

In the Matter of: Pacificorp (Revised Clean Energy Implementation Plan)

Docket No. UE-210829 - Vol. III

April 23, 2024



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BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND)	
TRANSPORTATION COMMISSION,)	
)	
Complainant,)	
)	DOCKET NO. UE-210829
vs.)	
)	
PACIFICORP d/b/a PACIFIC POWER)	
& LIGHT COMPANY,)	
)	
Respondent.)	PAGES 50-65
)	

PREHEARING CONFERENCE - VOLUME III
BEFORE ADMINISTRATIVE LAW JUDGE PAIGE DOYLE
April 23, 2024

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

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ALSO PRESENT: Elijah Cetas and Pat Oshie

1 April 23, 2024

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4 JUDGE DOYLE: This will be transcribed later
5 by a court reporter. So if you continue to
6 participate, you're consenting to be recorded for that
7 purpose.

8 Good morning. It is Tuesday, April 23,
9 2024, at 9:33 a.m. This is a prehearing conference
10 for Docket UE-210829 in the matter of PacifiCorp d/b/a
11 Pacific Power & Light Company's revised Clean Energy
12 Implementation Plan, or CEIP.

13 My name is Paige Doyle. I'm an
14 administrative law judge here at the Washington
15 Utilities and Transportation Commission. I will be
16 presiding in this matter along with the commissioners,
17 who are not present today.

18 I just want to remind everyone to leave your
19 camera off and your microphone muted unless it is a
20 part of the hearing or prehearing conference that
21 you're participating in.

22 All right. Let us begin with short
23 appearances. Can I hear from PacifiCorp first,
24 please.

25 ATTORNEY ROGALA: Good morning, your Honor.

1 Zachary Rogala with PacifiCorp.

2 JUDGE DOYLE: Okay. And staff?

3 ATTORNEY STRAUSS: Good morning, your Honor.

4 Josephine Strauss representing commission staff.

5 JUDGE DOYLE: Thank you. And public
6 counsel?

7 ATTORNEY O'NEILL: Good morning, your
8 Honor, Tad Robinson O'Neill on behalf of public
9 counsel.

10 JUDGE DOYLE: Okay. And The Energy
11 Project?

12 ATTORNEY LEE: Good morning, you Honor,
13 Stacy Lee for The Energy Project.

14 JUDGE DOYLE: And AWEC.

15 ATTORNEY MOSS: Good morning, your Honor.
16 Summer Moss on behalf of The Alliance of Western
17 Energy Consumers.

18 JUDGE DOYLE: Okay. NWECC?

19 ATTORNEY HORNBEIN: Good morning, your
20 Honor. This is Melissa Hornbein. We just immediately
21 before this conference filed a notice of appearance on
22 behalf of NWECC. And I'm here with my co-counsel,
23 Barbara Chilcott, from the Western Environmental Law
24 Center.

25 JUDGE DOYLE: Okay. And are you also

1 representing Renewable Northwest?

2 ATTORNEY HORNBEIN: Yes, we are, your Honor.

3 JUDGE DOYLE: Perfect.

4 All right. Is there someone from Sierra
5 Club?

6 ATTORNEY MONAHAN: Good morning, your Honor.
7 This is Rose Monahan on behalf of Sierra Club.

8 JUDGE DOYLE: And Columbia River
9 Inter-Tribal Fish Commission?

10 ATTORNEY LOTHROP: Good morning, your Honor.
11 This is Rob Lothrop with the Columbia River
12 Inter-Tribal Fish Commission. I'm joined by Christine
13 Golightly this morning.

14 And we also have a law clerk with us who
15 asked if he could observe. His name is Elijah Cetas.
16 I told him yes.

17 And we are also joined by Pat Oshie, who is
18 part of our team and a former commissioner at UTC.

19 And we're pleased to be here. Thank you.

20 JUDGE DOYLE: Thank you.

21 All right. Is there any other party on the
22 line that I missed or hopeful intervenor that wants to
23 put in an appearance?

24 Hearing nothing, we'll move on to the
25 petitions for intervention. Energy Project, AWEC,

1 NWEC and Sierra Club were all previously granted
2 intervention by Order 03 in this docket on -- that was
3 entered on May 18 in 2023.

4 But we have two new petitions for
5 intervention from Renewable Northwest and the Columbia
6 River Inter-Tribal Fish Commission as seeking
7 intervention. Are there any objections to those new
8 written petitions to intervene?

9 ATTORNEY ROGALA: Your honor, I don't know
10 if you'd like me to raise my hand. I'll go ahead and
11 lower that.

12 Yes, it's Zach Rogala with PacifiCorp.

13 No objections to any of the petitions for
14 intervention, either the current petitions or the
15 intervenors who have been previously granted.

