

Docket No. UW-240151 - Vol. IV

WUTC v. Cascadia Water, LLC

February 11, 2025



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Page 168

In re:)
)
 WASHINGTON UTILITIES AND)
 TRANSPORTATION COMMISSION) DOCKET NO. UW-240151
)
 vs.)
)
 CASCADIA WATER, LLC)

Cascadia Tariff Revisions

Evidentiary Hearing

Volume IV

Hybrid Proceedings

Taken at 621 Woodland Square Loop Southeast, Lacey,
 Washington
 And via Zoom Videoconference

DATE TAKEN: February 11, 2025
 REPORTED BY: Lori K. Haworth, RPR

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PROCEEDINGS TAKEN BEFORE:

HARRY FUKANO, Administrative Law Judge
 JESSICA KRUSZEWSKI, Administrative Law Judge
 ANN RENDAHL, Commissioner
 MILT DOUMIT, Commissioner
 --o0o--

For Cascadia Water, LLC

ERIC W. NELSEN, Esq.
 BYRON STARKEY, Esq.

For Public Counsel:

TAD ROBINSON O'NEILL, AAG

For Water Consumer Advocates of Washington:
 KENT HANSON, Esq. (Via Zoom)

For Commission Staff:

LISA GAFKEN, AAG

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Bench Exhibit 1 Amended Settlement Stipulation
 Filed January 22, 2025 352
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1 (Pages 168 to 171)

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1 JUDGE FUKANO: Let's be on the record.
 2 Good morning. It is Tuesday, February 11,
 3 2025. The time is approximately 9:36 a.m. My name is
 4 Harry Fukano. I am an administrative law judge with the
 5 Washington Utilities and Transportation Commission, and
 6 I am presiding in this matter along with Commissioner
 7 and Administrative Law Judge Jessica Kruszewski.
 8 We are here today for an evidentiary hearing in
 9 Docket UW-240151, which is captioned "Washington
 10 Utilities and Transportation Commission versus Cascadia
 11 Water, LLC."
 12 Let's start by taking short appearances,
 13 beginning with the Company.
 14 ATTORNEY STARKEY: Your Honor, Byron
 15 Starkey with Perkins Coie LLP on behalf of Cascadia
 16 Water.
 17 ATTORNEY NELSEN: Good morning, your
 18 Honor. Eric Nelsen, Senior Regulatory Attorney,
 19 Northwest Natural, on behalf of Cascadia Water.
 20 JUDGE FUKANO: And from Commission Staff.
 21 ATTORNEY GAFKEN: Good morning. Lisa
 22 Gafken, Assistant Attorney General, appearing on behalf
 23 of Commission Staff.
 24 JUDGE FUKANO: From Public Counsel.
 25 ATTORNEY O'NEILL: Good morning, your

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1 I know that there is some evidence in this case
 2 that is subject to a protective order. In general, my
 3 understanding is that the confidential information
 4 concerns specific dollar amounts associated with
 5 particular items in this case. As such, if a party
 6 intends to ask questions about the specific cost of
 7 items that may be subject to confidentiality, I
 8 respectfully ask that the parties pause questioning and
 9 note the line of questioning with the Commission so that
 10 individuals who have not signed the protective order in
 11 this case may be excluded from the discussion of
 12 confidential information. We will likely need to take a
 13 short break just before any discussion of confidential
 14 information in order to make sure that our virtual
 15 breakout room is properly organized.
 16 The Commission would propose the following
 17 order of witnesses: Cascadia Water witnesses, followed
 18 by Commission Staff, followed by Public Counsel, and
 19 concluding with WCAW's witnesses. I believe that this
 20 order of presentation is generally consistent with WAC
 21 480.07.475.
 22 Do any of the parties have an objection to this
 23 witness order?
 24 Hearing nothing, let's proceed.
 25 Regarding the proposal to present a panel of

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1 Honor. Tad Robinson O'Neill, Assistant Attorney
 2 General, on behalf of Public Counsel.
 3 JUDGE FUKANO: And from Water Consumer
 4 Advocates of Washington.
 5 ATTORNEY HANSON: Good morning. Kent
 6 Hanson, appearing on behalf of Washington Consumer
 7 Advocates.
 8 JUDGE FUKANO: Let's talk about our plans
 9 for this hearing. First we will turn to the admission
 10 of the pre-filed exhibits and testimony. We will then
 11 allow for a brief opening statement limited to 10
 12 minutes for each party before we turn to
 13 cross-examination of each witness.
 14 We will take a mid-morning break at
 15 approximately 11:00 a.m., a lunch break at 12:30, and a
 16 mid-afternoon break sometime after 3:30.
 17 I would like to remind all the parties again to
 18 keep their microphones muted unless they are speaking
 19 and to only use video for the portions of the hearing
 20 for which they have a speaking role. If you are having
 21 any technical issues or you observe that a party or a
 22 representative has dropped off the online meeting,
 23 please mention that in the Skype chat -- or, the Zoom
 24 chat, I should say. The chat should be reserved for
 25 technical issues and requests for break only.

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1 witnesses. I have reviewed the parties' arguments
 2 regarding the panel witnesses sent to me. After further
 3 consideration, the Commission will allow Cascadia's
 4 witnesses to testify as a panel but will require Staff's
 5 witnesses to testify separately.
 6 To clarify, Staff's witnesses may be presented
 7 either individually or as a panel at the discretion of
 8 Commission -- of Staff's counsel. Witness panels are
 9 expressly authorized by Commission WAC 480.07.470(9).
 10 The Commission does find that having witness panels as
 11 part of this proceeding allows for a benefit in the form
 12 of more efficient questioning of witnesses and
 13 minimizing the referral of questions from one witness to
 14 another.
 15 As this hearing is to review a settlement
 16 proposed by the settling parties, it is reasonable to
 17 conclude that the settling parties' witnesses
 18 collaborated to some extent in crafting and reviewing
 19 the terms that were ultimately included in the
 20 settlement. This lends additional support to presenting
 21 each party's witnesses to the panel. To clarify, each
 22 witness will still be subject to individual oaths, each
 23 witness shall respond individually to questions, and
 24 each of the witnesses responses shall be based on their
 25 personal knowledge and understanding. I acknowledge

2 (Pages 172 to 175)

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1 that WCAW has raised some arguments related to
2 Mr. Lehman and Mr. Rowell's joint testimony. And they
3 will be permitted to explore foundation during
4 cross-examination if they elect to do so.

5 Are there any questions before we turn to
6 admission of exhibits?

7 Hearing nothing, I'd like to next address the
8 exhibits. Do the parties stipulate to the admission of
9 all pre-filed exhibits and testimony, including
10 cross-examination exhibits?

11 ATTORNEY STARKEY: The Company does, your
12 Honor. One thing we would like to note is that for some
13 cross-examination exhibits, we reserve our right to
14 object to certain questions related to those. In
15 particular, we do want to note that there are a large
16 number of cross-examination exhibits that have only
17 objections in them, and we reserve those objections.

18 JUDGE FUKANO: Understood.

19 Any other objection regarding exhibits?

20 ATTORNEY GAFKEN: For Commission Staff.
21 We don't object to the admission of pre-filed exhibits
22 or testimony or the cross-examination exhibits. I have
23 a similar note as the Company in terms of the objections
24 made. There is a pretty wide swath of discovery
25 responses that have been marked as cross exhibits. And

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1 cross-examination. You could also just tell me what the
2 first number is, and I could probably figure it out from
3 there, as well.

4 COMMISSIONER RENDAHL: And if there is an
5 electronic copy, we might be able to share that.

6 ATTORNEY O'NEILL: Or that.

7 JUDGE FUKANO: We can share an electronic
8 copy, unless you have a preference for paper,
9 Mr. O'Neill.

10 ATTORNEY O'NEILL: I can copy onto my
11 piece of paper.

12 JUDGE FUKANO: Very good. I will
13 circulate a list to the parties in just a moment.

14 Are there any preliminary motions or other
15 matters to resolve before we move to opening statements?

16 Hearing nothing, we will just begin with the
17 Company. If you'd like to give a brief opening
18 statement limited to 10 minutes, you may do so.

19 ATTORNEY NELSEN: Thank you, your Honor,
20 Commissioners.

21 The record in this case, including five rounds
22 of pre-filed testimony and exhibits, cross exhibits in
23 today's hearing, supports the full multiparty settlement
24 stipulation filed January 22, 2025, and Cascadia Water
25 asks the Commission to approve it, without modification,

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1 for some of those discovery responses, we did object to
2 the extent that they call for either privileged
3 information or work product. We maintain those
4 objections and don't waive them. But in terms of
5 admitting the exhibits, that is -- that's fine with
6 Staff. And as they are used during cross, we may raise
7 additional objections.

8 JUDGE FUKANO: Certainly. As with the
9 Company, those objections may still be reserved.

10 ATTORNEY O'NEILL: Public Counsel has no
11 objection to the admission of the premarked exhibits.

12 ATTORNEY HANSON: And WCAW has no
13 objection.

14 JUDGE FUKANO: As they are not -- as there
15 is no objection, all of the pre-filed exhibits and cross
16 exhibits will be admitted into the record. During a
17 break, I will be able to circulate a paper list of the
18 pre-filed exhibits with updated numbering and labels
19 unless the parties would prefer that in advance of the
20 hearing.

21 ATTORNEY O'NEILL: Your Honor, for Public
22 Counsel. Since I am likely to be the first one doing
23 cross-examination and I do reference some of the cross
24 exhibits, if I could get that in advance so that I could
25 probably refer to them while I am doing the

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1 as being in the public interest.

2 The settlement produces rates that are just,
3 fair, reasonable, and sufficient for Cascadia Water to
4 continue to provide safe, adequate, and efficient
5 service to its customers. You will hear today from
6 Cascadia Water and Staff witnesses according to the
7 settlement.

8 A few words as an overview of the settlement
9 and the substantive terms of the settlement. Paragraph
10 11 of the settlement provides a revenue requirement
11 increase of \$1.51 million. This is down \$160,000 from
12 the \$1.67 million in the earlier version of the
13 settlement filed on January 10th. The \$1.51 million
14 compares very closely to Staff's litigated position of
15 \$1.47 million and much more closely to Staff's
16 litigation -- litigated position than Cascadia Water's
17 litigated position of \$1.73 million.

18 Cascadia Water's operating income is currently
19 negative at the existing rates. In other words,
20 Cascadia Water was substantially under-earning and has
21 continued to under-earn throughout the entire rate case.
22 The settlement will allow Cascadia Water to cover its
23 expenses, begin to earn a return on its investment, and
24 still attract necessary capital on reasonable terms. In
25 contrast, the Public Counsel's position, as well as the

3 (Pages 176 to 179)

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position of the group of customers, would force Cascadia Water to continue to operate at a loss.

Paragraph 12 of the settlement provides for a three-year phase-in of the revenue requirement increase. During the first year new rates are effective, customers will see only one half of the increase as a result of the rate mitigation mechanism that defers the cost of the other one half of the increase as a regulatory asset. After that first effective year, the mechanism will be removed and rates will be effective -- and rates will reflect the full revenue requirement increase. The cost deferred through that the rate mitigation mechanism will be recovered equally in rates over the second and third years after the effective date through changes in the base rate. The phase-in provides a gradual rate increase to customers compared with Cascadia Water's litigated position.

Paragraph 13 of the settlement provides for a black box approach to the settlement that recognizes that the plant investments included in this case, based upon the record evidence, are in service, used, and useful, and prudent. Using the black box approach allows the parties to reach resolution of the ultimate revenue requirement increase without necessarily having to agree to the inputs making up that increase.

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described earlier. Cascadia Water can file a rate case during that time, but new rates would not become effective any earlier than 36 months after the effective date approved by the Commission in this case.

Paragraph 19 of the settlement provides that the Commission should approve consolidated rates for Cascadia Water's Western water systems, currently referred to as the Peninsula and Island Mainland systems into a single tariff, and maintain separate rates for Cascadia Water's Pelican Point system located in Moses Lake in Eastern Washington. The Peninsula and Island Mainland systems are similarly situated systems that share water operators and have similar usage patterns, while the Pelican Point system is geographically distant from the western systems, does not share water system employ -- does not share water system employees with the Western systems, and is managed separately. Rate consolidation is in the public interest, and it provides the benefits of enhanced customer service, and ease of doing business, reduced customer confusion, and mitigated rate impacts related to capital investments by spreading such investments over a larger customer base.

Paragraph 18 of the settlement provides that Cascadia Water will develop a prioritization of known future major projects. Cascadia Water plans to meet

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Public Counsel recommends disallowances for certain projects without challenging their need, but, rather, based on a novel immediate need standard that involves a wait-and-see approach that is not consistent with a longstanding prudence standard used in utility ratemaking by this Commission and, to our knowledge, by all other utility regulatory commissions across the United States. Prudence does not require a single ideal decision but, rather, a reasonable decision among a number of alternatives that the Commission might find prudent.

Paragraph 14 of the settlement provides for a requested effective date of April 1, 2025, if the Commission is able to accommodate it. This case started back in February of 2024, at which time Cascadia Water initially requested an effective date of June 1, 2024, which was subsequently agreed to delay until July 1, 2024. The Commission then suspended the effective date through May 1, 2025. The stipulating parties are asking for an effective date one month before the suspension period deadline to reflect that this case has already extended for more than a year.

Paragraph 15 of the settlement provides that Cascadia Water will stay out from putting new rates into effect during the 36-month phase-in period that I

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this provision by filing its master plans and a summary of the projects that -- included in those master plans that are anticipated to be completed through one year after the stay out period that I described earlier. Doing so will give customers a better understanding of the timing in which Cascadia Water's major projects are likely to proceed.

In addition, under paragraph 18 -- in addition, under paragraph 17 of the settlement, Cascadia Water will publish a capital plan on or about the first anniversary of the effective date. The plan will identify projected major capital improvements that are reasonably expected to be in service by the next Cascadia Water rate case effective date. Cascadia Water then will hold a virtual customer meeting, one for the consolidated Western system and another for the Pelican Point system, to allow customers to provide feedback to Cascadia Water about the plan. This provision of the settlement increases transparency to customers regarding Cascadia Water's future capital projects.

Paragraph 16 of the settlement provides that Cascadia Water will eliminate the Aquarius system surcharge which the Commission approved back in 2008 rather than continue that surcharge to its current expiration at the end of 2028. The surcharge is a

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1 monthly payment charged only to customers on the
 2 Aquarius system for a capital improvement loan that was
 3 intended for normal capital investments. By removing
 4 the surcharge now, the costs of those capital
 5 improvements will be shared equitably by customers
 6 across Cascadia Water's consolidated Western system,
 7 just as the cost of ordinary plant additions in other
 8 parts of Cascadia's -- Cascadia Water's consolidated
 9 Western system are shared by customers in the form of
 10 the Aquarius system.

11 I will finish Cascadia Water's opening
 12 statement with a few brief remarks regarding the
 13 opposition to the settlement by the Public Counsel and
 14 the group of customers.

15 First, Cascadia Water is made up of 30 systems,
 16 many of which have been in need of significant
 17 maintenance, upgrades, and improvements after prior
 18 owners' long deferred regular maintenance to and needed
 19 investments in aging systems. Through site visits made
 20 by Commission Staff, detailed responses to almost 400
 21 data requests, and a thorough testimony explaining
 22 Cascadia Water's system investments, Cascadia Water has
 23 demonstrated the prudence of these projects.

24 Second, Cascadia Water is operated by a general
 25 manager, Mr. Culley Lehman, who has more than two

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1 system. Contrary to the claims of the group of
 2 customers, Cascadia Water evaluated the need for each
 3 project critically and considered other options where
 4 possible, laid out in Mr. Lehman's direct testimony.

A few words about the band of customers in this
 case. There are seven named authorized representatives
 in the group. They are in the petition to intervene:

8 The two representatives, Mr. Todd, Mr. Hanson, one of
 9 their witnesses, two customers from Sequim, one from
 10 Clinton, and the former counsel of an earlier version of
 11 the group. The group is not a formal business entity,
 12 does not have governing documents such as bylaws and
 13 articles of incorporation, does not keep minutes of its
 14 meetings if it holds any, does not hold elections for
 15 the executive committee, and is not represented by legal
 16 counsel.

17 JUDGE FUKANO: You're at about 10 minutes.

18 ATTORNEY NELSEN: I have about one more
 19 minute, if I may, your Honor.

20 JUDGE FUKANO: Please proceed.

21 ATTORNEY NELSEN: Thank you, your Honor.

22 The group has provided what it purportedly is a
 23 list of about 140 customers who support the group, which
 24 is about three and a half percent of Cascadia Water's
 25 roughly 4,000 connections.

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1 decades of water system operational experience,
 2 especially with the systems on Whidbey Island that have
 3 been in his family for a couple of generations.
 4 Mr. Lehman is a certified water distribution manager
 5 level 2, water treatment plan operator level 2, and
 6 cross connection control specialist. Mr. Lehman also is
 7 a board member for the Whidbey Island Water Systems
 8 Association, a board member for the Northwest subsection
 9 of the Pacific Northwest section of the American
 10 Waterworks Association, and a steering committee member
 11 for Clallam County hazard mitigation planning.

12 I do want to recognize Staff's work on this
 13 case. Technical staff physically toured Cascadia
 14 Water's facilities, conducted a substantial amount of
 15 discovery, answered over 150 data requests from the
 16 group of customers, and negotiated a settlement that is
 17 very close to their litigated position.

18 The substantial record evidence in -- the
 19 substantial record evidence according to prudence, of
 20 the 14 capital projects includes project and inspection
 21 reports, Department of Health documentation, including
 22 its design manual, sanitary survey reports,
 23 publications, and issue papers, master plans, before and
 24 after pictures of the Cascadia Water system, and a video
 25 of the replaced underground reservoir at the Estates

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1 Finally, the regulatory process calls for
 2 certainty for a final Commission decision. As we sit
 3 here today, we are only a few weeks away from the
 4 anniversary of Cascadia Water's initial filing in this
 5 docket. Cascadia Water has operated at a loss for the
 6 entirety of this proceeding. The settlement calls for
 7 new rates to begin to go into effect 10 months after
 8 Cascadia Water's initially proposed effective date. It
 9 also includes rate mitigation and a three-year
 10 prohibition on a rate change from the rate effective
 11 date. The stipulating parties respectfully request that
 12 such final Commission decision be one that approves the
 13 settlement, without modification, as being in the public
 14 interest. Thank you, your Honor. Thank you
 15 Commissioners.

16 JUDGE FUKANO: Thank you.

17 Does Commission Staff have an opening
 18 statement?

19 ATTORNEY GAFKEN: We do.

20 This case was much anticipated when it was
 21 filed last February. Cascadia's last rate case in 2021
 22 was controversial and heard over three open meeting
 23 sessions. Although Cascadia requested a single tariffed
 24 rate, that case resulted in separate tariffs for
 25 Cascadia's Whidbey Island water systems and Peninsula

5 (Pages 184 to 187)

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1 water systems as a direct result of customer protest to
2 a single tariff. The history of the 2021 case led Staff
3 to engage customers early in this case.

4 I want to take a few minutes to speak to the
5 tremendous job that Staff has done in engaging customers
6 and reviewing the filing and in working with the
7 parties.

8 In 2021, Staff heard loud and clear that
9 Cascadia's customers care strongly about their rates.
10 Staff wanted to provide an opportunity beyond and in
11 addition to participating in the open meeting process,
12 for customers to learn about the ratemaking process,
13 engage with the process, and to ask questions as Staff
14 audited and evaluated the Company's filing. To that
15 end, Staff held three informational meetings prior to
16 the June 2024 open meeting. One of those meetings was
17 in-person, and two were virtual. The meetings were open
18 to all Cascadia customers. The informational meetings
19 were well-attended, and Staff fielded several material
20 questions from customers.

21 Staff also -- oh. I apologize. I never did
22 start my video.

23 The informational meetings were well-attended,
24 and Staff fielded several material questions from
25 customers. Staff also provided their individual contact

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1 Staff had conversations with DOH engineers to clarify
2 requirements in the DOH manual and response letters.
3 Staff asked Cascadia about the reasoning behind its
4 capital investment choices and whether the Company
5 considered alternatives. All of this work went into
6 Staff's evaluation of this rate case to insure that the
7 Company's rates included only those costs that are
8 appropriate and necessary.

9 Parties attempted to resolve the issues in this
10 case through settlement and mediation discussions. Even
11 before the prehearing conference, parties met three
12 times in the hopes of making progress. At the
13 prehearing conference, Staff requested a mediation judge
14 to assist the parties, and one was granted. Ultimately,
15 all of the parties were not successful in reaching a
16 settlement, but Staff and the Company were able to reach
17 terms after the mediation concluded.

18 From Staff's perspective, the settlement before
19 you strikes a reasonable balance to the tough issues in
20 this case. There were substantial capital investments
21 necessary since the last rate case. Those investments
22 benefit customers and addressed decades of deferred
23 maintenance from previous owners.

24 We do have a very real situation in this case
25 of a large rate increase. To mitigate the impact on

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1 information and invited additional communication from
2 the customers. As a result, Staff responded to dozens
3 of emails from customers about this case.

4 In addition to providing transparency to
5 customers, Staff thoroughly vetted the Company's
6 February tariff filing. Staff conducted a multiday site
7 visit at which they were able to tour Company
8 facilities, see projects, take pictures, review before
9 and after pictures, and ask Company representatives
10 questions. Staff requested additional information in
11 the form of informal data requests when they are --
12 where they needed more information.

13 After the tariff was suspended, Staff
14 thoroughly reviewed the Company's September filing.
15 Staff compared the September filing with the February
16 filing and evaluated the September filing against
17 longstanding regulatory principles as it did with the
18 February filing. Staff sought additional information
19 through formal discovery.

20 Staff considered and relied upon Department of
21 Health requirements in evaluating Cascadia's capital
22 investments. They pored over hundreds of pages of DOH
23 materials, including sanitary system surveys, DOH
24 response letters, and the DOH water system manual.
25 Staff reviewed Cascadia's books, records, and invoices.

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1 customers, the settlement spreads the increase over
2 three years, and Cascadia cannot seek a new rate
3 increase during the time the rate increase from this
4 case is phased-in. That is a significant benefit to
5 customers. The three-year period -- sorry. The
6 three-year phase-in period allows customers to adjust
7 and plan for the total rate increase while also allowing
8 Cascadia the opportunity to recover its reasonably and
9 prudently incurred costs.

10 Importantly, the settlement also requires
11 Cascadia to engage in capital investment planning that
12 includes interactions with its customers. This, along
13 with the term that requires Cascadia to identify a
14 prioritization for its anticipated capital projects,
15 recognizes the customers' desire for added transparency.
16 These terms are particularly important to Staff. They
17 introduce rate stability and rate certainty while
18 recognizing gradual and certain cost recovery
19 principles.

20 The settlement also addresses legacy issues
21 regarding how to structure Cascadia's rates. Those
22 legacy issues include treatment of the Aquarius
23 surcharge and consolidating rates for the Western water
24 systems.

25 Lastly, as often happens in cases where

6 (Pages 188 to 191)

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1 settling parties are not able to agree to each
 2 ratemaking component, Staff and Cascadia were able to
 3 agree to a overall resolution of the revenue
 4 requirement. That revenue requirement is a black box
 5 agreement, although we agree that there is an
 6 unspecified level of carrying costs and that the capital
 7 projects presented in this case are prudent.

8 Despite the black box nature of the settlement,
 9 the Commission has before it a substantial amount of
 10 evidence regarding Cascadia's -- regarding what
 11 Cascadia's revenue requirement should be. Parties have
 12 filed several rounds of testimony and exhibits.
 13 Additional evidence will come in today through
 14 cross-examination, Bench questions, and cross exhibits.
 15 The Commission will weigh the settlement and all of its
 16 terms against that evidentiary record.

17 To conclude, the settlement is an elegant
 18 solution to this very contentious and difficult case,
 19 and it is in the public interest. From Staff's
 20 perspective, the settlement reasonably balances customer
 21 and Company interests. The settlement is a fair
 22 outcome, given the substantial capital needs, and it
 23 does mitigate rate shock. Staff asks that the
 24 Commission approve the settlement without condition.
 25 Thank you.

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1 JUDGE FUKANO: Thank you.
 2 To Public Counsel.

3 ATTORNEY O'NEILL: Thank you, your Honor.
 4 Between this last rate case and the current
 5 rate case --

6 JUDGE FUKANO: Would you please activate
 7 your video.

8 ATTORNEY O'NEILL: Oh.

9 JUDGE FUKANO: Thank you. Please proceed.

10 ATTORNEY O'NEILL: Between the last rate
 11 case and this current rate case, Cascadia is asking for
 12 a revenue requirement increase that is more than a 151
 13 percent increase in four years. This is unprecedented.
 14 UTC cases before this Commission start considering their
 15 analysis of rate shock at 30 percent -- a 30 percent
 16 rate increase. This represents four consecutive years
 17 of more than that rate shock amount. This level
 18 investment is not rate shock. It's imprudence. This is
 19 not unique to water cases. There is a reason that this
 20 Commission has not required the unrestrained -- or, has
 21 not permitted or required the unrestrained spending on
 22 wind, solar, or nuclear plants in the face of the
 23 looming 2030 CETA deadline. Prudence requires careful
 24 and realistic planning and must necessarily take into
 25 account the communities served.

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1 This Commission is confronted in this case with
 2 the conflict between the highly local and community
 3 nature of water systems, which, unlike natural gas and
 4 electricity, are literally neighbors clustered around a
 5 community water fountain in communities of a few
 6 hundred, against the corporate time line of Northwest
 7 Natural, a \$1.9 billion market capital company which
 8 thinks little of spending \$7.5 million in three years.
 9 To Northwest Natural, that is budget dust. To the 4,000
 10 customers in the 30 communities served, that is a
 11 massive invasion of their annual budgets.

