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BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND)
TRANSPORTATION COMMISSION,)Docket PG-041624
Complainant,)Volume IV
)Pages 57-66
vs.)
)
PUGET SOUND ENERGY, INC.,)
Respondent.)
)

A pre-hearing conference in the
above-entitled matter was held at 9:32 a.m. on
Tuesday, March 15, 2005, at 1300 South
Evergreen Park Drive, S.W., Olympia, Washington,
before Administrative Law Judge THEODORA MACE.

The parties present were as follows:

COMMISSION STAFF, by Donald Trotter,
Assistant Attorney General, 1400 S. Evergreen Park
Drive, S.W., P.O. Box 40128, Olympia, Washington,
98504-1028.

PUGET SOUND ENERGY, INC., by James
Williams, Attorney at Law, Perkins Coie, LLP, 1201
Third Avenue, Suite 4800, Seattle, Washington 98101
(via teleconference bridge.)

CITY OF BELLEVUE, by Lori Molander
Riordan, Attorney at Law, City Attorney's Office,
P.O. Box 90012, Bellevue, Washington 98009 (via
teleconference bridge.)

Barbara L. Nelson, CCR
Court Reporter

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1 JUDGE MACE: Let's be on the record in
2 Docket Number PG-041624. This is the complaint of
3 the Washington Utilities and Transportation
4 Commission against Puget Sound Energy.

5 Today's date is March 15th, 2004, and we are
6 convened for a pre-hearing conference to set a
7 schedule for further proceedings. My name is
8 Theodora Mace. I'm the Administrative Law Judge
9 who's been assigned to this case, and I'd like to
10 have oral appearances in the short form now from

11 counsel. I'll take first the appearance of counsel
12 in the hearing room. Mr. Trotter.

13 MR. TROTTER: Thank you. Donald T. Trotter,
14 Assistant Attorney General, for the Commission.

15 JUDGE MACE: Thank you. And now I'd like to
16 take appearances from those who've joined us on the
17 conference bridge. Mr. Williams.

18 MR. WILLIAMS: This is James Williams, with
19 Perkins Coie, on behalf of Puget Sound Energy.

20 JUDGE MACE: Thank you. And Ms. Riordan?

21 MS. RIORDAN: This is Lori Riordan,
22 appearing on behalf of the City of Bellevue.

23 JUDGE MACE: Is there anyone else on the
24 conference bridge who wants to enter an appearance?
25 I hear no response. Thank you.

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1 The primary purpose of today's pre-hearing
2 conference, as I mentioned, is to set a schedule.
3 But is there anything preliminary we need to address
4 before we turn to that? Anything from the conference
5 bridge? No.

6 MS. RIORDAN: Not from the City.

7 JUDGE MACE: All right. Then let me
8 indicate that I've received from Staff, prior to
9 going on the record today, a proposed schedule. Mr.
10 Trotter, why don't you go ahead and address that.

11 MR. TROTTER: Thank you, Your Honor. As you
12 know, this pre-hearing conference was rescheduled
13 from February 24th, because certain analyses and
14 studies from the company have not yet been received.
15 The notice indicates that we expected certain reports
16 by February 28th, and we did get certain reports from
17 the company, particularly the metallurgic analysis of
18 the pipe that failed and some associated documents.
19 So progress was -- a lot of progress has been made.

20 We did believe that -- the document I handed
21 to you, and which I circulated to counsel last week,
22 both for the Company and the City, indicates that
23 there are still a couple of items that need to be
24 provided by the Company, and one is the coating
25 survey, which was required by the Commission order,

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1 and the other is the Company is doing a sample of
2 certain pipe service facilities that were taken from
3 the area at issue. The company has indicated that
4 they expect the results of those analyses to be
5 provided in early May of this year.

6 So accordingly, we decided it was
7 appropriate to put together a schedule for your
8 consideration and the Commission's consideration.
9 There is a bit of slack in the schedule. That is why
10 we did not propose specific dates for much of the
11 schedule.

12 We're using the Staff filing of its direct
13 case on or before June 28th because, depending on
14 what we receive in early May, we may be able to file
15 a case substantially before that, or we felt
16 comfortable that, regardless of what we get, as long
17 as we get it in that time, we would likely be able to
18 file on June 28th.

19 Of course, like any schedule, if something
20 comes up, we would reserve the right to come back to
21 you for modification. But to move the case forward,
22 if we are able to submit our case before June 28th,
23 then the other dates would flow from that.

24 So that is the proposal, and it has been
25 circulated to the other parties. It's my

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1 understanding that PSE can agree to it, and I had not
2 heard from the City, so I believe that's the posture
3 of the schedule at this moment.

4 JUDGE MACE: Ms. Riordan, have you had a
5 chance to look at the proposed schedule?

6 MS. RIORDAN: I have, and I have no
7 objection to it.

8 JUDGE MACE: I think I need to address some
9 concerns I have about the proposed schedule. The
10 primary one is that it is my understanding that the
11 Commissioners may preside in this case, at the
12 hearing, and if that's the case, I don't have the
13 flexibility that this schedule would call for to
14 simply say that the hearing would be set 15 days
15 after event number three. I need to set -- I need to
16 actually schedule dates because the Commissioners'
17 calendars gets full, and if I don't schedule dates,
18 then I lose the opportunity to have their time for a
19 hearing. So --

20 MR. TROTTER: Your Honor, the proposed
21 schedule did not require a hearing 15 days after
22 event number three; it just said no less than 15
23 days, so there would be some flexibility there. But
24 I understand your point. If the time is now to set
25 -- to pick an August, for example, an August date,

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1 because if we don't pick it now it will be lost and
2 it will be in November, I understand that
3 consideration.