16 I just want to know one issue, though.
17 There's been multiple filings in this docket. So, you
18 know, obviously we're going to have the first Clean
19 Energy Implementation Plan, and then this is just the
20 biannual update. So the only thing we would note, we
21 do not object to the extent intervenors are limited to
22 the scope of our update, and similarly, that the
23 intervenors already granted are limited to that scope
24 of our update. But no objections from us besides
25 that.

1 JUDGE DOYLE: Okay. Yes, as I understand
2 it, this part of the proceeding is that -- just a new
3 piece of the proceeding. We're starting with a brand
4 new adjudication, and that is just covering the annual
5 update. So everyone will be limited in scope to that.

6 ATTORNEY ROGALA: Okay. Thank you, your
7 Honor. It's a weird procedural posture, given the
8 same docket. But we just wanted to raise that
9 housekeeping matter. Thank you.

10 JUDGE DOYLE: Yes, I understand. And I am
11 new to this docket so I'm going to be catching up to
12 everyone that's been involved from the beginning.

13 All right. So hearing no objections -- oh,
14 I have a hand raised. Rose Monahan, please.

15 ROSE MONAHAN: Yes, your Honor. I have no
16 objections to the motions to intervene.

17 I have a different matter. But perhaps we
18 could wrap up the interventions, and then I'll address
19 that.

20 JUDGE DOYLE: Okay. Yes.

21 So hearing no objections, we will grant
22 those petitions for intervention for Renewable
23 Northwest and the Columbia River Inter-Tribal Fishing
24 Commission. And that will be memorialized in the
25 order that will come out within the next week.

1 Is there any other party on the line at this
2 time that wishes to orally petition to intervene?

3 Okay. Hearing nothing, Ms. Monahan, go
4 ahead and raise your issue.

5 ATTORNEY MONAHAN: Thank you, your Honor.

6 This is going off what Mr. Rogala was just
7 noting, that we have sort of moved into a new
8 proceeding that's captioned under the same docket.

9 And unfortunately, Sierra Club has
10 determined that we will not have capacity to engage in
11 this portion of the proceeding. So I was looking for
12 guidance from your Honor whether we should file a
13 formal notice of withdrawal, or if you would rather
14 just excuse us from this proceeding, or how you would
15 like to us move forward.

16 JUDGE DOYLE: If you could file a formal
17 petition to withdraw, I think that would be helpful to
18 have that on the record.

19 ATTORNEY MONAHAN: Okay. Thank you.

20 JUDGE DOYLE: We'll go ahead and grant it.

21 ATTORNEY MONAHAN: Thanks.

22 JUDGE DOYLE: All right. I also -- I just
23 want to note at this time that the discovery rules
24 continue to be available to the parties and that any
25 discovery disputes are subject to the meet and confer

1 requirement. And those provisions, everything that is
2 printed in Order 03, which was the original prehearing
3 conference order, still stands regarding discovery.

4 There's also an existing protective order in
5 this docket, which is Order 02. So the new parties
6 that are being granted intervenor status should be
7 sure to sign the confidentiality agreements if they
8 intend to access confidential information that's filed
9 in this case.

10 So the next portion to move on to is the
11 schedule portion. Have the parties had the
12 opportunity to discuss a schedule?

13 ATTORNEY ROGALA: Your Honor, we have, and I
14 think we are very close to having a wrapped up
15 schedule.

16 JUDGE DOYLE: Okay.

17 ATTORNEY ROGALA: So I don't know if you
18 prefer us to consult in a brief recess and then report
19 back our results, or we could just, you know, discuss
20 openly now before you. I don't have any preferences,
21 and I'd follow your suggestions here.

22 JUDGE DOYLE: Why don't you go ahead and
23 discuss in a brief recess and let me know when you're
24 ready for me to come back in.

25 ATTORNEY ROGALA: Okay.

1 JUDGE DOYLE: Okay. So we're going to stop
2 the recording, and I will step out. And if someone
3 could send me a message when you're ready to come back
4 and start recording.

5 (Recess)

6 JUDGE DOYLE: Okay. So we've established
7 that there is an 85 percent agreed schedule. And
8 we're going to run through the dates. Go ahead.

9 ATTORNEY ROGALA: Yes, thank you, your
10 Honor.

11 May 15 initial -- sorry. May 13, initial
12 settlement conference.

13 July -- sorry. June -- I don't know why I'm
14 doing that. It's the second time. June 17,
15 PacifiCorp testimony deadline.

16 Proposed budgets for participatory funding
17 is May 23.

18 The second settlement conference would be
19 July 11.

20 Staff, public counsel, and intervenor
21 response testimony, August 21.

22 Rebuttal testimony and exhibits and
23 intervenor cross-answering testimony and exhibits,
24 that's September 13.

25 We note that we'd like to shorten discovery

1 turnaround time to seven calendar days from rebuttal
2 testimony onward, and we keep the typical ten days
3 before that deadline.

