Docket No. UE-200115 - Vol. III

In the Matter of the Application of Puget Sound Energy

September 8, 2020



COURT REPORTING AND LEGAL VIDEO

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Docket No. UE-200115 - Vol. III - 9/8/2020

| Page 108 | Page 110 |
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| BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION | 1 REMOTE APPEARANCES (Continued) 2 |
| In the Matter of the Application of) DOCKET UE-200115) PUGET SOUND ENERGY,)) For an Order Authorizing Sale of All) of Puget Sound Energy's Interests in) Colstrip Unit 4 and Certain of Puget) Sound Energy's Interest in Colstrip) Transmission System) | 3 FOR SIERRA CLUB: 4 JESSICA YARNALL LOARIE 5 SIERRA CLUB ENVIRONMENTAL LAW PROGRAM 5 2101 Webster Street, Suite 1300 Oakland, California 94612 Oakland, California 94612 6 jessica.yamall@sierraclub.org 7 FOR NRDC: 8 KATHERINE WHITE TUDOR CHUCK McGRAW 9 9 WHITE TUDOR LLC 2417 Capitol Way South 10 Olympia, Washington 98501 kate@whitetudor.com |
| REMOTE VIDEO STATUS CONFERENCE ADMINISTRATIVE LAW JUDGE ANDREW J. O'CONNELL VOLUME III Pages 108 - 170 | 11 12 FOR NWEC AND RNW: 13 IRION SANGER SANGER LAW P.C. 14 1041 SE 58th Place Portland, Oregon 97215 15 irion@sanger-law.com 16 |
| LACEY, WASHINGTON September 8, 2020 11:39 a.m. REPORTED BY: CRYSTAL R. McAULIFFE, RPR, CCR 2121 | FOR AVISTA: 17 MICHAEL G. ANDREA 18 AVISTA CORPORATION 1411 E. Mission Avenue, MSC-27 19 Spokane, Washington 99220 michael.andrea@avistacorp.com 20 21 FOR PGE: 22 DOUGLAS C. TINGEY PORTLAND GENERAL ELECTRIC COMPANY 23 121 SW Salmon Street, 1WTC1301 Portland, Oregon 97204 24 doug.tingey@pgn.com |
| Page 109 | Page 111 |
| 1 REMOTE APPEARANCES 2 FOR PSE: 3 JASON KUZMA DAVID S. STEELE 4 PERKINS COLE LLP 10885 NE 4th Street, Suite 700 5 Bellevue, Washington 98004-5579 jkuzma@perkinscole.com 6 dsteele@perkinscole.com 7 FOR COMMISSION STAFF: 8 JOSEPH M. DALLAS ASSISTANT ATTORNEY GENERAL 9 OFFICE OF THE ATTORNEY GENERAL 9 OFFICE OF THE ATTORNEY GENERAL 9 OFICE OF THE ATTORNEY GENERAL 9 Olympia, Washington 98504 10 Joe.M.Dallas@gmail.com. 12 FOR PUBLIC COUNSEL: 13 LISA W. GAFKEN 14 ASSISTANT ATTORNEY GENERAL WASHINGTON STATE ATTORNEY GENERAL WASHINGTON STATE ATTORNEY GENERAL'S OFFICE 15 PUBLIC COUNSEL UNIT 18 BOS th Avenue, Suite 2000 16 Seattle, Washington 98104 Iisa.gafken@atg.wa.gov Jisa.gafken@atg.wa.gov 17 BRENT L. COLEMAN DAVISON VAN CLEVE, PC J750 SW Harbor Way, Suite 450 <t< td=""><td>1 REMOTE APPEARANCES (Continued) 2 3 3 FOR MICROSOFT: 4 TYLER C. PEPPLE CORINNE MILINOVICH 5 DAVISON VAN CLEVE, P.C. 1750 SW Harbor Way, Suite 450 6 Portland, Oregon 97201 tcp@dvclaw.com 7 BRIAN CHESTNUT ZIONTZ CHESTNUT 10 2101 4th Avenue, Suite 1230 Seattle, Washington 98121 11 206.448.1230 12 ALSO PRESENT: 14 Jeff Jordan Wendy Gerlitz 15 16 17 18 19 20 21 23 24 25</td></t<> | 1 REMOTE APPEARANCES (Continued) 2 3 3 FOR MICROSOFT: 4 TYLER C. PEPPLE CORINNE MILINOVICH 5 DAVISON VAN CLEVE, P.C. 1750 SW Harbor Way, Suite 450 6 Portland, Oregon 97201 tcp@dvclaw.com 7 BRIAN CHESTNUT ZIONTZ CHESTNUT 10 2101 4th Avenue, Suite 1230 Seattle, Washington 98121 11 206.448.1230 12 ALSO PRESENT: 14 Jeff Jordan Wendy Gerlitz 15 16 17 18 19 20 21 23 24 25 |

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| | Page 112 | | Page 114 |
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| 1 | LACEY, WASHINGTON | 1 | Mr. Coleman, are you there? |
| 2 | SEPTEMBER 8, 2020 | 2 | MR. COLEMAN: I am, but muted. I apologize. |
| 3 | 11:39 a.m. | 3 | Your Honor, Brent Coleman from the law firm of Davison |
| 4 | -000- | 4 | Van Cleve on behalf of the Alliance of Western Energy |
| 5 | JUDGE O'CONNELL: Let's go ahead and proceed | 5 | Consumers. |
| 6 | and let's be on the record. | 6 | JUDGE O'CONNELL: Thank you. |
| 7 | Mr. Smith, if you can start the recording. | 7 | And for Microsoft? |
| 8 | Good morning. Time is approximately 11:40 | 8 | MR. PEPPLE: Good morning. Tyler Pepple |
| 9 | a.m. My name is Andrew O'Connell. I'm an | 9 | here on behalf of Microsoft Corporation, and with me is |
| 10 | Administrative Law Judge with Washington Utilities and | 10 | Corinne Milinovich. |
| 11 | Transportation Commission, and I'm presiding in this | 11 | JUDGE O'CONNELL: Thank you. |
| 12 | matter along with the Commissioners. | 12 | For Sierra Club? |
| 13 | We're here today for a second prehearing | 13 | MS. YARNALL LOARIE: Good morning, Your |
| 14 | conference in Docket UE-200115. We held a prehearing | 14 | Honor. This is Jessica Yarnall Loarie representing |
| 15 | conference in this matter on March 13, 2020, but the | 15 | Sierra Club. My colleague Doug Hall is also on the |
| 16 | Commission determined that a second was necessary to | 16 | line. |
| 17 | determine a new procedural schedule. We will also | 17 | JUDGE O'CONNELL: Thank you. |
| 18 | address two late-filed petitions to intervene. Let's | 18 | For Northwest Energy Coalition and Renewable |
| 19 | move forward and take short appearances from the | 19 | Northwest? |
| 20 | parties. I will call on each party or petitioner | 20 | MR. SANGER: Irion Sanger, legal counsel for |
| 21 | separately. | 21 | Northwest Energy Coalition and Renewable Northwest. |
| 22 | Let's begin with PSE. | 22 | Necessary, we also have Wendy Gerlitz from Renewable |
| 23 | MR. KUZMA: Good morning, Your Honor. This | 23 | Northwest on the line. |
| 24 | is Jason Kuzma for Perkins Coie on behalf of Puget Sound | 24 | JUDGE O'CONNELL: Okay. Thank you. |
| 25 | Energy. With me on the call is David Steele. | 25 | For Natural Resources Defense Council? |
| | Page 113 | | Page 115 |
| | | | |
| 1 | JUDGE O'CONNELL: Thank you. | 1 | MS. WHITE TUDOR: This is Kate White Tudor |
| 1 2 | JUDGE O'CONNELL: Thank you. And for Staff? | 1 2 | MS. WHITE TUDOR: This is Kate White Tudor |
| | And for Staff? | | MS. WHITE TUDOR: This is Kate White Tudor representing the Natural Resources Defense Council. And |
| 2 | And for Staff? MR. DALLAS: Yes, Your Honor. This is Joe | 2 | MS. WHITE TUDOR: This is Kate White Tudor representing the Natural Resources Defense Council. And I have my colleague, Chuck McGraw, on the line. |
| 2 3 | And for Staff? | 2 3 | MS. WHITE TUDOR: This is Kate White Tudor representing the Natural Resources Defense Council. And |
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| 2 3 4 5 6 7 | And for Staff? MR. DALLAS: Yes, Your Honor. This is Joe Dallas, Assistant Attorney General on behalf of Commission Staff. JUDGE O'CONNELL: Thank you. And for public counsel? | 2 3 4 5 6 7 | MS. WHITE TUDOR: This is Kate White Tudor representing the Natural Resources Defense Council. And I have my colleague, Chuck McGraw, on the line. JUDGE O'CONNELL: Thank you. For Avista? MR. ANDREA: This is Michael Andrea, in-house counsel for Avista. |
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| 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 | And for Staff? MR. DALLAS: Yes, Your Honor. This is Joe Dallas, Assistant Attorney General on behalf of Commission Staff. JUDGE O'CONNELL: Thank you. And for public counsel? MS. GAFKEN: This is Lisa Gafken, Assistant Attorney General appearing on behalf of Public Counsel. Your Honor, I also just a note about a video, I am not seeing an option for me to join by video. I've logged on to Teams online, but I'm also on the phone. JUDGE O'CONNELL: Okay. Thank you. I'm unsure why that is the case, but we will MS. GAFKEN: It may be because I'm joining through my browser instead of through the app; that's the only explanation that I can come up with. JUDGE O'CONNELL: Okay. I don't have any technical advice that I can give to help with that. So please just stay on the phone and stay with us. MS. GAFKEN: Will do. | 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 | MS. WHITE TUDOR: This is Kate White Tudor representing the Natural Resources Defense Council. And I have my colleague, Chuck McGraw, on the line. JUDGE O'CONNELL: Thank you. For Avista? MR. ANDREA: This is Michael Andrea, in-house counsel for Avista. JUDGE O'CONNELL: Okay. I have excused PacifiCorp from the prehearing conference after they contacted me and explained a conflict that they had with this week. For Portland General Electric, then. MR. TINGEY: Doug Tingey for Portland General Electric. JUDGE O'CONNELL: Thank you, Mr. Tingey. For the Northern Cheyenne Tribe? MR. CHESTNUT: Brian Chestnut, Ziontz Chestnut Law Firm on behalf of Northern Cheyenne Tribe. JUDGE O'CONNELL: Thank you. And Jeff Jordan? Mr. Jordan, if you are on the line if you are on the phone line and we can't hear you, you have to unmute yourself by pressing star six. Okay. |
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2 (Pages 112 to 115)

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| 1 wated before starting the hearing to see if Mr. Jordan your petitions to intervene on the standard of whether 2 would connect to this preferencing conference. your petitions to intervene on the standard of whether 3 Wa are now on the record and taking short ageorances from the paties and the petitiones 3 intervening. Thave not heard from def Jordan. Ware Additionally for late-filed petitions, the 4 geographic starting interest in the preceding of a potton to intervene. Additionally for late-filed petitions, the 5 as a Innetional bodro, we have two Imcurrently unconvinced and undicide as to whether 7 you petitions to intervene and then we will dicuss a new procedural Imcurrently unconvinced and undicide as to whether 12 intervening the bottem Cheyenne Tribe and Jef Jordan. The received the registron to intervene and then we will dicuss a new proceed, des 13 the intervening in the patience to intervene and public Imcurrently unconvinced and undicides as to whether 14 The two lafefiled petitions to intervene and public Imcurrently unconvinced and undicides as to whether 14 The two lafefiled petitions to intervene and public Imcurrently unconvinced and undicides as to whether 15 the isocherd, we anow on the other of th | | Page 116 | | Page 118 |
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| 2 you have a substantial interest in the proceeding or apparances from the parties and the patilioners of intervening. I have not heard from Jeff Jordan. We're going to proceed with the prehearing conference, and if Mr. Jordan is unable to attend, then we will make a decision regarding his petition to intervene. 5 9 motion the parties and the patilioners and decision regarding his petition to intervene. 6 9 motion the delay in your filing of a petition to intervene. 7 9 primary issues to address at this probating conference, primary issues to address at this probating conference. 7 11 primary issues to address at this probating conference. 7 12 intervene and than we will discuss a new procedural schedule. 7 13 schedule. 10 11 14 The two late-filed petitions to intervene in this proceeding are from the Northern Cheyenne Tribe and Jeff Jordan. I've read PSE switch response sposing to the intervontion of the Northern Cheyenne Tribe. 10 10 16 This the two the petitions to intervene. 11 11 11 17 the late-filed petitions to intervene. 12 11 12 18 the intervontion of the Northern Cheyenne Tribe and Jeff Jordan. I've read PSE swinthe Northeren Cheyenne Tribe that was filed this morning. I have | 1 | waited before starting the hearing to see if Mr. Jordan | 1 | your petitions to intervene on the standard of whether |
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| 4 appearances from the paties and the petitioners intervent. 5 intervent. Additionally for itabeling petitions, the 6 going to proceed with the preheasing conference, and if M. Jordan Is unable to attand, then we will make a 7 Mr. Jordan Is unable to attand, then we will make a for the delay in your filing of a patition to intervene. 9 So as I mentioned before, we have two primary issues to address at this preheating conference. fin the delay in your filing of a patition to intervene. 11 First, follike to address the late-filed petitions to intervene in heads-up to Sierra Club, I'm going to ask Sierra Club a 12 intervene and then well discuss a new procedural heads-up to Sierra Club, I'm going to ask. Sierra Club a 13 schedule. intervene and the well discuss a new procedural 14 March. Vale Joach. I've read PES written response opposing 15 the intervention of the Northern Cheyenne Tribe, and 16 Jeff Joach. I've read PES written response opposing 17 the intervention of the Northern Cheyenne Tribe, and 16 petitism and the regive that well distitutism and the regive that well distitution to intervene. 17 the late-filed pattitions to | 3 | | 3 | |
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| 7 Mr. Jordan is unable to attend, then we will make a 7 for the delay in your filing of petition to intervene. 8 decision regarding his petitions to intervene. 8 for the delay in your filing of apetition to intervene. 10 primary issues to address at this preheating conference. 8 fm currently uncominaced and undecided as to whether you should be granted intervention. I want to hear 12 intervene and then we will discuss a new procedural schedule. 1 head-up to Sitera Club. I'm going to ask Sitera Club a 14 The two late-filed petitions to intervene in the Norther Theyenen Tribe. No. Add. Sitera Club a 15 the derive table file optitions to intervene and public No. New read the 16 petition to intervene and public 1 head-up to Sitera Club. I'm going to ask Sitera Club a 16 patient and the reply that to ovice an objection to either of the late-filed petitions to intervene. 17 both late-filed petitions to intervene? 1 head-up to Sitera Club. I'm going to ask shead Club and the reply that to ovice an objection to either of 18 any other party wart to voice an objection to either of the late-filed petitions to intervene. 19 MR. SANGER: Your Honor, this is Iron Sitera Club. I'm going to ask andither explustatil interventin. | 6 | • | 6 | |
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| 10 primary issues to address at this prehearing conference. 10 first, I'd like to address the late-filed petitions to intervene and then we will discuss a new procedural 11 heads-up to Sierra Club, I'm going to ask Sierra Club a 13 related question about the transition planning issue it 11 14 The two late-filed petitions to intervene in 11 15 Jeff Jordan. I've read PSE's written responses opposing 10 11 16 Jeff Jordan. I've read PSE's written responses opposing 10 10 16 the Northern Cheyenne Tribe. 10 17 to the intervention of the Northern Cheyenne Tribe. 10 18 questions, I still want to glase identify what 20 any ofthe rayly want to voice an objection to either of 21 Tribe that was filed this morning. I have not received 11 23 So let me ask first, before we proceed, does 23 24 any ofthe rayly want to voice an objection to either of 24 25 the late-filed petitions to intervene. 25 26 sanger. We did have a comment twe wanted to make that want in support or in opposition to Mr. Jordan's 26 the late-filed petitions to intervene. 27< | 8 | decision regarding his petition to intervene. | 8 | I'm currently unconvinced and undecided as to whether |
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| 15 this proceeding are from the Northern Cheyenne Tribe and Jeff Jordan. Twe read PSE's written responses opposing to bit lafe-filed petitiones to intervene and public coursel's written response stating it had no objection 15 Okay. Mr. Chestnut, I have read the petition and the reply that you lifely this morning with the Commission. While you reply addressed some of my questions. Will you please identify what 10 to the intervention of the Northern Cheyenne Tribe that was filed this morning. I have not received any other objections to intervene. 16 petition and the reply from the Northern Cheyenne Tribe that was filed this morning. I have not received any other objections to intervene. 21 Tribe that was filed this morning. I have not received any other party want to voice an objection to either of the late-filed petitions to intervene? 18 questions, I still you please identify what issues the Northern Cheyenne Tribe granted intervention, and also explain how the Tribe's intervention request. 1 MR. SANGER: Your Honor, this is lifon Sanger. We did have a comment we wanted to make that wasn't in support or in opposition to Mr. Jordan's intervention request. 1 has a very substantial interest in the proposed sale. 1 MR. SANGER: Your Honor, this is lifon Sanger. We did have a comment we wanted to make that wasn't in support or in opposition to Mr. Jordan's intervention request. 1 has a very substantial interest in the proposed sale. 1 MR. SANGER: That is correct. If Mr. Jordan's intervention is going to be denied, we wanted to make some statements to ensure that it's denied in a way or | 13 | schedule. | 13 | identified in its original petition to intervene back in |
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| 22 any other objections to the petitions to intervene. 22 participation as a party will benefit the Commission's decision this matter. 23 any other party want to voice an objection to either of the late-filed petitions to intervene? 23 MR. CHESTNUT: The Northern Cheyenne Tribe is the only Tribe involved in this proceeding. And it 24 max other party want to voice an objection to either of the late-filed petitions to intervene? 24 MR. CHESTNUT: The Northern Cheyenne Tribe is the only Tribe involved in this proceeding. And it 25 the late-filed petitions to intervene? Page 117 Page 117 1 MR. SANGER: Your Honor, this is Irion 1 has a very substantial interest in the proposed sale. I's the closest - in some ways, it has more of an intervention request. 3 JUDGE O'CONNELL: Okay. We're I'm going 5 Tou know, there's a variety of issues that 4 address each petition to intervene. But I was just 6 to know at the outset if there would be an 6 that correct? MR. SANGER: That is correct. If 1 washington rate payers, and the Norther Cheyenne Tribe 13 MR. SANGER: That is correct. If 1 1 washington sate may arise here. And those 14 Mr. Jordan's intervention is going to be denied, we wanted to make sore statements to ensure tha | | | | |
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3 (Pages 116 to 119)

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| | Page 120 | Pag | e 122 |
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| 1 | granted intervention, have affected members in this | 1 question. I'm trying to remember the other element | of |
| 2 | state, Washington State, and are interested in | 2 it. | 0. |
| 3 | protecting their interests as issues about rates and | 3 JUDGE O'CONNELL: Well, just whether yo | ou |
| 4 | and related issues will come up. | 4 think that this proceeding in Washington is an | |
| 5 | And then the last issue I'll mention is the | 5 appropriate place to address your concerns. | |
| 6 | social justice component of this, which I think is in | 6 MR. CHESTNUT: We we think it's just as | S |
| 7 | the public interest of Washington State. Although we're | 7 appropriate as the Montana proceeding. The issues | |
| 8 | not acknowledging that public interest is limited to | 8 very similar, and we believe that we have a right to | |
| 9 | Washington State. I think there's no qualifier on that | 9 present our perspective. And we think it's also | |
| 10 | term in the statutes or regulations. But at any rate, | 10 beneficial for the Commission to hear from the Triba | d |
| 11 | there is a justice component of the energy consumed in | 11 perspective as part of its decision making. | |
| 12 | Washington, you know, whether that production takes | 12 JUDGE O'CONNELL: Okay. The last ques | stion I |
| 13 | place in Montana or Washington. In this case, the | 13 have for you is based on the timing of your petition. | |
| 14 | energy produced in Montana has a big impact on the | 14 It's been nearly six months since our first prehearing | 3 |
| 15 | Northern Cheyenne Tribe through the jobs it provides to | 15 conference in this matter, and the Commission has I | - |
| 16 | the very needy people on the reservation. | 16 very understanding with delays and other difficulties | |
| 17 | So those are just some of the interests that | 17 caused by the COVID 19 pandemic. But six months | |
| 18 | the Tribe has. The Tribe would probably the Tribe's | 18 like a very long time even under these difficult | |
| 19 | plan, as it did in the Montana Public Service Commission | 19 circumstances. What is the best reason to grant yo | our |
| 20 | case, provided testimony from a Tribal leader. We | 20 intervention despite such a long delay? | |
| 21 | didn't do any discovery, I do not believe, and we | 21 MR. CHESTNUT: Well, I think we've stated | ł |
| 22 | wouldn't in this case. But we would provide you the | 22 the logistical concerns or logistical challenges that | t |
| 23 | perspective of a Tribal leader who can touch on these | 23 we had, and we think that establishes good cause. | And, |
| 24 | topics and give you that perspective so that you are | 24 you know, the good cause standard doesn't mean th | |
| 25 | fully informed of the interests that both relate to the | has to be impossible. It was just very, very | |
| | | | |
| | Page 121 | Pag | e 123 |
| 1 | Tribe and the Washington state public interest. | 1 practically in practical terms, very difficult for us | s |
| 2 | Does that answer your question, Your Honor? | 2 to be timely here. But the best reason, perhaps, | , for |
| 3 | JUDGE O'CONNELL: Yes, it does. And I | 3 granting the Tribe's request in light of the delay, | |
| 4 | noticed in the petition that you you mentioned that | 4 that no party will be prejudiced. That we will o | |
| 5 | the Tribe states it would essentially waive discovery | 5 involvement will be minimal compared to some o | |
| 6 | because it only wanted to advocate its interests. Is | 6 other parties and the schedule's just being devel | loped |
| 7 | that I think I heard that you said that was true, and | 7 right now. | |
| 8 | so I just want to make sure that is right. | 8 JUDGE O'CONNELL: Okay. Thank you | u. |
| 9 | MR. CHESTNUT: That is correct. | 9 MR. CHESTNUT: Thank you. | . |
| 10 | JUDGE O'CONNELL: Okay. The petition also | 10 JUDGE O'CONNELL: From the Sierra (| |
| 11 | states that the Tribe feels unable to address its | 11 Ms. Yarnall Loarie. I noticed in your original petit | tion |
| 12 | concerns through the proceeding in Montana. Why do you | 12 to intervene you stated your intention to explore | |
| 13 | believe this proceeding in Washington would be an | 13 impacts on Colstrip transition planning. Did this | |
| 14 | appropriate place to address those concerns? | 14 include community transition planning, or did Sie | |
| 15 16 | MR. CHESTNUT: Well, I think that both are | Club only mean the transition of the power plantit's associated transmission assets? | and |
| 17 | appropriate places. We don't know we we presented our concerns to the Montana process, and in an | | ad to go |
| 18 | earlier proceeding. There is a current proceeding in | 17 MS. YARNALL LOARIE: You know, I ha 18 back and look at our original petition just as you | - |
| 19 | Montana related to this acquisition that we're not clear | back and look at our original petition just as you flagged it. I mean, I think it could encompass an | |
| 20 | on whether we're going to be able to present. But we | those concerns. I don't know. I mean, that wou | |
| 20 | think we should be entitled to present to both because | 21 potential outcome if there were to be a settlemer | |
| 22 | we have a stake in both the decision here and the | this case that I think we get deeper into those iss | |
| 23 | decision in Montana, and there's no legal reason we | 23 JUDGE O'CONNELL: Yes. I noticed that | |
| 24 | shouldn't be able to do that. I think that's part of | 24 didn't limit yourself in the issues you would addre | • |
| | | , | |
| 25 | the question you asked. I'm answering part of your | 25 I was just curious about that one that you had | |

4 (Pages 120 to 123)

