from the commission's perspective.

22 I am also on one of the rate cases, which  
23 should be concluding around that time. So I don't think  
24 that this will interfere with that. So I believe that  
25 March 18 will be more than okay --

1                   ATTORNEY GAFKEN:   Okay.

2                   JUDGE THOMPSON:   -- if that works for the  
3 parties.   And we can sort of work with that date for now.

4                   ATTORNEY GAFKEN:   Okay.   I guess one other  
5 thing that we wanted to confirm, so we're looking at the  
6 suspension date for this case.   And RCW 80.04.130 says  
7 ten months from when the tariff would otherwise go into  
8 effect.

9                   And the effective date for this tariff, the  
10 one in 240079 is September 1, 2024.   And so that would  
11 put the suspension date at July 1, 2025.

12                   So we've crafted a schedule that goes out to  
13 that suspension date.   And I guess I just wanted to make  
14 sure that the commission's on the same page with the  
15 parties on that.

16                   JUDGE THOMPSON:   That's my interpretation as  
17 well, and I looked at that again this morning.   And so I  
18 do believe that we have until then.

19                   My only hesitation with scheduling a hearing  
20 date too far in advance is of course the company can come  
21 back and amend filings or propose tariffs under the rate  
22 case, which may have an effective date and preceding that  
23 September 1 date, which would bump us up.

24                   But I think that with the March 18 hearing  
25 date, we will steer clear of any potential issues there,



1 given where we're at in the calendar now. And so I think  
2 that's a good date to work with.

3 ATTORNEY GAFKEN: Okay. And I guess to  
4 preview a little bit, I don't want to go through the  
5 entire listing of the dates quite yet. But we're looking  
6 at the first filing date to incorporate the rate case as  
7 well.

8 So we understand that the -- considering the  
9 tariff filing under 240079 should be done in the context  
10 of a rate case. And so we've talked about having that  
11 first filing be the rate case as well as the supporting  
12 documents for the pending tariff.

13 JUDGE THOMPSON: Okay. I think that should  
14 put us on a good track.

15 I was curious to see what the parties felt  
16 regarding the rate case and the lack of filing at this  
17 point in time, and so I think that that puts us on a good  
18 trajectory moving forward.

19 And, you know, depending on how things go,  
20 and where we're at once that comes in and staff has an  
21 opportunity to review that filing, I think that there is  
22 an opportunity to move up some of the dates at a later  
23 time if we feel that that would be necessary or helpful  
24 to the parties.

25 And I say that only because March 18, 2025,

1 is quite a ways out there. And so if we get that filing  
2 in and the parties can come to some consensus on a  
3 limited number of issues or to limit the number of issues  
4 that might be in dispute, then I would be more than  
5 willing to revisit all of this and move dates around if  
6 we need to.

7 ATTORNEY GAFKEN: Okay. That's good to know.

8 JUDGE THOMPSON: Okay. And so what I'm  
9 hearing now is that we're 90 or 95 percent of the way  
10 there. We're probably not going to get there today if we  
11 do a brief recess; am I correct in that assumption?

12 ATTORNEY GAFKEN: No. I'm sorry. I didn't  
13 mean to imply that.

14 I thought we could take a brief recess, and  
15 then we can look at a couple of dates for the settlement  
16 conferences.

17 And then we have the rest of it hammered out.

18 JUDGE THOMPSON: Okay. Perfect. Why don't  
19 we go ahead and do that at this time, then. We can go  
20 ahead and take a brief recess. I will jump off of the  
21 Zoom, and if somebody just wants to let me know via  
22 e-mail when you have hammered out the rest of the  
23 schedule, then I'll come back on and we can finish.

24 ATTORNEY GAFKEN: Will do.

25 JUDGE THOMPSON: Okay. So at this time,

1 we'll go ahead and go off the record.

2 (Recess.)

3 JUDGE THOMPSON: We are now back on the  
4 record. The parties have agreed on a procedural  
5 schedule, which I will go ahead and ask staff's counsel  
6 to now read into the record.

7 ATTORNEY GAFKEN: Okay. The first date will  
8 be for the company's filing on June 27, 2024. And as I  
9 mentioned before we recessed or took a break, that we're  
10 contemplating that the rate case filing, along with  
11 testimony and exhibits supporting both the new general  
12 tariff rate case and the tariff filing in 240079 would be  
13 contemplated in that filing.

