

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

PACIFICORP d/b/a PACIFIC POWER
& LIGHT COMPANY,

Respondent.

DOCKET UE-210532

ORDER 03

PREHEARING CONFERENCE
ORDER; NOTICE OF HEARING
**(Evidentiary Hearing set for
December 9, 2021, at 9:30 a.m.)**

- 1 **NATURE OF PROCEEDING.** On July 1, 2021, PacifiCorp d/b/a Pacific Power & Light Company (PacifiCorp or Company) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective tariff WN U-76. PacifiCorp characterizes its filing as a Limited-Issue Rate Filing (LIRF). In PacifiCorp's last general rate case (GRC), the Commission approved a full settlement, subject to conditions, which required the Company to file a LIRF in 2021.¹
- 2 **CONFERENCE.** The Commission convened a virtual prehearing conference on August 12, 2021, before Administrative Law Judge Michael Howard.
- 3 **APPEARANCES.** Ajay Kumar and Carla Scarsella, in-house counsel, represent PacifiCorp. Daniel Teimouri, Assistant Attorney General, Olympia, Washington, represents Commission staff (Staff).² Lisa W. Gafken, Nina Suetake, Ann Paisner, and Brice Hartman, Assistant Attorneys General, Seattle, Washington, represent the Public Counsel Unit of the Attorney General's Office (Public Counsel). Yochanan Zakai, Shute Mihaly & Weinberger, LLP, represents the Energy Project (TEP). Tyler C. Pepple and Brent L. Coleman, Davison Van Cleave, P.C., represent Alliance of Western Energy

¹ *WUTC v. PacifiCorp dba Pacific Power & Light Co.*, Docket UE-191024 et. al., Final Order 09/07/12 at ¶ 58-62 (December 14, 2020) (2020 PacifiCorp Order).

² In formal proceedings such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

Consumers (AWEC). Contact information for the parties' representatives is attached as Appendix A to this Order.

4 **PETITIONS FOR INTERVENTION.** AWEC and TEP timely filed petitions to intervene.

5 Absent objections to the petitions to intervene, the Commission finds that AWEC and TEP have established a substantial interest in this proceeding and that these parties' participation will be in the public interest.

6 **PROTECTIVE ORDER.** The Commission entered Order 02, Protective Order, in this docket on July 28, 2021.

7 **DISCOVERY.** Discovery will be conducted under the Commission's discovery rules, WAC 480-07-400 – 425. The Commission urges the parties to work cooperatively together to avoid having to bring discovery matters forward for formal resolution. Response times to data requests will be adjusted as set forth in Appendix B.

8 The Commission believes it will aid discovery in this case if all responses to data requests are shared with all parties. No party objects to the Commission making the exchange of data requests and responses with all parties a requirement for discovery in this case. Accordingly, the Commission requires the parties to share every data request and data request response with all parties, subject to any confidentiality limitations contained in Commission rule or the protective order issued in this docket.

9 **PROCEDURAL SCHEDULE.** The parties presented an agreed procedural schedule at the prehearing conference, which includes a proposed deadline for filing errata sheets. The Commission generally adopts the parties' proposed procedural schedule, which is attached to this Order as Appendix B, with the exception of the proposed deadline for filing cross-examination exhibits, witness lists, cross-examination time estimates, and errata sheets. The parties may modify the date of the settlement conference by providing written notice to the Commission.

10 The Commission is not bound by requested final order date set forth in the parties' agreed procedural schedule.³ Although we adopt the parties' proposed schedule, we reserve the right to extend or otherwise modify the procedural timeline if doing so is necessary to

³ See 2020 PacifiCorp Order ¶ 62 (“Last, the Parties’ agreement to propose a particular procedural schedule is acceptable, but it will not bind the Commission from taking the time necessary to fully consider the issues presented if the Commission determines more time is warranted than provided for in the Parties’ proposal.”).

afford the Commission adequate time to consider all of the evidence and render its decision.