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| | Page 124 | Page 12 | 6 |
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| 1 | | | 0 |
| 2 | mentioned, what it was that you encompassed. So thank | decommissioning, not only are they vague and it's unclear how they relate to whether or not the proposed | |
| ∠ 3 | you for clearing that up. Okay. Now, I want to hear from PSE. | 3 transactions at issue in this proceeding are consistent | |
| 4 | Mr. Steele, I believe you are the one I | 4 with the public interest, but but, for example, the | |
| 4 5 | should address for the petition to intervene. I've read | solution of the public interest, but but, for example, the closure of Unit 4 I don't believe is an issue at this | |
| 6 | PSE's written objection to the Northern Cheyenne Tribe's | proceeding. It is not, you know, decommissioning and | |
| 7 | intervention, so you don't need to repeat yourself. But | Proceeding: It is not, you know, decommissioning and environmental issues I don't believe are within scope of | |
| 8 | is there anything additional you would like to say or | 8 this proceeding. Unit 4 is still operating, and so | |
| 9 | anything you've heard today from Mr. Chestnut that you'd | 9 hypothetical scenarios around the closure of Unit 4 I | |
| 10 | like to respond to? | 10 think there is a real question as to whether that's | |
| 11 | MR. STEELE: Thank you, Your Honor. Excuse | 11 within the scope of this proceeding. | |
| 12 | me. Thank you, Your Honor. | 12 Regardless, the proposed transactions | |
| 13 | You know, I think I think there are a few | 13 provide that PSE is retaining all existing liabilities | |
| 14 | important points worth emphasizing, and one of them is | 14 associated with Unit 4 and that decommissioning would be |) |
| 15 | the the Tribe mentions substantial interest. And | 15 performed in accordance with Montana law and Federal | |
| 16 | and I think Mr. Chestnut repeated again here. I don't | 16 law. And so I think the issues the Tribe is raising | |
| 17 | think the substantial interest standard has been met | 17 really push beyond the bounds of this proceeding, which | |
| 18 | here. The substantial interest standard requires a | 18 in the prehearing conference order, this Commission said | |
| 19 | demonstration of some kind of statutory interest that | 19 was limited. | |
| 20 | the Commission has the authority to protect in this | 20 The proper forum for a lot of these issues | |
| 21 | proceeding. And so far, the Tribe has not identified | 21 is the Montana Public Service Commission. I believe for | |
| 22 | any rule or law or statute in Washington that would | almost all, if not all, the issues raised by the Tribe | |
| 23 | provide the Commission with statutory authority over the | 23 in this case. | |
| 24 | Tribe's interests. And so for that reason, there is no | 24 Our opposition addressed the Tribe's | |
| 25 | substantial interest that the Tribe has provided at this | 25 interest in selling power to Washington, and I think | |
| | | | |
| | | | |
| | Page 125 | Page 12 | 7 |
| 1 | Page 125 point. | Page 12 1 that there are I think the prehearing conference | 7 |
| 1 2 | | | 7 |
| | point. | 1 that there are I think the prehearing conference | 7 |
| 2 | point. The other thing I wanted to address is is | that there are I think the prehearing conference order was abundantly clear that this is not a forum to | 7 |
| 2 3 | point. The other thing I wanted to address is is the Tribe seems to be pushing back on the public interest standard and whether or not it it it goes beyond the interest of Washington. And what I'll say | that there are I think the prehearing conference order was abundantly clear that this is not a forum to advance commercial interests. This proceeding is not | 7 |
| 2 3 4 | point. The other thing I wanted to address is is the Tribe seems to be pushing back on the public interest standard and whether or not it it it goes beyond the interest of Washington. And what I'll say about that is the Commission is a Washington agency, | that there are I think the prehearing conference order was abundantly clear that this is not a forum to advance commercial interests. This proceeding is not about broad community transition issues, and it appears that was the issue raised in the Montana proceedings. Doesn't seem like the Tribe should be able to present | 7 |
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5 (Pages 124 to 127)

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| | Page 128 | | Page 130 |
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| 1 | | 1 | |
| 1 | placed upon it in the Montana proceedings. It seems to | | chiming in at once, I just want you to know I'm going to |
| 2 3 | me, at least, highly questionable the Tribe would wait | 3 | take a pause. So. Is there any other party that would |
| | nearly six months and not until after it had been denied | 4 | like to be heard on the late-filed petition of the |
| 4 5 | the ability to present community transition information | 5 | Northern Cheyenne Tribe? MR. SANGER: Yes, Your Honor. This is Irion |
| 6 | for that proceeding, if if the Montana Public Service | 6 | |
| 0 7 | Commission restrictions were not the primary basis for intervening. In other words, if those proceedings are | 7 | Sanger for Renewable Northwest and Northwest Energy Coalition. |
| 8 | just as important in these ones, why wait almost six | 8 | JUDGE O'CONNELL: Go ahead, Mr. Sanger. |
| 8 9 | months to intervene? | 9 | MR. SANGER: Thanks. We support the Tribe's |
| 10 | My final comment is if the Tribe is allowed | 10 | intervention in this case. We support it on the grounds |
| 11 | to participate, PSE would request that it's | 11 | that the Tribe's representing individuals and has an |
| 12 | participation should be narrowly restricted and focused | 12 | overall interest which is under-represented, and we |
| 13 | on only whether the proposed transactions are consistent | 13 | think that that representation would be beneficial for |
| 14 | with the public interest in Washington. Thank you, Your | 14 | all involved. As they stated, they are going to focus |
| 15 | Honor. | 15 | on the public interest which is the focus of this |
| 16 | JUDGE O'CONNELL: Thank you. That was quite | 16 | proceeding, and we think that the Commission would be |
| 17 | a bit. | 17 | well-served by hearing what they have to say. |
| 18 | So, Mr. Chestnut, in light of the things | 18 | In addition, in response to PSE's statements |
| 19 | that Mr. Steele raised, you need not repeat yourself. | 19 | about Colstrip 4, we think that Colstrip 4 is part of |
| 20 | I'm aware of what you've written in your petition and | 20 | the overall aspect of the issues being addressed in this |
| 21 | your reply, but I am going to ask if you have something | 21 | proceeding. It's part of the the impacts on Colstrip |
| 22 | else you would like to say for my consideration and the | 22 | 4 are part of the overall transaction. We know they are |
| 23 | Commissioner's consideration of your petition to | 23 | not specifically addressed, but I don't think you can |
| 24 | intervene. | 24 | consider part of the Colstrip facility without |
| 25 | MR. CHESTNUT: Well, I think if we are | 25 | considering it all. So if you decide to deny the |
| 20 | | | |
| | Page 129 | | Page 131 |
| 1 | focused on what the last point was, that we be limited | 1 | intervention, we would urge you not to resolve any |
| 2 | to the public interest, that seems redundant with this | 2 | particular issues regarding whether or not Colstrip 4 is |
| 3 | whole proceeding, so I'm not sure how that would limit | 3 | included in the case because that hasn't adequately been |
| 4 | our presentation. | 4 | brought up to the Commission for the Commission to make |
| 5 | But in terms of the public interest that's | 5 | a decision, including Colstrip 4, at this time. |
| 6 | at stake here, we've provided about five reasons. I | 6 | JUDGE O'CONNELL: Okay. Public counsel |
| 7 | think that the Tribe is not represented by other parties | 7 | filed a written response not objecting to the |
| 8 | here. Their interests are very different. They are a | 8 | intervention of the Northern Cheyenne Tribe. |
| 9 | Tribal government which is uniquely situated next to | 9 | Ms. Gafken, do you have do you want an opportunity to |
| 10 | Colstrip, and so they are not represented by the State | 10 | speak? |
| 11 | or other interests at play here. That's for sure. | 11 | MS. GAFKEN: Yes, Judge O'Connell. Thank |
| 12 | The I won't really repeat things, so all | 12 | you. |
| 13 | I can say is, is that we're dealing with here a proposed | 13 | And I'll keep it brief. I won't repeat what |
| 14 | sale from one party to another, and that could change | 14 | I said in the earlier written submission. But it occurs |
| 15 | the dynamic of the number of the interests that we've | 15 | to me that the public interest does not necessarily stop |
| 16 | listed, including cleanup, for example. You know, the | 16 | at Washington's borders. |
| 17 | closure date may change as a result of the sale and that | 17 | Certainly, the Commission is primarily |
| 18 | could relate to the cleanup right there. So that's just | 18 | interested in what happens in Washington and the impacts |
| | one example. But I'll conclude there, Your Honor. | 19 | of various utility filings for Washington residents and |
| 19 | | | rate payers. |
| 19 20 | Thank you. | 20 | |
| | | 20 | But it also occurs to me that if there is a |
| 20 | Thank you. | 1 | |
| 20 21 | Thank you. JUDGE O'CONNELL: Okay. Thank you. So | 21 | But it also occurs to me that if there is a |
| 20 21 22 | Thank you. JUDGE O'CONNELL: Okay. Thank you. So I'm going to I'm going to take a breath here when I | 21 22 | But it also occurs to me that if there is a negative impact based on a transaction, such as this |
| 20 21 22 23 | Thank you. JUDGE O'CONNELL: Okay. Thank you. So I'm going to I'm going to take a breath here when I ask this next question. I'm going to invite the other | 21 22 23 | But it also occurs to me that if there is a negative impact based on a transaction, such as this one, on a group of people outside of Washington, then |

6 (Pages 128 to 131)

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| | Page 132 | | Page 134 |
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| 1 | And so I don't think that the Tribe has a | 1 | Kate White Tudor for the Natural Resources Defense |
| 2 | perspective that is not represented by other parties. | 2 | Council, and we certainly join our colleagues in not |
| 3 | And they do have a perspective that simply can't be | 3 | having any objection to the Tribe's participation in |
| 4 | offered. I know, you know, in thinking about this case, | 4 | this proceeding. We believe they have their interest |
| 5 | impacts on the Tribe has been something that we've | 5 | is one that we've considered in past proceedings around |
| 6 | considered. You know, how how is the Tribe | 6 | Colstrip. We've considered transition funding, and I |
| 7 | interacting with the pollution and whatnot that comes | 7 | wanted to see if my colleague, Chuck McGraw, who's |
| 8 | from Colstrip. So it doesn't seem to me to be beyond | 8 | followed the Montana proceeding could shed some light on |
| 9 | the pale to allow their intervention. | 9 | the issues that they are dealing with there right now. |
| 10 | So public counsel does not object to the | 10 | Chuck, are you on the line? |
| 11 | Tribe's petition. They stated that they are not going | 11 | MR. MCGRAW: I am. Let me turn my camera on |
| 12 | to expand the scope. And, you know, frankly, I don't | 12 | if I can do that. Can you hear me? |
| 13 | think any of us will be prejudiced because of the | 13 | JUDGE O'CONNELL: Yes. Go ahead, |
| 14 | procedural posture of the case. | 14 | Mr. McGraw. |
| 15 | The Commission has broad discretion with | 15 | MR. MCGRAW: Okay. Thank you. |
| 16 | respect to allowing intervention. Of course, there is | 16 | The only thing I would say in listening to |
| 17 | the two prongs' consideration of substantial interests | 17 | this conversation and reading the pleadings on the issue |
| 18 | and public interests, and I won't weigh in on either one | 18 | is to clarify something. And that is that the issue of |
| 19 | of those. But I'll end it by saying public counsel does | 19 | transition planning, transition funding in the Montana |
| 20 | not object to the Northern Cheyenne Tribe's petition for | 20 | proceeding is a live issue. |
| 21 | intervention. | 21 | In other words, it is being litigated right |
| 22 | JUDGE O'CONNELL: Okay. Thank you. | 22 | now, the extent to which the parties can raise |
| 23 | Is there any other party who would like to | 23 | transition planning and funding issues. It's a little |
| 24 | be heard on the Northern Cheyenne Tribe's petition? | 24 | confusing because a data request actually a data |
| 25 | MS. YARNALL LOARIE: Your Honor, if Sierra | 25 | request submitted by NRDC was objected by Northwestern |
| | | | |
| | Page 133 | | Page 135 |
| 1 | Page 133 Club may speak? | 1 | Page 135 Energy. The data request was on Northwestern Energy's |
| 1 2 | | 1 2 | |
| | Club may speak? | | Energy. The data request was on Northwestern Energy's |
| 2 | Club may speak? Sierra Club also supports the petition of | 2 | Energy. The data request was on Northwestern Energy's plans related to the community going forward |
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7 (Pages 132 to 135)

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| | Page 136 | | Page 138 |
|--|---|--|--|
| 1 | transition planning and funding had been taken off the | 1 | PSE's performance related to CITA and decarbonization |
| 2 | table in Montana; hence, since it was off the table in | 2 | would be impacted, whether the proposed sale would |
| 3 | Montana, the Tribes shouldn't have the opportunity to | 3 | impact the availability of transmission capacity in the |
| 4 | raise it in Washington. | 4 | region, And whether the proposed sale could impact for |
| 5 | JUDGE O'CONNELL: Okay. I think I | 5 | Puget Sound Energy's resource portfolio. Renewable |
| 6 | understand. Thank you. | 6 | Northwest and Northwest Energy Coalition intend to |
| 7 | It sounds like you are trying to add clarity | 7 | address these issues. And we just wanted to remind the |
| 8 | on a point that was discussed by both the Northern | 8 | Commission and you that those issues are within the |
| 9 | Cheyenne Tribe and PSE. | 9 | scope and that if you are going to issue an order on |
| 10 | MR. MCGRAW: That's correct. | 10 | Mr. Jordan's intervention that you don't inadvertently |
| 11 | JUDGE O'CONNELL: Ms. White Tudor, is there | 11 | reduce the scope of the proceeding that is already in |
| 12 | anything else you would like to say? | 12 | existence. Thank you. |
| 13 | MS. WHITE TUDOR: No. Thank you, Your | 13 | JUDGE O'CONNELL: Thank you. |
| 14 | Honor. | 14 | Is there any other party who has not already |
| 15 | JUDGE O'CONNELL: Okay. Is there any other | 15 | submitted comments or had a chance to speak who would |
| 16 | party who wants to be heard? | 16 | like to comment upon Mr. Jordan's petition? |
| 17 | Okay. Hearing nothing. Let's let me | 17 | Okay. Hearing nothing, I'm going to take |
| 18 | turn now to Jeff Jordan's late-filed petition to | 18 | the decision for both petitions to intervene under |
| 19 | intervene. | 19 | advisement, and I'm going to discuss further with the |
| 20 | Mr. Jordan, are you on the line? | 20 | Commissioners whether the late-filed petitions should be |
| 21 | Jeff Jordan, if you are on the telephone for | 21 | granted. For now, let's continue and discuss a |
| 22 23 | this prehearing conference, you must press star six to | 22 23 | procedural schedule. |
| 23 | unmute yourself. Okay. I'm going to move forward and the | 23 | The so switching gears now to the procedural schedule. The Commission intends to set a |
| 25 | Commission will make a decision based upon Mr. Jordan's | 25 | hearing in this matter for November 23rd, 2020, at 9:30 |
| 23 | | | |
| | Page 137 | | Page 139 |
| 1 | petition to intervene and considering PSE's object | 1 | a.m. Additionally, the Commission expects rebuttal and |
| 2 | written objection to Mr. Jordan's intervention. | 2 | cross answering to be filed no later than October 22nd. |
| 3 | Is there any other party who would like to | 3 | First, to staff, Mr. Dallas, have the |
| 4 | be heard on Mr. Jordan's intervention? | 4 | parties conferred regarding any proposal for the |
| 5 | MR. SANGER: Yes, Your Honor. This is Irion | 5 | remaining dates for procedural schedule? |
| 6 | Sanger for Northwest Energy Coalition and Renewable | 6 | MD DALLAC: Voc Vour Llonar Staff has mot |
| 7 | Northwest. | | MR. DALLAS: Yes, Your Honor. Staff has met |
| / | | 7 | with all the nonutility parties and PSE in separate |
| 8 | THE COURT: Yes. Go ahead, Mr. Sanger. | 8 | with all the nonutility parties and PSE in separate meetings. However, there is currently not an agreement |
| 8 9 | THE COURT: Yes. Go ahead, Mr. Sanger. MR. SANGER: Thank you. | 8 9 | with all the nonutility parties and PSE in separate meetings. However, there is currently not an agreement on the procedural schedule. And it is my opinion that |
| 8 9 10 | THE COURT: Yes. Go ahead, Mr. Sanger. MR. SANGER: Thank you. Northwest Energy Coalition and Renewable | 8 9 10 | with all the nonutility parties and PSE in separate meetings. However, there is currently not an agreement on the procedural schedule. And it is my opinion that there will likely not be an agreement on the schedule, |
| 8 9 10 11 | THE COURT: Yes. Go ahead, Mr. Sanger. MR. SANGER: Thank you. Northwest Energy Coalition and Renewable Northwest are not taking a position at all whether it | 8 9 10 11 | with all the nonutility parties and PSE in separate meetings. However, there is currently not an agreement on the procedural schedule. And it is my opinion that there will likely not be an agreement on the schedule, and this is primarily due to the unknown results of the |
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8 (Pages 136 to 139)

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| | Page 140 | | Page 142 |
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| 1 | with one transaction and this transaction includes the | 1 | I've talked to the parties, and they have given me kind |
| 2 | unit sale, the purchase power agreement, and the sale of | 2 | of a rough outline of what would work if we're given the |
| 3 | transmission. Staff at this time is currently reviewing | 3 | results of the arbitration in October. But I'll go |
| 4 | the supplemental testimony filed by PSE. However, Staff | 4 | ahead and conclude my remarks there, and I can elaborate |
| 5 | cannot provide a recommendation to the Commission | 5 | more if the Commission would like. |
| 6 | because we currently don't have the terms of the | 6 | JUDGE O'CONNELL: Let's hold off on any more |
| 7 | transmission sale. And this transmission sale is a | 7 | comments. |
| 8 | component of the larger transaction that Staff must | 8 | Let me ask I have a question for PSE. |
| 9 | provide testimony on whether it's in the public | 9 | Mr. Kuzma or Mr. Steele, the agreement regarding the |
| 10 | interest. | 10 | Colstrip transmission is what I'm hearing from Staff |
| 11 | As you're aware, the terms of this | 11 | is that the agreement to or the agreement with |
| 12 | transmission sale are subject to an arbitration. We do | 12 | Northwestern Energy is not included in the supplemental |
| 13 | not know when we will receive the results of the | 13 | application; is that correct? |
| 14 | arbitration. However, we know that the results must be | 14 | MR. KUZMA: Your Honor, to address the |
| 15 | given within a month of the arbitration. So | 15 | issues raised, I think there's a fundamental |
| 16 | approximately October 17th. After receiving the results | 16 | disagreement. There are two transactions at play here. |
| 17 | of this arbitration, Staff believes that PSE must then | 17 | One is a purchase and sale agreement for the sale of |
| 18 | update its application. And then the parties would like | 18 | Puget's all of Puget's interests in Colstrip Unit 4 |
| 19 20 | sufficient time to analyze the the results to issue | 19 20 | and a separate agreement for the sale of certain |
| 20 | data requests and to write testimony on the results of | 20 | interests in the Colstrip transmission system. They are |
| 21 | the arbitration. This type of testimony, we believe, would be helpful to the Commission in rendering its | 21 | separate agreements. They were filed separately in the presentation. The supplemental application towards |
| 23 | decision. And the results of this arbitration from | 23 | the revisions to the purchase and sale agreement for |
| 24 | talking to the parties will likely shape what type of | 24 | Colstrip Unit 4 that were necessary with Northwestern |
| 25 | recommendation they will provide the Commission. And if | 25 | and then the new purchase and sale agreement with Talen |
| 25 | recommendation they will provide the commission. And if | 25 | and then the new purchase and sale agreement with raisin |
| | Page 141 | | Page 143 |
| 1 | | 1 | |
| 1 2 | this transaction is in the public interest, given the | 1 2 | Montana. There is no one transaction. There are two |
| ∠ 3 | importance of this transmission and the future it will have on its ability to bring in renewable resources. | 3 | transactions in this proceeding. And the arbitration will affect one of them, but the outcome of that |
| 4 | Staff has met with all the nonutility | 4 | arbitration is rather immaterial to this proceeding. |
| 5 | parties and they all have expressed some concern about | 5 | The arbitration is about whether or not |
| 6 | providing the Commission testimony prior to the | 6 | Talen Montana can participate in the Colstrip |
| 5 7 | arbitration results. However, it's not it's not that | 7 | transmission purchase and sale agreement on the same |
| 8 | simple. Staff has met with PSE. And within the scope | 8 | terms as Northwestern. So the price to be received, all |
| 9 | of the arbitration is whether the transmission component | 9 | the terms and conditions of the agreement, they will be |
| 10 | can be bifurcated from the larger transaction. If the | 10 | substantially identical. If if Talen Montana were to |
| 11 | arbitrator believes that the transmission component can | 11 | win the arbitration, the outcome to Puget, its customers |
| 12 | be bifurcated, and we are able to get that the | 12 | is identical and largely immaterial at that point. If |
| 13 | decision sooner rather than later, this can affect what | 13 | we if Talen were to prevail in the arbitration, Puget |
| 14 | the procedural schedule could look like. This would | 14 | would file a purchase and sale agreement that looks |
| 15 | allow PSE to update its application and remove the | 15 | rather identical to the one that's provided in Exhibit |
| 16 | transmission component from the docket, and this would | 16 | RJR 7 but it would include Talen, and we'd have to |
| 17 | affect Staff's position on what the procedural schedule | 17 | revise RJR 7 to reflect the reduction in the capacity of |
| 18 | could look like. | 18 | Northwestern. That's it. That's all that would occur |
| 19 | However, at this point, it is premature, and | 19 | as a result of this arbitration. And it seems that it's |
| 20 | we are presented with a single transaction. | 20 | jeopardizing both transactions by waiting on the |
| 21 | Accordingly, a Staff as an institution cannot take the | 21 | arbitration, because both require that they be completed |
| 22 | position that it would it would like to provide the | 22 | by the end of this year or there is a termination right |
| 23 | Commission a recommendation without knowing all the | 23 | within both of those agreements if they are not |
| 24 | the terms of the transaction. And that's kind of | 24 | completed by the end of this year. |
| 25 | where where the disagreement is, Your Honor. And | 25 | So we are prepared to go forward with your |
| | | | |

9 (Pages 140 to 143)

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| | Page 144 | | Page 146 |
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| 1 | schedule. I have a schedule that works within the | 1 | JUDGE O'CONNELL: Let me explain what the |
| 2 | bounds that you required that has all testimony being | 2 | Commission is considering. The Commission is |
| 3 | [audio disruption] proffered by October 22nd with a | 3 | considering setting a new procedural schedule now for |
| 4 | hearing on November 23rd. And we support the | 4 | what we have in front of us, which is the sales |
| 5 | Commission's proposal and would like to move forward | 5 | agreement for Colstrip Unit 4 and the Colstrip |
| 6 | with that schedule. | 6 | transmission assets as described in RJR-7 and the other |
| 7 | JUDGE O'CONNELL: Okay. I want to confirm | 7 | testimony supplied by PSE. |
| 8 | what I heard. Exhibit RJR-7, that exhibit has the sales | 8 | If that were to change as an outcome of the |
| 9 | agreement for the Colstrip transmission asset; is that | 9 | arbitration, the the Commission would also have to |
| 10 | correct? | 10 | consider whether some sort of supplement would need to |
| 11 | MR. KUZMA: Correct. | 11 | be filed. But I'm not convinced that that issue needs |
| 12 | JUDGE O'CONNELL: Okay. And what you're | 12 | to derail the setting of a new procedural schedule at |
| 13 | telling me is that as it regards PSE and the interest of | 13 | this point. I do want to hear from the rest of the |
| 14 | its rate payers, you think that regardless of whether or | 14 | parties as to their concerns if there are any different |
| 15 | not Talen can assert its right to purchase part of that | 15 16 | concerns as to setting a procedural schedule now. |
| 16 17 | on the same terms, the effect of PSE is really the same. | 17 | So I've heard from Mr. Dallas, but I'm going |
| 18 | And so any evaluation regarding the sale from at least PSE's point of view wouldn't change; is | 18 | to go down the list of parties. Ms. Gafken, from public counsel, what |
| 19 | that correct. | 19 | position are you taking on a schedule? |
| 20 | MR. KUZMA: That's correct. Under the | 20 | MS. GAFKEN: Thank you, Judge O'Connell. |
| 21 | existing transmission purchase and sale agreement, which | 21 | I think I agree in part and disagree in |
| 22 | is RJR-7 as you mentioned, there is a sale of two | 22 | part. I agree that the outcome of the arbitration does |
| 23 | tranches, 95 megawatts and 90 megawatts of transmission | 23 | not need to derail efforts to set a procedural schedule. |
| 24 | capacity. Right now that would all go to Northwestern | 24 | I have a lot of concerns about the parameters of the |
| 25 | for net book value. | 25 | procedural schedule that I understand the Commission to |
| 1 2 3 | If Talen were to prevail on the arbitration, we would split those numbers in half. It would be 47 and a half and 45 megawatts to Northwestern and 47 and a | 1 2 3 | be considering with the hearing in November, and let me elaborate a little bit on that. In July, we we worked really hard to |
| 4 | half and 45 megawatts to Talen Montana is the most | 4 | in daily, no no noncoar daily hard to |
| 5 | - | 1 4 | devise a schedule that would meet everyone's needs. And |
| | likely outcome of that proceeding. And that's the | 1 | devise a schedule that would meet everyone's needs. And in particular we all understood that Puget would like |
| 6 | likely outcome of that proceeding. And that's the difference the net book value would still be the | 5 | in particular we all understood that Puget would like |
| 6 7 | | 5 | |
| | difference the net book value would still be the | 5 6 | in particular we all understood that Puget would like to and is contractually bound to closing the |
| 7 | difference the net book value would still be the existing purchase price, and Talen Montana has to live | 5 6 7 | in particular we all understood that Puget would like to and is contractually bound to closing the proceeding or the transaction by the end of the year. |
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10 (Pages 144 to 147)