12 The evidence will show that when Cascadia
 13 acquired these stressed systems, it promised this
 14 Commission that because of its \$1.9 billion market cap
 15 and \$200 million revolving credit facility, that it
 16 would, quote, be able to provide this investment over
 17 time; therefore, benefiting Northwest Water Service
 18 customers. But in this case, Northwest Natural's pace
 19 of investment did not and was not to benefit customers,
 20 but, rather, threatens to overwhelm them. The question
 21 for this panel is whether the timing that Northwest
 22 Natural promised this Commission must take into account
 23 the community service. And the answer is, it must. The
 24 Commission can take Northwest Natural at its own words.
 25 A few hundred thousand dollars in a revenue requirement

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1 this year are not necessary to the financial integrity
 2 of a \$1.9 billion company. You will hear testimony --
 3 and read testimony from Staff and Cascadia about the
 4 need to bring long neglected systems into safety
 5 compliance even though one of these systems was run by
 6 the Lehmans for 20 years before the \$1.7 million
 7 investment in 2023. You will also hear about the need
 8 to permit consolidation of smaller systems to make the
 9 necessary capital available. But not at the cost of a
 10 151 percent rate increase in four years.

11 It is true that both in Washington and across
 12 this country, there is a wave of consolidation, maybe
 13 necessary consolidation, of our water systems. And that
 14 makes this UTC decision important, as the decision in
 15 this case will guide the future -- guide future
 16 companies in deciding how our water systems should be
 17 updated. It is at the beginning of such a process that
 18 the UTC's heavy burden of close examination of rate
 19 filings is most important because the failure to closely
 20 examine this filing invites future abuse not just by
 21 Northwest Natural but by other companies seeking access
 22 to an industry of a guaranteed rate of return and a
 23 captive customer base.

24 Much of the testimony in this case centers on
 25 the 14 capital projects that Cascadia undertook since

7 (Pages 192 to 195)

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2021. In Public Counsel cross exhibit 6, which I don't have the number for, but I will find, you will read Amy Lehman's 2020 description of the coming projects, not as-needed projects, not as-necessary projects, but, and I am going to quote here, "Before partnering with Northwest Natural, some of these projects were more of a dream." This encapsulates the imprudence of Northwest Natural's investment strategy. The 14 capital projects that they undertook represent capabilities that is good for a water system to have and which do provide benefit, but for which there was little proof of necessity for these communities. You will read that this means that 75 percent of Cascadia's rate base was added since the last rate case.

In Stefan de Villiers' testimony, you will read that from 2019 to 2022, the average capital spending was \$500,000 per year. But in 2023 and 2024, the Company increased that spending sevenfold to \$3.6 million per year. You will read in the data requests from the Company that this is a new normal, three to four million dollars of investment per year.

You will also read the testimony of Scott Duren, a water engineer, an independent water engineer, who will explain that water systems are usually -- impose -- usually deal with a budget, and that it is

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Cascadia told the Department of Health that its systems did not meet the criteria for needing generators which is more than two outages in a year. They tell this Commission that they do. You will see that based on Cascadia systems' own water system plans, each of these reservoirs is oversized both for the current community and for the rationally planned community in the future.

At the end, Public Counsel will find this Commission -- or, ask this Commission to find that the \$1.5 million revenue requirement settlement is not fair, just, reasonable, or sufficient. Public Counsel will ask the Commission to engage in a thoughtful ratemaking to balance the need of Northwest Natural to recoup its imprudent investments, which nevertheless provided some benefit, with a need to restrain a Company seeking a 150 percent -- 151 percent rate increase outside of an emergency situation.

Public Counsel will ask this Commission to impose a condition to allow recovery for these investments as if they had been invested over a six-year period of time instead of a four-year period of time by imposing a three-year phase-in without recovery of what Staff and the Company has characterized as deferred expenses. They can only be deferred if they were prudent in the first place. Public Counsel urges the

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possible to stay within a budget by creating a priority list that stays within that budget.

Several of these projects could have been sequenced to mitigate imprudent levels of spending. Each of the three reservoirs could have been delayed. Generators could have been spaced out. Pumphouses and pumps could have been sequenced more rationally, and they should have.

You will hear, for example, that most of these projects were listed in water system plans as being immediate or near-term water needs for 20 years before Northwest Natural decided to spend all of the money in a three-year period of time. What you will not hear is documentation from Northwest Natural about the need for these projects. There was no contemporaneous cost benefit analysis. There was no calculation of rate impact before these projects were started. There was no discussion of how these projects would affect the individual water systems in communities.

You will also hear testimony about the Department of Health approving these water system plans. But in those water system plans, you will see that there was a budget provided that was short of the actual spend by over 300 percent. As an example of the disconnect between the Department of Health and this Commission,

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Commission to find that they were not. This is an inadequate solution for the customers. Even with those modifications from Public Counsel, they will still face 120 -- more than a 120 percent rate increase over six years. The customers are going to ask for more. And frankly, this Commission should very seriously consider their request. The level of imprudence here should not be rewarded.

In the contentious 2021 rate case, the Peninsula customers complained about Cascadia's capital planning. Cascadia promised to create a water system plan for their Peninsula systems. Three years later, they had failed to deliver on their promise. And they are now promising to do capital planning again now into the future. That's three years too late. If the Commission disallowed this entire rate increase, it would be fair, and it would be at the hands of Cascadia and Northwest Natural. Northwest Natural is a \$1.9 billion sophisticated utility. It knows better. And the Commission should hold them to it. Thank you.

JUDGE FUKANO: Thank you.

Now turning to the Intervenor. Do you have an opening statement you would like to give?

ATTORNEY HANSON: Thank you, Judge Fukano. Water Consumer Advocates agrees with the

8 (Pages 196 to 199)

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1 statements from Public Counsel. I would like to look a
2 little closer at what the evidence in this case shows
3 and will show today.

4 First I would like to comment that the number
5 of consumers that Consumer Advocates represents in no
6 way diminishes burden of proof that Cascadia has to show
7 that the rates here are fair, just, and reasonable. And
8 what do they point to, to say that they sustain their
9 burden of proof? They give us lists, as the Staff, of
10 the kinds of documents that are in evidence, and the
11 numbers of data requests that they had responded to, and
12 that list includes invoices, the books of Cascadia,
13 photographs, and documents from DOH. Those are the big
14 items. Invoices and the books do nothing to tell us
15 whether any of those investments were prudent. The
16 photographs also do nothing to tell us whether any of
17 those investments were prudent. Even an engineer could
18 look at those photographs and say, "Well, I need more
19 information." So what does that leave us with? It
20 leaves us with, the only documents where they get close
21 to analyzing these WQI systems individually are the
22 Department of Health documents, the water system plan,
23 the project reports, and they point to the design
24 manual.

25 The Department of Health documents help the

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1 And what's really stunning is the lack of
2 documentation of all of this planning and need and
3 alternatives analysis. It is stunning that it is --
4 that this comes from a \$1.9 billion corporation. Their
5 internal planning without UTC requirements involves more
6 than that. But when we asked in our DRs who was in all,
7 they objected and provided us with one name: Culley
8 Lehman. Well, Culley Lehman was not making the calls on
9 these investments. They were being made at
10 headquarters. And we have no evidence of what
11 headquarters considered in making its decisions. We
12 have no evidence that headquarters considered any of the
13 elements of prudence.

14 We do know that headquarters, because it is a
15 corporation and this -- you know, it's their job, is
16 to -- and by the way, this \$1.9 billion Company, they
17 run what. The businesses and regulated industries;
18 primarily, gas, but increasingly, across the Western
19 United States, water. In many states. And so they are
20 familiar. And they have regulatory staff, and they have
21 regulatory attorneys who you would think would have
22 analyzed these issues, but there is no documentation or
23 other evidence that anybody in headquarters analyzed any
24 of these issues.

25 It makes one wonder, didn't they care? Did

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1 Department of Health fulfill its mission, which is to
2 insure that water systems are designed to develop and to
3 deliver safe water. They are basically engineering
4 requirements, and they do not look at any of the
5 elements on -- they touch upon perhaps the element of
6 necessity, but they don't look at any of the other
7 elements that are necessary to prove prudence before
8 this Commission. So pointing to those documents does
9 not sustain the burden of proof.

10 And if they point to those documents, what's
11 interesting is what's not in there. There is no needs
12 analysis. There is no alternatives analysis. There is
13 no cost benefit analysis. There is no analysis of the
14 impacts on consumers. And yet they say, "Oh, those
15 documents point to everything." Why? Because there is
16 a lot of pages in there. Well, number does not prevail
17 over quality, or, in this case, lack of quality. So
18 what we have is a situation where they have submitted no
19 more evidence on the elements of prudence than they had
20 in June of last year, when, despite the lack of
21 evidence, Staff agreed with the tariff request, but this
22 Commission looked at the record and said they had not
23 sustained their burden of proof. And today, as we sit
24 here, they have yet to offer the evidence, as you will
25 see, that will sustain their burden of proof.

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1 they think no one would notice? It's really that they
2 were pursuing their corporate goal: Let's see how much
3 we can invest and how much we can get in -- get, you
4 know, in maximizing our profit.

5 So we have now a settlement that does not have
6 sufficient evidence to approve it. You know. The Staff
7 did do a site visit, but they are not engineers. They
8 saw some of these jobs after they had been completed.
9 They were able to look at the outside of a water tank
10 and see a crack, but they weren't able to evaluate
11 whether or not the water tank was structurally sound or
12 whether it could be remedied by simply patching it or
13 perhaps lining it. So there is this superficial gloss
14 of evidence, but it's not enough, and you will hear
15 experts with -- you know, witnesses with expertise
16 explaining why that's enough. It is not enough.

17 The one issue that has not been -- was not
18 addressed by Public Counsel is the single tariff
19 pricing. And again, the record is completely devoid of
20 any evidence to demonstrate that single tariff pricing
21 is -- results in fair, just, and reasonable rates. We
22 know, just as a matter of logic, that consumers on
23 lower-cost systems under single tariff pricing will
24 subsidize consumers on higher-cost systems, but there is
25 not one calculation to show what the differential is

9 (Pages 200 to 203)

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1 between these various systems. There is not one
2 calculation to show, if there is a difference now, that
3 it will converge sometime in the reasonable future. We
4 do know that there are inherent differences between the
5 systems that mean some will always be expensive to
6 operate and some will be less expensive, and yet the
7 people on those systems will pay the same rates. It
8 will be subsidizing the more expensive systems.

9 So why is that a problem? Well, among other
10 things, it would be a taking. If Cascadia were asked to
11 subsidize on the higher-cost systems, they would
12 certainly complain it was a taking, and have in this
13 case, and it's in their testimony that "gotta give us
14 everything we want; otherwise, it's a taking." Well,
15 that's not true. And it certainly does not justify
16 imposing a taking on water consumers. So.

17 There are other reasons that the single tariff
18 pricing is not beneficial and does not -- it does not
19 address the alleged problems that you heard about in the
20 opening statement, such as customer confusion, that type
21 of thing, and you will see that that's not really a
22 problem.

23 So what we have, we have a case where a company
24 has made large expenses, not investments, far beyond
25 what they estimated, even in the water system plan to

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1 speaking, or do you not have a second?

2 (Discussion off the record.)

3 JUDGE FUKANO: While you're getting set
4 up, I will take the opportunity to swear each of the
5 witnesses in.

6 Mr. Lehman, will you please raise your right
7 hand, and I will swear you in.

8 Do you swear or affirm the testimony you
9 provide today is the truth and nothing but the truth?

10 CULLEY LEHMAN: Yes.

11 JUDGE FUKANO: Thank you.

12 Mr. Rowell, please raise your right hand.

13 Do you swear or affirm that the testimony that
14 you provide today is the truth and nothing but the
15 truth?

16 MATTHEW ROWELL: Yes.

17 JUDGE FUKANO: Thank you.

18 Counsel for the Company, if you are ready to
19 proceed, please introduce the witness and tender them
20 for cross, and please note if there are any corrections
21 to the pre-filed testimony.

22 ATTORNEY STARKEY: Absolutely.

23 ///

24 ///

25 ///

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1 the Department of Health, they have not justified it,
2 and they have not presented any evidence to justify
3 single tariff pricing. Thank you.

4 JUDGE FUKANO: Thank you.

5 Let's begin with the -- as a first question,
6 were all the parties able to receive a copy of the
7 updated exhibit list?

8 ATTORNEY O'NEILL: Yes, your Honor, and I
9 have put it on my piece of paper.

10 I do have one question; I guess, mostly for
11 Eric.

12 Do your witnesses have paper copies available?
13 Do you have a binder for them or are we going to do it
14 online?

15 ATTORNEY STARKEY: They will have copies.
16 They will not have copies of the exhibit list, so you
17 might have to reference that.

18 ATTORNEY O'NEILL: Excellent. You
19 anticipated me perfectly.

20 JUDGE FUKANO: Let's proceed to
21 cross-examination. Our first witnesses are Culley
22 Lehman and Matthew Rowell for Cascadia Water.

23 ATTORNEY O'NEILL: Your Honor, while they
24 are getting set up, I have two questions. One is, can
25 we get two computers so they are both on-screen when

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1 DIRECT EXAMINATION OF CULLEY LEHMAN
2 BY ATTORNEY STARKEY:

3 **Q. Mr. Lehman, can you go ahead and state your
4 name and spell it for the court reporter.**

5 A. Culley Lehman. C-u-l-l-e-y, L-e-h-m-a-n.

6 **Q. And your -- the pre-filed testimony/exhibits
7 have already been admitted, but do you have any
8 corrections to your pre-filed testimony or exhibits?**

9 A. Yes. In the pre-filed testimony MJR-CJL-8JT,
10 page 21, 18 -- line 19, the percentage says being 160
11 percent. It needs to be changed to about 60 percent.
12 There is a "1" there that should not be.

13 COMMISSIONER RENDAHL: Sorry, what page
14 was that on?

15 CULLEY LEHMAN: That is page 21 of 34.

16 JUDGE FUKANO: Public Counsel has
17 indicated cross of the witness panel.

18 Public Counsel, you may proceed when you are
19 ready.

20 ATTORNEY STARKEY: Your Honor, should I
21 introduce Mr. Rowell?

22 JUDGE FUKANO: Oh. I am sorry. Please.
23 I was premature. Please go ahead.

24 ///

25 ///

10 (Pages 204 to 207)

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1 DIRECT EXAMINATION OF MATTHEW ROWELL
2 BY ATTORNEY STARKEY:

3 **Q. Mr. Rowell, can you go ahead and state your**
4 **name and spell it for the court reporter.**

5 A. Matthew Rowell. That's M-a-t-t-h-e-w,
6 R-o-w-e-l-l.

7 **Q. Then are the pre-filed exhibits to your**
8 **testimony that have already been admitted, are they true**
9 **and correct to the best of your information and belief?**

10 A. They are.

11 ATTORNEY STARKEY: Cascadia Water submits
12 these witnesses for cross-examination.

13
14 CROSS EXAMINATION OF MATTHEW ROWELL
15 BY ATTORNEY O'NEILL:

16 **Q. Good morning, Mr. Lehman. Good morning,**
17 **Mr. Rowell.**

18 **Mr. Rowell, who is your employer?**

19 A. Northwest Natural Gas.

20 **Q. What's your role in Cascadia?**

21 A. I am the manager of rates and regulatory for
22 the water utilities under Northwest Natural.

23 **Q. Are you an employee of Cascadia?**

24 A. No.

25 **Q. Does Cascadia or Mr. Lehman report to you?**

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1 of 2022, if that helps you find it.

2 ATTORNEY O'NEILL: I have a paper copy if
3 they want.

4 **Q. Mr. Lehman, do you recognize this document?**

5 A. Yes.

6 **Q. To the best of your knowledge, is the**
7 **information contained in it accurate?**

8 A. Yes.

9 **Q. Can you turn to page 4 of this document. I am**
10 **sorry. Page 6, paragraph number 14; I direct your**
11 **attention there.**

12 In this document, the -- it reads:

13 In particular, Northwest Water Services
14 customers will benefit from Cascadia Water's experience
15 and expertise in planning for, building, and maintaining
16 safe and reliable pipeline infrastructure and in
17 providing exemplary customer service. Northwest Water
18 Services will need capital investment in the future.
19 Northwest Holdings, the ultimate parent of Cascadia
20 Water, is a publically owned company with a market cap
21 of approximately 1.19 billion, and it has revolving
22 credit facilities totaling approximately 200 million in
23 the aggregate. Cascadia Water, through its parent
24 companies, will be able to provide this investment over
25 time; therefore, benefiting Northwest Water Services

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1 A. No.

2 **Q. Do you have the ability to direct Mr. Lehman to**
3 **undertake tasks or responsibilities?**

4 A. Mr. Lehman is not a direct-report to me, but I
5 certainly could make suggestions.

6 **Q. Would he have to follow them?**

7 A. No.

8 **Q. Who is his direct supervisor?**

9 A. Mr. Tim Smith.

10
11 CROSS EXAMINATION OF CULLEY LEHMAN
12 BY ATTORNEY O'NEILL:

13 **Q. Mr. Lehman, do you have to follow Mr. Smith's**
14 **directives?**

15 A. Yes. If it was a pointed directive, yes. I
16 have not received one of those yet.

17 **Q. Do you have a copy of what's been marked as --**
18 **it's MJR-CJL-21X. In the record, that's PC-7, if that**
19 **helps you find it.**

20 ATTORNEY O'NEILL: And if it's okay with
21 the panel, I might refer to these as joint testimony
22 exhibits rather than saying the initials, if that's
23 acceptable to the Commission and to the ALJs.

24 JUDGE FUKANO: That is reasonable.

25 **Q. This is the acquisition application from June**

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1 customers.

2 Did I read that directly?

3 A. Yes.

4 **Q. Is this statement accurate? Does Cascadia**
5 **Water have the ability to call on Northwest Holdings'**
6 **assets in order to provide capital investment?**

7 A. Yes.

8 JUDGE FUKANO: Excuse me.

9 Mr. Lehman, will you please move the mic just a
10 bit closer to you so we can hear you properly.

11 A. Yes, it does.

12 JUDGE FUKANO: Thank you.

13 **Q. Mr. Lehman, your goal is to provide safe and**
14 **reliable drinking water; is that correct?**

15 A. That is correct.

16 **Q. Is drinking water or the provision of drinking**
17 **water more or less important than providing fire flow?**

18 A. More important, in my opinion.

19 **Q. And in the opinion of Cascadia?**

20 A. I believe so.

21 **Q. It's your testimony, as I understand it, that**
22 **all 14 capital projects that are the subject of this**
23 **rate case were necessary to providing safe and reliable**
24 **service; is that correct?**

25 A. That is correct.

11 (Pages 208 to 211)

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1 **Q. And when you say "safe and reliable service,"**
2 **are you referring there to drinking water, fire flow, or**
3 **both?**

4 A. To both, when the project is relative.

5 **Q. I don't understand that. What do you mean?**

6 A. Where fire flow can be achieved at a reasonable
7 rate that comes into play as equal to the drinking water
8 being safe and reliable, but the safe and reliable
9 drinking water is always the number one goal of
10 Cascadia.

11 **Q. So if you had to choose between them, you would**
12 **choose safe and reliability of the drinking water and**
13 **fire flow would be kind of an extra?**

14 A. I try not to have to choose that.

15 **Q. Okay. But fire flow is an extra?**

16 A. Fire flow can be looked at that way. We don't
17 necessarily look at it that way in all of our projects.

18 **Q. When you decided to upgrade your systems to**
19 **provide fire flow, did you do a separate analysis of how**
20 **much just the fire flow would cost as opposed to the**
21 **benefit it would give customers?**

22 A. The fire flow that was added during the project
23 to provide the safe and reliable drinking water was
24 never aggregated-out to do an analysis to. It was
25 always incorporated in the overall design among systems

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1 JUDGE FUKANO: I will direct -- overrule
2 the objection; direct the witness to answer the
3 question.

4 A. I can't answer that. I don't know. Without --
5 without a hypothetical situation that you would give me,
6 I can't tell you that if a reservoir would have failed
7 if we didn't complete it. I can't tell you that a pump
8 didn't go out if we didn't replace it. I can't tell you
9 if a line would have broke if we didn't repair it.

10 **Q. Would -- I will have the same question about**
11 **whether or not it would make your systems unreliable if**
12 **you hadn't completed these 14 projects, and assume your**
13 **answer is the same; is that correct?**

14 A. Yes.

15 **Q. Who are Jim and Terry Lehman?**

16 A. Jim is my father, and Terry is my uncle.

17 **Q. When did they start running WB Waterworks?**

18 A. I honestly couldn't give you a specific date.
19 It would have been in the '80s, from my -- when they
20 took over operations from my grandma and grandfather.

21 **Q. When they operated WB, it's true that the WB**
22 **system did not have generators; is that correct?**

23 A. That is correct.

24 **Q. Was WB Waterworks unreliable for the 40 years**
25 **that your family operated it before 2023?**

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1 that required fire flow.

2 **Q. Just so I understand. That means no, you**
3 **didn't do a separate analysis?**

4 A. Correct.

5 **Q. If you hadn't done these 14 capital projects in**
6 **2023-2024, would your water systems be unsafe?**

7 ATTORNEY STARKEY: Objection; calls for
8 speculation.

9 ATTORNEY O'NEILL: I can respond, your
10 Honor.

11 JUDGE FUKANO: Please.

12 ATTORNEY O'NEILL: They just tendered him
13 as a water engineer, so I am asking for his expert
14 opinion on whether or not, without these projects, his
15 water systems would be safe. Also, he gave his opinion
16 that they are necessary to be safe, and so I am entitled
17 to examine his opinion on that subject.

18 ATTORNEY STARKEY: We think that the
19 question was still speculative because it's asking about
20 a hypothetical that isn't in the record.

21 JUDGE FUKANO: Thank you. Can you repeat
22 the question.

23 ATTORNEY O'NEILL: Sure.

24 **Q. If you had not done these 14 projects, is it**
25 **your opinion that your water systems would be unsafe?**

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1 A. It was unreliable in the state that it is
2 compared to now.

3 **Q. But was it unreliable in providing water, safe**
4 **and effective water -- or, safe and reliable water for**
5 **its customers for those 40 years?**

6 A. For any prolonged power outage, yes.

7 **Q. It didn't have a SCADA system; is that correct?**

8 A. No, it did not. It had my grandmother.

9 **Q. Was it safe and unreliable relying on your**
10 **grandmother rather than a computer?**

11 A. She was pretty good. I am not gonna sugarcoat
12 that. But yeah, it was something that needed to be
13 checked daily, multiple times daily to indicate the
14 level inside the reservoir and flow of the well pumps.
15 And the SCADA system has subsequently replaced that
16 for -- for that system and for all the systems that
17 Cascadia owns.

18 **Q. Would you say that your grandparents and**
19 **parents did a pretty good job of providing safe and**
20 **reliable water?**

21 A. I would say that they did the best that they
22 could with the means that they had.

23 **Q. It's true that Cascadia maintains a website; is**
24 **that correct?**

25 A. That is correct.

12 (Pages 212 to 215)

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1 **Q. Cascadia puts accurate information on its**
2 **website; is that correct?**

3 A. We try to, yes.

4 **Q. I'd like you, if you could, to turn to what's**
5 **been marked as joint testimony exhibit, company**
6 **testimony exhibit 19X, which is PC-5. This is the 2020**
7 **water system -- it's a one-page document, a case study.**
8 **You can also pull it up online if that's easier.**

9 A. Okay. I have it.

10 **Q. Excellent. This is a one-page document,**
11 **correct?**

12 A. Correct.

13 **Q. Do you recognize it?**

14 A. I do.

15 **Q. Did you help prepare it?**

16 A. I answered -- yes.

17 **Q. And is the information contained in it**
18 **accurate?**

19 A. Yes.

20 **Q. Underneath "a family-run business evolves," you**
21 **will see it says there Amy is the office manager and**
22 **handles billing and customer relations. Do you see**
23 **that?**

24 A. I do.

25 **Q. Is that correct?**

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1 **Do you see that?**

2 A. Yes.

3 **Q. It says:**

4 **Prior to the change in ownership, the Lehmans**
5 **already had system upgrades in mind.**

6 **Did I read that correctly?**

7 A. That's correct.

8 **Q. Was that true that before you were acquired by**
9 **Northwest Natural, you had system upgrades in mind?**

10 A. Yes. We had water system master plans that
11 identified some capital improvement projects that were
12 needed.

13 **Q. Was the failure to have those capital system**
14 **projects rendering your system safe and reliable --**
15 **unsafe and unreliable?**

16 A. They were rendering them unreliable.

17 **Q. A little further down, it says:**

18 **Since the formation of Cascadia Water, the**
19 **Lehmans now have access to Northwest Natural Water's**
20 **larger balance sheet. Did I read that correctly?**

21 A. I don't see it specifically here, but that
22 sounds correct.

23 **Q. Wait. I was going to ask you if it's true, and**
24 **you said it was --**

25 A. Yes.

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1 A. She is now the administrative manager, but yes,
2 that is correct.

