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

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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

1 (Pages 108 to 111)

BUELL REALTIME REPORTING, LLC

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

	Page 112		Page 114
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
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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.
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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 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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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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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
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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

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	Page 132		Page 134
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
8 9 10 11 12	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 should be granted or Mr. Jordan's intervention should	8 9 10 11 12	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 upcoming arbitration that will be occurring, I believe,
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8 (Pages 136 to 139)

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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

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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.
7 8 9 10	difference the net book value would still be the existing purchase price, and Talen Montana has to live with the terms and conditions of the existing purchase and sale agreement. JUDGE O'CONNELL: So from what I'm hearing	5 6 7 8 9 10	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. At that point in time, assuming that things came in on a certain time schedule, we could work with that. And we came up with a schedule that ultimately wasn't adopted
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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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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.	

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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
18 19 20 21 22	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	18 19 20 21 22	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
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

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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?
2 3 4 5 6	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	2 3 4 5 6	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
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.
2 3 4 5 6 7 8	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 be significantly different between, for example, Puget,	2 3 4 5 6 7 8	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. JUDGE O'CONNELL: Okay. Thank you.
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	Page 160		Page 162
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
	that will affect all the rate payers in the state of Washington and the possibility the only real possibility at the moment of getting something done in	2 3	JUDGE O'CONNELL: Thank you. I want to return now to the schedule. I've been asking Mr. Dallas a question. Mr. Dallas, have you
2 3	that will affect all the rate payers in the state of Washington and the possibility the only real possibility at the moment of getting something done in the five years to get enough Montana wind into the state	2	JUDGE O'CONNELL: Thank you. I want to return now to the schedule. I've been asking Mr. Dallas a question. Mr. Dallas, have you been able to reconnect?
2 3 4	that will affect all the rate payers in the state of Washington and the possibility the only real possibility at the moment of getting something done in the five years to get enough Montana wind into the state of Washington is to convert the Colstrip transmission	2 3 4	JUDGE O'CONNELL: Thank you. I want to return now to the schedule. I've been asking Mr. Dallas a question. Mr. Dallas, have you been able to reconnect? MR. DALLAS: Yes, I apologize, Your Honor.
2 3 4 5	that will affect all the rate payers in the state of Washington and the possibility the only real possibility at the moment of getting something done in the five years to get enough Montana wind into the state of Washington is to convert the Colstrip transmission system to HVDC system.	2 3 4 5	JUDGE O'CONNELL: Thank you. I want to return now to the schedule. I've been asking Mr. Dallas a question. Mr. Dallas, have you been able to reconnect? MR. DALLAS: Yes, I apologize, Your Honor. Like I said, I'm on vacation and I have a not the
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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
2 3 4	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	2 3 4	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
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.
2 3 4 5 6	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 ultimate owner of the utility. That obviously is a question for the Commission to consider in that proceeding.	2 3 4 5 6	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. I'm going to discuss with the Commissioners whether that is of sufficient concern that we're going to accept a longer procedural schedule.
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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	
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	-		
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-		
			16 (Deres 160 + e 170)

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