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| 1of the Commission together, and they impact each other.2And so bifurcating those issues really does not work.3And l'll re-elaborate a little bit on that as well.4You know, in doing our analysis, we are5considering the entire package of transactions. And6without knowing the details of one, it is really hard,7if not impossible, to provide the Commission with a8salient recommendation on whether it should approve any | and r setting more e n |
|--|------------------------------------|
| 2And so bifurcating those issues really does not work.2assumptions. And so that is incredibly inefficient3And I'll re-elaborate a little bit on that as well.3so I would encourage the Commission to consider4You know, in doing our analysis, we are4a procedural schedule that would allow parties to5considering the entire package of transactions. And5efficiently address the filing and address the6without knowing the details of one, it is really hard,6transactions that are being proposed, including the7if not impossible, to provide the Commission with a7outcome of the arbitration. | and r setting more e n |
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| without knowing the details of one, it is really hard, if not impossible, to provide the Commission with a transactions that are being proposed, including the outcome of the arbitration. | n J |
| 7 if not impossible, to provide the Commission with a 7 outcome of the arbitration. | n J |
| 8 salient recommendation on whether it should approve any 8 I'll stop there. I do have some thoughts c | ł |
| | |
| 9 part of the transactions. 9 what that schedule could look like, but I'll stop an | |
| 10 You know, it occurs to me that we really 10 wait for the next part of the conversation. | |
| 11 need to allow the regulatory process to work here in 11 JUDGE O'CONNELL: Well, let me ask, | |
| 12 Washington. We know that there's a process happening in 12 Ms. Gafken, about the about that. My follow-u | |
| 13 Montana. We also know that the Montana process has been 13 question is | |
| 14MS. GAFKEN: Sure. | |
| 15 December. 15 JUDGE O'CONNELL: it sounds like your sound like your sound like your sound like your sound li | |
| 16 Montana, from the beginning, has separated 16 asking for responsive testimony, a date for that to | |
| 17 out the transmission issues and the generation issues 17 set in consideration of a certain amount of time a | |
| 18 for whatever reason. They are only considering 18 we could expect a ruling from the arbitration; is the arbitration of the arbitration of the arbitration. | at |
| 19 generation. Both issues are in front of this Commission 19 what you are recommending? | |
| 20 and appropriately so. 20 MS. GAFKEN: Right. Yeah. So let m | |
| 21 I'll also note that it's Puget's well, 22 Just go through the outline of what I think a reaso | |
| let me back up and give a little more context for this next comment. next comment. arbitration will occur on September 17th. And as | the |
| | n tha |
| 24Mr. Dallas raised the issue of transmission24Mr. Dallas pointed out, we don't know exactly who25being the question of whether transmission could be25order would come out, but we know that it has to | |
| | Je |
| Page 149 Page | re 151 |
| 1 separated from the sale of the unit before the 1 entered within a month, so October 17th would be | vhen |
| 2 arbitrator. I would note that under RCW I'm sorry. 2 that order would come out. I would ask the Comm | |
| 3 Not RCW, under WAC 480-07-380(3), Puget would only be 3 to require a supplemental filing from PSE by | |
| 4 able to withdraw that portion of their petition with the 4 October 31st, and that would allow parties to condu | ct |
| 5 Commission's permission. So it would not be an 5 discovery, review the filing, and prepare their | |
| 6 automatic update to their filing. They would have to 6 testimony by mid-December. | |
| 7 seek leave from the Commission to do so. 7 That would then be followed by reply and | |
| 8 It we really don't see a reason to rush 8 cross-answering in mid-January with a hearing in | |
| 9 the proceeding here. I have a great deal of concern 9 mid-February. I really do feel like that's the minimu | n |
| 10about whether once the arbitration is completed and a10amount of time. I don't feel like I can ask for more | |
| 11 second supplemental filing is made, and I do believe 11 time than that. But I do have a lot of concerns abo | ıt |
| 12 that a second supplemental filing would be needed, that 12 how the proceeding is going in terms of the | |
| 13 we will see changes. Puget had expressed that the first 13 efficiencies. | |
| 14 supplemental filing would not include lots of changes, 14 But I do think that the the December, | |
| 15 and that unfortunately isn't true. There are changes to 15 January, February timeline would provide parties and the underlying economic applying and some of these set 16 added up to de the discovery that we | |
| 16the underlying economic analysis and some of those16adequate amount of time to do the discovery that we17changes are not explained. And so we need to do, and17to do, analyze the filings and all of the transactions | 5 NEEU |
| 17 changes are not explained. And so we need to do, and 17 to do, analyze the nings and an of the transactions 18 are doing, discovery on that. I I really have little 18 as they actually will be proposed. We don't have the transactions | at |
| 19 confidence that a second round of supplemental testimony 19 in front of us right now. And then provide the | |
| 20 will not will not have similar issues. 20 Commission with salient positions. | |
| 21 I also want to note that this has been 21 JUDGE O'CONNELL: Okay. Let me mov | on to |
| 22 extremely inefficient just from a practical standpoint. 22 next party, Mr. Coleman for the Alliance of Western | |
| 23 It is really inefficient to keep analyzing a moving 23 Energy Consumers, what's your position on the se | |
| 24 target. We're finding that we have to redo a lot of 24 the schedule? | 3 |
| analysis, and unfortunately, we're redoing analysis 25 MR. COLEMAN: Thank you, Your Honor. | |
| | |

11 (Pages 148 to 151)

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| | Page 152 | | Page 154 |
|--|---|--|---|
| 1 | AWEC shares many of the concerns that have | 1 | way or the other. |
| 2 | been articulated by Staff and public counsel thus far, | 2 | JUDGE O'CONNELL: Okay. Thank you. |
| 3 | so I'll do my best to be brief and not completely | 3 | And for Sierra Club. Ms. Yarnall Loarie. |
| 4 | restate. But I think our position is we would agree | 4 | MS. YARNALL LOARIE: Thank you, Your Honor. |
| 5 | that, you know, the Venn diagram of the now players and | 5 | We would concur with public counsel and |
| 6 | transactions that are involved here does have a | 6 | Staff's concerns that the timeline set forth so far |
| 7 | significant amount of overlap with with their | 7 | seems pretty fast and doesn't account for the results of |
| 8 | consequences. And so the uncertainty regarding the | 8 | the arbitration, which do seem like a key proponent to |
| 9 | transmission element does have push and pull with the | 9 | this transaction. |
| 10 | scope and the influence of the remaining proposed | 10 | First, I will state we do have a conflict. |
| 11 | transactions. | 11 | Our expert will be out of the town the week of |
| 12 | And we feel like it would be most | 12 | Thanksgiving. Will be on the road starting that |
| 13 | appropriate to allow all of the all the gears to come | 13 | Tuesday. So if we anticipate the hearing going for more |
| 14 | to a settled position with respect to who's going to be | 14 | than one day, that's one conflict that we would have. |
| 15 | acquiring what so that there is sort of a solid | 15 | But I guess speaking to the other concerns |
| 16 | presentation that the Commission is actually | 16 | that, you know, I think that public counsel and AWEC and |
| 17 | considering. So we would share the concern and the | 17 | Staff talked about, I mean, this has been a bit of an |
| 18 | desire to allow some of these the moving the | 18 | inefficient process. We're burning through |
| 19 | continuing moving parts to finally settle. | 19 | expert budgets every time we have an update in testimony |
| 20 | We don't believe that it really is kind of | 20 | and it seems like a more efficient process to have all |
| 21 | plug and play with parties. You know, the concept that | 21 | of the pieces of the transaction in front of us and in |
| 22 | now there was an original one purchaser of a hundred | 22 | front of the Commission to make a recommendation. |
| 23 | percent, and now we just simply split the hundred | 23 | I will also note, and I think this is a |
| 24 | percent into 50s with two different players. It's more | 24 | concern that perhaps NRDC can speak to, that the Montana |
| 25 | complicated than that from our perspective and some of | 25 | proceeding is set for hearing I believe the week of |
| | Page 153 | | Page 155 |
| 1 | | 1 | |
| 1 | our analyses. | 1 2 | December 14th, so they are not anticipating any decision |
| 2 3 | And so we would share the concern and the | 3 | probably until February to April of 2021 by the time everything happens. So it seems like if we're rushing |
| 4 | desire to allow the actual transaction in the concept of what's being considered to by the Commission to | 4 | to get this done before the end of the year, you know, |
| 5 | solidify before, you know, the parties start providing | 5 | the other regulator is not going to be done with their |
| 6 | answer testimony. | 6 | analysis before then. So it seems like, you know, that |
| 5 7 | I don't have a proposal similar to what | 7 | doesn't seem to be a valid concern anymore if there |
| 8 | public counsel presented, but from a conceptual | 8 | is you know, if everyone's delayed, it seems like |
| 9 | standpoint, we would prefer to allow the the other | 9 | something the parties will have to deal with amongst |
| 10 | processes that are influencing what the actual | 10 | themselves to the transaction. |
| 11 | transaction, what the actual request is going to be to | 11 | I will also make another note that we are |
| 12 | come to a conclusion before the parties here in | 12 | still in the middle of a pandemic, and so, you know, the |
| 13 | Washington continue to present information to the | 13 | delay in Puget's filing of testimony did pose some |
| 14 | Commission. | 14 | hardships to us. I mean, it came in, to be honest, the |
| 15 | JUDGE O'CONNELL: Okay. Thank you, | 15 | first day that we had virtual school. A lot of us are |
| 16 | Mr. Coleman. | 16 | working from home. Staff's got an abbreviated schedule |
| | | 17 | in the office, so we are doing what we can with the |
| 17 | Mr. Pepple, for Microsoft. | I - · | |
| 17 18 | Mr. Pepple, for Microsoft. MR. PEPPLE: Thank you, Your Honor. | 18 | resources that we have, but, you know, it's certainly a |
| | MR. PEPPLE: Thank you, Your Honor. Microsoft's interest in this proceeding is a | 18 19 | challenge to try to get all of this done in quick order |
| 18 19 20 | MR. PEPPLE: Thank you, Your Honor. Microsoft's interest in this proceeding is a bit narrower than several of the other parties. So we | 18 19 20 | challenge to try to get all of this done in quick order kind of given those other COVID-related concerns. |
| 18 19 20 21 | MR. PEPPLE: Thank you, Your Honor. Microsoft's interest in this proceeding is a bit narrower than several of the other parties. So we would likely be comfortable with whatever schedule | 18 19 20 21 | challenge to try to get all of this done in quick order kind of given those other COVID-related concerns. So in support of what, you know, I think |
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| 18 19 20 21 22 23 | MR. PEPPLE: Thank you, Your Honor. Microsoft's interest in this proceeding is a bit narrower than several of the other parties. So we would likely be comfortable with whatever schedule the Your Honor, decides to set. And but we certainly don't want to foreclose the ability of other | 18 19 20 21 22 23 | challenge to try to get all of this done in quick order kind of given those other COVID-related concerns. So in support of what, you know, I think Staff, AWEC, and public counsel said, we would support elongating the timeline to have a hearing sometime in |
| 18 19 20 21 22 23 24 | MR. PEPPLE: Thank you, Your Honor. Microsoft's interest in this proceeding is a bit narrower than several of the other parties. So we would likely be comfortable with whatever schedule the Your Honor, decides to set. And but we certainly don't want to foreclose the ability of other parties to conduct a review on issues that are important | 18 19 20 21 22 23 24 | challenge to try to get all of this done in quick order kind of given those other COVID-related concerns. So in support of what, you know, I think Staff, AWEC, and public counsel said, we would support elongating the timeline to have a hearing sometime in early 2021. Thank you. |
| 18 19 20 21 22 23 | MR. PEPPLE: Thank you, Your Honor. Microsoft's interest in this proceeding is a bit narrower than several of the other parties. So we would likely be comfortable with whatever schedule the Your Honor, decides to set. And but we certainly don't want to foreclose the ability of other | 18 19 20 21 22 23 | challenge to try to get all of this done in quick order kind of given those other COVID-related concerns. So in support of what, you know, I think Staff, AWEC, and public counsel said, we would support elongating the timeline to have a hearing sometime in |

12 (Pages 152 to 155)

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| | Page 156 | | Page 158 |
|--|---|--|--|
| 1 | For Northwest Energy Coalition and Renewable | 1 | I think we're just going to say me too. I |
| 2 | Northwest, Mr. Sanger. | 2 | think that folks have covered the ground, but that |
| 3 | MR. SANGER: Yes. Thank you. | 3 | having adequate time to make sure that the discovery |
| 4 | The previous parties stated most of the | 4 | proceeds and others have spoken to the fact that the |
| 5 | things that I wanted to state. I'll try to just | 5 | Montana proceeding doesn't look likely to resolve |
| 6 | summarize and hit some unique items that were not | 6 | completely by the end of the year that we're in the same |
| 7 | mentioned. I think the starting point for the | 7 | position as our colleagues. Thanks. |
| 8 | Commission's analysis here is that there is no need to | 8 | JUDGE O'CONNELL: Okay. Thank you. |
| 9 | issue a ruling or order by the beginning of next year. | 9 | From Avista, Mr. Andrea, anything to add? |
| 10 | There's not going to be an order from the Montana | 10 | MR. ANDREA: Thank you, Your Honor. |
| 11 | Commission, so why should the Washington Commission rush | 11 | No, we're taking no position with regard to |
| 12 | to issue an order before the Montana Commission in a | 12 | the schedule and we'll work within whatever schedule |
| 13 | completely unnecessary manner? | 13 | ultimately is set. Thank you. |
| 14 | So we think the Commission should look at | 14 | JUDGE O'CONNELL: Thank you. |
| 15 | what time it needs and what time the parties need. And | 15 | For Portland General Electric, Mr. Tingey. |
| 16 | the schedule laid out by Ms. Gafken will allow the | 16 | MR. TINGEY: Portland General is in the same |
| 17 | parties to address the issues in this case, assuming | 17 | position as Avista. We're not taking a position and |
| 18 | Puget Sound Energy makes a filing regarding the | 18 | we'll abide by the schedule set. |
| 19 | transmission issues. | 19 | JUDGE O'CONNELL: Okay. Thank you. |
| 20 | So we would urge you to look at it with that | 20 | Staff, let me return to you. |
| 21 | scope in mind, that there's no need to rush here. And | 21 | Mr. Dallas, public counsel made a proposal |
| 22 | the the only additional issue that I'd like to | 22 | for a rough outline of the procedural schedule it would |
| 23 | address is Puget Sound Energy's Mr. Kuzma's statement | 23 | recommend. Is that also consistent with what Staff had |
| 24 | about this is just plug and play on the transmission | 24 | in mind? Mr. Dallas? Mr. Dallas, are you there? |
| 25 | side. We strongly disagree with that. | 25 | MS. WHITE TUDOR: I'll just say my Teams' |
| | | | |
| | | | |
| | Page 157 | | Page 159 |
| 1 | As the Commission recently discussed in the | 1 | link has broken down, and I'm still on the phone. So I |
| 2 | As the Commission recently discussed in the Avista proposed merger that did not occur, who owns an | 2 | link has broken down, and I'm still on the phone. So I don't know if others might have had connection |
| 2 3 | As the Commission recently discussed in the Avista proposed merger that did not occur, who owns an asset can be highly relevant. Here there's transmission | 2 3 | link has broken down, and I'm still on the phone. So I don't know if others might have had connection difficulties right now. |
| 2 3 4 | As the Commission recently discussed in the Avista proposed merger that did not occur, who owns an asset can be highly relevant. Here there's transmission capacity and it's disputed. Mr. Kuzma said it's a small | 2 3 4 | link has broken down, and I'm still on the phone. So I don't know if others might have had connection difficulties right now. JUDGE O'CONNELL: Okay. Thank you. |
| 2 3 4 5 | As the Commission recently discussed in the Avista proposed merger that did not occur, who owns an asset can be highly relevant. Here there's transmission capacity and it's disputed. Mr. Kuzma said it's a small amount of capacity. That's an issue that's in dispute | 2 3 4 5 | link has broken down, and I'm still on the phone. So I don't know if others might have had connection difficulties right now. JUDGE O'CONNELL: Okay. Thank you. Can you please identify yourself? |
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| 2 3 4 5 6 7 | As the Commission recently discussed in the Avista proposed merger that did not occur, who owns an asset can be highly relevant. Here there's transmission capacity and it's disputed. Mr. Kuzma said it's a small amount of capacity. That's an issue that's in dispute from Renewable Northwest. Who owns that transmission capacity in terms of the BRT rate that they charge can | 2 3 4 5 6 7 | link has broken down, and I'm still on the phone. So I don't know if others might have had connection difficulties right now. JUDGE O'CONNELL: Okay. Thank you. Can you please identify yourself? MS. WHITE TUDOR: Sorry. This is Kate White Tudor with the Natural Resources Defense Council. |
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13 (Pages 156 to 159)

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| | Page 160 | | Page 162 |
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| 1 | | 1 | |
| 1 | there may have been some difficulty having you already | 1 2 | power line would be essential to fixing that problem. |
| 2 3 | on the master service list in order to get the notification. But this pre-hearing conference was set a | 3 | So that's essentially why I'm here. JUDGE O'CONNELL: Okay. Mr. Steele, are you |
| 4 | couple weeks ago. | 4 | still on the line from PSE? |
| 4 5 | So I do have some questions for you | 5 | MR. STEELE: I am. Thank you, Your Honor. |
| 6 | regarding your petition to intervene. I've reviewed | 6 | JUDGE O'CONNELL: Let me ask, I've like I |
| 7 | PSE's written objection that they filed on Friday. I | 7 | said, I've read your written objection to Mr. Jordan's |
| 8 | I wanted to ask you, are you a customer of PSE and what | 8 | intervention. Having heard his explanation of the |
| 9 | is your interests in PSE's sale of its interest in | 9 | issues he wants to address and his interests, do you |
| 10 | Colstrip and is it tied to you being a customer? | 10 | have anything in addition that you'd like to say |
| 11 | MR. JORDAN: No, it is not. I was a | 11 | regarding his petition? |
| 12 | customer of theirs until two or three months ago, and | 12 | MR. STEELE: No. No, Your Honor. I think |
| 13 | now I'm through Seattle City Light. So I have no | 13 | our opposition speaks for itself. The only in |
| 14 | interest, financial or otherwise, other than the public | 14 | docket the one reference I pass along is in |
| 15 | interest. | 15 | Docket U180680. It is a helpful case from a year or two |
| 16 | JUDGE O'CONNELL: Okay. | 16 | ago where an individual at that time at that time, |
| 17 | MR. JORDAN: As I think I said in my | 17 | the individual was actually a PSE customer who was |
| 18 | petition. | 18 | similar to Mr. Jordan, had interest in the proceeding |
| 19 | JUDGE O'CONNELL: And how will your | 19 | and alleged to have background. |
| 20 | participation or having you in the case as a party | 20 | And as the Commission said in that case, |
| 21 | benefit the Commission in deciding on this proceeding | 21 | public counsel can adequately represent Mr. Jordan's |
| 22 | and what issues do you plan to address? | 22 | interests. That was the holding in that case, and I |
| 23 | MR. JORDAN: Well, I plan to address the | 23 | think it applies here, similar type of situation. And |
| 24 | necessity for Montana wind to fit within the demand | 24 | so if he has any concerns, public counsel or Staff |
| 25 | pattern and the northwest power pool and the way that | 25 | should be able to represent his concerns. |
| | Page 161 | | - 102 |
| | | | Page 163 |
| 1 | | 1 | Page 163 |
| 1 | that will affect all the rate payers in the state of | 1 | JUDGE O'CONNELL: Thank you. |
| 2 | that will affect all the rate payers in the state of Washington and the possibility the only real | 2 | JUDGE O'CONNELL: Thank you. I want to return now to the schedule. I've |
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14 (Pages 160 to 163)

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| | Page 164 | | Page 166 |
|--|---|--|--|
| 1 | flexibility to allow a longer procedural schedule. | 1 | for this prehearing conference. |
| 2 | And just Staff as an institution, just as a | 2 | MR. KUZMA: No. Well, the point is, is that |
| 3 | matter of principle, we don't like providing the | 3 | we have two transactions that ultimately who buys the |
| 4 | Commission a recommendation before we have all the terms | 4 | assets is an immaterial question onto this Commission. |
| 5 | finalized. Because, you know, those terms that aren't | 5 | The Commission doesn't have jurisdiction over either of |
| 6 | finalized could shape our recommendation to the | 6 | the parties to which it's selling, so the question |
| 7 | Commission. So we we are sympathetic to the company, | 7 | should be whether Puget is meeting its needs and meeting |
| 8 | but we do believe that the schedule proposed by public | 8 | its standards and that's what this proceeding is about. |
| 9 | counsel would allow for sufficient time to submit high | 9 | Jeopardizing the entire transaction based upon the fact |
| 10 | quality testimony to the Commission. | 10 | that you may or may not like the purchasers is not |
| 11 | JUDGE O'CONNELL: Okay. Thank you. | 11 | some or their rates, is not something that we should |
| 12 | We'll turn last to PSE to hear one more time | 12 | do in this proceeding. |
| 13 | from you, Mr. Kuzma. Do you have any final thoughts | 13 | Ms. Gafken raised the question of whether |
| 14 | that you'd like me and the commissioners to consider | 14 | the schedule would have been allowable in July. Yes, |
| 15 | when we are deciding what to do about the procedural | 15 | there was a delay. Yes, it was inefficient. We're not |
| 16 | schedule? | 16 | questioning that. We did file it a month later, and the |
| 17 | MR. KUZMA: Yes, Your Honor. The key | 17 | Commission's hearing that they proposed is a month later |
| 18 | question in this proceeding is a transfer of utility | 18 | then that would have been there. So ultimately we've |
| 19 | property. And the question is whether Puget's sale or | 19 | moved everything back a month, which was acceptable at |
| 20 | transfer of that property is in the public interest. | 20 | one time, but now for reasons unknown to Puget is |
| 21 | The Commission should have no concern over who's the | 21 | unacceptable. Puget is willing to move forward with the |
| 22 | ultimate purchaser of that property. The concern to the | 22 | hearing on the 23rd and have all testimony filed by the |
| 23 | Commission should be whether Puget received adequate | 23 | 21st. |
| 24 | compensation for that asset, whether that asset remains | 24 | JUDGE O'CONNELL: Okay. Thank you, |
| 25 | to be needed by the utility as a utility property or | 25 | Mr. Kuzma. We're getting close to wrapping up here. |
| | Page 165 | | |
| | | | Page 167 |
| 1 | not. | 1 | 2 |
| 1 2 | not. | 1 | From what I've heard, the reasons that public counsel, |
| | | | 2 |
| 2 | not. Mr. Sanger brought up the issue of the | 2 | From what I've heard, the reasons that public counsel, Staff, and a number of the other parties want to have a |
| 2 3 | not. Mr. Sanger brought up the issue of the Avista Hydro One proceeding. That is an entirely | 2 3 | From what I've heard, the reasons that public counsel, Staff, and a number of the other parties want to have a longer procedural schedule is to incorporate the |
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| 2 3 4 5 | not. Mr. Sanger brought up the issue of the Avista Hydro One proceeding. That is an entirely different situation in which it's a jurisdictional asset in the entity itself, the utility, and who is the | 2 3 4 5 | From what I've heard, the reasons that public counsel, Staff, and a number of the other parties want to have a longer procedural schedule is to incorporate the potential for any change that may come from the arbitration between PSE, Northwest Energy, and Talen. |
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15 (Pages 164 to 167)