3 **Q. And then under the -- there is a box that says:**
4 **Successful partnership; it's been great to pick**
5 **up the phone and call the department for advice, whether**
6 **it's accounting or regulatory issues, says Amy Lehman.**

7 **Did I read that correctly?**

8 A. Yes.

9 **Q. Did she say that?**

10 A. Yes.

11 **Q. How much do you rely on Northwest Natural for**
12 **decisionmaking on accounting or regulatory issues?**

13 JUDGE FUKANO: Excuse me, Mr. O'Neill.
14 Could you please turn on your camera for questioning.

15 Thank you. Sorry for the interruption.

16 ATTORNEY O'NEILL: Sorry for the
17 oversight.

18 A. Could you repeat that?

19 **Q. How much does -- how much do you rely on**
20 **Northwest Natural for accounting and regulatory advice?**

21 A. A decent amount, I would consider, closing the
22 books at the end of the month and at the end of the year
23 and in terms of that. If that answers your question.

24 **Q. On the next paragraph, at the top, it says:**
25 **Systemwide capital improvements.**

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1 **Q. -- so we will just go with that.**

2 **If you go down to just above where it says**
3 **"more upgrades on the horizon." The last sentence**
4 **before that is a quote from Amy Lehman. It says:**

5 **Before partnering with Northwest Natural Water,**
6 **some of these projects were more of a dream, says Amy**
7 **Lehman. It's gratifying to watch them become a reality.**

8 **Did I read that correctly?**

9 A. Yes, you did.

10 **Q. In 2020 when you wrote this document, in the**
11 **next paragraph, "more upgrades on the horizon," I am**
12 **curious why none of the upgrades listed here involved**
13 **the new reservoirs.**

14 A. This was more, talking about the operations of
15 Cascadia as the generators. I believe -- I am not going
16 to speak directly for Amy, but I believe what she is
17 alluding to here is the generators being an on-standby
18 system where I don't have to go out in the middle of the
19 night, 2:00 in the morning, and start 12 generators that
20 essentially were a reoccurring motion. That was a dream
21 to get that in, and for the reliability to our
22 customers, and to the safety of our staff.

23 It also was able to complete the dream of
24 customer service. We were able to have a website that
25 was updated. We were able to have customer service

13 (Pages 216 to 219)

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lines that were answered constantly. We were able to have an email system that was able to dispatch appropriately to the responding operators. That was more of the dream that I believe she was speaking to, not necessarily the capital projects of the reservoirs and things of that nature.

Q. Were you able to keep the water system working before these upgrades?

A. Can you define "working."

Q. Did you have to issue boil notices?

A. We did.

Q. How many?

A. I don't remember that off the top of my head.

Q. Did you document how many boil notices you had to issue?

A. Back then, no, not -- I did not, no.

Q. I want to circle back to the language about the larger balance sheet that you have access to. How does it work for you to request access to capital? Do you make a request to Northwest Natural and they say yes or no? What's the process?

A. We have a budget of things that we need to do as far as capital expense. Those are laid out in our water system master plan. When things arise that are an emergency or a need-to-do immediate basis, that is then

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that objection and a pending line of questioning that's built.

ATTORNEY O'NEILL: Okay.

Q. Because I have already forgotten what the question was, I am going to start over again.

Who comes up with the budget? You said you and Amy do.

A. Amy and I come up with the initial budget.

Q. And is that a number?

A. That is a project list with a anticipated number.

Q. Okay. And then where does that go?

A. That will then go to the finance team.

Q. And what is -- and that's the finance team in corporate?

A. Correct.

Q. And then what do they do? They say yes, no, maybe?

A. To -- I can't speak to, honestly, what they do. They will come back with -- with an edit, if you will. I don't know how better to explain that. And then we go through justifications on what needs to be done internally as far as projects and their priorities. The priorities are also laid out in the master plan that have been approved. So they essentially know what is

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relayed to the corporate entity, and we'd move forward in that direction.

Q. I am a little confused because you said a budget of capital expenditures, and then you said a list of projects, and then you said emergencies.

A. So yes. The budget, the overall capital budget that we lay out every year does not include emergencies or directives, mandates from Department of Health.

Q. Okay.

A. Because those are unforeseen.

Q. So let me try to break that down a little bit so that I understand. You have got a list of projects that you have in your water system plans that you would like to do.

A. (Nodded.)

Q. Then there is a budget. Who sets that budget?

A. Amy and myself.

Q. So you come up with a number, \$3.6 million a year, and then you tell Northwest Natural that's how much you need?

ATTORNEY STARKEY: I am going to object to that to the extent it misstates the prior testimony.

ATTORNEY O'NEILL: I think the witness can answer the question whether that's accurate or not.

JUDGE FUKANO: Let's -- we will reserve on

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long-term or future forecasting.

Q. Okay. But on the budget. You sent it to them, they make edits, they send it back to you, and is that a final number?

A. That is not.

Q. What is the final number?

A. Usually if that number has been adjusted, there is a meeting or a conversation of why that number has changed and what that -- that needs to look like and the justification internally that we need to have to move forward.

Q. And do you do this every year?

A. Yes.

Q. How do you exchange these? You send back emails? Spreadsheets? What's the medium of exchange between you and corporate?

A. Traditionally, emails mostly.

Q. Why haven't you produced those documents in these data requests?

ATTORNEY STARKEY: I am going to object to that. There is no foundation there. He hasn't identified any -- what data request he is talking about. It's also calling for speculation.

I will leave it for those two for now.

ATTORNEY O'NEILL: That may be why the

14 (Pages 220 to 223)

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1 attorneys haven't produced it. I am asking why he
2 hasn't produced it. He can answer it. Maybe he doesn't
3 know.

4 JUDGE FUKANO: I think I am going to
5 sustain a foundation objection for now, but you are able
6 to lay further foundation.

7 ATTORNEY O'NEILL: Sure.

8 **Q. You said there were emails exchanged between**
9 **you and corporate over these budgets?**

10 A. Yes.

11 **Q. And you go back and forth over the priority of**
12 **these projects. So you have suggested a priority, they**
13 **say no, you have a discussion, and you exchange this in**
14 **emails; is that correct?**

15 A. Emails most of the time, or a phone
16 conversation or video call.

17 **Q. And then is that documented? When you have a**
18 **phone call, you get a final sheet, a final budget sheet?**

19 A. Not after every phone call or video conference
20 there is not a documented sheet produced.

21 **Q. For some of them?**

22 A. I can't remember that ever being produced after
23 a phone call.

24 **Q. Have you been asked to search for those emails**
25 **and those communications?**

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1 A. Yeah.

2 **Q. Did Staff ever ask you for these emails?**

3 A. I can't remember all Staff's DRs, to be honest.

4 I am sorry.

5 **Q. But you don't ever remember collecting them?**

6 A. No.

7 **Q. And I assume this process is continuing now?**

8 ATTORNEY STARKEY: I am going to object;
9 vague and ambiguous.

10 ATTORNEY O'NEILL: I can clarify, your
11 Honor, if that makes it easier.

12 JUDGE FUKANO: Please. Rephrase.

13 **Q. This process of planning for an annual budget**
14 **is an ongoing process; is that correct?**

15 A. It's an ongoing process, yes.

16 **Q. So this year, you have been exchanging emails**
17 **with your corporate office about what projects are**
18 **coming in the future?**

19 A. Yes.

20 **Q. And what's going wrong with the system?**

21 A. Those have been more of a conversation, a phone
22 conversation or a video conference.

23 **Q. Okay. I am going to switch topics a little**
24 **bit. I want to --**

25 JUDGE FUKANO: Mr. O'Neill, we are coming

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1 A. I have been asked to produce all the stuff that
2 I have an expertise in, which is operating the water
3 system.

4 **Q. Okay. But have you been asked to search for**
5 **email communications between you and corporate over the**
6 **priorities of your annual budgets?**

7 A. No.

8 **Q. Have you actually collected them?**

9 A. No.

10 **Q. Are they still extant?**

11 A. I don't understand that word.

12 **Q. Do they still exist?**

13 A. They should. We -- a lot of our email program,
14 if they are not archived, will delete after a 12-month
15 period.

16 **Q. Okay. And these emails where they are**
17 **exchanging priority lists, they would have information**
18 **about the priorities -- your thoughts on the priorities**
19 **at the time, correct?**

20 A. It would more, list what is actually going
21 wrong with the system or the actual issue that we are
22 having. Set more on that type of tone than an actual,
23 priority one is this, priority two is that.

24 **Q. And that would be relevant to understanding**
25 **what you were thinking at the time, right?**

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1 up just to 11:00 just shortly. I just wanted to give a
2 heads-up on that.

3 ATTORNEY O'NEILL: I picked a two-question
4 line. It's two exhibits. So it might take a little
5 long, but I think I can fit it in.

6 **Q. Could you look at what's been marked public --**
7 **it's the Public Counsel 14 in your binder. It sounds**
8 **like they are numbered that way. Joint testimony**
9 **exhibit 28X. This is Cascadia discovery response 32.**
10 **And that was PC-14, which is joint -- joint company**
11 **testimony 28X.**

12 A. Is that the --

13 **Q. I can actually just ask you the question, too.**
14 **Is it true that Cascadia has never applied for a**
15 **drinking water State revolving fund loan?**

16 A. That is correct.

17 ATTORNEY O'NEILL: All right. My next
18 question is then for Mr. Rowell, because you have
19 answered the next interrogatory, which is -- or data
20 request, which is 34.

21
22 CONTINUED CROSS EXAMINATION OF MATTHEW ROWELL
23 BY ATTORNEY O'NEILL:

24 **Q. You indicated that the reason you didn't do so**
25 **was because of administrative expense; is that correct?**

15 (Pages 224 to 227)

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1 A. I would have to --

2 **Q. Perfect. Let's look at what's been marked as**
3 **PC-15, which is joint testimony exhibit 29X.**

4 ATTORNEY STARKEY: If I may?

5 ATTORNEY O'NEILL: Please.

6 ATTORNEY STARKEY: 15, right?

7 ATTORNEY O'NEILL: Yeah.

8 It's nice to know that attorneys everywhere
9 confuse their clients.

10 **Q. Go ahead and take an opportunity to review that**
11 **response. You will note at the top that it's prepared**
12 **by Matt Rowell. Do you see that?**

13 A. I do see that, yes.

14 **Q. Did you prepare this?**

15 A. Yes.

16 **Q. Go ahead and review that.**

17 A. I have reviewed it.

18 **Q. So the basic reason why you haven't applied for**
19 **a State drinking water fund is administrative expense**
20 **from the federal requirements of that State fund,**
21 **correct?**

22 ATTORNEY STARKEY: I am going to object to
23 the extent that it misstates the data request response
24 here.

25 **Q. You can answer if you can.**

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1 **Q. In fact, are you aware of whether or not you**
2 **can even qualify for 1.7 if the project is necessary;**
3 **meets the requirements in the State drinking fund?**

4 A. I am not sure what you are referring to with
5 the 1.7.

6 **Q. Interest rate on the loan.**

7 A. Well, I am sorry, I thought you just said 2.2,
8 or...

9 **Q. 2.25 is what's posted on the website, but you**
10 **can apply for 1.7. You don't know any of this?**

11 A. Yeah, I am not familiar with the details of
12 this particular type of loan.

13 **Q. Did you count -- calculate how much interest**
14 **difference there would be between a capital return from**
15 **Northwest Natural at the 10.6 percent ROE that you**
16 **calculated in your testimony and the loan percent? Did**
17 **you calculate that difference for these loans? Or for**
18 **these monies, investments?**

19 A. That's my question, is, which -- what
20 investments? What loans are you referring to?

21 **Q. For the 14 capital projects that you undertook**
22 **to make safe and reliable water. Did you calculate what**
23 **the difference between a rate of return and a utility**
24 **proceeding is versus the 2.25 percent that's available**
25 **in these State loans? Did you calculate that number?**

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1 JUDGE FUKANO: I'm going to overrule the
2 objection.

3 And you respond as you understand.

4 A. Administrative costs were one of the issues
5 with the State revolving loans that are discussed in
6 this DR, but they are not the only issue discussed in
7 the response to the DR.

8 **Q. What's the other issue?**

9 A. The other issue are the increased costs
10 associated with using federal money, in that, you know,
11 compliance with what's known as the Davis-Bacon
12 requirement, compliance with the American Steel
13 requirement, these tend to increase the costs of
14 projects, capital projects, and I don't see that just as
15 an administrative. That's, you know, a real physical
16 increase in the costs.

17 **Q. Did you calculate how much they would increase**
18 **costs for the reservoir project on Estates?**

19 A. We did not do that calculation, no.

20 **Q. You are aware that the federal -- the drinking**
21 **water loans are offered at a 2.25 percent interest rate?**

22 A. I am not currently aware of what the interest
23 rate is on those loans, no.

24 **Q. Did you look up what the interest rate was?**

25 A. Not recently, no.

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1 A. I would say we have not calculated that number,
2 but it's also, you know, unlikely that we could have
3 financed, you know, a significant portion of those
4 investments with these loans.

5 ATTORNEY O'NEILL: This brings us to 11:00
6 and a new topic. So if we are going to take a break, I
7 feel like this is a good time.

8 JUDGE FUKANO: Thank you. Yes. We will
9 take our mid-morning break now. Let's say 20 minutes.

10 So let's go off the record now at about 11:00
11 a.m., and we will be back on-record at 11:20 a.m. Thank
12 you.

13 (Short recess.)

14 JUDGE FUKANO: Good morning, everyone. I
15 just want to confirm that all parties are back in
16 attendance after our mid-morning break.

17 Mr. Hanson, you are present?

18 ATTORNEY HANSON: I am present.

19 JUDGE FUKANO: Thank you very much.

20 Then we will resume cross-examination from
21 Public Counsel.

22 And I would remind the witnesses in the panel
23 that all questions should be answered individually from
24 either witness who the question is being directed to.
25 Just a general precaution.

16 (Pages 228 to 231)

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1 ATTORNEY O'NEILL: Are you ready, your
 2 Honor?
 3 JUDGE FUKANO: Please proceed.
 4
 5 CONTINUED CROSS EXAMINATION OF CULLEY LEHMAN
 6 BY ATTORNEY O'NEILL:
 7 **Q. Mr. Lehman, could you turn to what's been**
 8 **marked as, it's PC-17, joint company testimony 31X. Do**
 9 **you recognize this document?**
 10 A. Is this a data request?
 11 **Q. Yeah. It's data request 69 with the subject of**
 12 **motion practice and a motion to compel.**
 13 A. Yes.
 14 **Q. Do you recall that?**
 15 A. Yes.
 16 **Q. So at the top, it actually lists your attorney,**
 17 **who is sitting over here, as the witness for the first**
 18 **response, and then you are the witness for the**
 19 **supplemental response; is that correct?**
 20 A. Yes.
 21 **Q. Do you -- did you work on the original response**
 22 **or is that entirely Mr. Starkey?**
 23 ATTORNEY STARKEY: I am going to object to
 24 the extent that it calls for attorney-client privilege.
 25 The first response was an objection.

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1 JUDGE FUKANO: Sustained.
 2 **Q. I will turn to where it says:**
 3 **Cascadia response; we are unable to provide a**
 4 **system-by-system estimation in the format being**
 5 **requested. Instead, we have a projected spending three**
 6 **to four million each year for the next five years to**
 7 **focus solely on bringing source storage components into**
 8 **compliance across all existing systems.**
 9 **Is that statement correct?**
 10 A. Yes.
 11 **Q. In the supplemental response -- this is the one**
 12 **that you prepared, at least as listed on the witness --**
 13 **you indicate that you don't have a system-by-system**
 14 **estimation for capital costs; is that correct?**
 15 A. That's correct.
 16 **Q. You create an annual budget on an annual basis;**
 17 **is that correct?**
 18 A. That's correct.
 19 **Q. So you currently do not have a budget for the**
 20 **next five years?**
 21 A. We have an outline of a budget for the next
 22 five years.
 23 **Q. And I am interested now in moving back; let's**
 24 **say back to 2021 after the last rate case. Is that**
 25 **answer true, then, as well, you have an annual budget**

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1 **but not a five-year budget?**
 2 A. To the best of my recollection, that's true.
 3 **Q. Then you go on to say that there is**
 4 **higher-level planning for the next five years. Do you**
 5 **see where it says that? It's about halfway through.**
 6 **The Company does higher-level planning for the next five**
 7 **years.**
 8 A. Yes.
 9 **Q. What is higher-level planning?**
 10 A. The water system master plan.
 11 **Q. Okay. So that's what you're referring to as**
 12 **the water system plans?**
 13 A. Yes.
 14 **Q. Do you have any other documents that have**
 15 **planning for the next five years? And again, that's in**
 16 **two parts. Currently, and then back in 2021, did you**
 17 **have them? So we will start with currently.**
 18 A. Currently, we have a master plan that's been
 19 approved by the Department of Health that has a
 20 five-year forecast in it. We, at that time back then --
 21 I am trying to get my dates straight in my head right
 22 now. I believe we had it filed or maybe we had just
 23 filed the master plan then. So we would have had
 24 something of a five-year plan back then, and I can't
 25 remember if that document was filed before or after.

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1 **Q. In any case, the higher-level planning is**
 2 **always going to be the water system plan or the master**
 3 **plan?**
 4 A. Correct.
 5 **Q. There isn't another document that exists that**
 6 **would show what your planning was back then?**
 7 A. No.
 8 **Q. Were there drafts of your master system plans?**
 9 A. Overall, yes, but I don't know in the
 10 traditional sense. There were -- there were notes that
 11 I would have that we would relay to engineers on
 12 projects that we identified as essentially
 13 vulnerabilities and things that needed to be upgraded to
 14 each one of the systems.
 15 **Q. How were those notes conveyed to the engineers?**
 16 A. Some email. Some phone calls. Some video
 17 visits. In-person meetings.
 18 **Q. Do any of those documents still exist?**
 19 A. I -- I can't answer that for sure.
 20 **Q. The water system plan has literally hundreds of**
 21 **pages, and then it has thousands of pages of**
 22 **attachments?**
 23 A. Yeah.
 24 **Q. Do you keep drafts of those documents as a**
 25 **living document or is it, you delete everything once you**

17 (Pages 232 to 235)

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1 have a final one?

2 A. We basically push everything to the side once
3 we have a final copy because, like you said, it's so --
4 it's such a large document. The drafts and stuff start
5 to become cumbersome. And we try to keep the -- just
6 the approved plan and the one that we are working on.

7 **Q. So it's your testimony there is no way to**
8 **recreate your thought process from when you were forming**
9 **those plans?**

10 A. Not in -- not in -- not without my
11 recollection, no.

12 **Q. So the only place that your water system**
13 **planning exists, other than in the water system plan, is**
14 **in your head?**

15 A. Yeah, or the head of my engineers.

16 **Q. Okay. One of the settlement provisions in this**
17 **settlement is to have a master plan filed, as well as to**
18 **have a capital plan; is that correct?**

19 A. That is correct.

20 **Q. How are you going to document those capital**
21 **plans? Are you going to be putting your thoughts on**
22 **paper? Is it going to be a separate document? Are you**
23 **going to -- like, what's your plan for documentation, in**
24 **those plans?**

25 A. So there is a capital plan that's inside of the

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1 that's the only analysis that I have done.

2 **Q. And you haven't, like, gone back and seen how**
3 **good they were?**

4 A. I just see it up front.

5 **Q. Okay.**

6 A. In their comparison to the bids that we
7 receive.

8 **Q. In water system plans, you're required to have**
9 **a six-year capital...**

10 **ATTORNEY O'NEILL: I am going to pause for**
11 **just a second. Is there a phone we can silence or move**
12 **it outside of the room?**

13 **Sorry. I will left the witness return to the**
14 **chair.**

15 **Q. In your water system plans, there is a**
16 **requirement for a six-year planning period; is that**
17 **correct?**

18 A. Yes.

19 **Q. There is also a requirement for a 20-year**
20 **planning period; is that correct?**

21 A. Yes.

22 **Q. How do those six-year -- the requirement in the**
23 **water system plan for six-year planning and for 20-year**
24 **planning interact with the five-year plan that you were**
25 **just discussing?**

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1 water system master plan. The first draft has been
2 filed with Department of Health. And we plan on using
3 that as our capital plan moving forward.

4 **Q. Where do the numbers come for that?**

5 A. The numbers for the capital plan is usually a
6 engineer estimate of specific components.

7 **Q. Outside engineer or someone from within your**
8 **system?**

9 A. Outside engineer.

10 **Q. So you get bids?**

11 A. Not traditionally in the master plan. It's an
12 engineer estimate.

13 **Q. Do you solicit more than one or you just call**
14 **an engineer that you guys work with, and he gives you a**
15 **number?**

16 A. It's a simplistic way of putting it, but yes.
17 We use one engineer, and they come up with -- you know,
18 they are able to use their wealth of knowledge in the
19 industry to come up with a pretty spot-on estimate for
20 those -- those capital estimates.

21 **Q. When you say "spot-on," do you conduct an**
22 **analysis of how close those estimates are to actual**
23 **costs?**

24 A. Other than looking at engineering estimate
25 costs compared to the multiple bids that we get in,

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1 A. I believe the master plan is an exhibit in
2 this. And if you can point to something specific, I
3 might be able to address that or we can open the master
4 plan up to see those comparisons.

5 **Q. Okay. Well, let's start with what's been**
6 **marked as, it's Public Counsel 1, so it's right at the**
7 **very beginning of your binder. It's joint company**
8 **testimony 15X. This is an October 22nd document that**
9 **was provided to us by your company that's the water**
10 **system plan for 2003 to 2008 for WB Waterworks.**

11 **Do you recognize this document?**

12 A. Yes.

13 **Q. If you turn to -- up at the right corner, there**
14 **is a stamp that has page "blank" of 24. Do you see**
15 **that?**

16 A. Yes.

17 **Q. Okay. Could you turn to page 23 of 24 in that**
18 **document. Actually, I am sorry, 22 of 24 in that**
19 **document. Is this the capital facilities plan and water**
20 **system plan? That's what you're referring to?**

21 A. The table that you're referencing on here?

22 **Q. Yes.**

23 A. Yeah. That's what it appears to be. Yes.

24 **Q. And if you turn to the next page, which is page**
25 **23 of 24. Under the category finances. You will see**

18 (Pages 236 to 239)

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1 there is another table there. And it says:

2 To balance the six-year financial plan, the
3 following water rates are needed.

4 Do you see that?

5 A. Yes.

6 Q. And it has a gradual increase in water rates?

7 A. Yes.

8 Q. So it's true that in the past, you have
9 projected what rate impacts would occur from capital
10 investments that you're projecting; is that correct?

11 A. The previous owner did. Yes.

12 Q. That's your father --

13 A. And my uncle. Yes.

14 Q. On WB, you will see, back at page 22 of 23,
15 there are five topics that are addressed, or listed, as
16 short-term improvements. Do you see that?

17 A. Yes.

18 Q. The first is a 79,000 gallon concrete
19 reservoir. Do you see that?

20 A. Yes.

21 Q. So at the time of this plan, there were two
22 50,000 gallon tanks, and this was a plan to create a new
23 one; is that correct?

24 A. Yes.

25 Q. In October of 2022, you identified that as a

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1 reduce the pressure coming down the hill, so. We have a
2 reservoir on top of the hill. Plumbing code does not
3 let us supply over 80 psi to a residence. So as it
4 comes down the hills roughly a half pound per foot, so
5 once we have come down 160 feet, we need to put a
6 pressure-reducing valve so that the customers stay
7 within those parameters.

8 Q. So it's like a step-down?

9 A. Yes. Essentially, it's a step-down to
10 safeguard the customers.

11 Q. All right. In 2022, '23, and '24, you
12 constructed a new reservoir at WB; is that correct?

13 A. That's correct.

14 Q. You built -- you added booster pumps,
15 treatment, and a pump -- new pumps, correct?

16 A. Correct.

17 Q. You added an electrical generator?

18 A. The -- the generator was added in the previous
19 rate case.

20 Q. Okay. You added a treatment system for iron
21 and manganese?

22 A. Yes.

23 Q. And you upgraded your PRV stations?

24 A. Yes.

25 Q. In 20- -- October of 2022, when it was listed

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1 short-term improvement, correct?

2 A. Correct.

3 Q. You also identified building booster pumps,
4 treatment, and a pumping system; is that correct?

5 A. Yes.

6 Q. And electrical generator for the booster pumps;
7 is that correct?

8 A. Yes.

9 Q. Treatment system for iron, manganese, and
10 arsenic --

11 A. Yes.

12 Q. -- is that correct?

13 A. And just to clarify. We are still on 22 of 24
14 of the --

15 Q. Yes.

16 A. -- original? Okay. Yes.

17 Q. And then upgrading the pressure-regulating
18 valve stations?

19 A. Yes.

20 Q. These are also called "PRV"?

21 A. Yes.

22 Q. And this is because you have so much water
23 pressure on the system that you have to have some way of
24 releasing it?

25 A. It is -- no. The pressure-reducing valve will

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1 as short-term improvement, were these projects necessary
2 to provide safe and reliable water system service to
3 customers on WB?

4 A. In my opinion, yes. To stay with the standard
5 of water operations that our customers have come to
6 expect of Cascadia.

7 Q. Is it your testimony that you neglected your
8 obligation to those customers for the 20 years that you
9 didn't introduce those exhibits?

10 ATTORNEY STARKEY: I am going to object to
11 that; one, on the grounds of foundation. Mr. Lehman was
12 not operating WB at that point in time. And that's also
13 calling for speculation because it's -- he was not the
14 operator. Both those would be under ER 602.

15 ATTORNEY O'NEILL: Your Honor, if I may
16 respond?

17 COMMISSIONER RENDAHL: Yes.

18 ATTORNEY O'NEILL: The Company has made
19 the argument that they have acquired a bunch of
20 neglected systems, and that's why they needed a huge
21 investment. This is a system that they owned, this
22 Company owned, for this entire 20-year period of time
23 and didn't improve it until they had funds available
24 from the Company, and they did it at the same time as
25 the other systems, so I think it's directly relevant.

19 (Pages 240 to 243)

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1 And I think he is qualified to answer whether he
2 believes they neglected their duties.