4 JUDGE MACE: Well, as I looked at the
5 schedule and tried to parse out the actual dates, it
6 appeared to me, and subject to your correction if
7 I've miscalculated it, that the hearing -- if these
8 dates ended up being the true dates for the schedule,
9 that the hearing would take place sometime in the,
10 roughly, third week of September. And my thought
11 would be simply to take the dates that you have
12 provided here, even though you've talked about
13 flexibility, and simply go ahead and schedule, create
14 a schedule with definite dates, and perhaps with a
15 hearing scheduled for September 19th to the 21st.

16 MR. TROTTER: That is --

17 JUDGE MACE: I suppose if it ended up that
18 you, Staff, filed your case May 30th, for some
19 reason, that we could then revisit the schedule at
20 that point and maybe move things up, but as it is
21 right now, I would prefer to use this schedule and
22 schedule dates in September, and then that way we'd
23 be assured of having a place on the calendar, with a
24 possibility of changing it if circumstances did
25 change with regard to your filings.

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1 MR. TROTTER: That is acceptable to Staff,
2 Your Honor.

3 JUDGE MACE: How about Puget Sound Energy?

4 MR. WILLIAMS: It's fine with us, Your
5 Honor.

6 JUDGE MACE: And Ms. Riordan, City of
7 Bellevue?

8 MS. RIORDAN: That's also fine with the
9 City.

10 JUDGE MACE: Okay. Let me just reiterate
11 for the record, then, that my calculation of the
12 schedule would call for filing of the Company and
13 City cases on July 27th; the Staff rebuttal case on
14 August 24th; hearing, again, subject to my further
15 check with the Commission about its schedule, hearing
16 September 19th through the 21st.

17 And also, for purposes of scheduling, I
18 would insert dates for opening briefs, reply briefs,
19 and possibly a target order date that would be
20 subject to change if we needed to do that at the time
21 of the hearing. So those dates for opening briefs
22 would be October 21st, and for reply briefs would be
23 November 4th.

24 MR. TROTTER: What was the opening brief?
25 I'm sorry.

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1 JUDGE MACE: October 21st.

2 MR. TROTTER: Thank you.

3 JUDGE MACE: And that date is set based on
4 the premise the transcripts, in the normal course,
5 are available approximately two weeks after the last
6 day of hearing, and that would give you two weeks
7 after the transcript was available to prepare the
8 brief.

9 So if there's no objection to that course of
10 action, that's what I'll do. I'll insert these dates
11 with the understanding that there's a possibility we
12 may have to revisit scheduling again. Any objection?
13 Anyone on the conference bridge have any objection to
14 that approach?

15 MS. RIORDAN: No objection.

16 MR. WILLIAMS: No objection.

17 MR. TROTTER: No objection, Your Honor.

18 JUDGE MACE: Is there anything else that we
19 need to address at this point?

20 MR. TROTTER: Staff has nothing. I think
21 the goal here was to get a schedule going. I think
22 the parties have been working together well on
23 discovery issues, so we understand, if issues come
24 up, we can come back to you and address them, if
25 necessary.

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1 JUDGE MACE: Actually, as I look at the
2 schedule, I need to address one additional item. I
3 would need to establish a date for a pre-hearing
4 conference before the hearing to allow us to mark
5 exhibits and to deal with any pre-hearing issues,
6 especially in light of the fact that the
7 Commissioners may preside at the hearing. So I'll
8 just insert a date and I'll send that out to you in
9 the pre-hearing conference order.

10 MR. TROTTER: Can we assume, Your Honor,
11 that will be around a week or ten days before the
12 hearing?

13 JUDGE MACE: May not be ten days. May be a
14 week.

15 MR. TROTTER: A week, okay.

16 JUDGE MACE: Something like that.

17 MR. TROTTER: In that range.

18 JUDGE MACE: I don't want it to be too far
19 out from the hearing, because that makes it too hard
20 for everybody to get their exhibits together and
21 processed for purposes of our proceeding.

22 MR. TROTTER: Very well.

23 JUDGE MACE: Very well, then. It appears
24 that we have a schedule. It may be tentative,
25 somewhat tentative, but that's okay. Looks like

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1 we're heading in a good direction. And since it
2 appears -- oh, let me just check with people on the
3 conference bridge. Is there anything else before I
4 close the hearing today?

5 MR. WILLIAMS: Nothing from Puget Sound
6 Energy, Your Honor.

7 MS. RIORDAN: Nor from the City.

8 JUDGE MACE: Thank you very much. All
9 right. The hearing is completed. Thank you.

10 MR. TROTTER: Thank you, Your Honor.

11 MS. RIORDAN: Thank you, Your Honor.

12 (Proceedings adjourned at 9:44 a.m.)

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