14 The next date is our first settlement  
15 conference, which will take place on September 17 of  
16 2014.

17 The next date is for response testimony,  
18 which would be January 22, 2025. And at this point,  
19 discovery responses would be due within seven business  
20 days after that filing date.

21 The next event is the second settlement  
22 conference, which will be on February 5, 2025.

23 The next -- well, it's usually rebuttal and  
24 cross-answering, but I guess here we really just need  
25 rebuttal testimony. So that will occur on February 20 of

1 2025.

2 And then the public comment hearing being to  
3 be determined.

4 The next deadline is the discovery deadline,  
5 which is February 27 of 2025.

6 The next deadline is the cross exhibits and  
7 cross-examination estimates, which will be March 11,  
8 2025.

9 And then a hearing on May 18, 2025.

10 This next one --

11 JUDGE THOMPSON: Excuse me.

12 ATTORNEY GAFKEN: I'm sorry.

13 JUDGE THOMPSON: March 18 for the hearing?

14 ATTORNEY GAFKEN: March 18 for the hearing.

15 JUDGE THOMPSON: Okay.

16 ATTORNEY GAFKEN: 2025.

17 The next deadline addresses the briefing.

18 And this one, we do need to have a little bit of  
19 discussion. And I forgot to hammer out this detail. My  
20 apologies.

21 All of our briefing needs to be in by May 1  
22 of 2025. My question is whether we need or want one or  
23 two rounds of briefing.

24 So if it's just one round, we could have May 1  
25 be the only briefing deadline.

1           If it's two, then I would put the initial  
2 brief at April 17, 2025, so about a month after the  
3 hearing, with reply briefs due May 1 of 2025.

4           I don't have a strong feeling one way or the  
5 other. In my view, it's really the company's preference  
6 whether we have reply briefs or not. I will write one or  
7 two as needed.

8           JUDGE THOMPSON: Okay. And how does the  
9 company feel about that?

10          ATTORNEY GRIMES: We are good with one round,  
11 your Honor.

12          JUDGE THOMPSON: One round. Okay. We'll go  
13 ahead and plan for one round May 1.

14          ATTORNEY GAFKEN: Okay. I was going to say  
15 we could have April 17 be the due date for that one round  
16 of briefing. I'm also happy to keep it at May 1.

17          ATTORNEY GRIMES: We're fine with the 17th.

18          JUDGE THOMPSON: Okay. Let's go ahead and  
19 plan on the 17th, just because this is a little further  
20 out, and I don't know what the calendar will look like  
21 then. The earlier might be the better in this case. And  
22 if we need to, we can revisit that at a later date.

23          Okay. And so since we're doing post-hearing  
24 briefings, I'll go ahead and assume that the parties are  
25 not going to want to do closing oral arguments at the

1 conclusion of the hearing. Or would you also like  
2 closing arguments at the end of the hearing?

3 ATTORNEY GAFKEN: Staff is not requesting  
4 closing arguments. I think we can handle arguments on  
5 brief.

6 I did want to note that I forgot one detail  
7 with the rebuttal testimony on February 20, 2025. At  
8 that point, discovery responses would drop down to five  
9 business days.

10 JUDGE THOMPSON: Okay. And is the company  
11 okay with waiving closing argument at the hearing as  
12 well?

13 ATTORNEY GRIMES: Yes. We're fine with doing  
14 the written closing brief.

15 JUDGE THOMPSON: Okay.

16 ATTORNEY GRIMES: Instead of the oral.

17 JUDGE THOMPSON: Wonderful. And for errata  
18 sheets, the deadline for filing errata sheets to exhibits  
19 may be established in the prehearing conference order.  
20 Does either party have an objection to setting a deadline  
21 a week prior to that same March 11 date for the deadline  
22 for errata?

23 ATTORNEY GAFKEN: No objection from staff.

24 JUDGE THOMPSON: Okay.

25 ATTORNEY GRIMES: No objection, your Honor.

1 JUDGE THOMPSON: Okay. I will ask that  
2 staff, if you could please just send me a copy of the  
3 schedule in e-mail so that I can have that. I have  
4 everything written down, but there is always a real  
5 chance that I made a mistake. So.

6 ATTORNEY GAFKEN: Yes, I will do that.

7 JUDGE THOMPSON: Thank you. I appreciate  
8 that.

9 Just a quick reminder that documents should  
10 be filed online through the electronic filing link. I  
11 think that everyone is familiar with that present today.