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| | Page 168 | | Page 170 |
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| _ | | | |
| 1 | But I know that it was scheduled for early | 1 | CERTIFICATE |
| 2 | October. I want to say six or seven, but I don't | 2 | |
| 3 | remember. I would suggest that the public comment | 3 | |
| 4 | hearing be scheduled at a point where testimony has | 4 | STATE OF WASHINGTON) |
| 5 | already been filed. So response testimony has been | _ | |
| 6 | filed. It's helpful to have a public hearing public | 5 | COUNTY OF KITSAP) |
| 7 | comment hearing after that point in the procedural | 6 7 | LODVETAL B. MOALULIEEE a Contified Court |
| 8 | schedule. I understand, of course, that sometimes that | 8 | I, CRYSTAL R. McAULIFFE, a Certified Court Reporter in and for the State of Washington, do hereby |
| 9 | doesn't happen, but I would make that suggestion here | 9 | certify that the foregoing transcript of the |
| 10 | for consideration. | 10 | videoconference hearing on SEPTEMBER 8, 2020, is true |
| 11 | JUDGE O'CONNELL: Okay. Thank you. | 11 | and accurate to the best of my knowledge, skill and |
| 12 | I will pass that along, and we'll take a | 12 | ability. |
| 13 | look at that. | 13 | IN WITNESS WHEREOF, I have hereunto set my hand |
| 14 | Is there anything else from any other party | 14 | and seal this 23rd day of September, 2020. |
| 15 | that we should discuss today? | 15 | |
| 16 | MR. DALLAS: Yes, Your Honor, this is Joe | 16 | |
| 17 | Dallas from Commission Staff. From my conversations | 17 | Cuptal MAUD/Le |
| 18 | with Staff, we have done substantial discovery before | 18 | Crystal MAULHE CRYSTAL R. McAULIFFE, RPS CR #2121 |
| 19 | the supplemental filing. And it's my understanding that | 19 | |
| 20 | in the supplemental filing there is a need cost benefit | 20 | |
| 21 | analysis with a new benefit. And Staff would like the | 21 | |
| 22 | prior data request updated to reflect the new cost | 22 | |
| 23 | benefit analysis. | 23 | |
| 24 | And I'm not sure if this is something that | 24 | |
| 25 | the Commission is going to want to fit into the | 25 | |
| | | | |
| | Page 169 | | |
| | - | | |
| 1 | procedural schedule, because a lot of Staff testimony is | | |
| 2 | reliant on these data requests that may or may not be | | |
| 3 | updated. | | |
| 4 | MR. KUZMA: Your Honor, this Jason Kuzma. I | | |
| 5 | have two points to make. | | |
| 6 | JUDGE O'CONNELL: Go ahead, Mr. Kuzma. | | |
| 7 | MR. KUZMA: So the first is I hear | | |
| 8 | Ms. Gafken's questions about the hearing, public | | |
| 9 | hearing. The one issue we have there is that notices | | |
| 10 | have already been sent to customers based upon the | | |
| 11 | existing date, so I just wanted to put that out there. | | |
| 12 | Two, the data request, if I believe it's | | |
| 13 | Staff Data Request No. 21 that needs to be updated, | | |
| 14 | Mr. Dallas can correct me if I'm wrong on that. But | | |
| 15 | that one we actually do have a supplement that we are | | |
| 16 | going to be sending out today. | | |
| 17 | JUDGE O'CONNELL: Thank you for that. | | |
| 18 | I was going I would have expected that, | | |
| 19 | and I was going to ask about it. So thank you. | | |
| 20 | Okay. Okay. Is there anything else from | | |
| 21 | any party before we adjourn today? Okay. Hearing | | |
| 22 | nothing, we will adjourn for today, and I will issue an | | |
| 23 | order within a week. Thank you. | | |
| 24 | (Hearing concluded at 1:01 p.m.) | | |
| 25 | -000- | | |
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| | | | 16 (Deres 160 + e 170) |

16 (Pages 168 to 170)

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| Α | 162:21 | allowing 132:16 | approximately | availability 138:3 |
|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|
| a.m 108:17 112:3,9 | adjourn 167:16 | amount 150:17 | 112:8 140:16 | Avenue 109:15 |
| 139:1 | 169:21,22 | 151:10,16 152:7 | April 155:2 | 110:18 111:10 |
| abbreviated 155:16 | Administrative | 157:5 | arbitration 139:12 | Avista 110:16,18 |
| abide 158:18 | 108:11 112:10 | analyses 153:1 | 139:16,19 140:12 | 115:5,7 157:2 |
| ability 128:4 141:3 | admits 127:24 | analysis 148:4 | 140:14,15,17,21 | 158:9,17 165:3 |
| 153:23 170:12 | adopt 157:17 | 149:16,25,25 | 140:23 141:7,9 | aware 125:9 128:20 |
| able 121:20,24 | adopted 147:10 | 155:6 156:8 | 142:3 143:2,4,5 | 140:11 161:13 |
| 127:6 141:12 | advance 127:3 | 168:21,23 | 143:11,13,19,21 | AWEC 109:18 |
| 149:4 159:13 | advice 113:21 | analyze 140:19 | 145:1 146:9,22 | 152:1 154:16 |
| 162:25 163:4 | advisement 138:19 | 151:17 163:20 | 147:19 149:10 | 155:22 |
| 165:21 | advocate 121:6 | analyzing 149:23 | 150:7,18,23 154:8 | |
| abundantly 127:2 | advocates 137:20 | Andrea 110:17 | 163:20 167:5 | B |
| accept 167:7 | affect 119:9 135:20 | 115:6,6 158:9,10 | arbitrator 141:11 | back 118:13 123:18 |
| acceptable 166:19 | 141:13,17 143:3 | Andrew 108:11 | 149:2 | 125:3 148:22 |
| accepted 161:20 | 161:1 | 112:9 | arguing 165:25 | 166:19 |
| account 154:7 | agency 125:6 | answer 121:2 153:6 | articulated 152:2 | background 162:19 |
| accurate 170:11 | ago 160:4,12 | 165:18 | asked 121:25 161:7 | base 161:22 |
| acknowledging | 162:16 | answering 121:25 | asking 150:16 | based 122:13 |
| 120:8 | agree 133:6 146:21 | 139:2 | 163:3 | 131:22 136:25 |
| acquiring 152:15 | 146:22 152:4 | anticipate 154:13 | aspect 130:20 | 150:1 166:9 |
| acquisition 121:19 | agreement 139:8 | anticipated 147:13 | assert 144:15 | 169:10 |
| actual 153:3,10,11 | 139:10,23 140:2 | 147:18 | asset 144:9 157:3 | basis 127:21 128:6 |
| add 136:7 158:9 | 142:9,11,11,17,19 | anticipating 148:14 | 164:24,24 165:4 | beginning 148:16 |
| addition 130:18 | 142:23,25 143:7,9 | 155:1 | 165:21 | 156:9 |
| 162:10 | 143:14 144:9,21 | anymore 155:7 | assets 123:16 146:6 | behalf 112:24 |
| additional 124:8 | 145:9 146:5 | apologize 114:2 | 165:11,21 166:4 | 113:4,9 114:4,9 |
| 133:11 156:22 | agreements 142:21 | 163:5,7 | assigning 147:15 | 115:18 |
| Additionally 118:5 | 143:23 | app 113:18 159:10 | Assistant 109:8,14 | believe 120:21 |
| 139:1 | ahead 112:5 130:8 | appearances 109:1 | 113:4,8 | 121:13 122:8 |
| address 112:18 | 134:13 137:8 | 110:1 111:1 | associated 123:16 | 124:4 126:5,7,21 |
| 116:10,11 117:8 | 142:4 169:6 | 112:19 116:4 | 126:14 157:13 | 134:4 139:12 |
| 118:20 121:11,14 | aid 137:23 | appearing 113:9 | assuming 147:8 | 140:21 147:22 |
| 122:5 123:24 | alleged 162:19 | appears 117:10 | 156:17 | 149:11 152:20 |
| 124:5 125:2 138:7 | Alliance 113:24 | 127:4 | assumption 139:19 | 154:25 163:25 |
| 142:14 150:5,5 | 114:4 151:22 | application 108:4 | assumptions 150:1 | 164:8 169:12 |
| 156:17,23 157:14 | allow 132:9 141:15 | 139:15 140:18 | 150:2 | believed 137:22 |
| 160:22,23 162:9 | 148:11 150:4 | 141:15 142:13,22 | attend 116:7 | believes 127:25 |
| 167:17 | 151:4 152:13,18 | applies 162:23 | Attorney 109:8,9 | 140:17 141:11 |
| addressed 118:17 | 153:3,9 156:16 | appropriate 121:14 | 109:14,14 113:4,9 | Bellevue 109:5 |
| 119:14 126:24 | 157:19 163:19 | 121:16 122:5,7 | audio 144:3 | beneficial 122:10 |
| 130:20,23 | 164:1,9 | 152:13 | authority 124:20 | 130:13 |
| adequate 151:16 | allowable 166:14 | appropriately | 124:23 125:10 | benefit 118:22 |
| 158:3 164:23 | allowed 127:7 | 148:20 | Authorizing 108:6 | 119:15 160:21 |
| adequately 131:3 | 128:10 135:21 | approve 148:8 | automatic 149:6 | 168:20,21,23 |
| | | | 1 | best 122:19 123:2 |

BUELL REALTIME REPORTING, LLC

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| | | | | 1 age 172 |
|---------------------------------------|--------------------------|--------------------------------|--------------------------|--------------------------|
| 152:3 163:7 | 147:11 159:15 | 125:16,24 128:18 | coal 161:21,22 | 132:15 135:5,14 |
| 170:11 | camera 134:11 | 128:25 | Coalition 114:18 | 135:19 136:25 |
| beyond 125:5,17,23 | capacity 138:3 | Cheyenne 111:8 | 114:21 117:17,19 | 137:16,21 138:8 |
| 126:17 132:8 | 143:17 144:24 | 115:16,18 116:15 | 130:7 137:6,10 | 137:10,21 138:8 |
| 120.17 132.8 | | 116:19,20 117:24 | 138:6 156:1 | , |
| | 145:21 157:4,5,7 | , | | 139:22 140:5,22 |
| bifurcated 141:10 | Capitol 110:9 | 118:10,20,24 | Coie 109:4 112:24 | 140:25 141:6,23 |
| 141:12 | care 163:10 | 119:10 120:15 | Coleman 109:19 | 142:5 145:19,20 |
| bifurcating 148:2 | case 113:15 119:3 | 124:6 129:25 | 114:1,2,3 151:22 | 146:2,2,9,25 |
| big 120:14 | 120:13,20,22 | 130:4 131:8 | 151:25 153:16 | 148:1,7,19 149:7 |
| bit 128:17 139:21 | 123:22 126:23 | 132:20,24 133:3,7 | colleague 114:15 | 150:3 151:2,20 |
| 147:2 148:3 | 127:17,22 130:10 | 135:21 136:9 | 115:3 134:7 | 152:16 153:4,14 |
| 153:20 154:17 | 131:3 132:4,14 | Cheyenne's 133:5 | colleagues 134:2 | 154:22 156:11,11 |
| 159:19 163:11 | 156:17 160:20 | 133:20 | 158:7 | 156:12,14 157:1 |
| 165:24 167:23 | 162:15,20,22 | chiming 130:1 | Colstrip 108:7,7 | 157:20 160:21 |
| blame 147:16 | 165:25 | Chuck 110:8 115:3 | 123:13 129:10 | 162:20 163:23 |
| book 144:25 145:6 | cause 118:6 122:23 | 134:7,10 159:9 | 130:19,19,21,24 | 164:4,7,10,21,23 |
| 165:20 | 122:24 127:23 | circumstances | 131:2,5 132:8 | 165:7,10,14 166:4 |
| borders 131:16 | caused 122:17 | 122:19 | 134:6 135:13 | 166:5 167:21,22 |
| bound 147:6 | CCR 108:25 | CITA 138:1 145:24 | 142:10,18,20,24 | 168:17,25 |
| bounds 126:17 | 170:18 | City 135:13 160:13 | 143:6 144:9 | Commission's |
| 144:2 | certain 108:7 | clarification 117:22 | 145:22 146:5,5 | 118:22 144:5 |
| Box 109:10 | 142:19 147:9 | 135:16 | 160:10 161:5 | 149:5 156:8 |
| branch 125:7 | 150:17 | clarify 134:18 | come 113:19 120:4 | 157:11 165:13 |
| breath 129:22 | certainly 119:4 | clarity 136:7 | 150:25 151:2 | 166:17 167:9 |
| Brent 109:19 114:3 | 131:17 133:8,18 | clean 119:13,19 | 152:13 153:12 | Commissioner's |
| Brian 111:9 115:17 | 133:20 134:2 | cleanup 119:9 | 167:4 | 128:23 |
| brief 131:13 152:3 | 153:23 155:18 | 129:16,18 133:11 | comes 132:7 | commissioners |
| bring 141:3 | Certified 170:7 | clear 121:19 127:2 | comfortable 153:21 | 112:12 138:20 |
| broad 127:4 132:15 | certify 170:9 | 135:6 137:13 | comment 117:2,11 | 164:14 167:6,12 |
| broken 159:1 | challenge 155:19 | clearing 124:2 | 128:10 138:16 | community 123:14 |
| brought 131:4 | challenges 122:22 | Cleve 109:19 111:5 | 148:23 167:23 | 125:20 127:4 |
| 145:18 165:2 | chance 117:6 | 114:4 | 168:3,7 | 128:4 135:2 |
| browser 113:18 | 138:15 | close 166:25 | comments 117:6,7 | company 110:22 |
| 159:10 | change 129:14,17 | closest 119:2 | 138:15 142:7 | 164:7 |
| BRT 157:7 | 144:18 146:8 | closest 119.2 closing 147:6 | commercial 127:3 | compared 123:5 |
| bubble 131:25 | 167:4 | closure 126:5,9 | commission 108:2 | compared 125.5 |
| | | 129:17 133:14 | | 164:24 165:19 |
| budgets 154:19 | changes 149:13,14 | | 109:7 112:11,16 | |
| burning 154:18 | 149:15,17 | Club 110:3,4 | 113:5 117:25 | completed 143:21 |
| business 163:10 | charge 157:7 | 114:12,15 118:11 | 118:6,17 120:19 | 143:24 149:10 |
| buys 166:3 | charged 125:14 | 118:11 123:10,15 | 122:10,15 124:20 | completely 147:24 |
| <u> </u> | Chestnut 111:9,9 | 133:1,2,8,20 | 124:23 125:6,12 | 152:3 156:13 |
| $\frac{C}{C 110:22 111:4}$ | 115:17,17,18 | 154:3 | 125:21,22 126:18 | 158:6 |
| 170:1,1 | 118:15,24 121:9 | Club's 133:5 | 126:21 127:11 | complicated 152:25 |
| · · · · · · · · · · · · · · · · · · · | 121:15 122:6,21 | co-purchaser | 128:6 130:16 | component 120:6 |
| California 110:5 | 123:9 124:9,16 | 145:13 | 131:4,4,17,24 | 120:11 140:8 |
| call 112:20,25 | | | | |
| | | | | |

BUELL REALTIME REPORTING, LLC

| $\begin{array}{c c c c c c c c c c c c c c c c c c c $ |
|--|
| concept 152:21 153:3consideration 128:22,23 132:17115:2 134:2 157:23 159:7148:24 150:24 158:21,24,24115:2 134:1 157:22 159:7conceptual 153:8 concern 127:14150:17 168:10 159:17 168:10counsel 109:12,15 113:7,9 114:20148:24 150:24 158:21,24,24115:2 134:1 157:22 159:7141:5 149:9 152:17 153:2134:5,6 153:4 considering 119:6115:7 127:11 131:6 132:10,19168:17 169:14 data 134:24,24166:15 delayed 148:14 155:8 |
| 153:3128:22,23 132:17157:23 159:7158:21,24,24157:22 159:7conceptual 153:8150:17 168:10counsel 109:12,15159:13 163:3,3,5delay 118:7 122:2concern 127:14considered 132:6113:7,9 114:20163:13,17 168:16123:3 155:13141:5 149:9134:5,6 153:4115:7 127:11168:17 169:14166:15152:17 153:2considering 119:6131:6 132:10,19data 134:24,24delayed 148:14154:24 155:7130:25 137:1133:6,16 146:18135:1,3 140:20155:8 |
| conceptual 153:8150:17 168:10counsel 109:12,15159:13 163:3,3,5delay 118:7 122:2concern 127:14considered 132:6113:7,9 114:20163:13,17 168:16123:3 155:13141:5 149:9134:5,6 153:4115:7 127:11168:17 169:14166:15152:17 153:2considering 119:6131:6 132:10,19data 134:24,24delayed 148:14154:24 155:7130:25 137:1133:6,16 146:18135:1,3 140:20155:8 |
| concern 127:14considered 132:6113:7,9 114:20163:13,17 168:16123:3 155:13141:5 149:9134:5,6 153:4115:7 127:11168:17 169:14166:15152:17 153:2considering 119:6131:6 132:10,19data 134:24,24delayed 148:14154:24 155:7130:25 137:1133:6,16 146:18135:1,3 140:20155:8 |
| 141:5 149:9134:5,6 153:4115:7 127:11168:17 169:14166:15152:17 153:2considering 119:6131:6 132:10,19data 134:24,24delayed 148:14154:24 155:7130:25 137:1133:6,16 146:18135:1,3 140:20155:8 |
| 152:17 153:2 154:24 155:7considering 119:6 130:25 137:1131:6 132:10,19 133:6,16 146:18data 134:24,24 135:1,3 140:20delayed 148:14 155:8 |
| 154:24 155:7 130:25 137:1 133:6,16 146:18 135:1,3 140:20 155:8 |
| |
| |
| |
| |
| |
| concerns 121:12,14 consistent 126:3 158:21 162:21,24 167:24 169:11 demonstration 121 17 122 5 22 120 12 159 22 167:24 169:11 124 10 |
| 121:17 122:5,22 128:13 158:23 163:18 164:9 dates 139:5 124:19 |
| 123:20 146:14,15 consumed 120:11 167:1 David 109:3 112:25 denied 117:14,16 |
| 146:24 151:11 consumer 119:15 counsel's 116:18 Davison 109:19 128:3 |
| 152:1 154:6,15 Consumers 113:25 COUNTY 170:5 111:5 114:3 deny 130:25 137:3 |
| 155:20 162:24,25 114:5 151:23 couple 160:4 day 154:14 155:15 depending 167:20 |
| conclude 129:19 contacted 115:10 course 132:16 170:14 167:22 |
| 142:4 context 135:17 168:8 deal 119:16 149:9 derail 146:12,23 |
| concluded 169:24 148:22 Court 137:8 139:14 155:9 161:16 described 146:6 |
| conclusion 153:12 continue 138:21 170:7 dealing 129:13 desire 127:20 |
| concur 154:5 153:13 covered 158:2 134:9 152:18 153:3 |
| conditions 143:9Continued 110:1COVID 122:17decarbonizationdespite 122:20 |
| 145:8 111:1 COVID-related 138:1 details 148:6 |
| conduct 151:4 continuing 152:19 155:20 December 148:15 determine 112:17 |
| 153:24 contractually 147:6 cross 139:2 151:14 155:1 determined 112:1 |
| conference 108:10control 147:15cross-answeringdecide 130:25developed 123:6 |
| 112:14,15 115:9 conversation 151:8 135:20 developers 127:19 |
| 116:2,6,10 122:15 134:17 135:17,25 CRYSTAL 108:25 decides 153:22 devise 147:4 |
| 126:18 127:1 150:10 170:7,18 167:21,22 diagram 152:5 |
| 136:22 137:18 conversations curious 117:9 deciding 160:21 difference 145:6 |
| 160:3 161:9 166:1 168:17 123:25 164:15 different 129:8 |
| conferred 139:4 convert 161:5 current 121:18 decision 116:8 146:14 152:24 |
| confidence 149:19 convinced 146:11 currently 118:8 118:23 121:22,23 157:8 165:4 |
| confirm 144:7 Corinne 111:4 119:21 133:16 122:11 131:5 difficult 122:18 |
| conflict 115:10 114:10 139:8 140:3,6 135:20 136:25 123:1 |
| 154:10,14 Corporation 167:9 138:18 140:23 difficulties 122:16 |
| confusing 134:24 110:18 114:9 customer 160:8,10 141:13 155:1 159:3 |
| connect 116:2 correct 117:12,13 160:12 162:17 163:24 difficulty 160:1 |
| connection 159:2 121:9 136:10 165:17 decision-making direct 133:12,15 |
| 163:7,11 121:9 136:10 103:17 decision making direct 135:12,13 163:7,11 142:13 144:10,11 customers 143:11 137:23 disagree 125:16 |
| ros://iii right is in the iiii right is in the iiiii right is in the iiiii right is in the iiiiii right is in the iiiiiii right is in the iiiiiiiiii right is in the iiiiiiiiiiiiii right is in the iiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiii |
| $\begin{array}{c} 152:8 \\ 169:14 \\ 169:14 \\ 169:14 \\ 109:10 \\ 109:10 \\ 109:10 \\ 119:9,12 \\ 126:1,6 \\ 109:10 \\ 100:10 \\ 100$ |
| $\begin{array}{c c c c c c c c c c c c c c c c c c c $ |
| $\begin{array}{c} \textbf{consult} 150.24 \\ 146:10 \ 150:3 \\ \textbf{costs} 119:9 \\ \end{array} \qquad \begin{array}{c} \textbf{costs} 108.20,22 \\ \textbf{costs} 119:9 \\ \end{array} \qquad \begin{array}{c} \textbf{Dallas} 109:8 \ 113:3 \\ \textbf{deeper} 123:22 \\ 142:16 \\ \end{array} \qquad \begin{array}{c} 159.21 \ 141.25 \\ 142:16 \\ \end{array}$ |
| 140.10 150.5 (costs 119.9 1310) (costs 119.9 142.10 113:4 139:3,6,20 |
| |

BUELL REALTIME REPORTING, LLC

| | | | I | |
|-------------------------|---------------------|-------------------------|----------------------------|---------------------------|
| disappearing | efficient 154:20 | 126:7 | 149:13 | finding 149:24 |
| 161:23 | efficiently 150:5 | equivocal 165:18 | extends 125:17 | fine 163:9 |
| discovery 120:21 | efforts 146:23 | essential 161:22 | extent 127:14 | firm 114:3 115:18 |
| 121:5 149:18 | either 116:24 | 162:1 | 134:22 | first 116:11,23 |
| 151:5,16 158:3 | 132:18 166:5 | essentially 121:5 | extra 161:17 | 117:23 118:10 |
| 168:18 | elaborate 139:21 | 162:2 | extremely 149:22 | 122:14 139:3 |
| discretion 132:15 | 142:4 147:2 | establishes 122:23 | | 147:12,17 149:13 |
| discuss 116:12 | Electric 110:22 | evaluates 117:25 | F | 154:10 155:15 |
| 138:19,21 167:6 | 115:12,14 158:15 | evaluation 144:17 | F 170:1 | 161:9 169:7 |
| 167:11 168:15 | element 122:1 | everyone's 147:4 | facility 130:24 | fit 160:24 168:25 |
| discussed 136:8 | 152:9 | 155:8 | fact 158:4 166:9 | five 129:6 135:12 |
| 157:1 | elongating 155:23 | exact 167:24 | facts 147:16 | 161:4 |
| discussing 133:17 | Emmet 161:15 | exactly 150:24 | fair 125:15 165:19 | fixing 162:1 |
| dispose 165:21 | emphasizing | example 119:24 | familiar 139:16 | flagged 123:19 |
| dispute 157:5 | 124:14 | 126:4 129:16,19 | far 124:21 152:2 | 133:10 |
| disputed 157:4 | employment | 157:8 | 154:6 | flags 147:14 |
| disruption 144:3 | 125:19 | exclude 135:9 | fast 154:7 | flexibility 164:1 |
| DIVISION 109:9 | encompass 123:19 | exclusively 125:8 | faster 163:22 | focus 130:14,15 |
| docket 108:4 | encompassed 124:1 | Excuse 124:11 | faulty 150:1 | focused 128:12 |
| 112:14 141:16 | encourage 150:3 | excused 115:8 | February 151:15 | 129:1 |
| 159:24 162:14,15 | energy 108:5 | exhibit 143:15 | 155:2 | folks 158:2 |
| dockets 161:14 | 112:25 113:25 | 144:8,8 | federal 126:15 | follow-up 150:12 |
| doing 148:4 149:18 | 114:4,18,21 | exist 119:22 | 145:18 165:14 | followed 134:8 |
| 155:17 | 117:17,19 119:18 | existence 138:12 | feel 151:9,10 | 151:7 |
| Doug 114:15 | 119:20 120:11,14 | existing 126:13 | 152:12 | foreclose 153:23 |
| 115:13 | 130:6 135:1,8 | 144:21 145:7,8 | feels 121:11 | foregoing 170:9 |
| doug.tingey@pg | 137:6,10,20,22 | 169:11 | FEMALE 161:15 | forth 125:8 154:6 |
| 110:24 | 138:6 142:12 | expand 132:12 | file 143:14 166:16 | forum 126:20 127:2 |
| DOUGLAS 110:22 | 145:18 151:23 | expect 150:18 | filed 116:21 117:25 | forward 112:19 |
| dsteele@perkins | 156:1,18 165:13 | expected 169:18 | 118:16 131:7 | 135:2 136:24 |
| 109:6 | 165:14 167:5 | expecting 159:18 | 135:9 139:2 140:4 | 143:25 144:5 |
| due 139:11 | Energy's 108:6,7 | expects 139:1 | 142:21 146:11 | 145:24 166:21 |
| duty 125:12 | 135:1 138:5 | expert 154:11,19 | 160:7 166:22 | four 135:12 |
| dynamic 129:15 | 156:23 | expertise 127:18 | 168:5,6 | frankly 132:12 |
| | ensure 117:15 | 137:19,22 | filing 118:7 149:6 | 135:6 147:18 |
| E | entered 145:25 | explain 118:21 | 149:11,12,14 | Friday 159:25 |
| E 110:18 170:1,1 | 151:1 | 146:1 | 150:5 151:3,5 | 160:7 |
| e-mail 159:22 | entire 148:5 166:9 | explained 115:10 | 155:13 156:18 | front 146:4 147:25 |
| earlier 117:18 | entirely 135:6 | 149:17 | 168:19,20 | 148:19 151:19 |
| 121:18 131:14 | 165:3 | explanation 113:19 | filings 131:19 | 154:21,22 167:24 |
| 133:4 159:19 | entities 127:19 | 162:8 | 151:17 | fully 120:25 |
| early 119:14 155:24 | entitled 121:21 | explanations | final 128:10 164:13 | fundamental |
| 168:1 | entity 165:5 | 167:11 | finalized 164:5,6 | 142:15 145:15 |
| economic 149:16 | environmental | explore 123:12 | finally 127:23 | funding 134:6,19 |
| effect 144:16 | 110:4 125:25 | expressed 141:5 | 152:19 | 134:23 135:5,11 |
| efficiencies 151:13 | 11011120.20 | | financial 160:14 | 10 1120 100 10,11 |
| | l | l | Ι | |