3 ATTORNEY STARKEY: If I may, your Honor.
4 That was not the question. The question is whether or
5 not Mr. Lehman had neglected the system.

6 JUDGE KRUSZEWSKI: I do agree with that.

7 Can you just rephrase --

8 ATTORNEY STARKEY: Sure.

9 JUDGE KRUSZEWSKI: -- the question.

10 **Q. Did the Cascadia predecessor -- this is**
11 **Lehman -- Lehman Brothers -- neglect their obligation to**
12 **their customers for the 20 years between October of**
13 **2022 -- or, 2002 and when you finally instituted the**
14 **short-term improvements that were listed in their water**
15 **system plan?**

16 A. To the level that Cascadia provides service to
17 its customers, yes.

18 **Q. Did you tell the Department of Health that, in**
19 **the document that you filed with the Department of**
20 **Health? Did your company.**

21 A. Could you please clarify that.

22 **Q. Did you notify the Department of Health that**
23 **you were not providing reliable and safe water system**
24 **service?**

25 A. That's not what I said. I said that I believe

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1 A. Yes.

2 **Q. If you turn to the next page, which is 150 of**
3 **153. Do you see that?**

4 A. Yes.

5 **Q. It lists capital projects.**

6 A. Yes.

7 **Q. And then in parentheses after each project is**
8 **a -- it says "W&B." Do you see it? Like, on the first**
9 **one, it says PRV W&B?**

10 A. Correct. Yes.

11 **Q. And that would refer to WB Water Assistance --**
12 **or, Water- --**

13 A. Yes.

14 **Q. Waterworks. Sorry.**

15 A. Yep.

16 **Q. And there are five projects that are listed as**
17 **Waterworks projects?**

18 A. Yes.

19 **Q. In the reservoir project, you will see that it**
20 **has four entries of \$400,000 over four years; is that**
21 **correct?**

22 A. Yes.

23 **Q. Between 2023 and 2026?**

24 A. Yes.

25 **Q. Then there is \$125,000 for FE and ME, which, I**

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1 that they operated it neglectfully in comparison to
2 Cascadia Water. I believe they operated it, and to the
3 best of their ability, which was -- was at the tail end
4 of their career.

5 **Q. Okay. Let's look at what's been marked as PC**
6 **exhibit 6, joint testimony from the company, cross 20X.**
7 **This is the unified water system plan from 2021. And I**
8 **have excerpted it because this is just the plan.**

9 You there?

10 A. Yeah. Sorry.

11 **Q. Again, if you look in the upper right corner.**
12 **There is a stamp there that has page "blank" of 153. Do**
13 **you see that?**

14 A. Yes.

15 **Q. Can you turn to 149 of 153.**

16 A. Okay.

17 **Q. This is table 9.3 of that document, and it's**
18 **itled a future six-year operating budget.**

19 A. Yes.

20 **Q. Was this information accurate when you provided**
21 **it to the Department of Health?**

22 A. To the best of my knowledge, yes.

23 **Q. Is this the document that you were -- the kind**
24 **of planning that you were referring to as high-level**
25 **planning?**

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1 believe, is the iron and manganese?

2 A. That is correct.

3 **Q. That's treatment?**

4 A. Yes.

5 **Q. And there is \$125,000 listed for pumphouse?**

6 A. Yes.

7 **Q. And then for the PRV, it's \$60,000?**

8 A. Yes.

9 **Q. So that's right around \$700,000 total?**

10 A. Yes.

11 **Q. And that's what you told the Department of**
12 **Health the projects on the WB system would cost?**

13 A. That was the engineer cost estimate that we
14 provided in each individual.

15 **Q. Do you know how much in this rate case you are**
16 **asking for these projects?**

17 A. Exact number, no.

18 **Q. Does 1.7 sound about right?**

19 A. About right, yes.

20 **Q. Why was your estimate less than half of the**
21 **actual cost?**

22 A. The cost estimate that was produced in here was
23 done back in 2021. It also does not entail any of the
24 actual labor or engineering or permitting or anything
25 like that. This is solely based on an engineer cost

20 (Pages 244 to 247)

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1 estimate per individual unit. The reservoir costs X.
2 It's not to install the reservoir with all the
3 associated piping or anything like that. It is only
4 simply an engineer's best guess that that's what the
5 actual unit or plant unit would cost at that time.

6 **Q. You knew that in 2021, correct? You could have**
7 **added on to the estimate for installation estimates,**
8 **correct?**

9 A. It's hard enough to estimate what the
10 projection is going to be here. Trying to get them to
11 assume labor costs of third-party contractors is -- is
12 not reasonable.

13 **Q. If that's -- and I assume that's true for the**
14 **proposed capital plan that you are offering as a**
15 **settlement provision in this settlement, correct?**

16 A. Correct.

17 **Q. So if you're going to be missing by an order of**
18 **magnitude, and 100 percent in this case, what use is a**
19 **capital plan being disclosed as your -- to your**
20 **community?**

21 A. I don't feel that this was a miss. This was a
22 target. This was used for the planning document for
23 people to look at to see what that unit costs. It
24 doesn't say in here that that's what it will cost to
25 install this unit.

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1 calculation is.

2 **Q. Did you ever calculate that?**

3 A. No, because it's running down the thing. It's
4 darn near impossible to collect that data to get that
5 true data.

6 **Q. How much water loss was there in the three-year**
7 **average for the WB Waterworks in your most recent water**
8 **system plan, do you know?**

9 A. I couldn't speak to that exactly right now.

10 **Q. I assume it's somewhere in this document?**

11 A. Yes, it's going to be in that document.

12 **Q. If it's above 10 percent, then the water system**
13 **has an obligation to engage in a loss control plan, or a**
14 **water loss plan, correct?**

15 A. Yes.

16 **Q. And we can let this document speak for itself**
17 **about whether, in 2021, there was such a need, right?**
18 **You'd defer to this document?**

19 A. I would defer to this document, yes.

20 **Q. Okay. So -- yes. Who is it at Cascadia that**
21 **decides what level of priority to assign to the**
22 **replacement of a reservoir like WB? I am just giving**
23 **that as an example.**

24 A. In that example, it would have been me
25 demonstrating to Department of Health and to the

Page 249

1 **Q. If these are the numbers that the Department of**
2 **Health got, would it be fair to say that the Department**
3 **of Health has no basis to determine whether or not the**
4 **investments were prudent?**

5 A. I believe the Department -- I don't want to
6 speak for Department of Health, but I believe that their
7 prudence factors on water quality and not financial.

8 **Q. When you decide on a project like the**
9 **reservoir, for example, who decides what the risks are?**
10 **I am referring here to the WB water reservoir.**

11 A. The -- I guess I don't understand your
12 question, so let me -- let me ask you a question by
13 that. Are you talking specifically who was the one
14 person or multiple people that decided what priority
15 that was, or are you talking more of industry standard
16 on why leaking reservoirs are backed?

17 **Q. I am talking about in that project. There were**
18 **two octagonal reservoirs, correct?**

19 A. Correct.

20 **Q. Fifty-thousand gallons each?**

21 A. Correct.

22 **Q. One of them was leaking from a corner?**

23 A. From multiple corners, correct.

24 **Q. How much, do you know?**

25 A. Gallons per minute? No, I don't know what that

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1 engineers the need for the reservoir because of the
2 leaking nature of the octagonal tanks.

3 **Q. Who do you consult with?**

4 A. I would consult with an engineer once we
5 decided to take on that project, but industry standard
6 directs me that a leaking tank is -- is a risky tank,
7 and we did -- we knew that from just years of
8 experience.

9 **Q. Okay. So you relied on industry standard, or**
10 **your understanding of it, to inform your assessment of**
11 **risk, right?**

12 A. Yes.

13 **Q. Who did you consult with? Did you consult with**
14 **anybody?**

15 A. To assess my level of risk for that?

16 **Q. Well, you said you were the one deciding what**
17 **level of risk that Cascadia assigned to it, so I am**
18 **asking about the Company. Who did you consult with for**
19 **the Company to decide what level of risk that reservoir**
20 **was, the one that was leaking?**

21 A. I -- I don't remember specifically off the top
22 of my head. My -- my reaction would have been to -- I
23 would have relayed that information to our regional
24 manager, Tim Smith, and we would have moved forward from
25 the --

21 (Pages 248 to 251)

Page 252

1 **Q. At Northwest Natural?**

2 A. At Northwest Natural Water of Washington.

3 **Q. Is Tim Smith a water engineer?**

4 A. Tim Smith is my supervisor. I am not sure of
5 all of his qualifications.

6 **Q. I am trying to decide if you assign the risk or
7 if it was a collaboration between you and Mr. Smith.**

8 A. I would say for the Company, it would be my
9 overall, attributing the level of risk, with some
10 collaborations from.

11 **Q. Who is responsible for considering alternatives
12 to replacement of that reservoir?**

13 A. That would have been myself with our engineers.

14 **Q. And these are third-party engineers?**

15 A. They -- correct.

16 **Q. Are these the engineers that did the
17 replacement?**

18 A. Yes. For this one, yes.

19 **Q. They don't get hired unless you replace the
20 reservoir, correct?**

21 A. They get hired once I decide that we are going
22 to take on a project.

23 **Q. Do you consult with them before you decide to
24 take on a project?**

25 A. Not all the time, no.

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1 **risk of failure was from the leaking of one of those two
2 reservoirs?**

3 A. No. I relied on industry standard.

4 **Q. So if it's leaking, we fix it?**

5 A. Yes.

6 **Q. You didn't consider delaying the project at
7 all?**

8 A. I think that you pointed out directly that we
9 delayed it since 2003 when that master plan was filed.

10 **Q. Okay. But there is no contemporaneous
11 documentation on any of this?**

12 A. Can you please explain that word.

13 **Q. Sure. The stuff you were thinking at the time,
14 you didn't put down on paper where we can look at it?**

15 A. No, I did not.

16 **Q. And today, you want to get paid for this
17 reservoir that you built, right?**

18 A. The -- I think that the Company deserves to
19 receive its rate of return and its fair and equitable
20 rates.

21 **Q. Is that a "yes"?**

22 A. Yes.

23 **Q. Let's turn to page 84 of 153 in this document.**

24 A. 83?

25 **Q. 84 of 153. Table 3.25. Are you there?**

Page 253

1 **Q. Did you in this case?**

2 A. I can't remember, that specific project.

3 **Q. When you consider alternatives to replacing the
4 reservoir, do you document them anywhere?**

5 A. No.

6 **Q. Do you run alternate calculations for different
7 approaches to replacing the reservoir?**

8 A. No.

9 **Q. In this case, the two reservoirs were located
10 in one place and then the replacement was located higher
11 up the hill, correct?**

12 A. Correct.

13 **Q. Did you consider replacing the leaking
14 reservoir; tearing that down and just building a
15 slightly larger one, or a smaller one, I guess, at the
16 higher elevation?**

17 A. No, and that -- that is back to what you
18 referenced earlier, was, that 2003 to 2008 plan was
19 already calling for another 79,000 gallon reservoir that
20 would have been supplemental to the 100,000 gallons that
21 was concurrently there. So the reservoir that we
22 currently used to replace it was almost identical size
23 to that reservoir that was called-out in the 2003-2008
24 master plan.

25 **Q. Did you document anywhere what the structural**

Page 255

1 A. Yes. Page 84, the medium, long term range.

2 **Q. It's page 84 of 153, in the upper right corner.
3 Page 66 on the bottom. I think I might have confused
4 you there, sorry. In my defense, it is your long
5 document, not mine.**

6 A. Section 3.5, at the top?

7 **Q. 3.5, and then the table 3.25.**

8 A. Okay.

9 **Q. This is the section of the water system plan
10 for the -- Island County's, where you identify the
11 priorities; is that right?**

12 A. Yes.

13 **Q. Who created the table: Emergency, immediate,
14 near term, medium range, long range, and budget
15 provided?**

16 A. This was a collaboration between my engineers
17 and myself.

18 **Q. Was Northwest Natural, Mr. Smith, involved?**

19 A. No.

20 **Q. What's the difference between immediate and
21 near term?**

22 A. The immediate is actual that poses a health
23 risk, and near term is something that -- that needs to
24 be fixed that we are aware of.

25 **Q. What factors do you consider in determining**

22 (Pages 252 to 255)

Page 256

1 **whether a project is -- poses an immediate risk?**

2 A. A tier 1 health violation.

3 **Q. Meaning from the Department of Health?**

4 A. Yeah. Meaning an exposure to outside
5 contaminants that would cause a water quality issue
6 direct, meaning a leaking reservoir, if that became a
7 negative pressure situation that was able to siphon
8 water back in, could contaminate the system. A broken
9 main line. Failed pumps. Anything that would
10 constitute a boil order be issued immediately.

11 **Q. And that's the only factor you consider in
12 deciding whether something's immediate?**

13 A. That is the strongest factor.

14 **Q. What are the other factors?**

15 A. Location. Size of the project. There is a
16 multitude of things that go into this. So to sit down
17 and go through the whole planning document, that's kind
18 of the -- the guts of this document is all of those
19 thought processes put together in one document.

20 **Q. So the rest -- the following pages here are
21 identification of those projects with some narrative
22 descriptions. So would you say that that narrative
23 description is your thinking of why each project had the
24 priority that it did?**

25 A. At the time, yes.

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1 A. That the statement up on top says that we are
2 going to look at providing fire flow capacity on the
3 larger when feasible, but the individual water system
4 booster capacity needs for each system are listed below.
5 And I believe that those are identified fairly well at
6 the time of the information that we had.

7 **Q. WB Waterworks is not listed in this category,
8 is it?**

9 A. No.

10 **Q. But you installed a booster on the WB
11 Waterworks pump?**

12 A. Yes.

13 **Q. If you turn to page 73. This is a table format
14 with some expenditures. Do you know who created this
15 document?**

16 A. This was in collaboration with my engineers;
17 myself and the engineers.

18 **Q. Was it Northwest Natural?**

19 A. No.

20 **Q. Is this the list of projects that you refer to
21 having when you prepare your annual budget?**

22 A. Yes.

23 **Q. And you see the numbers kind of line-up there,
24 \$400,000 for the storage reservoir?**

25 A. Yes.

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1 **Q. And we should rely on that as being the
2 description -- that's the Company's estimate of risk at
3 the time; is that right?**

4 A. At the time, back when we did this, yes.

5 **Q. Would you also, in making that determination,
6 consider alternatives to what projects you proposed? Is
7 this where it would be documented, in the water system
8 plan?**

9 A. I suppose some projects might be identified
10 that way here, but not -- not all.

11 **Q. So if you turn to page 87 of this document.
12 I'm sorry. This is again at the upper right corner. 87
13 of 153. Page 69, at the bottom.**

14 A. Thank you. Okay.

15 **Q. You will see that the description of booster
16 pump needs is that the overall goal is to plan fire flow
17 capacity for the largest of water systems; is that
18 correct?**

19 A. Yes.

20 **Q. That's the reason why you needed booster pumps?**

21 A. No.

22 **Q. Okay. Why -- if this is supposed to reflect
23 your thinking, what other thinking did you omit?**

24 A. Give me one second here to refresh my memory.

25 **Q. Sure.**

Page 259

1 **Q. And we agree that that's the engineer estimate
2 but doesn't include labor, installation, any --
3 permitting, et cetera?**

4 A. Correct.

5 **Q. You just leave that off of your planning?**

6 A. We leave that off of this document.

7 **Q. And you're --**

8 COMMISSIONER RENDAHL: Counsel, could I
9 ask. What page are you on? I am looking at 73 and I am
10 not seeing --

11 ATTORNEY O'NEILL: Oh. I am sorry.

12 COMMISSIONER RENDAHL: -- financial
13 numbers.

14 ATTORNEY O'NEILL: 91 of 153, page 73 on
15 the bottom. I apologize.

16 COMMISSIONER RENDAHL: Okay, 73 on the
17 bottom.

18 ATTORNEY O'NEILL: Yeah, yeah, yeah. I
19 confused myself. I apologize. It should be a table
20 3.26, prioritized potential Group A system improvement
21 needs.

22 COMMISSIONER RENDAHL: Thank you. I see
23 it now.

24 **Q. You will see that the generators are marked
25 immediate/near term. It's the number 5.**

23 (Pages 256 to 259)

Page 260

1 A. Yes.

2 **Q. What category is that?**

3 A. Number 5?

4 **Q. Yeah, but what's immediate/near term? What**
 5 **does that mean?**

6 A. That is -- it is something that we know that
 7 needs to be installed for -- that's going to cause an
 8 acute health risk. So. The generators here, the reason
 9 that the generators weren't -- or, the booster pump
 10 wasn't identified in the last line of questioning that
 11 you asked me is that the booster pump there at WB
 12 provides flow to three people. They are able to have
 13 water pressure at 20 psi without the booster pump
 14 installed.

15 The booster pump is also -- the new booster
 16 pump was also required to back-wash the filters. So
 17 it's part of the filter mechanism.

18 The generators here were a near term because
 19 they were able to stay with an adequate pressure, not
 20 drop significantly below the 30 pounds. Therefore, a
 21 boil order wasn't issued. So that's why that was near
 22 term. A generator was added for the source.

23 **Q. Okay. Did you consider whether you could have**
 24 **delayed that generator on this system, given that only**
 25 **three houses were served and they had sufficient water**

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1 **we can go back and look at it if you want to. But you**
 2 **remember, in the 2003-2008 plan, there was a table which**
 3 **listed potential rate impacts from the capital**
 4 **investment? Do you remember that?**

5 A. I remember that, yes.

6 **Q. There is no such table on this document; would**
 7 **you agree with me? The 2021 version.**

8 A. Without going back, I will -- I will trust you.

9 **Q. I think there is, like, this procedure we can**
 10 **say: Subject to check. But I didn't see one. Do**
 11 **you -- can you find it?**

12 A. No. I can -- I can go back and look through
 13 there and try to find that if you want.

14 **Q. We will let the document speak for itself.**

15 **Why don't you do -- consider rate shock in**
 16 **determining priority?**

17 A. Rate shock is definitely a concern, but my
 18 number one priority is to serve safe and adequate
 19 drinking water to our customers and to maintain the
 20 service reliability and the service ethic that our
 21 customers have come to appreciate of Cascadia Water.

22 **Q. When you have money available?**

23 A. When we have needs that need to be implemented.

24 **Q. But these projects were on the books for 20**
 25 **years. You didn't do it until you had money from**

Page 261

1 **pressure to avoid a boil notice?**

2 A. That's why it's listed as near term here.

3 **Q. So I can read the near term as possibly delay?**

4 A. Yes.

5 **Q. But you didn't delay it?**

6 A. We -- the booster pump that delivers
 7 pressurized water to those people is in a near term
 8 category. Now that the filter system is installed, the
 9 generator is a must-have because those booster pumps
 10 have to function in order to back-wash the filter.

11 **Q. You didn't do a cost benefit analysis for any**
 12 **of these improvements, did you?**

13 A. Other than -- no.

14 **Q. You didn't try to quantify the benefit to the**
 15 **consumers?**

16 A. No. We relied on consumer complaints over the
 17 last 20-some years.

18 **Q. If a system improvement only helps three**
 19 **individuals but is expensive, does that factor at all**
 20 **into your decisionmaking?**

21 A. Yes, that would factor. This is not that case.
 22 This is a benefit that those three customers get, being
 23 able to have their booster pump powered because the
 24 booster pump is required for the filter system.

25 **Q. Anywhere on this document do you -- like, and**

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1 **Northwest Natural, right?**

2 A. In a simplistic way, yes, but those were
 3 deferred projects that were already identified 20 years
 4 and have run out.

5 **Q. And you didn't consider whether you could have**
 6 **delayed any of the projects, the 14 capital projects,**
 7 **did you?**

8 A. I believe the number is, 10 out of the 14
 9 projects that we did were already laid out in the master
 10 plan, and the other four projects were either direct- --
 11 directives from DOH or a mandate through a corrective
 12 action plan.

13 **Q. Do you have your testimony?**

14 A. Yeah.

15 **Q. This is from your September testimony, page 7.**
 16 COMMISSIONER RENDAHL: This is CTL-1?
 17 CJL-1?

18 ATTORNEY O'NEILL: CJL-1T, yes. Page 7.

19 **Q. Line 5 to 6. It reads:**

20 **The systems are aging and sometimes neglected,**
 21 **and Cascadia worked to improve and standardize them.**
 22 **Did I read that correctly?**

23 A. Yes.

24 **Q. In the case of WB Waterworks, you added a**
 25 **reservoir, boost pumps, a pumphouse, and PRV valves,**

24 (Pages 260 to 263)

Page 264

1 correct?

2 A. Correct.

3 **Q. In the case of the Estates system, you added a**
 4 **reservoir, new pumps, pumphouse; is that correct? And**
 5 **then treatment, I think, for both.**

6 A. Oh. We did not add a pumphouse. We utilized
 7 the pumphouse at the Estates.

8 **Q. And in the case of CAL, you added a reservoir**
 9 **and pumps; is that correct?**

10 A. Yes.

11 **Q. When you say these improvements were needed,**
 12 **isn't it also true that you were just standardizing the**
 13 **systems?**

14 A. No. The -- my definition of "standardizing"
 15 would have been making them all the same size, the same
 16 pumps, the same absolute controls, not standardizing
 17 them in the sense that I feel is standardizing, which is
 18 adding our SCADA and our generators, our customer
 19 service lines, our emergency contact numbers. That is
 20 more of the standardizing that I am talking about. I
 21 don't take, for instance, a five horse pump and put that
 22 in every system that we own.

23 **Q. So it's not the case, then, that Cascadia's**
 24 **plan for acquisition of new systems is to put in a new**
 25 **reservoir or put in new booster pumps, put in a**

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1 **generator, or put in a SCADA system in every system you**
 2 **acquire; is that correct? That's not your plan?**

3 ATTORNEY STARKEY: I am going to object to
 4 that. One, that calls for speculation in terms of what
 5 acquisition plans are for Cascadia. That would fit with
 6 under ER 602, which requires personal knowledge.
 7 Mr. Lehman here is to testify as the operator of
 8 Cascadia Water. He is not -- he doesn't have any
 9 testimony that would be specific to what that exact plan
 10 is for the entire system.

11 JUDGE KRUSZEWSKI: Do you want to respond?

12 ATTORNEY O'NEILL: He is here testifying
 13 on behalf of the Company on a panel. If he doesn't
 14 know, he can ask Mr. Lehman (sic) or the Company can
 15 answer. I think the Company needs to answer what their
 16 plan is for when they acquire systems. He was here. He
 17 was the decisionmaker. He just testified that he was
 18 the decisionmaker.

19 ATTORNEY STARKEY: Can I also respond to
 20 that? I think if that is the intent here, then I think
 21 the other objection is to relevance. We don't have an
 22 application to acquire a new system here in front of the
 23 Commission. We are talking about whether or not these
 24 14 projects are prudent and whether or not the
 25 settlement, itself, is within the public interest.

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1 Acquisition plans is not an issue before the Commission.

2 ATTORNEY O'NEILL: I can respond to that,
 3 your Honor. It's part of the settlement. They agreed
 4 to create a capital plan, and future acquisitions would
 5 be part of that.

6 ATTORNEY STARKEY: I don't -- if
 7 Mr. O'Neill can point to the settlement where we mention
 8 future acquisitions. I am not sure what he is referring
 9 to there.

10 JUDGE KRUSZEWSKI: Do you have a response?

11 ATTORNEY O'NEILL: Other than they are
 12 going to have a capital plan, unless -- if their company
 13 is going to say they are going to exclude acquisition
 14 costs or plans for acquisition from their capital plans,
 15 I can let that stand as an answer.

16 ATTORNEY STARKEY: I am not really
 17 following what he is trying to get at there, your Honor.
 18 If we are talking about acquisitions, that would be an
 19 application that would have to go before the Commission,
 20 and it's something that the Commission would have to
 21 approve.

22 The capital plan would be to future capital
 23 expenditures. That's not what this question is geared
 24 toward. It is geared toward acquisitions. And -- and
 25 I'll note that that's also trying to talk about future

Page 267

1 costs. If he wants to ask a specific question about
 2 what the capital plan might entail, we agree that's
 3 within the bounds of the settlement, but that's not what
 4 this is getting at.

5 **Q. Is your capital plan --**

6 **ATTORNEY O'NEILL: Well, let me ask that**
 7 **question, then, your Honor, if I may.**

8 JUDGE KRUSZEWSKI: Sure.

9 I am going to overrule. But if you would like
 10 to rephrase the question and keep it in his personal
 11 knowledge.

12 ATTORNEY O'NEILL: Sure.

13 **Q. Who at Cascadia would know about future**
 14 **acquisition plans?**

15 ATTORNEY STARKEY: Again, your Honor, I am
 16 going to object to that. We are talking about future
 17 acquisition plans, and we are here for a general rate
 18 proceeding. Future acquisition plans are a separate
 19 docket item that Cascadia would have to bring to this
 20 Commission, and the Commission would have to approve it.
 21 That is not related to whether or not either, one, the
 22 rates are fair, just, and reasonable here, and we are
 23 talking about 14 specific projects. That is outside the
 24 scope of testimony, outside the scope of the settlement
 25 agreement. And I will note I still haven't seen where

25 (Pages 264 to 267)

Page 268

1 Mr. Robinson O'Neill is pointing to the settlement in
2 what he is referring to here.

3 ATTORNEY O'NEILL: Your Honor, the
4 specific ruling you made was personal knowledge. I am
5 just trying to establish his personal knowledge; as to
6 whether he knows. I can lay a foundation for its
7 relationship to the settlement in my next question, but
8 the first step, first objection, was foundation.