12 If there is a notice of appearance that comes  
13 in and we need to amend the master service list, please  
14 let me know at [connor.thompson@utc.wa.gov](mailto:connor.thompson@utc.wa.gov).

15 And if there are any errors in the service  
16 list in the prehearing conference order, again, please  
17 feel free to contact me by e-mail and let me know, and we  
18 can get that amended. If there's any changes, the same  
19 applies.

20 I believe with that, we've covered everything  
21 that we need to today. Is there anything else we need to  
22 address from the parties?

23 ATTORNEY GAFKEN: I just have one -- maybe  
24 it's a strange thing, but I thought I would bring it to  
25 your attention, and maybe this is a record center

1 question.

2 But the docketing online is a little bit  
3 wonky. All of the documents are showing up on UW or  
4 UW-230598. That docket is also still showing as closed.

5 And then UW-240079 does not have all of the  
6 docket -- or I'm sorry; all of the documents in that  
7 docket.

8 And so really, all documents should be  
9 showing in both places, and the earlier docket shouldn't  
10 be closed.

11 So I don't know if that's something that you  
12 can contact the records center about or if you want us  
13 to. But I thought I would raise it today, because it's a  
14 little wonky.

15 JUDGE THOMPSON: I appreciate that. I  
16 have noticed that as well. And I will go ahead and ask  
17 if we can get that straightened out, because there are  
18 some filings that show up in one docket and not the  
19 other. And so we'll go ahead and see what we can do.

20 ATTORNEY GAFKEN: Perfect. I appreciate  
21 that. It's a little bit confusing for the public if  
22 anybody want to look into those dockets.

23 JUDGE THOMPSON: Okay. I appreciate that.  
24 And I appreciate the reminder. I was also thinking about  
25 that morning.



1           Is there anything else?

2           ATTORNEY GRIMES: I actually have a question  
3 on behalf of the company. And again, I'm not sure you're  
4 the right person to ask.

5           But because the company is filing this  
6 general rate case in 240079, does that meet the  
7 requirement to file a general rate case from Order 1 in  
8 230598 since they are now consolidated?

9           JUDGE THOMPSON: Yes. It will meet the  
10 requirements to file in the consolidated. And we'll go  
11 ahead and proceed accordingly. Generally, I think the  
12 way that that would have been handled is the rate case  
13 would have been assigned a separate docket number. The  
14 condition in the earlier docket was merely a compliance  
15 condition, and so the general rate case didn't need to be  
16 necessarily filed in that docket. But because we've  
17 moved forward in the way that we have, I believe that we  
18 can go ahead and file in the consolidated docket and  
19 proceed.

20           ATTORNEY GRIMES: (Inaudible).

21           JUDGE THOMPSON: Yes. And I think that I  
22 will look into this just to be sure. But if we do,  
23 depending on how the filing looks; for instance, if the  
24 surcharge for well rehabilitation is now part of the  
25 general rate case and is not a separate line item, and

1 the -- there seems to be a reason to assign a new docket  
2 number, then we can handle that accordingly when we get  
3 to that point.

4 But because we're in a little bit of an odd  
5 procedural position, because we're talking about an  
6 evidentiary hearing on a filing that hasn't taken place  
7 yet, we'll go ahead and proceed the way we are, and  
8 continue to move forward.

9 ATTORNEY GRIMES: Sounds great. Thank you.

10 JUDGE THOMPSON: Absolutely.

11 Okay. We'll go ahead and adjourn here in  
12 just a minute, but I'll give each party one more  
13 opportunity to raise any issues.

14 ATTORNEY GAFKEN: Nothing further for staff.

15 JUDGE THOMPSON: Okay. And I just am reading  
16 something that just came in really quickly before we  
17 close out the Zoom.

18 Okay. I think that concludes everything for  
19 today. I will go ahead and issue an order shortly  
20 containing the procedural schedule and other guidelines  
21 for this case.

22 We are adjourned, and we may go off the  
23 record. Thank you for your participation today.

24 (Conclusion of proceedings at 1:58 p.m.)

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CERTIFICATE OF REPORTER)  
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*Elizabeth Patterson Harvey*



Elizabeth Patterson Harvey  
CCR 2731  
Certified Court Reporter in  
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My license expires December 21, 2024