BUELL REALTIME REPORTING, LLC

| 136:1 | 130:1,14 132:11 | 118:9 122:10 | 151:25 153:18,22 | including 129:16 |
|------------------------|--------------------|--------------------|-------------------------|------------------------|
| further 138:19 | 135:2 136:24 | 124:3 134:12 | 154:4 157:25 | 131:5 135:13 |
| future 141:2 | 137:22 138:9,17 | 146:13 163:13 | 158:10 162:5,12 | 137:25 150:6 |
| | 138:19 139:16,18 | 164:12 169:7 | 163:5 164:17 | incorporate 167:3 |
| G | 145:23 146:16 | heard 116:5 121:7 | 167:18 168:16 | incredibly 150:2 |
| G 110:17 | 147:19 151:12 | 124:9 129:24 | 169:4 | individual 162:16 |
| Gafken 109:13 | 152:14 153:11 | 130:3 132:24 | hopefully 135:16 | 162:17 |
| 113:8,8,17,23 | 154:13 155:5 | 133:24 135:24 | hoping 127:20 | individuals 130:11 |
| 131:9,11 146:18 | 156:10 158:1 | 136:16 137:4 | hundred 152:22,23 | inefficient 149:22 |
| 146:20 150:12,14 | 159:12 167:6,7,11 | 144:8 146:16 | HVDC 161:6 | 149:23 150:2 |
| 150:20 156:16 | 167:12,13 168:25 | 157:19 162:8 | Hydro 165:3 | 154:18 166:15 |
| 157:18 163:14 | 169:16,18,19 | 167:1,11 | hypothetical 126:9 | inextricably 157:13 |
| 166:13 167:18,19 | good 112:8,23 | hearing 116:1 | | influence 152:10 |
| Gafken's 169:8 | 114:8,13 118:6 | 130:17 136:17 | I | influencing 153:10 |
| gears 138:23 | 122:23,24 127:23 | 138:17,25 142:10 | identical 143:10,12 | inform 139:22 |
| 152:13 | government 129:9 | 144:4 145:10 | 143:15 | information 127:7 |
| General 109:8,9,14 | grant 122:19 | 147:1 148:14 | identified 118:13 | 128:4 153:13 |
| 110:22 113:4,9 | granted 117:16 | 151:8 154:13,25 | 124:21 137:19 | informed 120:25 |
| 115:12,14 158:15 | 118:9,21 120:1 | 155:23 166:17,22 | identify 118:19 | institution 141:21 |
| 158:16 | 127:18 137:12,13 | 167:10,23 168:4,6 | 159:5 | 164:2 |
| GENERAL'S | 137:21 138:21 | 168:7 169:8,9,21 | III 108:12 | intend 138:6 |
| 109:14 | granting 123:3 | 169:24 170:10 | immaterial 143:4 | intends 138:24 |
| generation 148:17 | great 149:9 | held 112:14 | 143:12 145:23 | intention 123:12 |
| 148:19 | ground 158:2 | help 113:21 139:22 | 166:4 | 167:10 |
| Gerlitz 111:14 | grounds 130:10 | helpful 135:17 | impact 120:14 | interacting 132:7 |
| 114:22 117:18 | 135:5,6 137:15 | 140:22 162:15 | 131:22 133:12 | interest 108:7 |
| getting 161:3 | group 131:23 | 168:6 | 138:3,4 148:1 | 118:2,4 119:1,3,6 |
| 166:25 | guess 133:4 154:15 | hereunto 170:13 | 157:11 | 119:8,9,17,24 |
| give 113:21 118:18 | | high 164:9 | impacted 138:2 | 120:7,8 121:1 |
| 120:24 127:21 | H | highly 128:2 157:3 | impacts 123:13 | 124:15,17,18,19 |
| 148:22 | half 145:2,3,4 | hit 156:6 | 125:25 130:21 | 124:25 125:4,5,11 |
| given 140:15 141:1 | Hall 114:15 | hold 142:6 | 131:18 132:5 | 125:17 126:4,25 |
| 142:1,2 155:20 | hand 170:13 | holding 148:14 | importance 141:2 | 127:12 128:14 |
| gives 125:9 | happen 168:9 | 162:22 | important 124:14 | 129:2,5 130:12,15 |
| go 112:5 123:17 | happening 148:12 | home 155:16 | 128:8 153:24 | 131:15 133:5,7,15 |
| 130:8 134:13 | 161:14 | honest 155:14 | impossible 122:25 | 134:4 137:24,25 |
| 137:8 142:3 | happens 131:18 | Honor 112:23 | 148:7 | 140:10 141:1 |
| 143:25 144:24 | 155:3 | 113:3,10 114:3,14 | in-house 115:7 | 144:13 153:19 |
| 146:17 150:21 | Harbor 109:20 | 117:1 121:2 | inadvertently | 160:9,14,15 |
| 169:6 | 111:5 | 124:11,12 128:15 | 138:10 | 162:18 164:20 |
| goals 119:19 | hard 147:3 148:6 | 129:19 130:5 | include 123:14 | 165:17,19 |
| goes 125:4 | hardships 155:14 | 132:25 133:25 | 143:16 149:14 | interested 119:21 |
| going 116:6 117:5,7 | harm 117:16 | 135:24 136:14 | 167:14 | 120:2 131:18 |
| 117:14,23 118:11 | head 161:19 | 137:5 139:6,20 | included 131:3 | interests 108:6 |
| 121:20 128:21 | heads-up 118:11 | 141:25 142:14 | 142:12 | 120:3,17,25 121:6 |
| 129:22,22,23 | hear 115:22 117:6 | | includes 140:1 | . , |
| | I | I | I | I |

BUELL REALTIME REPORTING, LLC

| 124:24 125:11 | 135:20,25 138:9 | 109:11 | jurisdictional | L |
|------------------------|---|---------------------------|----------------------------------|---------------------|
| 127:3,12,14 129:8 | 140:19 145:12 | join 113:11 134:2 | 125:10 165:4 | L 109:19 |
| 129:11,15 132:17 | 146:11 148:24 | joining 113:17 | justice 120:6,11 | LACEY 108:15 |
| 132:18 133:8 | 156:9,12,22 157:5 | Jordan 111:14 | | 112:1 |
| 142:18,20 160:9 | 159:14,24 165:2 | 115:20,20,25 | K | laid 156:16 |
| 162:9,22 | 167:12,21 169:9 | 116:1,5,7,16 | Kate 115:1 134:1 | largely 143:12 |
| interruption 163:8 | 169:22 | 117:25 136:20,21 | 159:6 | larger 140:8 141:10 |
| intervene 112:18 | issues 116:10 | 159:15,16,17,20 | kate@whitetudo | late-filed 112:18 |
| 116:8,12,14,17,22 | 118:20 119:7,13 | 160:11,17,23 | 110:10 | 116:11,14,17,25 |
| 116:25 117:8 | 119:14,16,23 | 161:12,16 162:18 | KATHERINE | 118:5 129:24 |
| 118:1,7,13 123:12 | 120:3,4 122:7 | Jordan's 117:3,14 | 110:8 | 130:3 136:18 |
| 124:5 127:21 | 123:22,24 125:18 | 136:18,25 137:2,4 | keep 131:13 149:23 | 138:20 |
| 128:9,24 133:3,21 | 125:19,20,24 | 137:12 138:10,16 | keeps 133:17,17 | law 108:11 110:4 |
| 136:19 137:1,16 | 126:7,16,20,22 | 162:7,21 | key 154:8 164:17 | 110:13 112:10 |
| 138:18 159:25 | 127:4,16,19 | JOSEPH 109:8 | kind 124:19 127:7 | 114:3 115:18 |
| 160:6 161:10 | 130:20 131:2 | Judge 108:11 112:5 | 141:24 142:1 | 124:22 126:15,16 |
| 167:14 | 134:9,23 137:16 | 112:10 113:1,6,14 | 152:20 155:20 | leader 120:20,23 |
| intervener 119:3 | 137:20,24 138:7,8 | 113:20,24 114:6 | kinds 119:14 | leave 149:7 |
| intervening 116:5 | 142:15 145:11,16 | 114:11,17,24 | KITSAP 170:5 | legal 114:20 121:23 |
| 127:24 128:7 | 145:18 147:23 | 115:4,8,15,19 | know 117:9 119:7 | legislature 125:7 |
| intervenors 119:25 | 148:2,17,17,19 | 117:5,21 121:3,10 | 120:12 121:16 | let's 112:5,6,18,22 |
| intervention | 149:20 153:24 | 122:3,12 123:8,10 | 122:24 123:17,20 | 136:17 138:21 |
| 116:19 117:4,14 | 156:17,19 157:12 | 123:23 128:16 | 124:13 126:6 | 142:6 |
| 118:9,21 120:1 | 160:22 162:9 | 129:21 130:8 | 127:9,16 129:16 | liabilities 126:13 |
| 122:20 124:7 | 163:11 | 131:6,11 132:22 | 130:1,22 131:24 | light 123:3 128:18 |
| 127:18 130:10 | items 137:15 156:6 | 133:22 134:13 | 132:4,4,6,12 | 134:8 160:13 |
| 131:1,8 132:9,16 | | 135:18 136:5,11 | 140:13,14 147:12 | limine 135:9 |
| 132:21 137:2,4,12 | <u>J</u> | 136:15 138:13 | 147:13,16 148:4 | limit 123:24 129:3 |
| 137:14 138:10 | J 108:11 | 139:24 142:6 | 148:10,12,13 | limited 120:8 |
| 161:8 162:8 | January 151:15 | 144:7,12 145:10 | 150:22,24,25 | 126:19 129:1 |
| invite 129:23 | Jason 109:3 112:24 | 146:1,20 150:11 | 152:5,21 153:5 | line 114:16,23 |
| involved 118:25 | 169:4 | 150:15 151:21 | 154:16 155:4,6,8 | 115:3,21,21 |
| 119:4 130:14 | Jeff 111:14 115:20 | 153:15 154:2 | 155:12,18,21 | 134:10 136:20 |
| 137:17 152:6 | 116:5,16 117:25 | 155:25 157:21 | 159:2,21 163:21 | 162:1,4 163:7 |
| involvement 123:5 | 136:18,21 159:15 | 158:8,14,19 159:4 | 164:5 168:1 | lines 119:21 163:15 |
| involves 133:13 | jeopardizing | 159:8,11,18,23 | knowing 141:23 | link 159:1 |
| Irion 110:13 | 143:20 166:9 | 160:16,19 161:7 | 148:6 | linked 157:14,14 |
| 114:20 117:1 | Jessica 110:4 | 162:3,6 163:1,9 | knowledge 170:11 | Lisa 109:13 113:8 |
| 130:5 137:5 | 114:14 | 164:11 165:23 | Kuzma 109:3 | 167:18 |
| irion@sanger-la | jessica.yarnall@s | 166:24 168:11 | 112:23,24 142:9 | lisa.gafken@atg |
| 110:15 | 110:6 | 169:6,17 | 142:14 144:11,20 | 109:16 |
| issue 118:12 120:5 | jkuzma@perkins | July 147:3 166:14 | 145:14 157:4 | list 146:17 160:2 |
| 126:3,5 127:5,23 | 109:5 | jurisdiction 125:22 | 164:13,17 165:23 | listed 129:16 |
| 133:10,14 134:17 | jobs 120:15 Joe 113:3 168:16 | 157:11 165:10,12 | 166:2,25 169:4,4 | listening 134:16 |
| 134:18,20 135:10 | Joe.M.Dallas@g | 166:5 | 169:6,7 Kuzma's 156:23 | litigated 134:21 |
| | JUC.MI.DallaS@g | | NULIIIA S 130:23 | |
| | | | | |

BUELL REALTIME REPORTING, LLC

| 135:12 | McGRAW 110:8 | minimum 151:9 | 115:2 134:1 | 117:17,17,19,20 |
|----------------------|----------------------|---------------------------|--------------------|-------------------------|
| little 134:23 139:21 | 115:3 134:7,11,14 | Mission 110:18 | 157:22 159:7 | 130:6,6 137:6,7 |
| 147:2 148:3,22 | 134:15 135:18,23 | misspoke 117:18 | NE 109:4 | 137:10,11,18,19 |
| 149:18 161:20 | 136:10 159:9,9 | moment 159:12 | nearly 122:14 | 137:21,24 138:6,6 |
| 163:11 167:23 | mean 122:24 | 161:3 | 128:3 161:8 | 156:1,2 157:6 |
| live 134:20 135:15 | 123:15,19,20 | Montana 119:22 | necessarily 117:11 | 160:25 167:5 |
| 145:7 | 154:17 155:14 | 120:13,14,19 | 125:11 131:15 | Northwestern |
| LLC 110:9 | meet 119:18 147:4 | 121:12,17,19,23 | necessary 112:16 | 134:25 135:1,8 |
| LLP 109:4 | meeting 159:21 | 122:7 126:15,21 | 114:22 142:24 | 142:12,24 143:8 |
| load 161:22 | 166:7,7 | 127:5 128:1,5 | necessity 160:24 | 143:18 144:24 |
| Loarie 110:4 | meetings 139:8 | 134:8,19 136:2,3 | need 124:7 128:19 | 145:3 157:9 |
| 114:13,14 123:11 | megawatts 144:23 | 143:1,6,10 145:4 | 146:10,23 148:11 | 165:13,15 |
| 123:17 132:25 | 144:23 145:3,4,21 | 145:7 148:13,13 | 149:17 151:16 | Northwestern's |
| 154:3,4 | 145:23 | 148:16 154:24 | 156:8,15,21 | 145:16 |
| logged 113:12 | members 120:1 | 156:10,12 158:5 | 157:14 167:17 | note 113:10 148:21 |
| logistical 122:22,22 | 127:10 | 160:24 161:4 | 168:20 | 149:2,21 154:23 |
| long 122:18,20 | mention 120:5 | 163:23 165:12 | needed 149:12 | 155:11 |
| longer 164:1 | mentioned 116:9 | Montana's 135:19 | 164:25 | noted 163:23 |
| 165:10,22 167:3,8 | 121:4 124:1 | 165:11 | needs 145:23 | noticed 121:4 |
| look 123:18 131:24 | 144:22 156:7 | month 140:15 | 146:11 147:4 | 123:11,23 159:23 |
| 141:14,18 150:1,9 | mentions 124:15 | 147:13,17 151:1 | 156:15 166:7 | notices 169:9 |
| 150:22 156:14,20 | merger 157:2 | 166:16,17,19 | 169:13 | notification 159:15 |
| 158:5 168:13 | merits 165:25 | months 122:14,17 | needy 120:16 | 159:21 160:3 |
| looked 163:17 | met 124:17 139:6 | 128:3,9 160:12 | negative 131:22 | November 138:25 |
| looking 161:18 | 141:4,8 | 161:9,21 | neighbor 119:11 | 144:4 147:1 |
| looks 143:14 | Michael 110:17 | morning 112:8,23 | net 144:25 145:6 | 167:10 |
| lot 119:11 125:24 | 115:6 | 114:8,13 115:25 | 165:20 | NRDC 110:7 |
| 126:20 146:24 | michael.andrea | 116:21 118:16 | new 112:17 116:12 | 134:25 154:24 |
| 149:24 151:11 | 110:19 | 135:14 | 142:25 146:3,12 | number 129:15 |
| 155:15 169:1 | Microsoft 111:3 | motion 135:9,11,15 | 167:14 168:21,22 | 137:24 167:2 |
| lots 149:14 | 114:7,9 153:17 | motivations 163:21 | nonissue 167:20 | numbers 145:2 |
| | Microsoft's 153:19 | move 112:19 | nonutility 139:7 | NWEC 110:12 |
| <u> </u> | mid-December | 136:24 144:5 | 141:4 | 133:6 |
| M 109:8 | 151:6 | 151:21 166:21 | Northern 111:8 | |
| making 122:11 | mid-February | moved 166:19 | 115:16,18 116:15 | $\frac{0}{0}$ |
| 139:18 | 151:9 | moving 133:17 | 116:19,20 117:24 | O'Connell 108:11 |
| manner 156:13 | mid-January 151:8 | 149:23 152:18,19 | 118:10,20,24 | 112:5,9 113:1,6 |
| March 112:15 | mid-October | MSC-27 110:18 | 119:10 120:15 | 113:14,20,24 |
| 118:14 | 139:17 | muted 114:2 | 124:6 129:25 | 114:6,11,17,24 |
| master 160:2 | middle 155:12 | | 130:4 131:8 | 115:4,8,15,19 |
| matter 108:4 | Milinovich 111:4 | <u>N</u> | 132:20,24 133:3,5 | 117:5,21 121:3,10 |
| 112:12,15 118:23 | 114:10 | name 112:9 | 133:7,20 135:21 | 122:3,12 123:8,10 |
| 122:15 138:25 | mind 156:21 | narrow 137:14 | 136:8 | 123:23 128:16 |
| 161:11,13 164:3 | 158:24 | narrower 153:20 | northwest 114:18 | 129:21 130:8 |
| McAULIFFE | minimal 123:5 | narrowly 128:12 | 114:19,21,21,23 | 131:6,11 132:22 |
| 108:25 170:7,18 | | Natural 114:25 | | 133:22 134:13 |
| | 1 | 1 | 1 | I |

BUELL REALTIME REPORTING, LLC

| 135:18 136:5,11 | 117:5,21,23 | 123:11,18 152:22 | 127:17 129:7,24 | 122:9,11 132:2,3 |
|--------------------------|-----------------------|------------------------------------|---------------------------|-------------------------|
| 136:15 138:13 | 118:15 121:10 | out-of-state 125:10 | 132:2 134:22 | 152:25 |
| 139:24 142:6 | 122:12 123:8 | outcome 123:21 | 135:13 139:4,7 | pertained 133:4 |
| 144:7,12 145:10 | 124:3 129:21 | 139:19 143:3,11 | 140:18,24 141:5 | petition 116:8 |
| 146:1,20 150:11 | 131:6 132:22 | 145:5 146:8,22 | 142:1 145:15 | 117:8,24,25 118:7 |
| 150:15 151:21 | 134:15 136:5,15 | 150:7 | 146:14,17 150:4 | 118:13,16 121:4 |
| 153:15 154:2 | 136:17,24 138:17 | outline 142:2 | 151:4,15 152:21 | 121:10 122:13 |
| 155:25 157:21 | 139:14,24 144:7 | 150:21 158:22 | 153:5,12,20,24 | 123:11,18 124:5 |
| 158:8,14,19 159:4 | 144:12 151:21 | 163:14 | 155:9 156:4,15,17 | 128:20,23 129:24 |
| 159:8,11,18,23 | 153:15 154:2 | outlined 157:18 | 157:19 163:19,23 | 130:3 132:11,20 |
| 160:16,19 161:7 | 157:22 158:8,19 | outset 117:9 | 166:6 167:2 | 132:24 133:2,20 |
| 162:3,6 163:1,9 | 159:4,8,11,18,23 | outside 131:23 | parties' 167:11 | 136:18 137:1,16 |
| 164:11 165:23 | 160:16 161:7 | overall 130:12,20 | parts 152:19 | 138:16 149:4 |
| 166:24 168:11 | 162:3 164:11 | 130:22 | party 112:20 | 159:25 160:6,18 |
| 169:6,17 | 166:24 167:16 | overlap 152:7 | 116:24 118:22 | 161:10 162:11 |
| 000- 112:4 169:25 | 168:11 169:20,20 | owner 165:6 | 119:3,12 123:4 | petitioner 112:20 |
| Oakland 110:5 | 169:21 | owns 157:2,6 | 129:14 130:2 | 161:8 |
| object 132:10,20 | Olympia 109:10 | | 132:23 133:9,19 | petitioners 116:4 |
| 137:1 | 110:10 | P P | 133:23 136:16 | 116:17 |
| objected 134:25 | once 130:1 149:10 | P.C 110:13 111:5 | 137:3 138:14 | petitions 112:18 |
| 135:3 | ones 128:8 | p.m 169:24 | 151:22 160:20 | 116:11,14,22,25 |
| objecting 131:7 | online 113:12 | P.O 109:10 | 168:14 169:21 | 118:1,5 138:18,20 |
| objection 116:18 | open 117:7 | Pacific 137:20 | pass 162:14 168:12 | 167:14 |
| 116:24 117:10,11 | operating 126:8 | PacifiCorp 115:9 | pattern 160:25 | PGE 110:21 |
| 124:6 134:3 135:4 | 145:24 | package 148:5 | pause 130:2 159:14 | phone 113:13,22 |
| 135:7 137:2 160:7 | opinion 139:9 | Pages 108:13 | payers 119:10 | 115:21 117:18 |
| 162:7 | opportunity 118:18 | pale 132:9 | 125:13 127:13 | 159:1 |
| objections 116:22 | 131:9 136:3 | pandemic 122:17 | 131:20 144:14 | pieces 154:21 |
| obviously 165:6 | 157:19 | 155:12 | 161:1 | place 110:14 |
| occur 143:18 | opposed 135:12 | parameters 146:24 | PC 109:19 | 120:13 121:14 |
| 150:23 157:2 | opposing 116:16 | part 121:24,25 | peak 161:21 | 122:5 |
| occurring 139:12 | opposition 117:3 | 122:11 130:19,21 | pending 139:16 | placed 128:1 |
| occurs 131:14,21 | 126:24 162:13 | 130:22,24 144:15 | people 120:16 | places 121:16 |
| 148:10 | option 113:11 | 146:21,22 148:9 150:10 | 131:23 | plan 120:19 160:22 |
| October 139:2 | order 108:6 126:18 | | Pepple 111:4 114:8 | 160:23 |
| 140:16 142:3 | 127:2 137:18 | participate 128:11 143:6 | 114:8 153:17,18 | planning 118:12 |
| 144:3 151:1,4 | 138:9 150:25 | participation 118:3 | percent 152:23,24 | 123:13,14 134:19 |
| 168:2 | 151:2 155:19 | 118:22 128:12 | performance 138:1 | 134:23 135:11 |
| offered 132:4 | 156:9,10,12 160:2 | 134:3 160:20 | performed 126:15 | 136:1 |
| 147:25 | 167:12 169:23 | particular 131:2 | Perkins 109:4 | plans 135:2 |
| offers 161:18,20 | Oregon 109:20 | 147:5 157:15 | 112:24 | plant 123:15 |
| office 109:9,14 | 110:14,23 111:6 | particularly 125:18 | permission 149:5 | play 129:11 133:16 |
| 155:17 | organizational | 161:17 | personal 119:4 | 142:16 152:21 |
| Okay 113:14,20 | 119:25 | parties 112:20 | perspective 119:5 | 156:24 |
| 114:24 115:8,23 | original 118:13 | 116:4 117:7 123:6 | 119:19 120:23,24 | players 152:5,24 |
| | | 110.7 11/./ 123.0 | | |
| | | | | |