9 ATTORNEY STARKEY: Can I reiterate? My
10 new objection now is relevance, too. I don't think that
11 future acquisitions of Cascadia Water are relevant to
12 the rate proceeding here. That is not an issue.

13 JUDGE KRUSZEWSKI: So I am going to
14 overrule, but I do -- I would like you to keep this line
15 of questioning limited.

16 ATTORNEY O'NEILL: Sure.

17 JUDGE KRUSZEWSKI: Thank you.

18 **Q. Who at Cascadia has personal knowledge of what**
19 **are their acquisition plans?**

20 A. There would be a few people. Regulatory, the
21 business development team, potentially myself.

22 **Q. Do you have any knowledge of whether or not**
23 **your capital plans in this settlement will include**
24 **potential acquisition?**

25 ATTORNEY STARKEY: I am going to again

Page 270

1 **Q. Sure. Are you going to -- do you, in your**
2 **personal knowledge, know whether or not you intend to**
3 **put future acquisitions in your capital plans as part of**
4 **the settlement?**

5 A. I -- I guess I will want clarification. Let me
6 answer it, and then I will -- yeah.

7 We are not going to put a future acquisition
8 purchase into capital. We are not going to, at this
9 point, recover rates, or ask to recover rates on a
10 acquisition, if that's what you're asking.

11 **Q. Okay. And now I want to talk about when you**
12 **acquired the systems in 2022; for example, Northwest**
13 **Water Services.**

14 A. Okay.

15 **Q. When you acquired those systems, did you have a**
16 **standardized plan for what you wanted to apply on that**
17 **system to improve it?**

18 A. Yes. Generators and SCADA.

19 **Q. Okay.**

20 **All right. I want to shift focus now to the**
21 **reservoirs specifically. I am going to have you turn to**
22 **what's been marked as -- it was PC-8 in your binder. It**
23 **is joint testimony exhibit 22X.**

24 A. The Estates draft water system dated 2024?

25 **Q. Yes. Now, I obtained this from the Water**

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1 reiterate that objection. We are talking about future
2 acquisitions here, or whether or not that will have any
3 information relating to future acquisitions.

4 And I will also note that if you look in ER
5 11 -- 611, ER 611(b), cross-examination questions should
6 be directed to the testimony that has been provided.
7 This is not directed to any sort of testimony that has
8 been provided in this proceeding.

9 ATTORNEY O'NEILL: Well, that's erroneous,
10 your Honor. In fact, they have testified that they
11 planned three, four million dollars of plan -- future
12 plans. I am entitled to inquire as to whether that
13 three, four million dollars includes acquisition costs.
14 That is direct testimony.

15 But the specific question I asked was, are they
16 going to include acquisition costs in their capital
17 plans as provided in the settlement, which is a very
18 narrow question.

19 JUDGE KRUSZEWSKI: Again, I am going to
20 overrule. And we will just consider -- again, keep the
21 line of questioning limited. And it's really just going
22 to be how much weight the information is given, and so.
23 If you want to proceed.

24 **Q. Do you remember the question?**

25 A. Can you ask it one more time?

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1 **Advocates. The Washington -- Water Advocates of**
2 **Washington. Water Consumer Advocates of Washington. A**
3 **consumer group. Fair?**

4 A. (Nodded.)

5 **Q. Do you know how they obtained it?**

6 A. No, I don't.

7 **Q. Did the -- do you recognize the document?**

8 A. It looks familiar. Yes.

9 **Q. Okay. It's prepared by a water company called**
10 **"Facet." Do you recognize it?**

11 A. Yes.

12 **Q. Who is Facet?**

13 A. Facet is our contracted engineers to develop
14 the Southwest regional water system master plan.

15 **Q. And did you prepare a draft plan in May of 2024**
16 **with Facet?**

17 A. Yes.

18 **Q. And did you provide that draft plan to the**
19 **Department of Health?**

20 A. Yes.

21 **Q. All right. If, at any time, you notice an**
22 **inaccuracy in this draft, can you please notify me as we**
23 **go through it?**

24 A. Without --

25 **Q. If you recognize it.**

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1 A. I -- I recognize the front page here. And
2 without having the -- our actual draft side-by-side,
3 I -- I will do my best, but I can't guarantee my
4 accuracy on that.

5 **Q. Okay. Do you know whether any of the parties**
6 **requested the draft plan in their data requests?**

7 A. I believe that they asked for a draft plan.

8 **Q. Do you know whether your company produced it?**

9 A. We wouldn't have produced a draft plan.

10 **Q. Why would you submit a draft plan to the**
11 **Department of Health if you weren't going to give it to**
12 **the parties in this case?**

13 A. Because this is a draft plan. This is a future
14 planning document that needs to go through the proper
15 process; for Department of Health to approve it.

16 Department of Health gets the first draft plan
17 and then sends it back with their subsequent comments,
18 things that they want to point out or make sure that are
19 in the plan. Then the plan will be resubmitted after a
20 customer comment period. The Commission also has
21 weigh-in on the plan, as does Department of Ecology, as
22 does the other counties that it directly affects.

23 **Q. Would you agree with me that you attempt to be**
24 **accurate in your information that you provide to the**
25 **Department of Health in your draft plans?**

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1 A. Yes.

2 **Q. What's a DSL?**

3 A. I think there is a sheet in here.

4 **Q. You don't remember?**

5 A. Not off the top of my head, no.

6 **Q. Is that the commercial sector, or district?**

7 A. No. That should have been the parks.

8 **Q. Okay. If you turn to page 11 at the bottom, 27**
9 **of 75, under projected land use. Do you see that?**

10 A. Yes.

11 **Q. So as part of deciding what size reservoir to**
12 **use, you count the number of active connections you**
13 **currently have and then you project what you may get in**
14 **the future; is that fair?**

15 A. Yes.

16 **Q. And then try to size accordingly for that**
17 **future need?**

18 A. Correct.

19 **Q. So by design, you want to slightly overbuild**
20 **for your current needs because you anticipate that there**
21 **will be future growth?**

22 A. Correct.

23 **Q. You will see in here that it -- the last**
24 **sentence of the section 2.21 says:**

25 There is a potential for rural cluster

Page 273

1 A. Yes.

2 **Q. Is it important for you to be accurate?**

3 A. As accurate as we can be. Yes.

4 **Q. Let's turn to -- I am going to confuse myself**
5 **again, but we will start with the page numbers on the**
6 **top, 25 of 75. Page 9 at the bottom. Table 2.3 there**
7 **is the equivalent residential unit calculations. Do you**
8 **see that?**

9 A. Yes.

10 **Q. These are also abbreviated as ERUs; is that**
11 **right?**

12 A. Yes.

13 **Q. And that's a rough term. It's a term that you**
14 **can use for the number of people or connections that a**
15 **water system has; is that correct?**

16 A. Yes.

17 **Q. And you will see in this table that there are**
18 **420 connections on the Estates reservoir system; is that**
19 **right?**

20 A. Yes.

21 **Q. The best of your knowledge, is that accurate?**

22 A. That's what it is approved for, yes, off of my
23 recollection.

24 **Q. That's 379 residential ERUs, one park, one**
25 **school, and 30 DSL, correct?**

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1 developments and commercial nonresidential development
2 within the service area. However, the time frame for
3 the development of these subdivided plots is currently
4 unknown.

5 Is that correct?

6 A. Correct.

7 **Q. Is that still currently unknown?**

8 A. I would say yes. I haven't seen any county
9 code updates.

10 **Q. And the next one, you will -- you will see it**
11 **says:**

12 The estimated number of connections for 2029
13 and 2043 were determined using a one percent population
14 growth rate.

15 Do you see that?

16 A. Yes.

17 **Q. 2029 is six years and 20- -- 2043 would be 20**
18 **years, right?**

19 A. Yes.

20 **Q. That's consistent with the six-, 20-year**
21 **planning periods in your other water system plans,**
22 **correct?**

23 A. Yes.

24 **Q. And you will see that the one percent**
25 **population growth rate used for this report is a**

27 (Pages 272 to 275)

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conservative estimation based off of current growth rate and 0.73 indicated in the Clallam County census.

Did I read that correctly?

A. Yes.

Q. Is it appropriate to use a conservative estimation of population growth?

A. Yes. Our engineers put this part together with some collaboration, but yes.

Q. And you will see a table down below for projected demand. It has number of R- -- ERUs in '23, '29, and '43 in table 2.6. Do you see that?

A. Yes.

Q. So you're anticipating as many as 443 connections in six years, which is another 23, and then 512 by 2043?

A. Yes.

Q. Could you turn to page 31 of this document, which, at the bottom, 47 of 75 at the top. Are you there?

A. Yes.

Q. You will see there that the minimum standby storage volume for the system to be able to support 512 ERUs at the end of the 20-year planning period would be 102,400 gallons.

A. Yes.

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A. Yes, and that's what -- yes.

Q. And if you go to the next page, which is 48 of 75, page 32 of the document. There is a table 3.1 which is storage components. Do you see that?

A. Yes.

Q. And this is the new reservoir that was built on Estates' reservoir, correct?

A. Yes.

Q. And it has a standby storage of 142,715 gallons, correct?

A. Yes.

Q. And if you go back to that page 31, which is 47 of 75. You will see that if you divide 142,000 by 715- -- 142,715 by 200, you get 713 ERUs.

A. Yes.

Q. The reservoir that you built at the Estates reservoir is built to serve a potential for 713 people even though your 20-year plan only has projections for 512, correct?

A. If you read the math that way, yes.

Q. And these are the water system plans that you submitted to the Department of Health, correct?

A. Yes.

Q. Did you consider building a smaller reservoir?

A. Than what we currently built or what was

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Q. Did I read that correctly? Did I read that correctly?

A. Yes.

Q. Okay. And just so I understand this correctly. Standby storage is a portion of the reservoir that's set aside for abnormal operating conditions, right?

A. More or less. Yes.

Q. Okay. And so the size of the reservoir obviously matters in calculating that.

A. Correct.

Q. You have got operating storage, dead storage, equalizing storage, fire suppression storage. Those are all included in the calculations, correct?

A. Yes.

Q. And you will see there under design manual equation 4.7.

A. Yes.

Q. It has a calculation of 142,715 gallons divided by 200 gallons GPD, per day, per ERU. Do you see that?

A. Yes.

Q. And that's kind of the formula for calculating size. You divide the volume you have for standby storage by 200, and that gets you what the minimum -- or the -- what you would be able to serve with that volume, correct?

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currently there?

Q. Than what you built.

A. We looked at that. The cost difference was not substantial.

Q. How much was it?

A. I don't remember off the top of my head.

Q. In the case of the CLA Estates, you said it was \$15,000 to upsize the reservoir. Do you know, in relation to that, how much extra money you spent for capacity that you don't actually plan to use?

A. In the CAL system, I believe it was an eight percent increase for a 25 percent increase in storage capacity, so it probably would have been close to that, but I can't give you a definitive answer right now.

I know that the reservoir that we currently built was -- is smaller than the reservoir that they currently have in existence before we built the new reservoir, and that goes with trying to keep the residents with enough water on standby and fire suppression to the level of service that we like to provide at Cascadia.

Q. I assume that the -- based on your answer about the CAL water reservoir, that the 200 gallon minimum is just a minimum, correct? You can have more?

A. Correct.

28 (Pages 276 to 279)

Page 280

1 **Q. How many times in the last 10 years have you**
 2 **used standby storage during abnormal operating**
 3 **conditions?**

4 A. I don't track that.

5 **Q. Is there any document anywhere in your records**
 6 **that would show how many times you had to use standby**
 7 **storage?**

8 A. We don't track that. We use the design manual,
 9 based on the gallons used per system. So each system is
 10 essentially different. But the 200 is the bear minimum
 11 allowable.

12 **Q. Well, it's what's required by the Department of**
 13 **Health.**

14 A. Right. As a minimum.

15 **Q. Okay. Let's put that one back.**

16 **Let's talk about CAL. If you look at --**

17 JUDGE FUKANO: Mr. O'Neill, we are also
 18 getting fairly close to our 12:30 break time for lunch.
 19 I just wanted to alert you to that.

20 ATTORNEY O'NEILL: Yeah. I think I can
 21 get started and lay the foundation for the next line of
 22 questions about CAL in a profitable use of the four
 23 minutes, if I could start this.

24 JUDGE FUKANO: Please proceed.

25 **Q. So could we look at 6. That's the water system**

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1 **CAL Waterworks had 99 existing residential connections**
 2 **and Goss Lakeridge Acres had 15 connections. Did I read**
 3 **that correctly?**

4 A. M-hmm. Yes.

5 **Q. So there is a difference between approved**
 6 **connections and actual connections; is that correct?**

7 A. Yes.

8 **Q. Your actual population at CAL Waterworks is 99**
 9 **residences and 15 connections at Goss Lakeridge,**
 10 **correct? That's how many active customers you have?**

11 A. Yes, but that's not counting ready to serve.

12 **Q. And is that ready to serve the approved**
 13 **residential connections?**

14 A. The ready to serve will be additional numbers
 15 on top of that number that our service is committed to
 16 use that are active users. So a water availability has
 17 been assigned or a building permit has been attempted to
 18 be issued.

19 **Q. Do you know anywhere in your water plan where**
 20 **you listed what the -- those connections, the ready to**
 21 **serve connections were for CAL?**

22 A. I don't remember listing those, no. Those kind
 23 of fluctuate a little bit.

24 **Q. Do you know off the top of your head how many**
 25 **ready to serve --**

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1 **plan, the unified system plan.**

2 COMMISSIONER RENDAHL: Is there a
 3 particular exhibit you are looking at?

4 ATTORNEY O'NEILL: Yeah. It's -- I am
 5 sorry. It's PC-6, which is joint exhibit 20. It's the
 6 unified combined water system plan. It's the big,
 7 long -- big document.

8 **Q. If you turn to what's been marked 83 of 153.**
 9 **Page 65 at the bottom. Are you there?**

10 A. Yes. The very first -- top line is for the Sea
 11 View water system?

12 **Q. Right. I direct your attention to where it**
 13 **says CAL Waterworks.**

14 A. Okay.

15 **Q. You see there it says:**

16 **In 2018, CAL Waterworks received DOH approval**
 17 **for 146 residential connections, which covers the full**
 18 **build-out of the CAL Waterworks retail service area and**
 19 **the existing connections of Goss Lakeridge Acres.**

20 **Did I read that correctly?**

21 A. Yes.

22 **Q. Is that the GAL that we referred to -- or,**
 23 **"GLA" that was in the table from before, Goss Lakeridge?**

24 A. Yes.

25 **Q. But -- and then it says as of 2- -- 2- -- 2020,**

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1 A. I don't want to venture to say in this forum.

2 **Q. If you turn to page -- this is my last**
 3 **question. Then I am ready for a break.**

4 **If you turn to page 68 at the bottom. It's 86**
 5 **of 153. You will see that, in the water system plan, it**
 6 **says:**

7 **The new reservoir should be at least 60,000**
 8 **gallons, which would provide adequate fire suppression,**
 9 **equalizing, and standby storage.**

10 **Did I read that correctly?**

11 A. Yes.

12 **Q. The actual reservoir that you built was 78,000;**
 13 **77,000 and some, correct?**

14 A. Correct.

15 ATTORNEY O'NEILL: Okay. That's a good
 16 breaking point, your Honor. And I think I have about a
 17 half hour of questions total after this.

18 JUDGE FUKANO: Thank you for the update.

19 Then we will be off the record for now, for
 20 lunch. We will resume at approximately 1:30 p.m.

21 (Lunch recess.)

22 JUDGE FUKANO: Let's be back on the
 23 record. It is 1:34 p.m. Public Counsel is crossing
 24 Company Witnesses Lehman and Rowell.

25 ///

29 (Pages 280 to 283)

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1 CONTINUED CROSS EXAMINATION OF CULLEY LEHMAN
2 BY ATTORNEY O'NEILL:

3 **Q. Mr. Lehman, could you turn to what's been**
4 **marked as PC exhibit 22. I am sorry, I have got the**
5 **number wrong. Hold on a second.**

6 JUDGE FUKANO: Mr. O'Neill, would you
7 please activate your camera.

8 ATTORNEY O'NEILL: Yes.

9 JUDGE FUKANO: Thank you.

10 **Q. Yeah, PC exhibit 22, which is the joint**
11 **testimony 36X. This is a project report about CAL**
12 **Waterworks.**

13 A. Yes.

14 **Q. Do you recognize this document?**

15 A. Yes.

16 **Q. This got produced to us late. I think it was**
17 **inadvertently not included in the original responses to**
18 **the data requests. Is that right?**

19 A. Yes. That's what I believe.

20 **Q. And this is a report generated by the Davido**
21 **Consulting Group. Is that the engineer that you used on**
22 **the CAL Waterworks?**

23 A. That is.

24 **Q. If you turn to page -- it's little "i" on the**
25 **bottom, but it's 3 of 18 in the upper right corner. You**

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1 **Q. Do you know how many ERUs 58,480 gallons would**
2 **meet at the DOH 200 gallon per day standard?**

3 A. Not off the top of my head, no.

4 **Q. Subject to check, would that be 216 -- or, I am**
5 **sorry, 292 connections?**

6 A. We can look it up in the design manual.

7 **Q. Okay. Do you know how -- or, how much water**
8 **the existing reservoirs, before you replaced them at**
9 **CAL, how much -- how many connections they could have**
10 **supported?**

11 A. My -- I don't honestly remember the number. I
12 believe it was approved for about 120.

13 **Q. All right.**

14 A. If my recollection serves me right.

15 **Q. But the way to calculate that would be to look**
16 **at the prior system plan and the standby storage that**
17 **was listed in the unified plan and then divide by 200?**

18 A. Yeah. And system loss, some leakage. There
19 was a few other things that would be calculated.

20 **Q. Okay. Let's talk about WB now. If you look at**
21 **the PCU-6. That's the big water system -- the combined**
22 **water system plan, which is joint exhibit 20. X, 20X.**
23 **And if you turn to what's been marked as -- let me check**
24 **if I am at the right page first. 38 of 153. Or page 20**
25 **on the bottom. The last sentence that starts there**

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1 **will see there again it says DOH approved connections**
2 **146, and then active residential service connections**
3 **114, and active nonresidential service connection 1; is**
4 **that correct?**

5 A. Yes.

6 **Q. Let's turn to what's page 13 of 18, in the**
7 **upper right corner, page 8 at the bottom, and the**
8 **section called standby storage. The second -- or, third**
9 **sentence in that paragraph says:**

10 **This results in a recommended standby storage**
11 **volume of 38,600 gallons based on the system's maximum**
12 **capacity of 193 ERUs.**

13 **Did I read that correctly?**

14 A. Yes.

15 **Q. Okay. Then if you look down to where it says**
16 **proposed reservoir. You see it says SB recommended,**
17 **which I assume means standby storage recommended; is**
18 **that right?**

19 A. Yes.

20 **Q. And then it says SB provided. Do you see that?**

21 A. Yes.

22 **Q. And the SB provided is what the actual**
23 **reservoir on that system provided, which is 58,480**
24 **gallons of standby storage; is that right?**

25 A. Yes.

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1 **says:**

2 **The estimated number of connections in 2026 and**
3 **2040 were determined by using a two percent population**
4 **growth rate.**

5 **Do you see that?**

6 A. Yes.

7 **Q. If you go to the next page, which is 21 at the**
8 **bottom, 39 of 153. It says:**

9 **The two percent population growth rate used for**
10 **this report is an overestimation of the growth rate**
11 **indicated in the Island County comprehensive plan.**

12 **Did I read that correctly?**

13 A. Yes.

14 **Q. Why did Cascadia Water use an overestimation**
15 **for the WB Waterworks but an under- -- or, conservative**
16 **estimate for CAL?**

17 A. That has to go with -- if my recollection
18 serves me right, that has to do with the projected land
19 use out there. And the Island County comprehensive plan
20 hadn't been updated for -- I don't remember the amount
21 of years, but it's not -- not very current.

22 **Q. 2016 I think was the last date.**

23 **So you just picked two percent out of the air**
24 **or did you have any actual data to support it?**

25 A. I don't remember what data we had to support

30 (Pages 284 to 287)

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1 that number, but that would have been a discussion topic
2 between the engineer and myself.

3 **Q. So the reason you chose -- your recollection**
4 **is, the reason you chose an overestimation is because**
5 **the Island County hadn't updated its plan?**

6 A. The Island hadn't updated its plan, and we knew
7 that the State was moving more towards an ERU
8 delineation to a accessory dwelling unit, or an ADU. So
9 if you were going to build a mother-in-law house or a
10 different dwelling unit, you would need to get another
11 ERU from the system.

12 **Q. How many dwelling -- or, such dwelling units**
13 **are in the WB Waterworks service area?**

14 A. I don't know.

15 **Q. WB is in South Whidbey Island; is that correct?**

16 A. Yep.

17 **Q. Do you know, in terms of the Island County**
18 **plan, for their growth, whether they divide it up by**
19 **regions?**

20 A. I don't -- no, I don't know that. I do not
21 believe so, but I do not know that.

22 **Q. Do you know what the Island system planner of**
23 **the Island County comprehensive plan projects for growth**
24 **over the next 20 years in South Whidbey Island where WB**
25 **is located?**

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1 **because of the slopes that WB operates on, its ability**
2 **for development is less?**

3 A. I don't know if that's true or not. I don't
4 know what this was referring to in code. I don't
5 remember what the code was there versus now. Septic
6 systems and things like that would also be a determining
7 factor.

8 **Q. On the next one -- the next -- there is like a**
9 **single line paragraph. It says:**

10 **Many of the lots are small waterfront lots with**
11 **vacation homes.**

12 **Did I read that correctly?**

13 A. You did.

14 **Q. Is that still true?**

15 A. Yeah. I would say overall, yes.

16 **Q. Okay. Now let's go back to -- go ahead.**

17 A. They are -- they are small lots. But being the
18 waterfront homes, that's where we are seeing the ADUs
19 coming into play. Houses above garages, little guest
20 studios that require a bathroom. In a simple sense, if
21 it has an oven and a bathroom, it -- rule of thumb is,
22 it's generally considered an ADU, accessory dwelling
23 unit.

24 **Q. All right. Let's go back to the 2021, which is**
25 **PC-6, joint exhibit 20. If you turn to page 40 of 153**

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1 A. Not off the top of my head, no.

2 **Q. Keep this document in front of you because I am**
3 **going to refer back to it in a second, but I want to**
4 **start first with PCU-1, which is joint testimony exhibit**
5 **15X. This is the 2003 version of the water system plan.**
6 **If you remember, we were talking about it before.**

7 A. Yeah.

8 **Q. If you turn to page 9 of that 2003-2008**
9 **document, page 13 of 24 in the upper right corner.**

10 A. For planning, is the top?

11 **Q. Correct.**

12 A. Right.

13 **Q. And if you look down at the heading that says**
14 **water supply and demand forecast.**

15 A. Yes.

16 **Q. Second paragraph:**

17 **The service area has approximately 750 lots.**
18 **However, due to the combination of lots and lots with**
19 **unstable slopes, the ultimate development potential for**
20 **this service area is less.**

21 **Did I read that correctly?**

22 A. Yes.

23 **Q. Was that true?**

24 A. If it's in here, I believe that it's true.

25 **Q. And that would still be true today, that**

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1 **up on the upper right, 22 at the bottom. Just above**
2 **2.22 projected connections, there is a paragraph. It**
3 **starts: Site-specific fire flow.**

4 **Do you see that?**

5 A. Page 40 of 153?

6 **Q. 40 of 153 in the upper right, page 22 on the**
7 **bottom. Just above the subheading 2.22, there is a**
8 **paragraph.**

9 A. I must be looking at the wrong exhibit.

10 **Q. Exhibit 6, PC-6.**

11 A. It's in the master plan I have page 22 at the
12 bottom. And you said 40 of 153?

13 **Q. On the upper right corner.**

14 A. Yeah.

15 **Q. There is a table up there that starts TEL**
16 **company 4.**

17 A. Yes.

18 **Q. Okay. If you go down -- if you look at the**
19 **bolded section. It says 2.22, protected connections.**

20 **Do you see that --**

21 A. Yes.

22 **Q. -- at the bottom? Go up one paragraph from**
23 **that.**

24 A. Into the notes below the table?

25 **Q. It's in the section 2.21, last paragraph.**

31 (Pages 288 to 291)

Page 292

1 **Projected land use, last paragraph.**

2 A. Oh, okay. Yes. Sorry. Yes, I am there.

3 **Q. No worries.**

4 **The second sentence says:**

5 **The potential for any major business or larger**
6 **multifamily structures being located within the water**
7 **system are minimal, due to the limited capacity of the**
8 **land to host septic drain fields of any substantial**
9 **scale.**

10 **Did I read that correctly?**

11 A. Yes.

12 **Q. And then if you go down to projected**
13 **connections down below. The next paragraph. About**
14 **one -- or, the second to last sentence. It says:**

15 **Total build-out within the various water**
16 **service areas is difficult to estimate because of**
17 **on-site septic limitations which potentially reduce the**
18 **number of buildable home sites.**

19 **Did I read that correctly?**

20 A. Yes.

21 **Q. And that's what you -- I think you referenced**
22 **this earlier, that there are some limitations to growth**
23 **in South Whidbey Island based off of their ability of**
24 **the land to hold septic fields; is that correct?**

25 A. That is correct.

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1 too.