11 **DOCUMENT FILING AND SERVICE REQUIREMENTS.** Parties must file and serve all pleadings, motions, briefs, and other pre-filed materials in compliance with all of the following requirements:

- (a) Parties must submit electronic copies of all documents by 5 p.m. on the filing deadline established in the procedural schedule (or other deadline as applicable) unless the Commission orders otherwise. Parties must comply with WAC 480-07-140(6) in formatting, organizing, and identifying electronic files.
- (b) The Commission accepts only electronic versions of documents for formal filing. Parties must submit documents electronically through the Commission's web portal (www.utc.wa.gov/e-filing). If a party is unable to use the web portal to submit documents for filing, the Commission will accept a submission via email to records@utc.wa.gov, provided that the email: (1) explains the reason the documents are not being submitted via the web portal, and (2) complies with the requirements in WAC 480-07-140(5)(b).
- (c) In light of the COVID-19 pandemic, the Commission is suspending requirements for paper filings in this case.
- (d) Documents filed with the Commission must conform to the formatting and other requirements in WAC 480-07-395 and WAC 480-07-460, and must comply with the requirements in WAC 480-07-160 and the Protective Order in this docket for documents that include information designated as confidential.
- (e) Parties must electronically serve the other parties and provide courtesy electronic copies of filings to the presiding administrative law judge (michael.howard@utc.wa.gov) by 5 p.m. on the filing deadline unless the Commission orders otherwise. If parties are unable to email copies, they may furnish electronic copies by delivering them on a flash drive only.

12 **EXHIBITS FOR CROSS-EXAMINATION.** Parties are required to file with the Commission and serve all proposed cross-examination exhibits by **5 p.m. on Monday, December 6, 2021.** The Commission requires electronic copies in searchable PDF (Adobe Acrobat or comparable software). If any of the exhibits contain information designated as confidential, parties must file an electronic copy of the redacted version in searchable PDF (Adobe Acrobat or comparable software) of each such exhibit. The

exhibits must be grouped according to the witness the party intends to cross examine with the exhibits.

- 13 **EXHIBIT LISTS.** With each submission of pre-filed testimony and exhibits, the party making the submission must include a preliminary exhibit list that identifies each submitted exhibit in the format the Commission uses for exhibit lists it prepares for evidentiary hearings. The Company will prepare its preliminary exhibit list and circulate it to the parties. Each party must file and serve a final list of all exhibits the party intends to introduce into the evidentiary record, including all pre-filed testimony and exhibits and cross-examination exhibits, by **5 p.m., Monday, December 6, 2021.**
- 14 **CROSS-EXAMINATION TIME ESTIMATES.** Each party must provide a list of witnesses the party intends to cross-examine at the evidentiary hearing and an estimate of the time that party anticipates the cross-examination of that witness will take. Parties should not file witness lists or cross-examination time estimates but must provide them to the administrative law judge (michael.howard@utc.wa.gov) and the other parties by **5 p.m., Monday, December 6, 2021.**
- 15 **PUBLIC COMMENT HEARING.** At the prehearing conference, the parties submitted an agreed-upon procedural schedule that includes a public comment hearing. The parties note that the exact date of the public comment hearing is to be determined. The Commission agrees that conducting a virtual public comment hearing is in the public interest, and will thus convene such a hearing **on or before December 9, 2021.** PacifiCorp customers must receive notice of the date, time, and the methods for participating in the public comment hearing, as well as other information required under WAC 480-100-197, at least 30 days prior to the date of the public comment hearing.
- 16 **NOTICE OF EVIDENTIARY HEARING.** The Commission will hold a virtual evidentiary hearing in this docket on **Thursday, December 9, 2021, at 9:30 a.m., immediately following the Commission's regularly scheduled open meeting.** Due to uncertainties surrounding the COVID-19 pandemic, the Commission will determine at a later date whether the hearing will be conducted in-person or virtually. If the hearing is conducted in-person, it will convene in the Commission's Hearing Room, First Floor, Commission Headquarters, 621 Woodland Square Loop S.E., Lacey, Washington.
- 17 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission has limited ability to provide dispute resolution services. If you wish to explore those services, please contact Rayne Pearson, Director, Administrative Law Division (360-664-1136).