BUELL REALTIME REPORTING, LLC

| pleadings 134:17 please 113:22 practical 123:1 149:22 procedural 112:17 116:12 132:14 proposal 139:4 proposal 139:4 118:31 19:6,8 proposal 139:4 118:19 139:24 prefeitically 123:1 116:12 132:14 proposal 139:4 125:3,117:17 126:4 ping 152:21 156:24 prefer 153:9 146:3,12,15,23,25 proposed 119:1 126:2,1127:11 126:3 ping 122:11 136:8 116:2,6,10 122:14 167:3,8,15 168:7 150:6,15:118 133:6,15 137:23 141:19 143:12 116:2,6,10 122:14 167:3,8,15 168:7 150:6,15:118 133:6,15 137:23 161:24 165:25 16:19 166:1 proceeding 16:15 protecting 10:15 137:25 140:9 points 12:4:14 169:5 prejudice 133:18 proceeding 16:15 protecting 10:3 158:21 16:14 points 12:4:14 169:5 prejudice 132:4 118:2,25 12:12 125:13 127:12 158:21 16:14 points 12:4:14 169:5 pregare 14:19 122:4,7 124:21 provide 120:20 158:21 16:14 points 12:4:14 169:5 pregare 14:25 126:11,71 127:3 124:23 126:13 14:22 12:12:12 158:15:16:14 points 13:5:16 precent 14:1:13 128:5:16:13 | | | | | |
|--|------------------|-----------------|-------------------|-----------------|--------------------------|
| please 13:22 149:22 116:12 132:14 projosal 139:4 120:7,8,19 121:1 118:19 139:24 practically 123:1 138:22,24 139:5,9 144:5 153:7 125:3,11,17 126:4 159:5 pre-hearing 160:3 139:18 141:14,17 158:21 163:14 126:3,12 15:3,25 pint 125:1 127:9 prehearing 112:13 150:4,22 158:22 126:2,12 128:13 130:15 131:6,15 129:1 136:8 112:14 115:9 163:22 164:1,15 129:13 38:2,4 133:0,18,19 144:18 146:13 166:2,18 127:1 169:1 152:10 157:2 137:25 140:9 144:18 146:13 166:1 116:6,23 166:17 157:22 157:21 40:9 166:2 168:7 rejudice 131:8 proceed 112:5 163:18 164:8 141:1 146:18 pointed 150:24 prejudice 132:4 118:2,25 121:12 125:13 127:12 155:22 157:18 pointol 150:2 prepare 151:5 125:23 126:3,6,8 124:42 10:5,9,25 166:16 167:1,23 portfolio 138:5 prepare 143:25 126:1,17 127:3 127:18 140:5,9,25 165:16 167:1,23 portfolio 138:5 prepare 143:25 126:1,17 127:3 <t< th=""><th>pleadings 134.17</th><th>practical 123.1</th><th>procedural 112:17</th><th>proponent 154.8</th><th>118.3 119.6 8</th></t<> | pleadings 134.17 | practical 123.1 | procedural 112:17 | proponent 154.8 | 118.3 119.6 8 |
| 118:19 139:24 prethearing 160:3 138:22,24 139:5.9 144:5 153:7 125:3,11,17 126:4 159:5 prehearing 160:3 139:18 141:14,17 158:21 163:14 126:21 127:11 piug 152:21 156:24 prehearing 112:13 150:4,22 158:22 126:2,12 128:13 130:15 131:6,15 129:1 136:8 112:14 115:9 163:22 164:1,15 129:13 138:2,4 130:15 131:6,15 141:19 143:12 116:2,6,10 122:14 167:3,815 168:7 150:61 51:18 133:6,15 137:23 144:18 146:13 126:18 127:1 169:1 150:62 163:18 164:8 141:1 146:18 161:24 165:25 161:9 166:1 116:6,23 166:17 147:21 152:2 155:22 157:18 points 12:14 169:5 prejudice 123:4 118:2,25 120:3 122:13 127:12 155:22 157:18 points 13:5 preparet 141:19 122:47 124:21 provide 120:22 166:16 167:1,23 portfolio 138:5 preparet 14:32 126:11,17 127:3 127:18 140:5,9,25 165:16 167:1,23 portfolio 138:5 present 111:13 128:5 120:3 141:22 148:7 168:3,6,6 169:8 portfol | | - | - | | · · · · |
| 159:5 pre-hearing 160:3 139:18 141:14,17 158:21 163:14 126:21 127:11 ping 152:21 156:7 prefer 153:9 146:3,12,15,23,25 proposed 119:1 128:5,14 129:2,5 129:1 136:8 112:14 115:9 163:22 164:1,15 129:13 138:2,4 130:15 131:6,15 141:19 143:12 116:2,6,10 122:14 167:38,15 168:7 150:6 151:18 133:6,15 137:23 144:18 146:13 126:18 127:1 169:1 152:10 157:2 137:25 140:9 161:24 165:25 161:9 166:1 116:6,23 166:17 147:21 125:2 161:24 165:25 prejudice 133:18 proceeding 116:15 protect 124:20 153:8 154:5,16 points 124:14 169:5 jz:13 121:13,18,18 protecting 120:3 158:21 166:14 points 124:14 169:5 preparel 13:2 126:11,17 127:3 127:81 40:9,5,25 165:16 167:1.23 portion 149:4 preparel 143:24 128:5 129:3 141:22 148:7 168:3.6 61 69:8 Portiand 109:20 121:20,21 122:9 130:16,21 133:13 151:15,19 192:108:15,6,7 110:14,22,23 127:6 128:4 134:24,820 135:22 | - | , .== | | | |
| ping f52:21 156:24 prefer 153:9 146:3,12,15,23,25 proposed 19:1 128:1,141:29:2,5 point 129:1,136:8 112:14,115:9 163:22,164:1,15 129:1,136:4 130:15,131:6,15 144:18,146:13 126:18,127:1 166:2,6,10,122:14 167:3,8,15,168:7 150:6,151:18 133:6,15,137:23 144:18,146:13 126:18,127:1 rprogudice,123:4 rprogudice,133:18 proceeding 116:15 rprotect 12:2,0 153:21,127:12 153:22,137:17 pointel,150:24 prejudice,133:18 proceeding 116:15 protect 12:2,0 153:21,127:12 153:22,127:18 pointel,150:24 prejudice,133:18 protect 13:2,5 126:11,17,127:3 127:18,140:5,9,25 166:16,167:1,23 pointol,130:25 preparel,111:3 128:5,129:3 14:22,148:7 164:8,20,165:12 portion,149:4 present 111:13 128:5,129:3 14:22,148:15,19 164:8,6,6,6,67:8 portion,149:4 present 111:13 139:16,21 131:15,19 120:15 164:16:16:16:17:1,23 110:14,22,23 127:6,128:4 134:24,48:20,135:22 147:7 | | | | | |
| point 125:1 127:1 150:4,22 126:2,12 128:13 130:15 131:6,15 129:1 136:8 112:14 115:9 163:22 164:1,15 129:13 133:16,15 132:10,18,19 141:19 143:12 116:2,6,10 126:18 127:1 166:2 166:1 136:6,23 136:12 137:12 137:25 140:9 161:24 165:25 166:1 116:6,23 166:17 147:21 152:2 166:2 168:4,7 prejudice 123:4 132:13 121:13,18,18 protect 124:20 153:81 158:21 160:14 points 124:14 169:5 premature 141:19 122:47,124:21 protect 124:20 153:28 158:21 160:14 portion 138:5 prepare 151:5 prepare 143:25 126:11,17 127:18 140:5,9,25 166:16 167:1,23 portion 149:4 present 111:13 128:5 129:3 141:22 148:10 156:16 167:1,23 postion 137:11 present 141:14 151:21 133:15 | | | · · · · · · | | |
| 129:1 136:8 112:14 15:9 163:22 164:1,15 129:13 138:2,4 132:10,18,19 141:19 143:12 162:6,10 122:14 169:1 132:10 137:25 140:9 144:18 146:13 126:18 127:1 169:1 152:10 157:2 137:25 140:9 147:8,12 156:1 169:1 156:2 166:17 132:10 172:11 152:10 157:2 137:25 140:9 166:2 168:4 141:1 146:8 141:1 146:18 147:21 152:2 157:22 157:12 157:22 157:12 157:22 157:12 157:22 157:12 157:22 157:12 157:12 157:22 157:12 157:12 157:12 157:12 157:12 157:12 157:12 157:12 157:12 157:12 157:12 157:12 157:12 157:12 165:16 167:1.23 164:20 165:12 166:17:1.23 166:16 167:1.23 166:16 167:1.23 166:16 167:1.23 166:16 167:1.23 167:1.24 166:16:16:17:1.25 166:16:16:16:16:16:16:16:16 | | - | | | |
| 141:19 143:12 116:2,6,10 122:14 167:3,8,15 150:6 151:18 133:6,15 137:25 144:13 147:8,12 156:7 136:22 137:17 proceed 112:5 166:17 137:25 140:18 161:24 165:25 161:9 166:1 116:6,23 166:17 147:21 155:22 157:23 155:22 157:23 155:22 157:23 155:22 157:23 157:23 141:1 146:18 141:1 146:18 147:21 152:22 157:18 155:22 157:23 155:22 157:23 155:22 157:18 155:22 157:23 157:23 157:23 157:23 157:23 157:23 157:23 157:23 157:23 157:23 157:23 157:23 157:23 141:22 143:24 145:23 157:18 157:23 157:18 157:23 157:23 157:23 157:14 157:23 157:23 157:23 157:23 157:23 157:23 157:23 157:23 157:23 157:23 157:23 157:23 157:23 157:23 157:23 157:23 157:23 157:23 157: | - | | , | , | , |
| 144:18 146:13 126:18 127:1 169:1 152:10 157:2 137:25 140:9 147:8,12 156:7 136:22 137:17 proceed 112:5 163:18 164:8 141:1 146:18 161:24 165:25 161:9 166:1 116:2,63 166:17 147:1 152:2 166:2 168:4,7 prejudicel 123:4 118:2,25 121:12 125:13 127:12 155:22 157:18 points 124:14 169:5 preparenture 141:19 122:4,7 124:21 protect 124:20 158:21 160:14 pool 160:25 preparel 143:25 protesent 11:13 128:5 129:3 141:2 148:7 168:3,6 6 169:8 portian 49:4 present 11:13 128:5 129:3 141:2 148:7 168:3,6 6 169:8 Puget 108:5,6,7 p110:14,22,23 127:6 128:4 133:4;4,8 20 135:22 provided 120:20 112:24 138:5 p13:15:12 presentation 129:4 143:2,4 145:5,15 143:15 141:2 148:7 p14:17,22 146:19 present 121:16 154:25 157:16 120:15 145:25 147:5,23 position 137:11 present 21:16 154:25 157:16 120:15 146:23 156:17,19 p15:123 152:4,14 153:8 158:5 160:21 providing 119:18 145:23 157:8,14 p14 | | | | | , , |
| 147:8,12 156:7 136:22 137:17 proceed 112:5 163:18 164:8 141:1 146:18 161:24 165:25 161:9 166:1 116:6,23 166:17 147:21 152:2 pointed 150:24 prejudice 133:18 proceeding 116:15 protect 124:20 155:22 157:18 pointel 125: prepare 151:5 prepare 141:19 122:47, 124:21 provide 120:32 166:21 68:45, 16 portion 132:5 prepare 151:5 125:23 126:3, 6, 8 124:23 126:13 164:8, 20 165:12 portion 149:4 present 111:13 121:20, 21 122:9 130:16, 21 133:13 151:15, 19 168:3, 6, 6 169:8 Portant 109:20 121:20, 21 122:9 130:16, 21 133:13 151:15, 19 provide 120:20 112:24 138:5 116:6 151:2, 13 153:13 137:17 138:11 124:25 129:6 143:11, 13 145:21 158:5 16 presentation 129:4 143:2, 4 145:5, 15 143:15 145:52 147:5, 5.3 post 155:13 presentation 129:4 143:2, 2 145:5, 15 143:15 145:52 147:5, 5.2 post 155:14 pressing 115:22 proceedings 127:5 provides 119:5 156:23 157:19 post 154:17 pressing 115:22 proceed 158:4 126:13 | | , , | , , | | , |
| 161:24 165:25 161:9 166:1 116:6,23 166:17 147:21 152:2 166:21 168:4,7 prejudice 133:18 proceeding 116:15 protect 124:20 153:8 154:5,16 points 124:14 169:5 pregudiced 123:4 118:2,25 121:12 125:13 127:12 155:22 157:18 points 124:14 169:5 premature 141:19 122:4,7 124:21 protect 124:20 155:22 157:18 portfolio 138:5 prepare 151:5 125:23 126:3,6,8 124:23 126:13,6,7 165:16 167:1,23 portfolio 138:5 present 111:13 128:5 129:3 141:22 148:7 168:3,6,6 169:8 Portand 109:20 121:20,21 122:9 130:16,21 133:13 151:15,19 Puget 108:5,6,7 110:4,22,23 127:6 128:4 143:4,820 135:22 provide 120:20 112:24 138:5 116:151:2,13 153:13 142:22 152:6 147:7 149:9 provide 119:20 143:13,13 145:21 position 137:11 presentation 129:4 143:25 157:16 120:15 164:23 165:17,19 presiding 112:16 presiding 112:16 154:25 157:16 120:15 164:23 165:17,19 positions 145:17 pressing 115:22 proceeding 16:18 144:16 153:5 164:3 145:23 147:15 | | | | | |
| 166:2 168:4,7 prejudice 133:18 proceeding 116:15 protect 124:20 153:8 154:5,16 points 124:14 169:5 132:13 118:2,25 121:12 125:13 127:12 155:22 157:18 pollution 132:7 premature 141:19 122:4,7 124:21 provide 120:23 166:21,24 163:18 pool 160:25 prepare 151:5 125:23 126:3,6,8 124:23 126:13 164:8,20 165:12 portion 149:4 present 111:13 128:5 129:3 121:20,21 133:13 151:15,19 Puget 108:5,6,7 Portland 109:20 121:20,21 122:9 130:16,21 133:13 151:15,19 Puget 108:5,6,7 110:14,22,23 127:6 128:4 134:4,8,20 135:22 provide 120:20 112:24 13:15 158:15.16 presental 12:16 151:12 153:19 provides 119:5 166:23 157:8,14 141:17,22 146:19 presting 112:11 165:18 164:18 141:6 153:5 164:3 Providing 119:18 166:7,20,21 positions 145:17 pressing 115:22 proceeding 127:5 PSE 109:2 11:2:22 145:23 147:15 positions 145:17 pressing 115:22 proceed 120:16 124:3 125:14.14 164:23 125:147:15 | - | | - | | |
| pointed 150:24 prejudiced 123:4 118:2,25 121:12 125:13 127:12 155:22 157:18 pointed 150:24 132:13 premature 141:19 122:4,7 124:21 protecting 120:3 158:21 160:14 pool 160:25 premature 141:19 122:4,7 124:21 provide 120:22 162:21,24 163:18 portfolio 138:5 prepare 151:5 125:23 126:3,6,8 124:23 126:13 164:8,20 165:12 portfolio 190:20 121:20,21 122:9 130:16,21 133:13 151:15,19 Preget 108:5,6,7 Portland 109:20 121:20,21 122:9 130:16,21 133:13 151:15,19 Preget 108:5,6,7 110:14,22,23 127:6 128:4 134:4,8,20 135:22 provide 120:20 112:24 138:5 115:15.15 presentation 129:4 143:24,145:5,15 143:15 145:25 147:5,23 pose 155:13 presented 121:16 151:12 153:19 provides 119:20 145:23 157:8,14 141:17,22 146:19 139:25 141:20 158:5 160:21 providing 119:18 166:7,20,21 153:25 158:7,11 pressing 115:22 proceedings 127:5 PSE 109:2 112:22 142:21 142:18,18 postitions 145:17 | | | , | | |
| points124:14169:5132:13121:13,18,18protecting120:3158:21160:14poll160:25prepare143:25122:4,7124:21124:23122:13,18,18provide120:22162:21,24163:18portfolio138:5prepare143:25125:23126:11,17127:38124:23126:13164:8,20165:12portion149:4present111:13128:5129:3141:22148:7168:3,6,6169:8Portland109:20127:6127:6128:4134:4,8,20135:12provided120:20112:24138:5111:6115:12,13153:13137:17138:11124:25129:6143:13145:21145:25147:5,23position157:11presented121:16151:12153:19provider119:20149:3,13156:18position175:11139:25141:20154:25157:16120:15166:7,20,21145:23145:23145:23145:23145:17,19151:20pressi136:22proceedis128:17,134:5126:13126:13126:13126:13144:19126:13126:13144:17.5145:23147:15postibility161:23prevant129:55147:20148:11,12139:7140:4,17142:17,23,25143:7,14144:15145:23145:13145:23145:13126:13126:13126:13126:13126:13126:13126:13126:13 </th <th>,</th> <th></th> <th>- 0</th> <th>-</th> <th>,</th> | , | | - 0 | - | , |
| pollution 132:7 portion 132:7 portion 138:5 prepared 143:25 premature 141:19 prepare 151:5 prepared 143:25 122:2,7 124:21 provide 120:22 162:21,24 163:18 164:8,20 165:12 portfolio 138:5 portfon 149:4 Protland 109:20 present 111:13 121:20,21 122:9 121:20,21 122:9 121:20,21 122:9 121:20,21 122:9 121:20,21 122:9 121:20,21 122:9 121:20,21 122:9 110:14,22,23 127:6 128:4 134:4,8,20 135:22 provided 120:20 165:16 167:1,23 165:16 167:1,23 present 111:13 158:15,16 postion 137:11 153:25 158:7,11 153:25 158:7,11 postitions 145:17 153:25 158:7,11 possibility 161:2,3 161:19 presented 121:16 151:22 151:12 153:19 proceed 158:4 165:3,8 166:8,12 provides 119:5 provides 119:5 156:23 157:8,14 141:6 153:5 164:3 providing 119:18 166:7,20,21 145:23 157:14 145:23 157:14 145:23 157:14 155:3 presiding 112:11 pressing 115:22 proceed 158:4 145:13 154:14,12 155:13 164:23 165:17,19 164:23 165:17,19 166:7,20,21 165:3,8 166:8,12 providing 119:18 166:7,20,21 145:23 147:15 PSE 109:2 112:22 148:21 155:13 164:12 120:15 Puget's 142:18,18 166:7,20,21 145:23 147:15 PSE 109:2 112:22 148:21 155:13 164:23 147:15 PSE 109:2 112:22 148:21 155:13 164:12 procees 158:4 164:18 151:3 166:8 provisions 167:14 144:13 164:7 Puget's 142:18,18 144:13 164:7 144:13 164:7 144:13 164:7 144:13 164:7 144:13 164:7 144:13 164:7 144:13 164:7 144:13 164:7 144:13 164:7 144:13 164:7 144:12 145:7 144:21 145:7 151:3 160:8 procees 153:10 144:13 164:12 procees 153:10 144:13 164:12 protaeser 152:22 167:10 164:22 167:5 proffered 144:3 PSE's 116:16 124:6 probably 120:18 proffered 144:3 PSE's 116:16 124:6 pro | 1 - | | , | | |
| pool 160:25 portion 149:4prepare 151:5 prepared 143:25125:23 126:3,6,8 126:11,17 127:3124:23 126:13 127:18 140:5,9,25164:8,20 165:12 165:16 167:1,23portion 149:4 portion 149:4present 111:13 present 111:13128:5 129:3 130:16,21 133:13141:22 148:7 151:15,19168:3,6,6 169:8 Puget 108:5,6,7Portland 109:20 110:14,22,23127:6 128:4 135:13133:16,21 133:13 137:17 138:11151:15,19 124:25 129:6Puget 108:5,6,7 143:11,13 145:21 143:15111:6 115:12,13 155:13153:13 142:22 152:16resentation 129:4 143:2,4 145:5,15143:15 144:21 155:18 144:21 155:18resentation 129:4 144:2,4 145:5,15resentation 129:4 144:2,4 145:5,15143:15 144:21 155:18position 137:11 151:23 152:4,14presented 121:16 139:25 141:20151:12 153:19 154:25 157:16provides 119:5 162:18 164:18 153:5 164:31166:7,0,21 144:13 156:18 provisions 167:14 145:23 147:15positions 145:17 postions 145:17 possibility 161:2,3 151:12pressing 115:22 prevail 143:13 process 121:17process 121:17 128:11 136:9Puget 152:13 144:21 145:7,8 144:21 145:7,8 processe 121:17128:11 136:9 144:8,15 142:8purchase 140:2 144:21 145:7,8 purchase 140:2postiel 119:20 167:4primarily 125:13 prime 123:14 primarily 125:13 prime 124:21produced 120:14 161:17 produced 120:14144:13 154:18,20 144:8,15 142:8144:21 145:78 144:21 145:78 purchaser 152:22postiel 119:20 123:21 133:11 153:11primary 116:10 produced 120:14 produced 120:14puget 108:15 163:21 164:12pu | - | | , , | - 0 | |
| portfolio138:5prepared143:25126:11,17127:3127:18140:5,9,25165:16167:1,23portion149:4present111:13128:5129:3141:22148:7168:3,6,6169:8Portland109:20127:0,21122:9130:16,21133:13151:15,19Puget108:5,6,7110:14,22,23127:6128:4134:4,8,20135:12provided120:20112:24138:5111:6115:12,13153:13137:17138:11124:25129:6143:11,13145:21158:15,16presentation129:4143:2,4145:5,15143:15145:25147:5,23post137:17presented121:10154:25157:16120:15166:7,20,21151:23152:24,14133:8158:5160:21provisions 167:14145:23147:15postions145:17pressing115:22proceedings127:5PSE 109:2112:14146:19possibility161:12provisions 167:14145:23147:15124:3124:21148:21155:13161:19prevail143:13proceed is158:4126:13127:12pull122:9postibility161:23proceed is158:4126:13127:12pull126:13postibility161:23procees is153:10144:13,16146:19144:14:145:7,8posture132:14primarily125:13proceeses is161:17 <t< th=""><th>-</th><th></th><th>,</th><th>-</th><th></th></t<> | - | | , | - | |
| portion 149:4present 111:13128:5 129:3141:22 148:7168:3,6,6 169:8Portand 109:20121:20,21 122:9130:16,21 133:13151:15,19Puget 108:5,6,7110:14,22,23127:6 128:4134:4,8,20 135:22provided 120:20112:24 138:5111:6 115:12,13153:13137:11 7138:11124:25 129:6143:1,13 145:21post 155:13142:22 152:16147:7 149:9provider 119:20145:25 147:5,23post 101 137:11presented 121:16151:12 153:19provides 119:5166:7,20,21151:23 152:4,14presing 112:11162:18 164:18141:6 153:5 164:3Puget's 142:18,18151:23 152:4,14pressing 115:22proceed 158:4126:13 127:12Puget's 142:18,18151:23 152:4,14pressing 115:22proceed 158:4126:13 127:12Puget's 142:18,18151:20prevail 143:13proceeds 158:4126:13 127:12pull 152:9postibility 161:2,3nervent 129:25147:20 148:11,12139:7 140:4,17142:17,23,25postretirementprice 143:8 145:7produced 120:14166:7:14144:21 145:7,8postretial 119:20131:17 139:11price 164:32produced 120:14166:17 162:4,17167:4primary 116:10produced 120:14167:5pushing 125:3potential 119:20131:17 139:11primary 116:10produced 120:14167:5125:8 126:25principle 164:32proftered 144:3130:18 137:1125:2proble 161:25proper 126:20130:18 137:1125:2problem 161: | 1 - | 1 1 | | | , |
| Portland 109:20121:20,21 122:9130:16,21 133:13151:15,19Puget 108:5,6,7110:14,22,23127:6 128:4134:4,8,20 135:22177:138:11124:25 129:6112:24 138:5111:6 115:12,13153:13137:17 138:11124:25 129:6143:11,13 145:21158:15,16presentation 129:4143:2,4 145:5,15144:15145:25 147:5,23pose 155:13presented 121:16151:12 153:19provider 119:20149:3,13 156:18position 137:11presented 121:16151:12 153:19provider 119:20149:3,13 156:18153:25 158:7,11presiding 112:11presiding 112:11165:3,8 166:81providing 119:18166:7,20,21151:20pretty 154:7precedings 127:5provisions 167:14Puget's 142:18,18possibility 161:2,3prevail 143:13proceedings 127:5124:3 125:14,14164:19possibily 145:11prevent 129:25proceedis 158:4126:13 127:12pull 152:9postertirementprevinus 156:4produced 120:14144:13,16 146:7144:21 145:7,8posture 132:14primary 116:10produced 120:14166:21 161:17 162:4,17164:22power 123:15principle 164:3profured 144:3130:18 137:1130:18 137:116:25 161:17,22probably 120:18proge' 132:17proge' 132:17proge' 132:17pothelia 119:20problem 161:25proge' 132:17proge' 132:17proge' 132:17pothelia 119:20problem 161:25proge' 132:17proge' 132:17proge' 132:17pothelia 161:25pr | - | | , | | , |