2 COMMISSIONER RENDAHL: All right. Well,
3 keep going.

4 **Q. Is this the code you were referring to?**

5 A. Yes.

6 **Q. And under application, you will see it says:**

7 **Project actions will be evaluated for seawater**
8 **intrusion risk based on the applicable risk category and**
9 **proposed activity.**

10 **Did I read that correctly?**

11 A. Yes.

12 **Q. And you will see, for medium, for new or**
13 **expanding public water systems of more than six**
14 **connections per year, then they have to do a seawater**
15 **intrusion risk analysis; is that correct?**

16 A. Yes.

17 **Q. When was the last time, or at least that you**
18 **documented, that you conducted a seawater intrusion**
19 **protection risk assessment as required by the code for**
20 **WB?**

21 A. The risk assessment has been -- my
22 understanding is that the seawater intrusion is
23 documented through the samples that are taken. And if
24 those samples don't show any -- any signs of seawater
25 intrusion, chloride conductivity, that that report,

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1 **Q. What is the seawater risk -- seawater intrusion**
2 **risk for WB?**

3 A. I don't remember off the top of my head. I
4 believe that it's medium to high. There is a Island
5 County statute that we do seawater intrusion sampling
6 twice a year every April and August and submit those to
7 Island County as well as DOH.

8 **Q. You believe it's medium, you said?**

9 A. I think -- it's either medium or high, and I
10 can't remember without looking that up right now.

11 **Q. If you look at what's been marked PC exhibit**
12 **number 9. This is joint exhibit -- company exhibit 23.**
13 **This is a provision of the Island County Code 9 -- or,**
14 **8.09.099, seawater intrusion protection. Do you see**
15 **that?**

16 A. Yes.

17 COMMISSIONER RENDAHL: I'm sorry, which
18 exhibit are we on? You said --

19 ATTORNEY O'NEILL: It's PC number 9.
20 PC-9.

21 COMMISSIONER RENDAHL: 23X. And 23X I
22 have as the growth plan update.

23 ATTORNEY O'NEILL: I have it as the Island
24 County Code 8.09.099.

25 COMMISSIONER DOUMIT: That's what I have,

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1 unless you are growing the system, it is not done.

2 **Q. But you are planning to grow the system, and**
3 **because you have established a reservoir for more**
4 **connections than you currently have, correct?**

5 A. Correct. So that study will be done upon
6 completion.

7 **Q. But it hasn't been done yet because you haven't**
8 **grown the system?**

9 A. Correct.

10 **Q. Okay. My last line of questions has to do with**
11 **generators.**

12 **It is true that the Department of Health**
13 **require -- or, Department of Health provides that if you**
14 **have more than two outages in a year on average, that**
15 **you have to have backup capacity for your pumps; is that**
16 **correct?**

17 A. That sounds correct. They also recommend it in
18 their design manual, and it's also industry standard
19 around here. I think that was pointed out by your
20 witness.

21 **Q. Yeah. But in terms of what the Department of**
22 **Health requires, it requires that after there is a**
23 **certain number of outages in a given year; is that**
24 **correct?**

25 A. Or a new installation.

32 (Pages 292 to 295)

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1 **Q. All right.**

2 **You didn't keep -- or, you haven't kept the**
3 **number of outages in any of your water systems, correct?**

4 A. Correct.

5 **Q. In the sanitary surveys that you prepare for**
6 **the Department of Health, are you asked about whether or**
7 **not there are sufficient outages to require a generator?**

8 A. I don't remember that direct question. I am
9 sure that's on their form. I don't remember all the
10 questions that they ask or that's -- I am going to
11 assume that they would ask that. It's a pretty thorough
12 investigation of the system. However, Cascadia will
13 install a generator at all its sources that it maintains
14 as far as water systems, due to the customer service end
15 of it and upholding the expectation that our customers
16 have of Cascadia to provide safe and adequate drinking
17 water no matter if it's a natural disaster or an
18 unplanned outage due to whatever circumstance.

19 **Q. Okay. But in terms of the Department of Health**
20 **requirements, do you recall filling out the boxes that**
21 **they ask you about whether or not there are sufficient**
22 **outages in order to justify or need standby generators?**

23 A. The boxes filled out are usually done by the
24 health jurisdiction officer.

25 **Q. All right. Let's look at PCU-13, which is**

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1 A. Yes.

2 **Q. And then for number 9 and 10 of those boxes,**
3 **the first one is: Does the system experience frequent**
4 **power outages? And it's checked "no"; is that correct?**

5 A. That is correct.

6 **Q. And also, frequent water outages. Also checked**
7 **"no"; is that correct?**

8 A. That's correct.

9 **Q. And it also says: Is there adequate**
10 **reliability provided for the system? And that's checked**
11 **"yes," correct?**

12 A. Yes.

13 **Q. In 2019, WB did not have a generator, did it?**

14 A. Yes. It had a standby backup generator that
15 needed to be remotely started -- or, not remotely
16 started. I am sorry.

17 **Q. You had to go there?**

18 A. I had to physically go there and start the
19 generator.

20 **Q. So the new generator that you put in there was**
21 **just one that you could remotely start?**

22 A. It would auto-start once it sensed a power
23 outage.

24 **Q. Okay. So you had a generator that worked, and**
25 **you replaced it with one that worked better for you?**

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1 **joint exhibit 27. This is a sanitary survey from 2019.**
2 **Do you recognize this document?**

3 A. Yes.

4 **Q. And if you will look at the first page, page 1**
5 **of 28. You will see that's the letter from October of**
6 **2019.**

7 A. Yes.

8 **Q. And there are no significant deficiencies,**
9 **those known with a serious risk to public health,**
10 **correct?**

11 A. It says that the vents on top of the reservoir,
12 on the exhibit I am looking at, are a significant
13 deficiency.

14 **Q. Okay. Does that significant deficiency**
15 **correlate with your immediate risk that you talked about**
16 **in any of your water system plans?**

17 A. Yes. The Department of Health feels that the
18 type of reservoir vent that was originally put on there
19 no longer has a beneficial use to the users to the
20 system and can collect moisture underneath and has an
21 acute health risk, so that is a corrective action that
22 needs to be done immediately, and it was.

23 **Q. Okay. If you turn to page 6 of 28 in this**
24 **document. Part C, operations and management. There is**
25 **a series of boxes. Do you see that?**

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1 A. At that system at the time, we had a generator
2 that worked. That generator seized-up and stopped
3 working, and instead of replacing it with a standby --

4 **Q. Gotcha. Okay.**

5 A. -- we went with a full.

6 **Q. Okay. Let's look at -- do you have your own**
7 **exhibits for your testimony?**

8 A. Yes.

9 **Q. If you look at CJL-6. This is the CAL sanitary**
10 **survey.**

11 A. Okay.

12 **Q. This also starts with a letter. Do you see**
13 **that?**

14 A. Yes.

15 **Q. And this is dated May of 2023; is that correct?**

16 A. Yes.

17 **Q. And you will see that it says there are no**
18 **significant findings?**

19 A. Yes.

20 **Q. And if you scroll down to the second page of**
21 **that letter. You will see that it says: Consider**
22 **replacing the reservoir to prevent water loss.**

23 **Do you see that?**

24 A. Yes.

25 **Q. This is -- CAL is the one that had two**

33 (Pages 296 to 299)

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1 **octagonal reservoirs; is that correct?**

2 A. No.

3 **Q. Okay. But it had a leaking reservoir; is that**
4 **right?**

5 A. Correct.

6 **Q. When you met with them in May of 2023, was**
7 **water loss your concern or failure of the reservoir?**

8 A. Failure of the reservoir.

9 **Q. But that isn't recorded on this document, is**
10 **it?**

11 A. No. It is not marked as a significant
12 deficiency. It is in their observations.

13 **Q. All right. And if you scroll to what's marked**
14 **page 4 of 19 on CAL. Do you see where it says on,**
15 **again, box 9 and 10, does this system experience**
16 **frequent power outages, and it says "no"; is that**
17 **correct?**

18 A. Yes.

19 **Q. And it doesn't experience frequent water**
20 **outages; is that correct?**

21 A. Yes.

22 **Q. And it appears that it had reliability; is that**
23 **correct?**

24 A. Yes. Again, this was a system that had a
25 standby generator inside that I would have to go and

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1 then.

2 Mr. Hanson?

3 ATTORNEY HANSON: Okay. Thank you, your
4 Honor.

5
6 CROSS EXAMINATION OF CULLEY LEHMAN
7 BY ATTORNEY HANSON:

8 **Q. So DOH established the standards for what's**
9 **necessary in order to protect public health, correct?**

10 A. Correct.

11 **Q. And that's -- those standards, for example, are**
12 **for sizing reservoirs, correct?**

13 A. Correct.

14 **Q. When back- -- and for when backup generators**
15 **are required?**

16 A. DOH sets the standard for virtually everything
17 that has to do with the water system. Yes.

18 **Q. Okay.**

19 A. Along with Ecology and the local health
20 jurisdictions.

21 **Q. Now, if a project exceeds the DOH standards,**
22 **they will approve it, won't they?**

23 A. If a project exceeds the DOH minimums, they
24 still will approve it, yes.

25 **Q. And so when you have talked today about**

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1 start.

2 **Q. And did that one also seize-up?**

3 A. No. That one, we still have.

4 **Q. Would you -- is this information that you**
5 **provided to the Department of Health in 2023? Correct?**

6 A. This is the information that was filled out by
7 Department of Health on their computer program. The
8 local LHJ is the one that filled out this information.

9 **Q. Did you tell the Department of Health that you**
10 **had frequent outages on your system or backup**
11 **generators?**

12 A. I don't remember specifically answering that
13 question.

14 ATTORNEY O'NEILL: Okay. That's all the
15 questions I have got for you. Thank you.

16 JUDGE FUKANO: Thank you.

17 Any redirect from the Company?

18 ATTORNEY O'NEILL: I think, your Honor, it
19 might make sense for Mr. Hanson to go before there is
20 redirect. Otherwise, they would have to do redirect
21 twice.

22 ATTORNEY STARKEY: We don't have an
23 objection. If that's the order that you want to go in,
24 we can do that.

25 JUDGE FUKANO: That seems reasonable,

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1 **industry standards, you haven't introduced into the**
2 **record any industry standards, have you?**

3 A. I haven't introduced anything in today, I
4 believe, other than questions to Public Counsel.

5 **Q. So you haven't identified who the authority is**
6 **that established those standards or the criteria for**
7 **applying those standards, have you?**

8 A. I don't understand your question.

9 **Q. Well, the only thing we have is your testimony**
10 **that there are industry standards, but we have no idea**
11 **what they are, do we, based upon the evidence that you**
12 **submitted?**

13 A. The --

14 ATTORNEY STARKEY: I am going to object to
15 that. He is testifying.

16 ATTORNEY HANSON: This is
17 cross-examination, your Honor.

18 JUDGE FUKANO: Mr. Hanson, perhaps
19 rephrase your question?

20 **Q. You have given us no information for us to**
21 **identify what the industry standards are, have you?**

22 A. Today, I have just provided question -- answers
23 to Tad's questions, Mr. O'Neill's questions.

24 **Q. Or in your pre-filed testimony, you have not**
25 **identified any industry standards, have you?**

34 (Pages 300 to 303)

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1 A. To my knowledge, we have provided all the
2 answers that have been asked of us.

3 **Q. You have not provided any industry standards,**
4 **have you?**

5 A. Just my experience.

6 **Q. So. And when you're talking about experience,**
7 **you mentioned today that you responded to the complaints**
8 **of customers in deciding what improvements to make, but**
9 **there is no evidence in the -- that you provided in the**
10 **record about the number or frequency or nature of those**
11 **complaints, is there?**

12 A. I don't believe so.

13 **Q. Okay. You also talked about building -- or**
14 **making new capital investments based upon the level of**
15 **service that Cascadia likes to provide. That level of**
16 **service has not been articulated, has it?**

17 A. I believe that it's articulated in the
18 dedication we have to serve our customers, with the
19 capital projects that we have taken on.

20 **Q. So you are saying that whatever projects you**
21 **have built meet your own self-defined level of service;**
22 **is that correct?**

23 A. I believe that it meets the -- there is no
24 definition, but I believe it meets the standard that the
25 customers expect from Cascadia Water.

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1 the witness to complete his answer before proceeding to
2 the next question.

3 A. Like I said, we didn't add any customer
4 comments to the record.

5 **Q. And those thank-you notes actually occurred**
6 **after you installed the generators, correct? You didn't**
7 **have those before installing the generators.**

8 A. Correct, because they were thanking us for the
9 generators.

10 **Q. Now, when generators are not required under the**
11 **DOH criteria, Cascadia could still install those**
12 **generators if 50 percent of the customers in that system**
13 **voted for the generators, could they?**

14 A. Could you please clarify. Cascadia can always
15 install the generators.

16 **Q. Okay. But in terms of satisfying customer**
17 **requirements -- or, demands, DOH regulations provide**
18 **that a vote of more than 50 percent of the customers**
19 **would be necessary in order to install generators,**
20 **correct?**

21 ATTORNEY STARKEY: I am going to object
22 to, one, foundation. We are not -- I am not sure what
23 DOH regulation he is referencing here. I am also going
24 to object to the extent that he is mischaracterizing
25 whatever DOH regulation he is referencing here, as well.

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1 **Q. Okay. And there is no evidence in the record**
2 **about what the level of service customers expect, is**
3 **there?**

4 A. I think that there is some spots in the record
5 that that's talked to in my testimony, especially about
6 generation being installed at all the sources and the
7 SCADA system being able to respond immediately to any
8 action that is going on at one of the well sites.

9 **Q. So have you submitted anything that indicates**
10 **that customers have demanded that their systems have**
11 **SCADA systems installed?**

12 A. We haven't submitted any customer comments.

13 **Q. And in terms of generators. You -- you know,**
14 **your testimony was that no one's ever complained about**
15 **having water when the lights go out. Other than that,**
16 **is there any evidence about what the customer**
17 **expectations are?**

18 A. There has been a multitude of thank-you emails
19 that have come in with systems that have had generation
20 added --

21 **Q. They are not in the record, though, are they?**

22 A. Like I said --

23 ATTORNEY STARKEY: Your Honor, can we at
24 least let the witness answer before he interjects?

25 JUDGE FUKANO: Mr. Hanson, please allow

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1 JUDGE FUKANO: Any response, Mr. Hanson?

2 ATTORNEY HANSON: Well, if he -- if he
3 wants to testify he has no idea. But he has testified
4 about a lot of DOH regulatory requirements today, so I
5 am exploring if he knows about this one.

6 JUDGE FUKANO: I am going to sustain the
7 objection for now, but you may be able to lay some
8 additional foundation to this line of questions,
9 Mr. Hanson.

10 **Q. Do you know whether DOH regulations provide for**
11 **a vote of customers in order to install generators where**
12 **generators are not otherwise required by the DOH**
13 **criteria?**

14 A. If you could point to that?

15 **Q. Okay. You don't know about that regulation?**

16 A. I don't know about it the way that you are
17 asking it. So if you could point to that, I --

18 **Q. Fair enough. No, that's good.**

19 **So Cascadia is replacing water meters at a cost**
20 **of \$700 a meter; is that correct?**

21 A. I think all the meter change-outs differ on
22 meter type, system, and things. But Cascadia, yes, is
23 replacing water meters.

24 **Q. And the meters they are replacing are still**
25 **functioning, correct?**

35 (Pages 304 to 307)

Page 308

1 A. Yes.

2 **Q. And the current water meters do not present a**
3 **health issue, do they?**

4 A. Not that we know of.

5 **Q. And replacement of water meters -- well, let's**
6 **put it this way. Are there other capital improvements**
7 **that have a higher priority than replacing water meters?**

8 A. In my opinion, yes. However, the water meter
9 replacement needs to happen. The water meters do have a
10 life expectancy on them.

11 **Q. But the replacement of water meters could be**
12 **postponed while Cascadia addresses more urgent**
13 **requirements, couldn't they?**

14 A. Water -- the water meter replacements are
15 trying to keep track of the water usage as accurately as
16 possible to help our customers. A lot of the -- all of
17 the new meters we are installing now have a leak
18 detection capability on them so we can alert our
19 customers if they have a leak, over 24 hours of constant
20 water use, when we go through that system.

21 **Q. But when you say when you go through that**
22 **system, you're referring to the fact that you need to**
23 **drive by those meters in order to read them, correct?**

24 A. Yes. It was more cost-effective to go with
25 that style of meter than to go with the remote-read

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1 A. It could be.

2 **Q. Okay. So did Cascadia ever calculate the**
3 **relative cost effectiveness of new meters versus the old**
4 **meters?**

5 A. No. The meter replacement was part of
6 Cascadia's overall capital plan that was -- that went
7 forward, and that's what we have continued to do.

8 **Q. But just because it's part of your capital plan**
9 **doesn't mean it's necessary, does it?**

10 A. It means that it's necessary in the fact that
11 most of the meters are past their life expectancy and
12 they need to be replaced to insure the accuracy of the
13 meter.

14 **Q. So let's talk about economies of scale. Now,**
15 **when a reservoir is built -- each -- each reservoir is**
16 **designed to meet that particular system's needs; is that**
17 **correct?**

18 A. Yes. With future planning involved, yes.

19 **Q. And each reservoir needs to be designed for the**
20 **particular site that it's occupying, correct?**

21 A. Correct.

22 **Q. And so you need a separate engineering report**
23 **for replacing a reservoir in each system, correct?**

24 A. Yes, unless it's in the master plan.

25 I guess, can you clarify what you're meaning by

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1 because of the number of systems that we have. We have
2 to essentially put radio towers, one or two, in every
3 system. And so it was a lot more economical to go with
4 the drive-by, if you will, meters.

5 **Q. So Cascadia doesn't know if there is leakage**
6 **within a 24-hour period unless it drives by the property**
7 **twice, correct?**

8 A. It would only have to drive by once to pick up
9 that information.

10 **Q. Well, once to establish a baseline and then a**
11 **second time 24 hours later to determine whether there is**
12 **any use and the extent --**

13 A. That's not how this works. The meter will save
14 an alert on it if water has continually gone through the
15 meter for 24 hours. So once the operator drives
16 through, he will know. It doesn't have to have a zero
17 read, essentially. And then come back and do the
18 calculation.

19 **Q. Now, the old meters, you don't really -- it**
20 **doesn't require any special equipment or expertise in**
21 **order to read those meters, does it?**

22 A. No. It just takes more people, more man hours.

23 **Q. And in fact, I believe you just testified it**
24 **could be performed by an eight-year-old boy such as**
25 **yourself.**

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1 an engineering report.

2 **Q. Well, there is -- there is no one-size-fits-all**
3 **solution in terms of reservoirs; each -- each system**
4 **needs its own particularly designed reservoir, correct?**

5 A. Correct.

6 **Q. So the fact that under single tariff pricing,**
7 **you have a bunch of systems in common ownership, you**
8 **don't experience any economies of scale when you replace**
9 **reservoirs simply because there is single tariff**
10 **pricing, do you?**

11 A. I would have to rely on our financial expert to
12 give you that kind of --

13 **Q. Well, this is a practical question.**

14 A. -- information.

15 **Q. You need to -- you need to -- you don't get a**
16 **bulk rate discount on replacing reservoirs, do you?**

17 A. No. The only discount that we receive -- or
18 type of discount we would receive on reservoirs is
19 building it at a standard size.

20 **Q. Same occurs when we are talking about replacing**
21 **water mains. Replacing a water main is basically, as**
22 **Cascadia estimated, I believe 150 to 200 dollars a foot,**
23 **correct?**

24 A. Correct. For large mains, yes.

25 **Q. Yes. And that figure holds true regardless of**

36 (Pages 308 to 311)

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1 whether you're replacing the mains of one system, you
2 know, on Whidbey Island or another -- two systems,
3 including one on the peninsula. It's still going to be
4 150 to 200 dollars a foot.

5 A. Yes.

6 **Q. So no economies of scale there, correct?**

7 A. They both would be paying the exact same. So
8 I'd see that as an economy of scale. And again, I am
9 not a financial expert.

10 **Q. Same for booster pumps. It's not**
11 **one-size-fits-all. Each needs to be sized for the**
12 **system. Correct?**

13 A. Correct.

14 **Q. And for generators. Even there, it was not one**
15 **size fits all, correct?**

16 A. That's correct. Some systems have multiple
17 generators. Some systems have singles.

18 **Q. And water meters that we were just talking**
19 **about; the cost is -- per meter is going to be the same,**
20 **regardless of whether it's installed in one system or**
21 **two systems, correct?**

22 A. Correct.

23 **Q. So under single tariff pricing, the only**
24 **economies of scale for Cascadia is, you know, back**
25 **office operating costs like the billing systems, your**

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1 clear, the note did not refer to regulations.

2 ATTORNEY HANSON: Well, are there -- is he
3 mistaken in anything else as to it?

4 MATTHEW ROWELL: It's my handwriting.

5 ATTORNEY HANSON: Never mind. I take that
6 back.

7 **Q. So -- so, now, you also mentioned in your**
8 **pre-filed testimony that single tariff pricing can**
9 **enhance Cascadia's ability to provide quality of**
10 **service. Do you provide good quality of service without**
11 **STP, single tariff pricing?**

12 A. I believe we provide quality standard service.

13 **Q. And -- and the quality of service would be the**
14 **same regardless of whether there is single tariff**
15 **pricing or not, correct?**

16 A. I believe that Cascadia will always provide
17 good service.

18 **Q. Also, in your pre-filed testimony, that single**
19 **tariff pricing would result in reduced customer**
20 **confusion by reducing the complexity of the rate**
21 **structure, correct?**

22 A. Absolutely.

23 **Q. Okay. So -- but whether single tariff pricing**
24 **or individual tariffs are applied, the bills that**
25 **Cascadia sends out to customers all have the same**

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1 management, that type of thing; is that correct?

2 A. That is a type of it. I think we have also
3 just demonstrated that -- you stated that the meter
4 change-out is the same, the line footage is the same.

5 **Q. But economy -- you know. You understand that**
6 **economies of scale means the more you do, the lower the**
7 **per-unit prices?**

8 A. Yes.

9 **Q. Okay. And so in terms of what you're doing --**
10 **and what was that note that you were just passed? What**
11 **does that say?**

12 A. It says: Ask for the regulation.

13 **Q. Okay. So -- so the -- are you aware of any**
14 **regulation about economies of scale?**

15 A. No. I am -- not that I am aware of. Again, I
16 am not the financial expert here.

17 I know that it's been a standing tradition at
18 the Commission to go for a single tariff pricing, and
19 based on economies of scale. I believe that our
20 testimony supports that, Staff supports that, and Public
21 Counsel supports that.

22 **Q. So can --**

23 MATTHEW ROWELL: Excuse me. I'd just like
24 to clarify something. You did ask about the note, and
25 Culley misread the note. So just so the record is

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1 information and format, don't they?

2 A. Yes.

3 **Q. Yeah. So you tell the customer the quantity**
4 **used, the price per block, the base rate, the total.**
5 **That kind of information is in the bill, correct?**

6 A. Correct. And --

7 **Q. And that's --**

8 A. -- that's --

9 **Q. Sorry.**

10 A. -- how you -- and you understand your bill.
11 However, some new customers and some customers don't
12 fully understand their bill and like to go on our
13 website and look at our tariff pages, and sometimes --
14 or, a lot of times they get confused on what tariff they
15 are under and how to apply that.

16 So it's more than just you or I trying to read
17 this bill. It's trying to look out for the whole
18 Cascadia base and try to understand that here is one
19 rate, here is what you pay, and it's easier for them to
20 see and to calculate.

21 **Q. So if they go beyond looking at their bill and**
22 **looked at your website, you are saying they might be**
23 **confused?**

24 A. I am saying that with multiple tariff pricing,
25 when they do go to our website, it's difficult for them

37 (Pages 312 to 315)

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1 sometimes to figure out in what system or jurisdiction
2 they are in or under what tariff page they are on.

3 **Q. Okay. But if each -- without single tariff**
4 **pricing, if each system has its own rate structure, the**
5 **customers are paying for the costs that are related to**
6 **the water system they are connected to, correct, and**
7 **only the cost?**

8 A. Correct.

9 **Q. Okay. And they have a better idea of what's**
10 **going on in their -- on their own system than one that's**
11 **10, 20, 30 miles away, correct?**

12 A. I don't know if I would -- I believe there may
13 be certain customers that do. But as a general
14 overview, I don't -- I don't believe that.

15 **Q. Well, they have a better idea, for example, of**
16 **the number of power outages on their system, correct?**

17 A. Again, I don't -- I don't believe that.

18 **Q. So they have a better idea about the number of**
19 **disruptions in water system on their own system rather**
20 **than some neighboring system, correct?**

21 A. Depending on the situation. That might be
22 true. I bring that up because it's hard for -- each
23 individual service connection is different across our
24 whole entire service platform. You at Goss Lake Acres,
25 have a generator that sucks out of the system. So even

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1 Please direct your -- please direct only
2 questions to the witness, Mr. Hanson.

3 **Q. Well, the example of size. For individual**
4 **customers, they are going to have a much better idea of**
5 **power outages and water losses on their system than they**
6 **are on some other systems; isn't that correct?**

7 A. I -- I view it differently.

8 **Q. So you're saying that whether they are being**
9 **built for their own system or for 30 systems across a**
10 **broad area, they are going to have the same level of**
11 **understanding of what they are being billed for. Is**
12 **that your testimony?**

13 ATTORNEY STARKEY: I am going to object to
14 the extent that that is misstating testimony by
15 Mr. Lehman. He can answer that if he wants to.

16 A. Can you repeat that, Kent, please? Mr. Hanson?

17 **Q. Under single tariff pricing, do the customers**
18 **know how much their bill is affected by capital**
19 **investments on other systems?**

20 A. When we send out a note, they are notified,
21 when we file for a rate increase, what their impact
22 would be. So under a single tariff pricing, when we
23 send out our notice of a theoretical new rate case, then
24 they would see what that bill would be at that point.
25 But currently, no. Each individual system knows what

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1 prior to us installing the generator, you would never
2 see a loss of water. So our customer base in that
3 system, your customer base would not notice a water
4 outage, where somebody else on the system would. So I
5 don't think that just because you're in that service
6 area, or if you're home, or in any regard such as that,
7 you would notice a water outage.