4 Notice an issue of public comment hearing 30
5 days prior to whenever the public comment hearing is
6 scheduled, and we'd like to leave that date to be
7 determined based on the commission's schedule.

8 Discovery deadline, last day to issue data
9 requests would be October 1.

10 And then exhibit lists, cross-examination
11 exhibits, witness list, and time estimates, October 8.

12 Evidentiary hearing, October 17.

13 We have -- the only issue of contention is
14 whether to have one round of briefs or two.
15 Regardless what your Honor decides, we would propose a
16 November 12 deadline for the initial brief, and if the
17 commission would like a reply brief, we would
18 recommend November 27.

19 And we're happy to present our sides of, you
20 know, the one or two briefing issue whenever you'd
21 like.

22 JUDGE DOYLE: Okay. Yes, go ahead.

23 ATTORNEY ROGALA: Yes. So, your Honor, at
24 least from PacifiCorp's perspective, we would like the
25 opportunity to respond to any party arguments in our

1 initial brief, so we would like a two -- the
2 opportunity for reply briefs.

3 And frankly, that's based on kind of two
4 concerns. First is we're concerned that there could
5 be issues that are beyond the scope of our CEIP raised
6 in this proceeding. And we think some of those
7 issues were signposted in staff's memo that the
8 commission heard in its initial public meeting on our
9 application. And if some of those issues remain
10 contested in this docket, we'd like to respond to both
11 the questions of law and fact presented by those
12 issues. And we just don't think that our initial
13 brief alone allows us the opportunity do so.

14 And then second, there is enough complexity
15 with the -- what I believe is the primary issue in
16 this proceeding, which would be PacifiCorp's interim
17 targets, because there's a lot of technocratic
18 modeling that's involved here. And we'd really like
19 the opportunity to respond to what we believe are, you
20 know, any questions of fact on what actually went into
21 the nuts and bolts of predating our interim targets
22 here.

23 Looking for those two issues, we'd like a
24 reply brief.

25 Happy to answer any questions.

1 JUDGE DOYLE: Okay. I don't have any
2 questions.

3 Who would like to speak for the alternative
4 view?

5 ATTORNEY O'NEILL: Your Honor, this is Tad
6 Robinson O'Neill from public counsel. If in fact
7 there are technocratic issues that require further
8 elucidation beyond the initial briefs, then I think a
9 party can certainly request that, and the commission
10 can evaluate whether they need additional explanation.
11 But the issues are actually relatively well defined.

12 Staff has already made a proposal.
13 Presumably, we'll be hearing something from PacifiCorp
14 here in May, and then their testimony will come in.

15 So the issues, I think, are well defined
16 already. And hopefully they would be addressed in the
17 initial briefs without the need for reply. But
18 there's not actually our position. It's just I think,
19 you know, if PacifiCorp does feel it needs to weigh in
20 again, then it can ask for permission.

21 JUDGE DOYLE: Okay. Does anyone else have
22 any comments or arguments regarding this issue of
23 simultaneous briefs or not?

24 Okay. Hearing nothing, I will consider this
25 and issue a decision along with the order shortly.

1 Are there any other issues, housekeeping
2 things we need to address in this conference today?

3 ATTORNEY ROGALA: Your honor, I don't think
4 so. I'm just going to run through my notes here
5 briefly.

6 Nothing else from PacifiCorp, your Honor.

7 JUDGE DOYLE: Okay.

8 ATTORNEY STRAUSS: Nothing from staff, your
9 Honor.

10 JUDGE DOYLE: All right. Hearing a
11 resounding chorus of nothing, I just want to say that
12 if you haven't already indicated in the record who the
13 primary representative for each party is, please
14 e-mail that to me by the end of the day, as well as
15 anyone you want added to the courtesy service list
16 that isn't already added in writing in the docket.

17 And my e-mail, for anyone who doesn't know,
18 is paige.doyle@utc.wa.gov. That's P-A-I-G-E.D-O-Y-L-E
19 @ U-T-C @ W-A @ G-O-V.

20 And I think that covers everything. So we
21 are adjourned. Thank you all.

22 (Conclusion of hearing at 10:00 a.m.)

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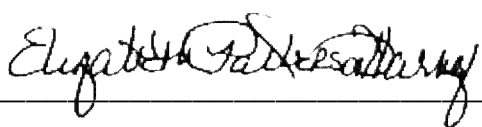

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C E R T I F I C A T E

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

I, Elizabeth Patterson Harvey, a Certified Court Reporter and Registered Professional Reporter within and for the State of Washington, do hereby certify under penalty of perjury that the foregoing legal recordings were transcribed under my direction; that I received the electronic recording in the proprietary format; that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of May, 2024.

Elizabeth Patterson Harvey, CCR 2731