| 110:14,22,23127:6 128:4134:4,8,20 135:22provided 120:20112:24 138:5111:6 115:12,13153:13137:17 138:11124:25 129:6143:11,13 145:21158:15,16presentation 129:4143:2,4 145:5,15143:15145:25 147:5,23position 137:11presented 121:16151:12 153:19provides 119:5156:23 157:8,14141:17,22 146:19presented 121:16151:12 153:19provides 119:5156:23 157:8,14153:25 158:7,11presiding 112:11162:18 164:18141:6 153:5 164:3Puget's 142:18,18158:17,17pressing 115:22proceedings 127:5PSE 109:2 112:22148:21 155:13161:19prevent 129:25147:20 148:11,12139:7 140:4,17145:29possibility 161:2,3price 143:8 145:7proceess 153:10144:13,16 146:7144:21 145:7,8postretirementprevious 156:4148:13 154:18,20141:8,15 142:8143:7,14 144:15135:3price 143:8 145:7produced 120:14161:17 162:4,17142:21 7,23,25postretirementprice 143:8 145:7produced 120:14161:17 162:4,17144:21 145:7,8potential 119:20131:17 139:11161:17161:17 162:4,17164:22167:4primariy 125:13produced 120:14167:5purchaser 166:10power 123:15principle 164:3proffered 144:3PSE's 116:16 124:6130:18 137:1125:8 126:25priot 141:6 168:22proffered 144:3PSE's 116:16 124:6130:18 137:1162:1probelm 161:25propert 26:20propert 26 | - | - | | | |
| 111:6115:12,13153:13137:17138:11124:25129:6143:11,13145:21158:15,16presentation129:4143:2,4145:5,15143:15143:2,1145:25147:7post137:11presented121:16151:12153:19provider119:20149:3,13156:18position137:17presented121:16151:12153:19provider119:20149:3,13156:18151:23152:4,14153:25147:7149:9provider119:20145:25157:16120:15151:23152:4,14153:8158:5160:21providing119:18166:7,20,21153:25158:7,11pressing115:22proceedings127:5164:33145:17positions145:17pressing115:22proceedings127:5128:17128:11166:7161:19145:1proceeds158:4126:13127:12pull142:17,23,25postibly145:11process121:17128:11136:9purchase140:2postibly145:12processes153:10144:13,16146:7144:21145:7,8postitia119:20131:17139:11production120:12161:17164:22123:22potential119:20131:17139:11161:17161:17164:22124:21125:3power123:15principle164:32production120:12purchaser | | , | , | , | 0 |
| 158:15,16 pose 155:13presentation 129:4 142:22 152:16143:2,4 145:5,15 147:7 149:9143:15 provider 119:20145:25 147:5,23 149:3,13 156:18position 137:11 141:17,22 146:19presented 121:16 139:25 141:20151:12 153:19 154:25 157:16provider 119:20 154:25 157:16145:25 157:8,14 166:7,20,21151:23 152:4,14 153:25 158:7,17 postions 145:17 postions 145:17 postions 145:17pressing 112:11 press 136:22165:3,8 166:8,12 proceedings 127:5providing 119:18 proceedings 127:5143:25 147:5,23 provider 119:20161:19 161:19presvil 143:13 prevent 129:25proceedings 127:5 147:20 148:11,12PSE 109:2 112:22 128:1,7 134:5144:21 155:13 124:3 125:14,14161:19 161:19prevent 129:25 proteet 143:8 145:7 primary 116:10process 158:4 process 153:10126:13 127:12 process 153:10pull 152:9 purchase 140:2143:11 161:17 161:17primary 116:10 163:21 164:12process 153:10 proffered 144:3144:13 160:8 130:18 137:1 130:18 137:1purchaser 152:22 164:22162:11primary 116:10 property 164:19,20proffered 144:3 proger 120:14pSE's 116:16 124:6 130:18 137:1put 147:14 169:11 qualifier 120:9 qualifier 120:9162:1problem 161:25 property 164:19,20problem 161:25 property 164:19,20public 109:12,15 public 109:12,15qualifier 120:9 qualifier 120:9 qualifier 120:9 | | | | - | |
| pose 155:13142:22 152:16147:7 149:9provider 119:20149:3,13 156:18position 137:11presented 121:16151:12 153:19provides 119:5156:23 157:8,14141:17,22 146:19139:25 141:20154:25 157:16120:15166:7,20,21151:23 152:4,14153:8158:5 160:21providing 119:18166:7,20,21153:25 158:7,11presing 112:11165:3,8 166:8,12providing 119:18145:23 147:15positions 145:17pressing 115:22proceedings 127:5PSE 109:2 112:22148:21 155:13151:20pretvil 154:7128:1,7 134:5124:3 125:14,14164:19possibility 161:2,3prevail 143:13proceeds 158:4126:13 127:12pull 152:9possibily 145:11prevent 129:25147:20 148:11,12139:7 140:4,17142:17,23,25postretirementprevious 156:4148:13 154:18,20144:13,16 146:7144:21 145:7,8posture 132:14primary 116:10produced 120:14161:17 162:4,17164:22postre 132:15principle 164:3proffered 144:3PSE's 116:16 124:6purchaser 152:22power 123:15principle 164:3proffered 144:3PSE's 116:16 124:6pushing 125:3postic 161:17,22141:6 168:22PROGRAM 110:4130:18 137:1put 147:14 169:11160:25 161:17,22155:2property 164:19,20public 109:12,15put 147:14 169:11162:1164:22,25 156:18113:7,9 116:17164:20.20164:10 | | | | | , |
| position 137:11 141:17,22 146:19presented 121:16 139:25 141:20151:12 153:19 154:25 157:16provides 119:5 120:15156:23 157:8,14 164:23 165:17,19151:23 152:4,14 153:25 158:7,11 positions 145:17 positions 145:17153:2 pressig 115:22 pressig 115:22158:5 160:21 162:18 164:18provides 119:5 120:15156:23 157:8,14 164:23 165:17,19positions 145:17 positions 145:17 positing 161:2,3 161:19pressig 115:22 prevent 129:25proceedings 127:5 128:1,7 134:5provisions 167:14 128:14Puget's 142:18,18 145:23 147:15positions 145:17 positing 161:2,3 161:19prevent 129:25 prevent 129:25proceed 158:4 145:11 proceeds 158:4 proceeds 158:4 proceeds 158:4 126:13 127:12148:21 155:13 124:3 125:14,14145:29 pull 152:9 | | - | , , , | | , |
| 141:17,22 146:19139:25 141:20154:25 157:16120:15164:23 165:17,19151:23 152:4,14153:8158:5 160:21providing 119:18166:7,20,21158:5 17,17presiding 112:11162:18 164:18141:6 153:5 164:3Puget's 142:18,18158:17,17pressing 115:22proceedings 127:5PSE 109:2 112:22148:21 155:13151:20pretty 154:7128:1,7 134:5126:13 127:12puget's 142:18,18161:19145:1proceeds 158:4126:13 127:12pull 152:9possibily 161:2,3prevail 143:13process 121:17139:7 140:4,17142:17,23,25postetirementprevious 156:4148:13 154:18,20144:13,16 146:7144:21 145:7,8postre 132:14primarily 125:13procurement151:3 160:8144:21 145:7,8power 123:15principle 164:3production 120:12167:5puchaser 152:22power 123:15principle 164:3proffered 144:3PSE's 116:16 124:6pushing 125:3160:25 161:17,22155:2proper 126:20probelby 120:18proger 126:20public 109:12,15162:1162:1164:22,25 165:18113:7,9 116:17120:15120:15120:15162:1164:21164:29120:14120:15120:15120:15162:1162:1164:22120:14120:14120:1417161:17produced 120:14161:16 124:6pushing 125:3put 147:14 169:11128:6proffered 144:3130:18 137:1put 147:14 169:11160:25 161:1 | - | | | - | , |
| 151:23 152:4,14 153:8153:8 presiding 112:11 presiding 112:11 presiding 112:11 presiding 112:11 presiding 112:11 presiding 112:11 presiding 112:11 presiding 112:11 presiding 115:22 pretty 154:7158:5 160:21 165:3,8 166:8,12 proceedings 127:5providing 119:18 141:6 153:5 164:3 provisions 167:14166:7,20,21 Puget's 142:18,18 145:23 147:15positions 145:17 possibility 161:2,3 161:19presing 115:22 pretty 154:7proceedings 127:5 128:1,7 134:5PSE 109:2 112:22 124:3 125:14,14148:21 155:13 144:19possibility 161:2,3 161:19prevail 143:13 145:1proceeds 158:4 proceeds 158:4 148:13 154:18,20 process 121:17126:13 127:12 128:11 136:9pull 152:9 purchase 140:2postretirement 135:3price 143:8 145:7 price 143:8 145:7 posture 132:14primarily 125:13 procurement161:17 162:4,17 163:21 164:12144:21 145:7,8 purchaser 152:22potential 119:20 167:4131:17 139:11 primary 116:10produced 120:14 produced 120:14 proffered 144:3161:17 162:4,17 163:21 164:12164:22 purchaser 152:22power 123:15 power 123:15principle 164:3 probably 120:18proffered 144:3 proger 126:20 proper 126:20PSE's 116:16 124:6 167:5push 126:17 152:9 push 126:17 152:9 push 126:17 152:9polic 109:12,15 162:1162:1164:22,25 165:18160:7,9 103:18 137:1qualifier 120:9 qualifier 120:9 qualifier 120:9 quality 164:10 | - | - | | - | , , |
| 153:25 158:7,11 158:7,17presiding 112:11 press 136:22162:18 164:18 165:3,8 166:8,12 | | | | | , |
| 158:17,17press 136:22165:3,8 166:8,12provisions 167:14145:23 147:15positions 145:17pressing 115:22proceedings 127:5PSE 109:2 112:22148:21 155:13151:20pretty 154:7proceeds 158:4126:13 127:12pull 152:9possibility 161:2,3prevail 143:13proceeds 158:4126:13 127:12pull 152:9possibly 145:11prevent 129:25147:20 148:11,12139:7 140:4,17142:17,23,25postretirementprevious 156:4148:13 154:18,20141:8,15 142:8143:7,14 144:15135:3price 143:8 145:7proceesses 153:10144:13,16 146:7144:21 145:7,8posture 132:14primarily 125:13procurement151:3 160:8purchaser 152:22potential 119:20131:17 139:11161:17161:17 162:4,17164:22167:4128:6produced 120:14163:21 164:12push 126:17 152:9power 123:15principle 164:3proffered 144:3PSE's 116:16 124:6push 126:17 152:9power 123:15principle 164:3proffered 144:3PSE's 116:16 124:6push 126:17 152:9power 123:15prion 141:6 168:22proger 126:20160:7,9pushing 125:3162:1problem 161:25164:22,25 165:18113:7,9 116:17qualifier 120:9qualifier 120:9quality 164:10144:20144:10 | , | | | | |
| positions 145:17 151:20pressing 115:22 pretty 154:7proceedings 127:5 128:1,7 134:5PSE 109:2 112:22 124:3 125:14,14148:21 155:13 164:19possibility 161:2,3 161:19prevail 143:13 145:1proceeds 158:4 process 121:17126:13 127:12 128:11 136:9pull 152:9 purchase 140:2possibly 145:11 possibly 145:11prevent 129:25 previous 156:4147:20 148:11,12 147:20 148:11,12139:7 140:4,17 139:7 140:4,17142:17,23,25 143:7,14 144:15additional system posture 132:14 potential 119:20price 143:8 145:7 131:17 139:11processes 153:10 procurement144:13,16 146:7 151:3 160:8144:21 145:7,8 purchase 152:22potential 119:20 167:4131:17 139:11 primary 116:10 167:4161:17 produced 120:14 profered 144:3161:17 162:4,17 163:21 164:12164:22 purchaser 152:22power 123:15 125:8 126:25principle 164:3 prior 141:6 168:22 probably 120:18PROGRAM 110:4 proper 126:20PSE's 116:16 124:6 130:18 137:1 138:1 144:18 130:18 137:1put 147:14 169:11Q qualifier 120:9 qualifier 120:9 quality 164:10Q quality 164:10 | , | | | | 0 |
| 151:20 possibility 161:2,3 161:19pretty 154:7 prevail 143:13 145:1128:1,7 134:5 proceeds 158:4 proceeds 158:4 proceeds 158:4 126:13 127:12 128:11 136:9164:19 pull 152:9 purchase 140:2possibly 145:11 possibly 145:11 possibly 145:11 posture 132:14 potential 119:20 167:4prevent 129:25 primary 125:13 131:17 139:11147:20 148:11,12 147:20 148:13 154:18,20 processes 153:10 processes 153:10124:3 125:14,14 128:61 161:17 162:4,17164:19 pull 152:9 purchase 140:2posture 123:15 power 123:15 125:8 126:25 160:25 161:17,22 162:1principle 164:3 problem 161:25proger 126:20 property 164:19,20 property 164:19,20 property 164:19,20164:29 pull 152:9power 123:15 162:1principle 164:3 problem 161:25proger 126:20 property 164:19,20 property 164:19,20pushig 125:3 put 147:14 169:11pothem 161:25 162:1problem 161:25 164:22,25 165:18property 164:19,20 113:7,9 116:17public 109:12,15 113:7,9 116:17qualifier 120:9 quality 164:10 | - | - | | - | |
| possibility 161:2,3 161:19prevail 143:13 145:1proceeds 158:4 process 121:17126:13 127:12 128:11 136:9pull 152:9 purchase 140:2possibly 145:11 postretirement 135:3prevent 129:25 previous 156:4147:20 148:11,12 148:13 154:18,20139:7 140:4,17 141:8,15 142:8142:17,23,25 143:7,14 144:15135:3 posture 132:14 potential 119:20primarily 125:13 131:17 139:11processes 153:10 procurement144:13,16 146:7 151:3 160:8144:21 145:7,8 purchaser 152:22167:4 power 123:15 125:8 126:25 162:1principle 164:3 probably 120:18 165:2proffered 144:3 proger 126:20 property 164:19,20PSE's 116:16 124:6 130:18 137:1 138:1 144:18 160:7,9 public 109:12,15 113:7,9 116:17pull 152:9 purchase 140:2potential 17,22 162:1162:1162:1164:22,25 165:18126:13 | - | | | | |
| 161:19145:1process 121:17128:11 136:9purchase 140:2possibly 145:11prevent 129:25147:20 148:11,12139:7 140:4,17142:17,23,25postretirementprevious 156:4148:13 154:18,20141:8,15 142:8143:7,14 144:15135:3price 143:8 145:7processes 153:10144:13,16 146:7144:21 145:7,8posture 132:14primarily 125:13procurement151:3 160:8purchaser 152:22potential 119:20131:17 139:11161:17161:17 162:4,17164:22123:21 133:11primary 116:10produced 120:14163:21 164:12purchasers 166:10power 123:15principle 164:3proffered 144:3PSE's 116:16 124:6pushing 125:3power 123:15prior 141:6 168:22PROGRAM 110:4130:18 137:1put 147:14 169:11160:25 161:17,22155:2proper 126:20160:7,9public 109:12,15qualifier 120:9162:1162:1164:22,25 165:18113:7,9 116:17quality 164:10 | | | | | |
| possibly 145:11 postretirementprevent 129:25 previous 156:4147:20 148:11,12 148:13 154:18,20139:7 140:4,17 141:8,15 142:8142:17,23,25 143:7,14 144:15135:3 posture 132:14 posture 132:14price 143:8 145:7 primarily 125:13processes 153:10 procurement144:13,16 146:7 151:3 160:8144:21 145:7,8 144:21 145:7,8posture 132:14 potential 119:20131:17 139:11 131:17 139:11161:17 produced 120:14161:17 162:4,17 161:17 162:4,17164:22 purchaser 152:22167:4 128:6 power 123:15principle 164:3 principle 164:3 principle 164:3production 120:12 proffered 144:3167:5 PSE's 116:16 124:6 130:18 137:1pushing 125:3 put 147:14 169:11127:20 140:2 162:1probably 120:18 155:2 problem 161:25proper 126:20 property 164:19,20130:18 137:1 160:7,9 public 109:12,15put 147:14 169:11 Q qualifier 120:9 quality 164:10164:22,25 165:18113:7,9 116:17120:9 quality 164:10 | - | - | 1 | | - |
| postretirement 135:3previous 156:4 price 143:8 145:7 posture 132:14 potential 119:20previous 156:4 price 143:8 145:7 primarily 125:13 131:17 139:11148:13 154:18,20 processes 153:10 procurement 161:17141:8,15 142:8 144:13,16 146:7 151:3 160:8143:7,14 144:15 144:21 145:7,8 purchaser 152:22potential 119:20 123:21 133:11 167:4131:17 139:11 primary 116:10 128:6produced 120:14 produced 120:14 produced 120:12 proffered 144:3161:17 162:4,17 163:21 164:12164:22 purchasers 166:10 push 126:17 152:9power 123:15 125:8 126:25 125:8 126:25 162:1prior 141:6 168:22 probably 120:18 155:2proffered 144:3 proger 126:20 property 164:19,20 164:22,25 165:18PSE's 116:16 124:6 130:18 137:1 138:1 144:18 160:7,9 public 109:12,15 113:7,9 116:17143:7,14 144:15 144:21 145:7,8 purchasers 166:10 push 126:17 152:9poken 161:25 162:1162:1148:13 154:18,20 proger 126:20 164:22,25 165:18141:8,15 142:8 144:13,16 146:7 161:17 162:4,17144:21 145:7,8 purchaser 152:22 164:22purchasers 166:10 push 126:17 152:9 pushing 125:3 put 147:14 169:11141:8,15 142:8 164:22164:20 push 126:17 152:9 push 126:17 152:9proper 126:20 property 164:19,20 164:22,25 165:18113:7,9 116:17qualifier 120:9 quality 164:10 | | | - | | - |
| 135:3 price 143:8 145:7 processes 153:10 144:13,16 146:7 144:21 145:7,8 posture 132:14 primarily 125:13 procurement 151:3 160:8 161:17 162:4,17 123:21 133:11 primary 116:10 produced 120:14 161:17 162:4,17 164:22 167:4 principle 164:3 proffered 144:3 PSE's 116:16 124:6 pushing 125:3 power 123:15 principle 164:3 proffered 144:3 PSE's 116:16 124:6 pushing 125:3 125:8 126:25 princi 141:6 168:22 proffered 144:3 PSE's 116:16 124:6 pushing 125:3 160:25 161:17,22 155:2 proper 126:20 160:7,9 public 109:12,15 public 109:12,15 162:1 162:1 164:22,25 165:18 113:7,9 116:17 qualifier 120:9 quality 164:10 | | - | · · · · · | , | |
| posture 132:14 potential 119:20primarily 125:13 131:17 139:11procurement 161:17151:3 160:8 161:17 162:4,17purchaser 152:22 163:21 164:12123:21 133:11 167:4primary 116:10 128:6produced 120:14 production 120:12163:21 164:12 163:21 164:12purchaser 152:22 163:21 164:12power 123:15 125:8 126:25principle 164:3 prior 141:6 168:22proffered 144:3 proger 126:20PSE's 116:16 124:6 130:18 137:1push 126:17 152:9 pushing 125:3potential 10:25 161:17,22 162:1problem 161:25 162:1proper 126:20 property 164:19,20130:18 137:1 160:7,9put 147:14 169:11proper 126:20 property 164:19,20160:7,9 public 109:12,15qualifier 120:9 quality 164:10 | - | - | , | , · | |
| potential 119:20 131:17 139:11 161:17 161:17 162:4,17 164:22 123:21 133:11 primary 116:10 produced 120:14 163:21 164:12 purchasers 166:10 167:4 128:6 production 120:12 167:5 push 126:17 152:9 power 123:15 principle 164:3 proffered 144:3 PSE's 116:16 124:6 pushing 125:3 125:8 126:25 prior 141:6 168:22 prongs' 132:17 138:1 144:18 put 147:14 169:11 160:25 161:17,22 155:2 proper 126:20 160:7,9 public 109:12,15 pushing 120:9 162:1 problem 161:25 property 164:19,20 113:7,9 116:17 qualifier 120:9 quality 164:10 | | - | - | , | , |
| 123:21 133:11 primary 116:10 produced 120:14 163:21 164:12 purchasers 166:10 167:4 128:6 principle 164:3 production 120:12 167:5 push 126:17 152:9 power 123:15 principle 164:3 proffered 144:3 PSE's 116:16 124:6 push 126:17 152:9 125:8 126:25 prior 141:6 168:22 proffered 144:3 PROGRAM 110:4 130:18 137:1 put 147:14 169:11 127:20 140:2 probably 120:18 proper 126:20 160:7,9 public 109:12,15 pullifier 120:9 162:1 problem 161:25 property 164:19,20 113:7,9 116:17 quality 164:10 | - | | - | | - |
| 167:4 128:6 production 120:12 167:5 push 126:17 152:9 power 123:15 principle 164:3 proffered 144:3 PSE's 116:16 124:6 pushing 125:3 125:8 126:25 prior 141:6 168:22 pROGRAM 110:4 130:18 137:1 put 147:14 169:11 127:20 140:2 probably 120:18 prongs' 132:17 138:1 144:18 put 147:14 169:11 160:25 161:17,22 155:2 proper 126:20 160:7,9 public 109:12,15 qualifier 120:9 PPA 147:23 162:1 164:22,25 165:18 113:7,9 116:17 quality 164:10 | - | | | · · · · | |
| power 123:15principle 164:3proffered 144:3PSE's 116:16 124:6pushing 125:3125:8 126:25prior 141:6 168:22pROGRAM 110:4130:18 137:1put 147:14 169:11127:20 140:2probably 120:18prongs' 132:17138:1 144:18130:18 137:1160:25 161:17,22155:2proper 126:20160:7,9qualifier 120:9162:1problem 161:25164:22,25 165:18113:7,9 116:17quality 164:10 | | I V | - | | - |
| 125:8 126:25 prior 141:6 168:22 PROGRAM 110:4 130:18 137:1 put 147:14 169:11 127:20 140:2 probably 120:18 prongs' 132:17 138:1 144:18 130:18 137:1 put 147:14 169:11 160:25 161:17,22 155:2 proper 126:20 160:7,9 public 109:12,15 qualifier 120:9 PPA 147:23 162:1 164:22,25 165:18 113:7,9 116:17 quality 164:10 | | | A | | - |
| 127:20 140:2 probably 120:18 prongs' 132:17 138:1 144:18 | - | | - | | . 0 |
| 160:25 161:17,22 162:1155:2 problem 161:25proper 126:20 property 164:19,20160:7,9 public 109:12,15QPPA 147:23162:1164:22,25 165:18113:7,9 116:17qualifier 120:9 quality 164:10 | | - | | | Put 147.14 109.11 |
| 160:25 101:17,22 155:2 proper 120:20 100:7,9 qualifier 120:9 162:1 problem 161:25 property 164:19,20 public 109:12,15 qualifier 120:9 PPA 147:23 162:1 164:22,25 165:18 113:7,9 116:17 quality 164:10 | | • • | | | 0 |
| PPA 147:23 162:1 164:22,25 165:18 113:7,9 116:17 quality 164:10 | | | | | L |
| | | - | | - | - |
| | 11A147.23 | 102.1 | 104.22,23 103.10 | 113.7,7 110.17 | |
| | | | | <u> </u> | 1 |