8 **Q. But my homeowners association doesn't have a**
9 **generator.**

10 A. You used to, that was functional for those
11 booster pumps.

12 **Q. That's been not in function since we**
13 **disconnected the wells and connected to Cascadia.**

14 ATTORNEY STARKEY: Your Honor, I am going
15 to object to this. This is argumentative. And he is, I
16 think, testifying, as well. There is no question there.
17 That was just a back-and-forth.

18 ATTORNEY HANSON: Mr. Lehman raised the
19 example. I am entitled to determine whether he knows if
20 whether his example is correct or not.

21 ATTORNEY STARKEY: There was -- again,
22 your Honor, there was no question. That was him arguing
23 with the witness, and we object to that.

24 JUDGE FUKANO: I will sustain the
25 objection.

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1 they would go up individually.

2 **Q. But -- and Cascadia's bill to the individual**
3 **customer does not tell a low-cost customer how much of**
4 **their bill is subsidizing higher-cost systems, does it?**

5 A. That's not part of the bill. No.

6 **Q. No.**

7 JUDGE FUKANO: And apologies to interrupt,
8 but would you please activate your camera, Mr. Starkey,
9 just for purposes of objection. I neglected to mention
10 that earlier.

11 ATTORNEY STARKEY: No problem, your Honor.

12 JUDGE FUKANO: My apologies.

13 CULLEY LEHMAN: Kent, did we lose audio?
14 Can you still hear us?

15 ATTORNEY HANSON: I have gotcha. Thank
16 you. And I am just looking.

17 **Q. So in terms of the system differences here.**
18 **The various systems have different water chemistry,**
19 **correct?**

20 A. Yes.

21 **Q. And some systems might have manganese or**
22 **arsenic or a coliform issue, and some systems would not,**
23 **correct?**

24 A. Correct.

25 **Q. So some systems would need treatment and some**

38 (Pages 316 to 319)

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1 would not, correct?

2 A. Correct.

3 **Q. Some would need booster pumps, some would not,**
4 **correct?**

5 A. All of our systems need booster pumps.

6 **Q. But they need different numbers and different**
7 **sizes of booster pumps, correct?**

8 A. Yes, correct.

9 **Q. Your systems would have different numbers of**
10 **power outages, correct?**

11 A. Correct.

12 **Q. They would need a different number of**
13 **generators, different size of generators, correct?**

14 A. Correct.

15 **Q. So all in all, each system has a different cost**
16 **per gallon of water delivered, correct?**

17 A. Correct.

18 ATTORNEY HANSON: Thank you. I have no
19 further questions.

20 JUDGE FUKANO: Thank you.

21 Any redirect from the Company?

22 ATTORNEY STARKEY: We have a little bit.
23 Yes, your Honor. Thank you.

24 ///

25 ///

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1 **Q. There was also a line of questioning about**
2 **capital planning. Can you just give me, high level, can**
3 **you explain how Cascadia will go about capital planning.**

4 A. Yeah. The capital plan has always been in the
5 master plan. We try to look at each system individually
6 and figure out what we need to do for that system and
7 then try to prioritize it with the systems that we
8 already have or are acquiring. That then goes to a
9 budgeting process. That we sit down and go back and
10 forth on what we need to do to achieve the best customer
11 satisfaction and the safest water quality, you know.
12 And definitely, the water quality is on the forefront of
13 what we are planning for, and the reliability.

14 **Q. There was also a line of questioning by**
15 **Mr. O'Neill about budgeting and how -- the conversations**
16 **going back and forth. Can you explain to me how you go**
17 **about creating the budget.**

18 A. I have to justify every dollar going in. There
19 is a lot of capital plans that we do that we submit into
20 the corporate office for the finance department. And
21 there is pushback. We need to justify that to our
22 internal Company why we need that level of capital and
23 that project is a necessity.

24 We have been putting off projects. There are
25 projects that are still getting put off today because of

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1 REDIRECT EXAMINATION OF CULLEY LEHMAN
2 BY ATTORNEY STARKEY:

3 **Q. So, Mr. Lehman, I am going to -- this was**
4 **before lunch, but do you remember a line of questioning**
5 **about projects that were from, I think, 2003 and a**
6 **previous plan?**

7 A. (Nodded.)

8 **Q. Can you explain why those projects weren't done**
9 **versus why they might be done now.**

10 A. A lot of it was capital. You know. Northwest
11 Natural does bring that to the table, and the access to
12 capital in order to perform upgrades to the system that
13 have been deferred for so many years. Those projects, I
14 believe you're referring to Mr. O'Neill's questioning
15 about the 2003 to 2008 master plan, and those were
16 identified as projects that needed to be done at that
17 time. That's over 20 years ago. That maintenance has
18 been, unfortunately, deferred. And we were being
19 reactive instead of proactive, and that's not what we
20 want to call acceptable to our customer base. We want
21 to be, you know, giving them safe and reliable drinking
22 water for the years to come, and these projects needed
23 to be done. And as he pointed out, you know, that
24 master plan was done in 2003 by a different engineer
25 calling that out as projects that needed to be done.

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1 budgeting concerns and impact to customers. We have
2 tried to address the -- in our opinion, the highest
3 risks to water quality and to customer service.

4 You know, that's -- that's why the generators
5 and SCADA are such a driving factor of Cascadia on our
6 water systems that we have. We want to ensure that no
7 matter what happens, to the best of our ability, our
8 customers are going to have water. And the SCADA system
9 allows us to know what is going on in real-time. We
10 know the levels of the tanks. We know what the
11 pressures are. We have an idea of how long the pumps
12 are running, which will indicate leakage in the system.
13 It just gives us another essential set of eyes on each
14 system. So it's almost like having 30 more employees,
15 with these systems. They are very robust. They are
16 very adaptable to handheld devices and computer systems.
17 So we are able to monitor it in real-time on our phones
18 and our -- and our computers.

19 The other capital things that we have been
20 trying to address are the leaking reservoirs. You know.
21 We have 30 systems. We have replaced three reservoirs.
22 Two of them were planned, at WB and at CAL, and the
23 Estates reservoir came in as essentially an emergency
24 repair, due to a corrective action.

25 The corrective action we filed on that

39 (Pages 320 to 323)

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1 significant finding for DOH was to replace the
2 reservoir, and that's what we did. That also entailed a
3 new pumping system. And due to limited space, we added
4 the filter system that was needed, as well, one of the
5 wells that was 60 percent over the MCL for manganese.
6 And we were able to put that in now, achieve a higher
7 water quality, and save a whole entire building that
8 would have needed to be built at a future time. Just
9 because of layout, with the creativity of our engineers,
10 we were able to get that fit in there, so it saved a
11 whole building cost at that point.

12 The other things that we have started doing,
13 again, are the meters like Mr. Hanson was asking about,
14 but those are digital drive-by read meters. They are
15 way more accurate. We can detect leaks on systems.
16 It's easier for us to show individual homeowners that
17 they have a leak, rather than, there has always been a
18 leak detector or a leak meter on -- a leak dial on the
19 meters, which, some of the customers, it's hard for them
20 to get down and see that to show them that -- prove that
21 they have a leak, so this kind of mitigates that factor.

22 It integrates with our billing system so we can
23 ensure that there is only -- you know, it's downloaded
24 to the database and then uploaded into our billing
25 system rather than two or three people out in the field,

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1 as bill impact to customers, and that's an open dialogue
2 conversation with myself and our regional manager.

3 And then if a project was to come in as an
4 emergency, that takes a different path than a project
5 that comes in that is not essentially an acute health
6 violation. But there are projects that we try to plan
7 out for that have been getting pushed. There are
8 projects that once Cascadia developed its first master
9 plan, have been pushed in order to facilitate these
10 other projects in the priority level that we feel fit,
11 and that's addressed, you know, quarterly with my
12 regional manager and myself and then the annual budget
13 setting process.

14 **Q. Can you briefly explain, what is the purpose of
15 the master plan.**

16 A. It's to help guide the Company and the
17 Department of Health, the Commission, and Department of
18 Ecology in the overall outlook plan of what that water
19 system and those water systems underneath that company
20 umbrella is going to achieve in the next five to
21 extended range planning look. It helps to identify
22 certain needs in the plan. It documents it well. As
23 Mr. O'Neill pointed out, 2003, you know, those projects
24 were there then and needed then, and that was called out
25 by a different engineer than what we -- what we had.

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1 one person writing the numbers, then translated into our
2 billing system. We are all human. Mistakes are made.
3 And customers are, you know, impacted by that. We
4 always address that and deal with that as best we can
5 and as quick as we can, but we are trying to alleviate
6 that from happening.

7 Other than that, it's really down to the master
8 plan and the planning documents, and that's why we do
9 what we do. That's what the master plan is, is, it is a
10 future looking, forward thinking, projects that need to
11 be done for each of the individual systems. And
12 fortunately, we have acquired enough systems that a
13 master plan isn't done for every single one of them. It
14 will be. And it will still state that SCADA generators
15 will always be installed and that acute health
16 violations or a health risk will be addressed first and
17 foremost.

18 **Q. So Mr. Lehman, I want to hone-in on one -- on a
19 couple other topics. One is the discussion about
20 budgeting. Can you clarify, just, every project that
21 you might have in the budget, does that get approved, or
22 how does that work?**

23 A. Yeah. So every project I have in the budget
24 does not get approved. There is definitely things that
25 we need to think about and that we do think about as far

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1 And it kind of keeps a record in that regard. If I
2 understood your question correctly.

3 **Q. Mr. O'Neill also went down a line of
4 questioning about alternatives. Can you explain how
5 Cascadia Water or you generally consider alternatives
6 when you're approaching a project.**

7 A. Yes. I mean, you know, the worst altern- --
8 there is always alternatives. There is always
9 alternatives in hindsight. The worst alternative that
10 we can have is do nothing and wait.

11 The alternatives for reservoirs, there is
12 lining potential. You can line certain reservoirs in
13 certain different applications. However, while doing
14 that, it has proven successful for some reservoirs.
15 Others, it has not. It doesn't produce a structural
16 benefit to the reservoir. So if it's structurally
17 unfit, there really is no repair for that, other than
18 going in and physically putting in some kind of
19 reinforcement.

20 As far as cracks and trying to seal that,
21 depending on the application. The design manual calls
22 out specifically that it needs 48 hours to seven days to
23 cure, depending on the product. That's not counting
24 drying time of the reservoir once you -- because you
25 have to take it offline to dry it; prepare the concrete

40 (Pages 324 to 327)

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1 for whatever the manufacturer states for the proper
2 application.

3 I believe that in Mr. Duren's testimony, he
4 pointed out the fact that it could have been done -- on
5 his calculations, was about \$125,000 for just the
6 coating. That doesn't count the down time of that large
7 reservoir with fire flow and maximum daily demand of the
8 system for those individual users. That also doesn't
9 take into account any structural need or inspections
10 done. To get a structural engineer out there, I think
11 we have projected it at around \$75,000. That is roughly
12 \$200,000 for what he calls in his -- some of his
13 testimony is a five-year, in a sense, lapse of
14 installing a new reservoir, or a -- I am sorry, I can't
15 come up with the exact word that he used. But the
16 deferral of replacing the reservoir would be put off
17 five years. Well, the five years divided by the
18 \$200,000 implementation of that, you are still going to
19 have to build a new reservoir at the end of that. Or
20 sooner. It will seal cracks, but it will not
21 structurally maintain them if the concrete starts and
22 keeps cracking or if root penetration is -- is there.

23 **Q. So Mr. Lehman, if the -- if Cascadia Water has**
24 **the project that is identified, can you explain whether**
25 **or not it's obtaining bids, or how is it making sure**

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1 **that it's going about at least cost?**

2 A. Cascadia Water always solicit bids. Out of all
3 these projects, the lowest bid was accepted on every one
4 of them. I think we have provided all of those, or near
5 all those that were asked for in the DR to Staff and, I
6 believe, to Public Counsel. It's always the low bid.
7 And we try to use industry standard as much as possible,
8 and I say that in the fact that we chose concrete
9 reservoirs because they have a long life, service life.
10 They are fairly inexpensive to erect, as opposed to
11 steel, glass lined, fused reservoirs that are out there
12 that have more of -- if you see a painted reservoir,
13 that's essentially a metal reservoir. Those are
14 substantially more money. There is a little more
15 maintenance with the concrete reservoirs because it's
16 concrete. However, we have been dealing with those, so
17 that's a -- pretty much a maintenance standard that we
18 deal with day in and day out. There is other
19 protections that are needed on steel reservoirs that we
20 don't have to deal with with concrete, so that's a
21 benefit to us, as well.

22 The other -- the other thing with concrete
23 reservoirs is, they come standard five foot lift size,
24 so meaning that if you were to build a reservoir to the
25 exact spec of whatever daily demand that you chose to

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1 use for your system, which is identified by each system,
2 if it said that you had to build a 50,000 gallon
3 reservoir, that would potentially be more money to build
4 it to that exact size than to build a 65,000 gallon
5 reservoir because of the standard lift sizes of the
6 reservoirs. So they come in five foot increments and
7 different diameters. So that extra concrete cost I
8 think we laid out for the CAL water reservoir was a 8.1
9 percent increase on cost and expanded system capacity
10 storage of 25 percent. And that's the way that the math
11 essentially works for the concrete reservoirs.

12 **Q. We will actually get into the individual**
13 **projects, so let me go ahead and start on that with WB**
14 **Waterworks. There was a line of questioning about why**
15 **you included a booster pump. Can you explain. Why did**
16 **you install the booster pump for WB Waterworks?**

17 A. There was always a booster pump. There was --
18 there is customers on the top part of the system that
19 always had a booster pump. It just -- I don't know why
20 it was not mentioned in that previous master plan. My
21 only thought is that it was a small enough booster pump
22 that it didn't warrant a explanation. The current
23 design shows that booster pump serving those customers.

24 We were also able to utilize that booster pump
25 to back-wash our filter. Essentially, that's the -- the

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1 cleaning, or the regeneration of our filter media. We
2 filter water all day and at night for roughly an hour.
3 The booster pump comes on and runs backwards, flushing
4 out all the media, so it ensures the long life of the
5 filter and the media.

6 We were able to do that instead of upping the
7 size of the -- all four of the well pumps to have the
8 capacity to do it on their own. We would have had to
9 upsize into the 15 and 20 horses rather than the
10 seven-and-a-half's that we do now, and we still would
11 have had to have a booster pump in order to supply those
12 customers on the top portion of the system.

13 **Q. So Mr. Lehman, Mr. O'Neill asked a question**
14 **about there only being a couple individuals that that**
15 **booster pump was related to. If that booster pump was**
16 **not installed, what would that mean for the filtration**
17 **system and for those customers?**

18 A. So for the customers, if the booster pump
19 wasn't installed, that would be a plumbing code
20 violation. That would give them less than the 30 psi
21 that's required to come to their house.

22 And for the filter system, if we didn't have
23 the booster pump hooked in to the filter station, we
24 would have had to upgrade the well pumps in order to
25 back-wash the filter. There really is no alternative to

41 (Pages 328 to 331)

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1 the back-wash of the filter, the cleaning of the filter
2 that needs to happen, depending on usage, let's just say
3 daily, but sometimes multiple times. Sometimes maybe
4 every other. But that is a process that has to happen
5 in -- in the filtration process.

6 And so we were -- like I said, we were able to
7 alleviate having to put in four 15 horse to 20 horse
8 pumps and stay with seven-and-a-half horse pumps, which
9 drastically reduce the overall cost of the project.

10 **Q. So I want to now switch to reservoir capacity**
11 **here. And specifically, can you explain why you built**
12 **the Estates reservoir at the capacity that you built it.**

13 A. Like for like. I mean, we built that system;
14 it's actually -- it's actually smaller than the
15 reservoirs that they had there previously. We had
16 future growth in mind there, but that size was adequate
17 to what they had.

18 We like to stay with that standard because of
19 the standard of service that we try to rely on as
20 Cascadia to serve our customers. They had -- they had a
21 lot of standby storage. They were used to having that.
22 They -- they used, you know, a significant amount of
23 water. They also have fire flow out there, so. And
24 site-specific. You know, Cascadia's systems
25 predominantly are not multi-location systems. We have

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1 a quarter percent more, or 25 percent more standby
2 storage only costs eight percent of the project. It
3 seemed irrational to not do that, with the constraints
4 that we had on that piece of property.

5 ATTORNEY STARKEY: Nothing further, your
6 Honor.

7 JUDGE FUKANO: Thank you.

8 Are there any questions from the Bench for
9 Witness Lehman or Witness Rowell?

10 COMMISSIONER DOUMIT: Yes. Thank you,
11 your Honor. For both, actually, starting with
12 Mr. Lehman.

13 EXAMINATION OF CULLEY LEHMAN
14 BY COMMISSIONER DOUMIT:

15 **Q. You said on at least a couple occasions, in my**
16 **notes, why, in 2003, capital projects weren't completed.**
17 **And I think I am quoting you, or paraphrasing what you**
18 **said. It was lack of access to capital. Can you tell**
19 **me what you mean by that, actually.**

20 A. So that -- that specific reference was to the
21 2003 master plan for the WB system, which was a Lehman
22 Enterprise system which was owned by my father and my
23 uncle.

24 They had -- they did not have the capital to
25 invest into that system. They knew that it was an

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1 to make sure that we are building these reservoirs of
2 ample size in this designated area that we own or have
3 an easement for, for now and into the future. We don't
4 want to miss a growth target and have to rebuild this
5 thing in 20 or 30 years because there is simply no more
6 room on that site. We cannot build over where the
7 existing reservoirs were.

8 **Q. And what about CAL. Why did you build the CAL**
9 **reservoir the size you did?**

10 A. The same -- the same reason there, as well.
11 There is also that, you know, the ADU, the connections
12 are going up. I believe that that is just under a
13 quarter of an acre lot. It's in a triangle shape. And
14 we had to fit a round reservoir in it. And
15 unfortunately, the way that that was laid out prior, at
16 its first owner, they tried to build a reservoir there.
17 And due to the size of the lot, the reservoir went over
18 the property lines. They had to do a boundary line
19 adjustment there. And they made it very tight and very
20 specific that we had to deal with. So again, there,
21 there is no more room on the CAL site for an expansion
22 of that system, so we needed to take that into
23 consideration when we were building it. Again, that's
24 the one that I pointed to in my testimony, that by
25 building it that extra -- the extra gallonage, you know,

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1 issue, and that's why that it was called-out. They --
2 you know, they weren't trying to -- to pass the buck, if
3 you will, and admit that this was -- there was not an
4 issue here. There was an issue, and it was an issue
5 back then. They just simply did not have the finances
6 in order to build that reservoir.

7 **Q. So no access to equity or credit, then. Is**
8 **that what you're --**

9 A. Correct.

10 **Q. Okay. He couldn't get a bank loan you don't**
11 **think?**

12 A. My understanding is that they attempted to a
13 few times. 2003 we came in for a rate case. That was
14 part of the plan going forward.

15 The next plan that they should have done was
16 part of those upgrades. And of course at that point,
17 they could not get a bank loan, due to the securities
18 issue of trying to secure that note.

19 **Q. So had they been able -- I am asking kind of a**
20 **hypothetical, but. Or asking you to speculate, I guess,**
21 **but you may know.**

22 **Had they been able to finance those projects**
23 **with the WB system that you pointed out in 2003, they**
24 **would have done so?**

25 A. Oh, absolutely, yes, they would have done that.

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1 The CAL was al- -- CAL reservoir project was also
2 called-out in, I believe, 2008, if I am not mistaken. I
3 could be off on the years. And the CAL master plan,
4 whatever year that was. It might have been '14.
5 Anyway, that one. They would have done that one, as
6 well.

7 The same with the Estates reservoir was
8 called-out in -- by its previous owner that it had
9 cracking. And he was trying to seal it. And again,
10 there, he didn't have the financing to replace the
11 reservoir at that time.

12 And that -- that has been the true benefit of
13 Northwest Natural, is, unfortunately, it is -- it costs
14 a lot of money to replace these infrastructure projects
15 and these -- these plant assets, but they haven't been
16 done for 50 years, and they are going to last 50 years.

17 **Q. So to that point. Assuming there was capital**
18 **along the way to do these projects, they would have been**
19 **passed through in rates along the way?**

20 A. Yes.

21 **Q. Okay. And they weren't. So you have got**
22 **deferred maintenance. You have got deferred rate**
23 **increases along the way, as well. Is that an accurate**
24 **statement?**

25 A. Yes.

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1 **published. What does that mean? Published to whom?**
2 **Where?**

3 A. Commissioner, at a minimum, we would put that
4 on Cascadia's website. We might -- I guess there is
5 some details that aren't in here. I believe we would --
6 could notify our customers through bill inserts that the
7 plan was available on the website, as well.

8 **Q. Okay. Would it be filed with the Commission?**

9 A. That's certainly something we -- we would be
10 more than willing to do.

11 **Q. Okay, great. Is there a date certain that the**
12 **plan will be published?**

13 A. The --

14 **Q. These are details, I know, so --**

15 A. I know.

16 **Q. Yeah. But I appreciate you doing your best to**
17 **answer.**

18 A. There is a date certain for the meetings which
19 are to be held, you know, a year from the effective
20 date, so the plan should be completed and published, you
21 know, a reasonable time in advance of those meetings.
22 But no, the -- the settlement didn't specify an exact
23 date.

24 **Q. How will the Commission know and the customers**
25 **know when the Company has complied with this provision?**

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1 COMMISSIONER DOUMIT: All right.
2 Mr. Rowell, for you.

3
4 EXAMINATION OF MATTHEW ROWELL
5 BY COMMISSIONER DOUMIT:

6 **Q. Tad Robinson O'Neill asked a few questions**
7 **about the settlement stipulation at paragraph 17 that**
8 **Cascadia publish a capital plan. I think this is for**
9 **you. Maybe this is for both of you, but. I just wanted**
10 **to get in a little more detail about what the**
11 **terminology means, if you are able to sort of, you know,**
12 **answer that.**

13 COMMISSIONER DOUMIT: Do you want to look
14 at the --

15 ATTORNEY STARKEY: Yeah. Where is it?

16 COMMISSIONER DOUMIT: The settlement
17 stipulation, paragraph 17.

18 COMMISSIONER RENDAHL: I don't know that
19 there is an exhibit number for that. We can probably
20 assign a number later, but for now.

21 **Q. Just let me know when you have read it.**

22 A. Yes. We read it.

23 **Q. Okay. Staff may want to listen, too, just in**
24 **case you have answers later.**

25 **First of all, it says the plan must be**

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1 A. Mr. Lehman can tell you that.

2
3 FURTHER EXAMINATION OF CULLEY LEHMAN
4 BY COMMISSIONER DOUMIT:

5 A. We would be notifying Consumer Protections here
6 at UTC. I already spoke with Melissa about, I would
7 like them at the meeting. I would also like to
8 invite -- extend the invite to Department of Health and
9 to Department of Ecology. I don't know if they will
10 come, but we will definitely invite them. We want to
11 try to open this up to as -- as much transparency as
12 possible here. We want the customers to understand the
13 capital projects that are coming, the capital projects
14 that are needed, and try to do our best to answer those
15 questions. That's what we have been trying to do. But
16 in a more consolidated rate, getting everybody together,
17 and understanding, and not having confusion we are doing
18 this over here, and this is going up here, this is going
19 here, and going up here. It would essentially -- I
20 think, right now, Cascadia has seven different tariff
21 rates. So to try to get those 37 -- or, excuse me,
22 those 30 systems broken-up into seven different meetings
23 would be a little hectic. I am sure that we could do
24 it, but that would be a little hectic. That's why we
25 think that, in this stipulation, with the single tariff

43 (Pages 336 to 339)

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pricing and the meeting to customers, would be advantageous to us, to Staff, to Department of Health, Department of Ecology. I know that they have both been inundated with a number of data requests, as well. And that, I think, overall is what this capital meeting and capital plan would entail. But no, there has not been a date of when we would file this with the Commission before the meeting.

Q. Okay.

Just to continue. Just to try to define these terms. You had covered published the capital plan, identified the capital projects. Just a little more clarity on projects. How does the Company define "projects"? And I think you pointed back to some of the plans and -- you know. But are these projects total company cost or system level costs? What does a project sort of look like? Does that make sense, that question?

A. Yeah. I think a project, to us, would be, in a not so narrow way, any project that involved us spending capital on a plant asset. Putting in a pressure-reducing valve, a new reservoir, a filter plant. A booster pump station. I don't think that this was intended to say every time we needed to replace a booster pump or a well pump, but anytime we were going to add another plant asset. If a filter was needed for

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isn't with Staff. But I think it's more directed towards enhancements of the system and things that need to be done, if any directive letters or anything like that has come in.

Q. And I think you already answered this one, based on what you envision after the capital plan goes out, and the sessions you would hold with customers, but, I mean, what will you do specifically to facilitate customer feedback?

A. I know for sure that it's going to be videotaped and recorded. We will try to do our best to take minutes there.

I would like to say that we are going to work with the consumer complaints department to figure out how the best way to compile that information in those comments is going to be. But to answer that specifically right now, I don't have an answer.

COMMISSIONER DOUMIT: Okay. Thanks.

Nothing further for me.

COMMISSIONER RENDAHL: Thank you. So just to follow-up on that.