18 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of this Order, in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this docket, subject to Commission review.**

DATED at Lacey, Washington, and effective August 17, 2021.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Michael S. Howard
MICHAEL HOWARD
Administrative Law Judge

APPENDIX A
PARTIES' REPRESENTATIVES
DOCKET UE-20098

PARTY	REPRESENTATIVE	PHONE	E-MAIL
PacifiCorp	Ajay Kumar PacifiCorp 825 NE Multnomah Street, Suite 2000 Portland, OR 97232	(503)-813-5161	ajay.kumar@pacificorp.com
	Carla Scarsella PacifiCorp 825 NE Multnomah Street, Suite 2000 Portland, OR 97232		carla.scarsella@pacificorp.com
	Shelley McCoy		shelley.mccoy@pacificorp.com
Commission Staff	Daniel Teimouri Assistant Attorney General Office of the Attorney General Utilities and Transportation Division P.O. Box 40128 Olympia, WA 98504	(360) 664-1189	daniel.teimouri@utc.wa.gov
Public Counsel	Ann N.H. Paisner Assistant Attorney General Washington Attorney General's Office Public Counsel Unit 800 Fifth Avenue, Suite 2000 Seattle, WA 98104-3188	(206) 464-6595	Ann.Paisner@atg.wa.gov
	Nina Suetake Assistant Attorney General		NinaS@atg.wa.gov
	Lisa Gafken Assistant Attorney General		Lisa.Gafken@atg.wa.gov
	Brice Hartman		brice.hartman@atg.wa.gov
	Corey Dahl		Corey.Dahl@atg.wa.gov
	Thomas Johnson		Thomas.Johnson@atg.wa.gov
	Chanda Mak		Chanda.Mak@atg.wa.gov
	Public Counsel E-Filing		PCCSeaEF@atg.wa.gov
AWEC	Tyler C. Pepple Davison Van Cleve, P.C. 1750 SW Harbor Way, Suite 450 Portland, OR 97201	(503) 241-7242	tcp@dvclaw.com
	Brent L. Coleman Davison Van Cleve, P.C. 1750 SW Harbor Way, Suite 450 Portland, OR 97201		blc@dvclaw.com

PARTY	REPRESENTATIVE	PHONE	E-MAIL
	Jesse Gorsuch		jog@dvclaw.com
	Bradley G. Mullins		brmullins@mwanalytics.com
The Energy Project	Yochanan Zakai Shute, Mihaly, & Weinberger, LLP 396 Hayes Street San Francisco, California 94102	(415) 552-7272	yzakai@smwlaw.com
	Sara L. Breckenridge		breckenridge@smwlaw.com
	Shawn Collins		shawnc@oppco.org

**APPENDIX B
PROCEDURAL SCHEDULE
DOCKET UE-210532**

EVENT	DATE
Tariff Filing	July 1, 2021
Tariffs Suspended and Discovery Commenced	July 28, 2021
Prehearing Conference	August 12, 2021
Workshop (parties only)	TBD (Exact date to be determined)
Settlement Conference (parties only)	September 13, 2021
Response Testimony	October 15, 2021⁴
Notices Issued for Public Comment Hearings	30 days prior to Public Comment Hearings
Public Comment Hearing	TBD
Rebuttal/Cross Answering Testimony	November 15, 2021
Discovery Cutoff	November 29, 2021
File Cross Examination Exhibits, Witness Lists, and Errata sheets, and email Cross-Examination Time Estimates to the presiding ALJ	December 6, 2021

⁴ Before the deadline for response testimony, on October 15, 2021, a party to whom a data request is directed must make its best efforts to respond to data requests within seven days after the data request is served or must at least respond within ten days as required by WAC 480-07-405(7)(a)(ii). On or after the deadline for response testimony, a party to whom a data request is directed must make its best efforts to respond to data requests within five days after the data request is served or must at least respond within ten days as required by WAC 480-07-405(7)(a)(ii).

Hearing	December 9, 2021, at 9:30 a.m. (immediately following the Commission's regularly scheduled open meeting)
Simultaneous Post-hearing Briefs	January 3, 2022
Requested Final Order Date	On or before February 1, 2022