BUELL REALTIME REPORTING, LLC

| 121:2,25 122:1,12 | realized 161:14 | 131:2 139:4 142:9 | 118:16,17 128:21 | responsive 150:16 |
|----------------------------|--------------------|----------------------|---------------------|--------------------------|
| 125:12,20,22 | really 126:17 | 144:17 152:8 | 151:7 | rest 146:13 |
| 126:10 129:23 | 129:12 144:16 | 156:18 160:6 | REPORTED | restate 152:4 |
| 133:4 142:8 | 147:3,21 148:2,6 | 162:11 | 108:25 | restricted 128:12 |
| 148:25 150:13 | 148:10 149:8,18 | regardless 126:12 | Reporter 170:8 | restrictions 127:25 |
| 163:3 164:18,19 | 149:23 151:9 | 144:14 | represent 133:8 | 128:6 |
| 165:7,16 166:4,6 | 152:20 | regards 144:13 | 162:21,25 | result 129:17 |
| 166:13 | reason 121:23 | region 138:4 | representation | 143:19 |
| questionable 128:2 | 122:19 123:2 | regulation 165:13 | 130:13 | results 139:11 |
| questioning 166:16 | 124:24 148:18 | regulations 120:10 | represented 127:15 | 140:13,14,16,19 |
| questions 118:18 | 149:8 | regulator 155:5 | 129:7,10 132:2 | 140:20,23 141:7 |
| 118:19 160:5 | reasonable 125:15 | regulatory 145:18 | representing | 142:3 154:7 |
| 169:8 | 147:11 150:21 | 148:11 165:14 | 114:14 115:2 | 163:20 |
| quick 155:19 | reasons 127:24 | relate 119:8,23 | 130:11 | retaining 126:13 |
| quiet 147:18 | 129:6 133:19 | 120:25 126:2 | request 117:4 | return 158:20 |
| quite 128:16 135:6 | 166:20 167:1 | 129:18 | 123:3 128:11 | 163:2 |
| 159:19 165:24 | rebuttal 139:1 | related 118:12 | 134:24,25 135:1,3 | review 151:5 |
| | receive 140:13 | 120:4 121:19 | 153:11 168:22 | 153:24 |
| <u> </u> | received 116:21 | 135:2,10 137:25 | 169:12,13 | reviewed 116:20 |
| R 108:25 170:1,7 | 143:8 159:15,25 | 138:1 | requests 140:20 | 139:14 160:6 |
| 170:18 | 164:23 | relevant 157:3 | 169:2 | reviewing 140:3 |
| raise 134:22 136:4 | receiving 140:16 | reliant 169:2 | require 143:21 | revise 143:17 |
| 167:19 | 165:19,20 | remaining 139:5 | 151:3 | revisions 142:23 |
| raised 126:22 127:5 | recommend 158:23 | 152:10 | required 144:2 | right 121:8 122:8 |
| 128:19 137:15,24 | recommendation | remains 164:24 | requires 124:18 | 123:7 129:18 |
| 142:15 148:24 | 140:5,25 141:23 | remarks 142:4 | reservation 120:16 | 134:9,21 143:22 |
| 166:13 | 148:8 154:22 | remember 122:1 | residents 119:15 | 144:15,24 150:20 |
| raises 125:25 | 164:4,6 | 168:3 | 127:13 131:19 | 151:19 159:3 |
| raising 125:19 | recommending | remind 138:7 | resolution 135:19 | 165:24 |
| 126:16 | 150:19 163:16 | REMOTE 108:10 | resolve 131:1 158:5 | risk 133:11 |
| rate 119:10 120:10 | reconnect 159:13 | 109:1 110:1 111:1 | 167:13 | RJR 143:16,17 |
| 125:13 127:13 | 163:4 | remove 141:15 | resolved 139:17 | RJR-7 144:8,22 |
| 131:20 135:8 | record 112:6 116:3 | rendering 140:22 | resource 138:5 | 146:6 |
| 144:14 157:7 | recording 112:7 | renewable 114:18 | resources 114:25 | RNW 110:12 |
| 161:1 | redo 149:24 | 114:21,22 117:17 | 115:2 134:1 141:3 | road 119:16 154:12 |
| rates 120:3 125:14 | redoing 149:25 | 117:19 119:18 | 155:18 157:22 | rough 142:2 158:22 |
| 145:17 157:10,11 | reduce 138:11 | 127:16,20 130:6 | 159:7 | 163:14 |
| 166:11 | reduction 143:17 | 137:6,10,18,19,20 | respect 132:16 | round 149:19 |
| RCW 125:9 149:2 | 145:22 | 137:22,24 138:5 | 145:16 152:14 | RPR 108:25 170:18 |
| 149:3 | redundant 129:2 | 141:3 156:1 157:6 | 165:14 | rule 124:22 |
| re-elaborate 148:3 | reference 162:14 | repeat 124:7 | respond 124:10 | ruling 135:15 |
| reacting 135:24 | reflect 143:17 | 128:19 129:12 | response 116:18 | 150:18 156:9 |
| read 116:16 118:15 | 168:22 | 131:13 | 130:18 131:7 | running 161:19 |
| 124:5 162:7 | regard 158:11 | repeated 124:16 | 168:5 | rush 149:8 156:11 |
| reading 134:17 | regarding 116:8 | reply 116:20 | responses 116:16 | 156:21 |
| real 126:10 161:2 | | | | |
| 1 | | • | | • |

BUELL REALTIME REPORTING, LLC

| rushing 155:3 | 138:9,11 141:8 | share 152:17 153:2 | 165:24 | 132:11 133:16 |
|--------------------------|---------------------------|---------------------------|---------------------------|----------------------------|
| | 152:10 156:21 | shares 152:1 | South 110:9 | 156:4 |
| S | SE 110:14 | shed 134:8 | speak 118:19 | statement 156:23 |
| S 109:3 | seal 170:14 | short 112:19 116:3 | 131:10 133:1 | statements 117:15 |
| sale 108:6 119:1 | Seattle 109:16 | side 156:25 | 138:15 154:24 | 130:18 135:24 |
| 129:14,17 138:2,4 | 111:10 160:13 | Sierra 110:3,4 | speaking 154:15 | states 121:5,11 |
| 140:2,2,7,7,12 | second 112:13,16 | 114:12,15 118:11 | speaks 162:13 | stating 116:18 |
| 142:17,17,19,23 | 149:11,12,19 | 118:11 123:10,14 | specifically 130:23 | status 108:10 |
| 142:25 143:7,14 | see 116:1 134:7 | 132:25 133:2,7,19 | split 145:2 152:23 | 145:24 |
| 144:17,21,22 | 149:8,13 159:12 | 154:3 | Spokane 110:19 | statute 124:22 |
| 145:9,21,25 | seeing 113:11 | significant 152:7 | spoken 158:4 | statutes 120:10 |
| 147:22 149:1 | seek 149:7 | 157:12 | ss 170:4 | 125:8 |
| 160:9 164:19 | sell 127:20 165:17 | significantly 157:8 | staff 109:7 113:2,5 | statutory 124:19,23 |
| sales 144:8 146:4 | selling 126:25 | similar 122:8 | 127:11 139:3,6 | 127:12 |
| 165:15 | 166:6 | 149:20 153:7 | 140:3,4,8,17 | stay 113:22,22 |
| salient 148:8 | sending 169:16 | 162:18,23 | 141:4,8,21 142:10 | Steele 109:3 112:25 |
| 151:20 | sent 169:10 | simple 141:8 | 152:2 154:17 | 124:4,11 128:19 |
| Salmon 110:23 | separate 139:7 | simply 132:3 | 155:22 158:20,23 | 142:9 162:3,5,12 |
| Sanger 110:13,13 | 142:19,21 147:22 | 135:24 152:23 | 162:24 163:15,17 | stop 131:15 150:8,9 |
| 114:20,20 117:1,2 | 147:24 | single 141:20 | 164:2 167:2 | 165:23 |
| 117:13 130:5,6,8 | separated 148:16 | situated 129:9 | 168:17,18,21 | Street 109:4 110:5 |
| 130:9 137:5,6,8,9 | 149:1 | situation 162:23 | 169:1,13 | 110:23 |
| 156:2,3 165:2 | separately 112:21 | 165:4 | Staff's 141:17 | strongly 156:25 |
| saying 132:19 | 142:21 | six 115:23 122:14 | 154:6 155:16 | subject 140:12 |
| 147:23 | September 108:16 | 122:17 128:3,8 | stake 119:6 121:22 | 165:11 |
| scenarios 126:9 | 112:2 115:25 | 136:22 161:8 | 129:6 | submission 131:14 |
| schedule 112:17 | 139:13 150:23 | 168:2 | standard 118:1 | submit 164:9 |
| 116:13 138:22,24 | 170:10,14 | skill 170:11 | 122:24 124:17,18 | submitted 134:25 |
| 139:5,9,10,18 | service 120:19 | small 157:4 | 125:4 | 138:15 |
| 141:14,17 144:1,1 | 126:21 128:5 | Smith 112:7 | standards 166:8 | subsequently 135:9 |
| 144:6 146:3,12,15 | 160:2 165:12 | social 120:6 | standpoint 149:22 | substantial 118:2 |
| 146:19,23,25 | set 125:8 138:24 | solid 152:15 | 153:9 | 119:1 124:15,17 |
| 147:4,9,10 150:4 | 139:18 146:23 | solidify 153:5 | star 115:22 136:22 | 124:18,25 132:17 |
| 150:9,22 151:24 | 150:17 153:22 | sooner 141:13 | start 112:7 153:5 | 168:18 |
| 153:21 155:16 | 154:6,25 158:13 | 161:11 | starting 116:1 | substantially |
| 156:16 157:17 | 158:18 160:3 | sorry 149:2 159:6 | 154:12 156:7 | 143:10 |
| 158:12,12,18,22 | 170:13 | 159:22 | state 109:14 119:18 | sufficient 125:15 |
| 163:2,15,18,22 | setting 146:3,12,15 | sort 133:13,14 | 119:22 120:2,2,7 | 140:19 157:20 |
| 164:1,8,16 166:14 | 150:3 151:23 | 146:10 147:16 | 120:9 121:1 | 163:19 164:9 |
| 167:3,8,15 168:8 | settle 152:19 | 152:15 | 125:17 129:10 | 167:7 |
| 169:1 | settled 152:14 | Sound 108:5,6,7 | 133:6 154:10 | suggest 168:3 |
| schedule's 123:6 | settlement 123:21 | 112:24 138:5 | 156:5 161:1,4 | suggestion 168:9 |
| scheduled 168:1,4 | 133:13 | 156:18,23 | 170:4,8 | Suite 109:4,15,20 |
| school 155:15 | seven 168:2 | sounds 117:10 | stated 122:21 | 110:5 111:5,10 |
| scope 125:23 126:7 | shape 140:24 164:6 | 136:7 150:15 | 123:12 130:14 | summarize 156:6 |
| 126:11 132:12 | | | | |
| | • | • | - | • |

BUELL REALTIME REPORTING, LLC

| | | | | Ŭ |
|---------------------|-------------------------|---------------------|---------------------------|-----------------------|
| supplement 146:10 | tcp@dvclaw.com | 158:7 | timeline 133:14,16 | 147:23 148:17,24 |
| 169:15 | 111:6 | Thanksgiving | 151:15 154:6 | 148:25 152:9 |
| supplemental | Teams 113:12 | 154:12 | 155:23 | 156:19,24 157:3,6 |
| 139:15 140:4 | Teams' 158:25 | theirs 160:12 | timely 123:2 | 157:13 161:5 |
| 142:12,22 147:12 | technical 113:21 | thing 125:2 134:16 | timing 122:13 | 165:20 |
| 147:17 149:11,12 | telephone 136:21 | 167:19 | Tingey 110:22 | Transportation |
| 149:14,19 151:3 | tell 133:3 163:13 | things 128:18 | 115:13,13,15 | 108:2 109:9 |
| 168:19,20 | telling 144:13 | 129:12 147:8 | 158:15,16 | 112:11 145:20 |
| supplied 146:7 | term 120:10 | 156:5 | today 112:13 124:9 | tribal 120:20,23 |
| support 117:3 | termination 143:22 | think 120:6,9 121:7 | 167:13,17 168:15 | 122:10 125:10.19 |
| 130:9,10 144:4 | terms 123:1 129:5 | 121:15,21,24 | 169:16,21,22 | 127:10 129:9 |
| 155:21,22 | 140:6,11 141:24 | 122:4,6,9,21,23 | topics 120:24 | tribe 111:8 115:16 |
| supports 133:2,20 | 143:8,9 144:16 | 123:19,22 124:13 | totally 147:15 | 115:18 116:15,19 |
| sure 121:8 125:14 | 145:8 151:12 | 124:13,16,17 | 161:12 | 116:21 117:24 |
| 129:3,11 150:14 | 157:7 164:4,5 | 126:10,16,25 | touch 120:23 | 118:10,20,24,25 |
| 158:3 168:24 | testimony 120:20 | 127:1 128:25 | town 154:11 | 119:5,10,17,25 |
| sustained 135:4,4,7 | 135:10 139:15 | 129:7 130:13,16 | tranches 144:23 | 120:15,18,18 |
| SW 109:20 110:23 | 140:4,9,20,21 | 130:19,23 132:1 | transaction 130:22 | 121:1,5,11 124:15 |
| 111:5 | 141:6 144:2 146:7 | 130:17,23 132:1 | 131:22 140:1,1,8 | 124:21,25 125:3 |
| switching 138:23 | 147:12,17 149:19 | 136:5 142:15 | 141:1,10,20,24 | 125:19 126:16,22 |
| symbiotic 147:25 | 150:16 151:6 | 144:14 146:21 | 143:1 147:7 153:3 | 127:6,10,15,24 |
| sympathetic 163:21 | 153:6 154:19 | 147:11 150:21 | 153:11 154:9,21 | 128:2,10 129:7,25 |
| 164:7 | 155:13 164:10 | 151:14 152:4 | 155:10 165:9 | 130:4 131:8 132:1 |
| system 108:8 | 166:22 168:4,5 | 154:16,23 155:21 | 166:9 | 132:5,6 133:12 |
| 142:20 145:22 | 169:1 | 156:7,14 157:12 | transactions 126:3 | 135:21 136:9 |
| 161:6,6 | thank 113:1,6,14 | 158:1,2 159:22 | 126:12 128:13 | Tribe's 118:21 |
| | 114:6,11,17,24 | 160:17 162:12,23 | 142:16 143:2,20 | 119:8 120:18 |
| T | 115:4,15,19 | 163:18 | 147:24 148:5,9 | 123:3 124:6,24 |
| T 170:1,1 | 117:21 123:8,9 | thinking 132:4 | 150:6 151:17 | 126:24 130:9,11 |
| table 136:2,2 | 124:1,11,12 | third-party 165:15 | 152:6,11 166:3 | 132:11,20,24 |
| take 112:19 129:22 | 128:14,16 129:20 | thoughts 150:8 | transcript 170:9 | 134:3 |
| 130:2 138:17 | 129:21 131:11 | 164:13 | transfer 164:18,20 | Tribes 136:3 |
| 141:21 159:13 | 132:22 133:21,22 | three 160:12 | transition 118:12 | true 121:7 149:15 |
| 163:10 168:12 | 134:15 136:6,13 | throws 147:18 | 123:13,14,15 | 170:10 |
| taken 136:1 | 137:9 138:12,13 | tied 160:10 | 125:20 127:4 | try 155:19 156:5 |
| takes 120:12 | 146:20 151:25 | time 112:8 122:18 | 128:4 134:6,19,19 | 163:11 |
| Talen 142:25 143:6 | 153:15,18 154:2,4 | 131:5 140:3,19 | 134:23 135:5,10 | trying 122:1 136:7 |
| 143:10,13,16 | 155:24,25 156:3 | 147:8,9 150:17 | 135:11 136:1 | 163:22 |
| 144:15 145:1,4,7 | 157:20,21,24 | 151:10,11,16 | transmission 108:8 | Tudor 110:8,9 |
| 145:12 157:9 | 158:8,10,13,14,19 | 154:19 155:2 | 119:21 123:16 | 115:1,1 133:25 |
| 165:15 167:5 | 159:4,8,11 162:5 | 156:15,15 157:15 | 138:3 140:3,7,7 | 134:1 136:11,13 |
| talk 167:23 | 163:1 164:11 | 157:20 158:3 | 140:12 141:2,9,11 | 157:23,24 158:25 |
| talked 142:1 | 166:24 168:11 | 161:21 162:16,16 | 141:16 142:10,20 | 159:6,7 |
| 154:17 | 169:17,19,23 | 163:19 164:9,12 | 143:7 144:9,21,23 | Tuesday 154:13 |
| talking 140:24 | Thanks 130:9 | 166:20 | 145:16,22 146:6 | turn 117:23 134:11 |
| target 149:24 | | | | |
| | I | I | I | I |

BUELL REALTIME REPORTING, LLC

| | | | | <u></u> | |
|--------------------------|--------------------------|----------------------|--------------------|-----------------------|--|
| 136:18 164:12 | uniquely 129:9 | view 144:18 | 131:16 | wind 160:24 161:4 | |
| two 112:18 116:9 | unit 108:7 109:15 | virtual 155:15 | wasn't 117:3 | Windows 159:10 | |
| 116:14 132:17 | 126:5,8,9,14 | vis-a-vis 133:5 | 147:10,14 | winter 161:21,21 | |
| 142:16 143:1 | 140:2 142:18,24 | voice 116:24 | way 109:20 110:9 | withdraw 149:4 | |
| 144:22 152:24 | 146:5 147:22 | VOLUME 108:12 | 111:5 117:16,16 | WITNESS 170:13 | |
| 160:12 162:15 | 149:1 | | 119:4 154:1 | words 128:7 134:21 | |
| 166:3 169:5,12 | unknown 139:11 | W | 160:25 | work 142:2 147:9 | |
| Tyler 111:4 114:8 | 166:20 | W 109:13 | ways 119:2 | 148:2,11 158:12 | |
| type 140:21,24 | unmute 115:22 | WAC 149:3 | we'll 158:12,18 | worked 147:3 | |
| 162:23 | 136:23 | wait 128:2,8 150:10 | 163:11 164:12 | working 155:16 | |
| types 125:18 | unnecessary | 159:12 | 168:12 | works 144:1 | |
| | 156:13 | waited 116:1 | we're 112:13 116:5 | worth 124:14 | |
| U | unsure 113:15 | waiting 143:20 | 117:5 120:7 | wouldn't 120:22 | |
| U180680 162:15 | upcoming 139:12 | 159:14 | 121:19,20 129:13 | 144:18 | |
| UE-200115 108:4 | update 140:18 | waive 121:5 | 133:17 142:2 | wrapping 166:25 | |
| 112:14 | 141:15 149:6 | want 116:24 118:9 | 149:24,25 153:25 | write 140:20 | |
| ultimate 164:22 | 154:19 | 118:18 121:8 | 153:25 154:18 | written 116:16,18 | |
| 165:6 | updated 168:22 | 124:3 130:1 131:9 | 155:3 158:1,6,11 | 124:6 128:20 | |
| ultimately 147:10 | 169:3,13 | 144:7 146:13 | 158:17 166:15,25 | 131:7,14 137:2 | |
| 158:13 165:16 | urge 131:1 156:20 | 149:21 153:23 | 167:7 | 160:7 162:7 | |
| 166:3,18 | 157:17 | 163:2 167:2 168:2 | we've 122:21 129:6 | wrong 169:14 | |
| unable 116:7 | use 161:20 | 168:25 | 129:15 132:5 | | |
| 121:11 161:10 | useful 165:22 | wanted 117:2,15 | 134:5,6 147:14,21 | X | |
| unacceptable | UTC 125:9 | 121:6 125:2 134:7 | 166:18 | | |
| 166:21 | Utilities 108:2 | 137:13 138:7 | Webster 110:5 | Y | |
| unaware 161:12 | 109:9 112:10 | 156:5 160:8 | week 115:11 | Yarnall 110:4 | |
| uncertainty 152:8 | 145:20 | 167:19 169:11 | 154:11,25 167:13 | 114:13,14 123:11 | |
| unclear 126:2 | utility 131:19 | wants 136:16 162:9 | 169:23 | 123:17 132:25 | |
| unconvinced 118:8 | 164:18,25,25 | Washington 108:1 | weeks 160:4 | 154:3,4 | |
| undecided 118:8 | 165:5,6 | 108:15 109:5,10 | weigh 132:18 | Yeah 150:20 | |
| under-represented | | 109:14,16 110:10 | well-served 130:17 | year 143:22,24 | |
| 130:12 | V | 110:19 111:10 | Wendy 111:14 | 147:7 155:4 156:9 | |
| underlying 149:16 | vacation 163:6 | 112:1,10 119:10 | 114:22 117:18 | 158:6 162:15 | |
| understand 136:6 | vague 126:1 | 119:15,18,22 | Western 113:25 | 163:24 | |
| 146:25 147:14 | valid 155:7 | 120:2,7,9,12,13 | 114:4 151:22 | years 161:4 | |
| 168:8 | value 144:25 145:6 | 121:1,13 122:4 | whatnot 132:7 | Z | |
| understanding | 165:20 | 124:22 125:5,6,7 | WHEREOF | Ziontz 111:9 | |
| 122:16 145:14 | Van 109:19 111:5 | 125:8,12,13,18 | 170:13 | 115:17 | |
| 163:12 168:19 | 114:4 | 126:25 127:11,13 | White 110:8,9 | 113.17 | |
| understood 147:5 | variety 119:7 | 127:20 128:14 | 115:1,1 133:25 | 0 | |
| unfortunately | various 131:19 | 131:18,19,23 | 134:1 136:11,13 | | |
| 149:15,25 167:24 | Venn 152:5 | 136:4 145:19 | 157:23,24 158:25 | 1 | |
| UNIDENTIFIED | video 108:10 | 148:12 153:13 | 159:6,6 | 1:01 169:24 | |
| 161:15 | 113:11,12 | 156:11 161:2,5 | willing 166:21 | 1041 110:14 | |
| unique 119:5,19 | videoconference | 170:4,8 | win 143:11 | 108 108:13 | |
| 133:7 156:6 | 170:10 | Washington's | | | |
| | 1 | 1 | 1 | 1 | |

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| | | | 1. |
|---|---------------------------|--|----|
| 10995 100.4 | 40128 100.10 | | |
| 10885 109:4 | 40128 109:10 | | |
| 11:39 108:17 112:3 | 45 145:3,4 | | |
| 11:40 112:8 | 450 109:20 111:5 | | |
| 11:45 115:24 | 47 145:2,3 | | |
| 121 110:23 | 480-07-380(3) | | |
| 1230 111:10 | 149:3 | | |
| 13 112:15 | 4th 109:4 111:10 | | |
| 1300 110:5 | | | |
| 1411 110:18 | 5 | | |
| 14th 155:1 | 50s 152:24 | | |
| 170 108:13 | 550 145:21 | | |
| 1750 109:20 111:5 | 58th 110:14 | | |
| 17th 139:13 140:16 | 5th 109:15 | | |
| 150:23 151:1 | | | |
| 185 145:23 | 6 | | |
| 19 122:17 | 7 | | |
| 1WTC1301 110:23 | | | |
| | 7 143:16,17 | | |
| 2 | 700 109:4 | | |
| 2000 109:15 | 8 | | |
| 2020 108:16 112:2 | | | |
| 112:15 115:25 | 8 108:16 112:2 | | |
| 138:25 170:10,14 | 170:10 | | |
| 2021 155:2,24 | 800 109:15 | | |
| 2021 155:22 2025 165:22 | 8th 115:25 | | |
| 2023 103.22 206.448.1230 | 9 | | |
| 111:11 | | | |
| 21 169:13 | 9:30 138:25 | | |
| 2101 110:5 111:10 | 90 144:23 | | |
| 2101 110.3 111.10 2121 108:25 170:18 | 94612 110:5 | | |
| | 95 144:23 | | |
| 21st 166:23 | 97201 109:20 111:6 | | |
| 22nd 139:2 144:3 | 97204 110:23 | | |
| 23rd 138:25 144:4 | 97215 110:14 | | |
| 166:22 167:10 | 98004-5579 109:5 | | |
| 170:14 | 98104 109:16 | | |
| 2417 110:9 | 98121 111:10 | | |
| 3 | 98501 110:10 | | |
| | 98504 109:10 | | |
| 3 147:22 | 99220 110:19 | | |
| 31st 151:4 | | | |
| 4 | | | |
| | | | |
| 4 108:7 126:5,8,9 | | | |
| 126:14 130:19,19 | | | |
| 120.00 121.0 5 | | | |
| 130:22 131:2,5 | | | |
| 130:22 131:2,5 142:18,24 146:5 | | | |

BUELL REALTIME REPORTING, LLC