EXAMINATION OF CULLEY LEHMAN
BY COMMISSIONER RENDAHL:

Q. So I appreciate that you're going to collect

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a system. Or a reservoir. Significant main line replacement was needed. Things of that nature I think is kind of what the spirit of that settlement part was -- was to reference.

Q. So the \$150,000 threshold; is there a concern that that could be -- a project could be unbundled, taken under that? Say, a main line, it could be broken into segments to get it under 150? I am not asking this in an accusatory way. I am just trying to, again, define the term, so. Is it -- you know, what is the -- you know. There is a potential that a project could be unbundled; that you could get below the threshold? I'm asking if that's in any way the intention here.

A. That is definitely not the intention here. That threshold was kind of set because that would be like more of, a booster pump station had to get rebuilt. Something of that nature that would be under that threshold. You know, we would always try to inform customers on that, but I don't think we would spend valuable meeting time going over something of that. You know, unless it was warranted. You know. A vehicle purchase these days is close to that for a commercial vehicle. We don't think that that's a warranted discussion point necessarily for -- for this meeting.

This is my opinion, talking about this. This

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these comments and feedback, but what does -- what's the purpose of that? Is that so the Company will actually respond to the feedback; do something in response to it? That just kind of begs the question for me you're going to have a lot of feedback, but then what are you going to do with it?

A. No. Thank you for that question.

We are going to be mindful of it. You know. We want to take that feedback and help educate our customers on why we are doing this. The manganese issue and things like that on some of these systems, why we are filtering it. We want to point them to Department of Health. We want to provide that information that shows why this secondary contaminant is now on the list to potentially become a primary. We want to show the Department of Health has changed their stance on manganese, itself, and why those levels are set, and why we need to do filtering to take that out of the water.

On the chlorinated systems, if they have questions or that gets implemented, we want to be able to explain to them better how that happens, what chlorine is, and why we are doing it.

I think that we are trying to use all the comments that we get as a learning tool for, going forward, informing our customers. We try to do that to

44 (Pages 340 to 343)

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1 the best of our ability currently. We have held a
2 number of different meetings. We have sent out a number
3 of different publications. We have tried to -- you
4 know, when this rate case all started, you know, we --
5 we armed the front line workers with cards, directive
6 cards to contact either Commission Staff or the Public
7 Counsel to be able to make their comments and things
8 like that.

9 We have tried to answer everybody back as quick
10 as we can. Cascadia, as far as employees, is, I would
11 say, fairly low, and we all do a lot of work to try to
12 maintain with what we have. And --

13 **Q. I guess maybe I hear you thinking that you need
14 to educate the customers based on what you're doing, but
15 will you take their feedback and would that change what
16 the Company is doing? That's the -- I mean, is there
17 something the customers could tell you that might change
18 your mind in terms of for priority of a project? That's
19 what I am asking.**

20 A. And a simple answer, yes. That will not change
21 the answer on a -- obviously, on a DOH directive or
22 improving water quality, but that would have some play
23 in, for instance, extending fire flow where fire flow
24 isn't at currently. If we were planning that on a
25 project that was coming up and they didn't want that,

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1 Once that plan is approved, it will have a
2 capital plan in it, and it will have priority levels
3 listed already in that plan. That's what we will submit
4 to the Commission once that is complete.

5 **Q. Okay. So they are connected.**

6 A. They are connected, and the meeting that will
7 take place a year after the effective date will be
8 essentially those priorities that we took, the ones that
9 we are actually going to enact that year or we have
10 taken on since this rate filing until that process takes
11 place.

12 **Q. Okay. So. The settlement stipulation refers
13 to multiple mast- -- it refers to master plans. So is
14 there one master plan for the Company or are there
15 multiple master plans?**

16 A. There is -- there is one main building document
17 for the Company. All of the other areas, all the other
18 systems are falling into that, meaning that the Lehman
19 and Sea View systems were the first acquired; their
20 master plan is done. Estates, Monterra, Discovery Bay,
21 and Diamond Point, those are the ones that are currently
22 at Department of Health waiting, pending approval right
23 now. The next ones will be to finish off the old
24 Aquarius systems, which are, again, in the Southwest
25 section. And then it will be time to revisit the

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1 that would be something that we could discuss with those
2 homeowners.

3 I am sure that there is other examples that I
4 am missing, but. But absolutely. We are not going to
5 just take this, put this in a box, and say, "We did our
6 meeting, here we are again." That's not the intent of
7 what we are trying to do. We are trying to learn from
8 them, as well, of their needs. And I think that it
9 might surprise. A lot of the customers want more out of
10 their system. And try to meet that -- those needs of --
11 of those customers.

12 **Q. Okay. So going to the next paragraph in the
13 settlement stipulation, which is paragraph 18, and
14 that's the prioritization section. And so just to start
15 off with, how does this paragraph work with the prior
16 paragraph? So you will have your capital plan, which, I
17 think I understood your prior testimony that that would
18 be a part of the master plan or is it going to be a
19 separate document?**

20 A. So I think, with the stipulation, we are going
21 to file our master plan that has been submitted to the
22 Southwest region in June, where, we have gotten that
23 back now. We are waiting for the final comments to come
24 in. We will also have a public meeting on that. And
25 that will get filed again with Department of Health.

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1 Northwest Water Services, which we acquired. Those will
2 be moved back into the Northwest subsection for approval
3 there.

4 So we are taking these piece-by-piece as we get
5 them and trying to combine them. Ultimately, there will
6 be one plan. But for right now, it will be the
7 Southwest region. And I think that's also the hopes of
8 this capital meeting: We will be able to address the
9 other systems that are either in the Lehman Sea View
10 master plan currently or soon to be Estates, Monterra,
11 Discovery Bay, and Diamond Point.

12 **Q. Okay. So if you were to look at your initial
13 testimony, which is CJL-1T. Do you have that with you?
14 And if you look at page 32 on the top. There is a table
15 there of the master plans. That I think that's what you
16 are referring to.**

17 A. Yes.

18 **Q. Okay. So essentially, each of these
19 "communities," which is what you refer to them, you're
20 going to have a master plan for each of these
21 communities. And once those are all updated, you will
22 bring them all together in one plan. That's what I
23 thought I just heard you say. But if I mischaracterize
24 it, please let me know.**

25 A. It's a little bit mischaracterized.

45 (Pages 344 to 347)

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Essentially, "yes" is the answer. But right now, the Sea View, Lehman Enterprises, are already consolidated. All 11 of those systems are consolidated into one plan. We are now consolidating Estates and Monterra, one of the Aquarius, which is Diamond Point, and Discovery Bay. So we are consolidating those four into a plan right now. The next ones, we will take the rest of the Aquarius and the Pedersen systems. So that will be five more systems will be to follow in the Southwest region. To complete that, Southwest region will be all under a water system master plan. And then the third, or fourth, final step will be to take the remaining systems, which will be the NWWWS, the Northwest Water Services systems into a master plan, and at that time is when we will attempt to get them all combined into one.

Q. Okay. But Pelican Point, because it's in Eastern Washington, will have its own master plan?

A. Sorry. Yes. Correct. Pelican Point will stand alone on its own master plan.

Q. Okay. So when you refer to master plans, those are the master plans that you are referring to in section 17, paragraph 17?

A. (Nodded.)

Q. Okay. Thank you.

So then the settlement, in that paragraph,

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think the long term will be reservoir, well, main line replacement type scopes of work, if you will. We will be looking at that in the longer term. And it will be laid out almost identical to what you see in the already approved master plan that we got approved in 2022.

Q. Okay. And so the capital plan provisions that are -- that Commissioner Doumit was asking you questions about, you will take that piece out of the master plan and prioritize it? Or I am still trying to figure how this is all going to work together. You have multiple plans. They might each have their own capital plan. Are you going to bring that all together in one capital plan?

A. Yes. So. So I think that the master plan, in table 3 on page 32 of my testimony that you reference, I think more goes in with paragraph 18 in the stipulation, where paragraph 17 I think is speaking more to the capital plan that we plan on doing in that year, not necessarily the prior -- we will have a priority level of those -- those capital plans that we are going to do. But even if the system is not already under a master plan, we are going to address it in front of the customer base at that point.

So if we just, for the sake of this conversation, were to pick a system of the Northwest

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refers to Cascadia reviewing known future major projects -- that's the \$150,000 or more -- and assign a priority level, based on necessity, Department of Health requirements, and engineering review -- or, engineer review. And so what do you mean by Department of Health requirements? I think we have talked about a bunch of different types of requirements. There are statutes, there is significant findings and corrective action, and then there is the DOH manual. So can you just describe, in your thoughts, what you mean by DOH requirements.

A. Yes. So one will be a tier 1 acute health violation, something that's potentially going to get harmful water out to the customers. That's -- that's an immediate -- immediate emergency priority.

The near-term to moderate, depending on how it gets labeled, is going to be, okay, we know that we have a water quality issue here. What are we going to do to -- to fix that? Do we need -- something of that nature.

And then the third would be that medium to immediate, that kind of middle range, or in-between middle range and -- and immediate would be water quality or water issues in the distribution line, sections of pipe that are starting to leak, or meter centers that are starting to fail. Things that nature. And then I

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Water Services at Blanchard Knob, and we needed to replace a pumphouse there, we are going to tell the customer base at that -- that capital plan meeting that, which is not in a master plan, and that won't be in a master plan until the final phase I think is -- is what the -- the thought process behind this capital plan is, is, what is going to happen that year companywide, as one company, versus each of these systems broke out, and their immediate, long-term -- near-term, long-term investments.

Q. Okay. So is the intent of the settlement just to have this for the next year or is the intent of the settlement to have sort of a continuing review of the prioritization, or is it just for a limited time?

A. I -- I don't think we have addressed that as a detail. I don't foresee why Cascadia would stop doing that.

Q. Okay. And again, so the prioritization will be part of that conversation with the customers in the capital plan?

A. (Nodded.)

Q. Okay. I think, just one other question. It's just for my own edification.

What's the difference between a master plan and the water system plan, and how do those fit together?

46 (Pages 348 to 351)

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1 A. They are the same thing.
 2 COMMISSIONER RENDAHL: Thank you. Okay.
 3 And that's all I have. Thank you.
 4 JUDGE FUKANO: Thank you. Then I believe
 5 if -- the witnesses may be excused if there is no
 6 further questions for these witnesses.
 7 Is there any objection from any parties to
 8 admitting the amended settlement stipulation that was
 9 filed on January 22nd as Bench Exhibit 1, just to make a
 10 clean record?
 11 ATTORNEY O'NEILL: Just as long as we
 12 remember to designate the public comment exhibit as
 13 Bench Exhibit 2.
 14 JUDGE FUKANO: Ah. And then we will
 15 designate it as -- the stipulation as Bench Exhibit 2 to
 16 reserve that place for public comment. Thank you for
 17 reminding me.
 18 Hearing no objection, I will admit Bench
 19 Exhibit 2 into evidence along with all the other
 20 pre-filed testimony and cross exhibits and the
 21 exhibits -- morning exhibits, just for clarity.
 22 Our next witness will be from Commission Staff.
 23 ATTORNEY O'NEILL: Your Honor, if I could.
 24 We have our -- Mr. Duren is available at -- now. He
 25 is -- if we could take him out-of-order for any

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1 cross-examination, I can present him. And hopefully,
 2 that will go quickly. I think all the parties are in
 3 agreement.
 4 ATTORNEY GAFKEN: That's fine with Staff.
 5 JUDGE FUKANO: That's acceptable. Please
 6 proceed.
 7 ATTORNEY O'NEILL: I believe -- Mr. Duren,
 8 are you on the line?
 9 I see him on the screen, but he is not
 10 answering.
 11 JUDGE FUKANO: Should we perhaps take a
 12 quick break, and we can resume in about five minutes?
 13 ATTORNEY O'NEILL: Yeah. Can we take a
 14 five-minute break? We will track him down.
 15 JUDGE FUKANO: Certainly.
 16 We are off the record.
 17 (Short recess.)
 18 JUDGE FUKANO: Let's go back on the
 19 record.
 20 ATTORNEY O'NEILL: Your Honor, thank you
 21 to the parties for taking Mr. Duren out-of-order.
 22 Public Counsel calls Scott Duren.
 23 Scott, can you hear me?
 24 SCOTT DUREN: Yes.
 25 ATTORNEY O'NEILL: All right. I think the

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1 ALJ is going to need to administer an oath to you.
 2 JUDGE FUKANO: Yes.
 3 Mr. Duren, please raise your right hand, and I
 4 will swear you in.
 5 Do you swear or affirm the testimony you will
 6 provide today is the truth and nothing but the truth?
 7 SCOTT DUREN: Yes, I do.
 8 JUDGE FUKANO: Thank you.
 9
 10 DIRECT EXAMINATION OF SCOTT DUREN
 11 BY ATTORNEY O'NEILL:
 12 **Q. Good afternoon, Mr. Duren.**
 13 **You prepared an exhibit 1 -- SD-1CT that was**
 14 **filed on November 20th...yeah. November 20, 2024. Is**
 15 **that correct?**
 16 A. Correct.
 17 **Q. And there was one exhibit that had a list of**
 18 **documents that you consulted; is that correct?**
 19 A. Correct.
 20 **Q. You also filed testimony on January 22nd in**
 21 **response to the settlement in SD-3T; is that correct?**
 22 A. Correct.
 23 **Q. Do you have any corrections to those filed**
 24 **exhibits that have already been admitted?**
 25 A. No, I do not.

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1 ATTORNEY O'NEILL: Your Honor, Public
 2 Counsel tenders the witness for cross-examination.
 3 JUDGE FUKANO: I believe the Company
 4 indicated cross time for Mr. Duren.
 5 ATTORNEY NELSEN: Yes, your Honor.
 6 Please.
 7 JUDGE FUKANO: Please proceed.
 8 ATTORNEY NELSEN: Thank you.
 9
 10 CROSS EXAMINATION OF SCOTT DUREN
 11 BY ATTORNEY NELSEN:
 12 **Q. Mr. Duren, just doing a check here. Can you**
 13 **see me and hear me?**
 14 A. Yes.
 15 **Q. Great. This is something new for me because we**
 16 **are cross-examining a witness live, someone who is not**
 17 **physically here, but thank you very much for your time**
 18 **and talking to us about your testimony where you're at.**
 19 **Can you please turn to the bottom of page 2,**
 20 **the top of page 3, of your November response testimony.**
 21 **That's exhibit SD-1CT. And let me know when you're**
 22 **there.**
 23 A. I'm sorry, could you repeat that again, the
 24 page number.
 25 **Q. Yes. Page 2 line 7 through page 3 line 6.**

47 (Pages 352 to 355)

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1 A. Okay. Yep. I am there.
 2 **Q. Great. And here, you describe the nature of**
 3 **your review of each of the projects. Do you see that?**
 4 A. M-hmm.
 5 **Q. Okay. You did not tour physically any of the**
 6 **Cascadia Water systems for this rate case, correct?**
 7 A. That is correct.
 8 **Q. Okay. And you didn't talk to the general**
 9 **manager of Cascadia Water about any of the projects in**
 10 **this rate case, correct?**
 11 A. Correct.
 12 **Q. Okay. You didn't talk with the Department of**
 13 **Health about any of the projects in this case; is that**
 14 **correct?**
 15 A. Correct.
 16 COMMISSIONER RENDAHL: Counsel, do you
 17 mind bringing the microphone a little bit closer? Thank
 18 you.
 19 ATTORNEY NELSEN: Thank you, Commissioner.
 20 **Q. Mr. Duren, can you please turn to your response**
 21 **testimony to the settlement stipulation. That's SD-3CT;**
 22 **specifically, page 11 line 1.**
 23 A. Okay.
 24 **Q. Do you see a reference on line 1 to the words**
 25 **"immediate actions"?**

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1 where you would take immediate action. But nothing's
 2 failed yet, but you can see that there is a real risk
 3 present.
 4 **Q. Okay. Can you please stay with the same piece**
 5 **of testimony and refer to page 3 line 19 of your**
 6 **testimony, through page 4 line 2 of that testimony.**
 7 A. Okay.
 8 ATTORNEY O'NEILL: Sorry, counsel. I
 9 missed the page -- the initial page reference. I...
 10 ATTORNEY NELSEN: Three.
 11 **Q. Okay. I will say it one more time for the**
 12 **record. Exhibit SD-3CT, page 3 line 19 through page 4**
 13 **line 2. And just let me know when you're there.**
 14 A. I am there.
 15 **Q. Here, you testify:**
 16 **Reasonable phasing scenarios were developed**
 17 **based on similar experience with public utilities that**
 18 **had made similar decisions and are provided solely to**
 19 **demonstrate there could have been a different approach**
 20 **to these projects.**
 21 **Do you see that?**
 22 A. Yes.
 23 **Q. And by referencing the "could have been," that**
 24 **means that you're looking at it -- at something after it**
 25 **had happened already?**

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1 A. Yes.
 2 **Q. How do you determine -- or, when do you**
 3 **determine if and when immediate actions are needed?**
 4 A. Well, in -- I think, in this particular text,
 5 we were referring to a potential scenario where you
 6 might line an existing concrete tank, and so. In my
 7 experience with similar tanks -- and I guess I'd say
 8 what -- what I probably mean by "immediate" would be as
 9 soon as possible. It might not necessarily mean that
 10 that could occur immediately, but physically beginning
 11 to initiate some kind of improvement or retrofit as
 12 quickly as possible is what I think I meant by
 13 "immediate" there. But what type of findings would lead
 14 to that action? That's what you're asking?
 15 **Q. Well, I am trying to get an idea of how and**
 16 **when someone determines if something is immediately**
 17 **necessary, and so. The way I am thinking about it --**
 18 **and please tell me if you have other ideas, but the way**
 19 **I am thinking about it is the first time that anyone**
 20 **really knows for certain whether an immediate action is**
 21 **necessary is the moment after something fails. Would**
 22 **you agree with that?**
 23 A. Not necessarily, but I am thinking of context
 24 potentially where that would be the case. Like a
 25 potential health and safety issue might be something

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1 A. That wasn't the way that I was thinking when I
 2 phrased that in the manner that I did. I think what I
 3 was -- the use of the word "could" was more that we were
 4 just trying to say that there -- a hypothetical
 5 situation could exist where you might do something
 6 differently, if that makes sense. So I am not trying to
 7 say that something happened and then we did something.
 8 I think what we were -- what we were really
 9 referring to in a lot of these projects is, there is a
 10 need that I think was identified. But whether something
 11 needed to happen immediately or could have been phased
 12 in later, um, trying to just say that there -- that
 13 happens often with utilities that I work with where
 14 we -- there are real needs everywhere, but we can't --
 15 probably can't do everything about every issue, and so
 16 how would you -- where would you make decisions to defer
 17 repairs or replacements of certain aspects of the
 18 system.
 19 **Q. But you'd agree that decisions are made**
 20 **real-time based upon the information that is known or**
 21 **reasonably should be known at a particular point in time**
 22 **that you're making that decision, correct?**
 23 A. Yeah. That makes sense to me. M-hmm.
 24 **Q. So if you can turn to page 6 of the same**
 25 **testimony, SD-3CT, lines 14 and 15, and let me know when**

48 (Pages 356 to 359)

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1 you're there.

2 A. I am there.

3 **Q. Here, you testify to a regulatory compliance**
 4 **strategy for prioritizing system improvement projects to**
 5 **insure that systems meet minimum governing standards and**
 6 **avoid penalties that may result from noncompliance.**
 7 **Do you see that?**

8 A. M-hmm.

9 **Q. So is what you're saying here that a prudent**
 10 **water utility should run its business to avoid penalties**
 11 **that may result from noncompliance and meet minimum**
 12 **governing standards?**

13 A. No, that's not -- the way you phrased it is not
 14 what I am trying to say there. I think we were just
 15 listing off -- often, many of our clients use regulatory
 16 compliance as one of their criteria that they make in
 17 terms of a prioritization decision. Sometimes it is the
 18 most important one because they are -- if they are
 19 out-of-compliance with the health standard. And that's
 20 their mission, is, to provide safe drinking water to
 21 their customers. That can actually really escalate the
 22 prioritization of a project. But sometimes it's just
 23 one of many factors that they are looking at in terms of
 24 whether you would prioritize a repair or an action.

25 **Q. And staying on the same subject. Turning to**

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1 what promises they have made their customers, their
 2 financial situation. That's, I guess, what I mean, is
 3 that there is a lot of -- there are a lot of factors
 4 that go into how we design and plan projects.

5 I don't know if I am answering your question to
 6 your satisfaction, but that's -- there is a lot to say
 7 there.

8 **Q. That's fair. And it sounds like -- and I don't**
 9 **want to put words in your mouth, so please correct me.**
 10 **But it almost -- it sounds like that you design projects**
 11 **to at least the minimum standards and also recognizing**
 12 **that there are instances in which it is the more prudent**
 13 **thing to do than just the minimum standards. Is that**
 14 **accurate --**

15 A. Yeah.

16 **Q. -- there?**

17 A. Yeah, that's accurate, m-hmm.

18 **Q. Can you please turn next to cross exhibit**
 19 **SD-X2, which I believe is 5X, and that is Cascadia data**
 20 **request 6 to Public Counsel, and Public Counsel's**
 21 **response. And here, you are listed as a co-witness with**
 22 **Mr. de Villiers. Do you see that?**

23 A. Yes.

24 **Q. Question references and quotes your testimony**
 25 **and then asks: Does Public Counsel have a copy of the**

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1 **cross exhibit SD-XI, which I think is -- I will call it**
 2 **Public Counsel 4X. And for reference, it is Cascadia**
 3 **data request number 9 to Public Counsel. And you are**
 4 **listed as the witness in response. Just let me know**
 5 **when you see that.**

6 A. Yeah. I have it up.

7 **Q. And the question specifically asks whether you**
 8 **design and-or plan projects to minimum governing**
 9 **standards only. And your response is that you do not**
 10 **design projects to minimum governing standards only.**
 11 **Let's start with that.**

12 **So what do you do -- what do you design**
 13 **projects to? What governing standards do you design**
 14 **projects to?**

15 A. Well, there are -- there are quite a lot of
 16 standards, right, that we have to meet, depending on the
 17 project, so, and it depends on what we are doing, but
 18 minimum governing standards is always something that we
 19 have to consider. I can't put my stamp on a plan or a
 20 design document if it doesn't meet the regulatory
 21 requirements, right? But I am a consultant engineer,
 22 and I work for clients who hire me to bring my
 23 expertise.

24 There are a lot of different things that
 25 require their input. Their risk tolerance, their --

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1 **reference draft Peninsula water system plan from May of**
 2 **2024?**

3 **And you respond to that part of the question:**

4 **Yes, Public Counsel has a draft copy of the**
 5 **Peninsula water system plan dated May 2024.**

6 **Do you see that?**

7 A. Yes.

8 **Q. And in response to the second part of the**
 9 **question: If so, when did Public Counsel receive a copy**
 10 **of it and from whom?**

11 **And to which you responded: Public Counsel**
 12 **received a copy of that document on November 23, 2024,**
 13 **from the Water Consumer Advocates of Washington.**

14 **Do you see that?**

15 A. Yes.

16 **Q. And in fact, today I believe Mr. O'Neill**
 17 **mentioned, in fact, that Public Counsel had received a**
 18 **copy of the attachment to this response, which we will**
 19 **get to next, from the WCAW.**

20 **Turning to the attachment which you do provide,**
 21 **which starts on page 2 of 145. If you could go to that**
 22 **second page. And I think that that's the first page of**
 23 **the attachment that's provided. And just let me know**
 24 **when you're ready.**

25 A. Yep. M-hmm.

49 (Pages 360 to 363)

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1 Q. Now, this appears to be an email transmittal.
2 It says at the top "emailed to Steve Todd," and there is
3 an email address. Do you see that?

4 A. M-hmm.

5 Q. And do you see it says "cc" and it starts with
6 "Vicki" on that next line, correct?

7 A. Yep.

8 Q. That's the "to" and the "cc." But I guess what
9 I am a little bit unsure about is who sent this document
10 to Public Counsel and who received this document at
11 Public Counsel. I just want to make sure of that.

12 A. And I don't know the answer to that question.
13 That is not something that I received, this from Public
14 Counsel, so I -- I don't know. I can't provide any
15 insight there.

16 Q. Okay. I can ask Mr. de Villiers about that.

17 Mr. Duren, given that -- well, let me ask one
18 more question, and then we can determine if there are
19 more questions to go from there.

20 Are you familiar with this attachment to this
21 response or is -- are these -- all these questions on
22 this attachment better asked of Mr. de Villiers? Seeing
23 how you're both co-witnesses on it.

24 A. I -- my familiarity is just that I was provided
25 this, and I haven't reviewed it. But if your line of

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1 response testimony, which is exhibit SD-1CT, correct?

2 A. Correct.

3 Q. I will just take a moment to note that while
4 both of your testimonies are marked confidential, I
5 don't plan to ask any questions that would elicit
6 confidential information.

7 Okay. Carrying on. You added project 7 in
8 your response to the settlement, exhibit SD-3CT,
9 correct?

10 A. Correct.

11 Q. On page 3 lines 4 through 8, you testify that
12 your testimony in exhibit SD-3CT is an update and
13 augmentation of your previous testimony as a result of
14 your review of additional documents, correct?

15 A. Correct.

16 Q. Is it correct to say that you did not add
17 project 7 in response to the settlement filed by
18 Cascadia and Commission Staff?

19 A. Yeah, that would be correct, m-hmm.

20 Q. You list all of the projects in your testimony,
21 exhibit SD-3CT, on page 2. Did you conclude that the
22 projects other than 3, 8, 12, and 7 were sufficiently
23 supported as necessary?

24 A. That's correct. The only ones that we -- the
25 four that we filed are the ones that had some questions

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1 questioning is going to be around like who sent what, I
2 am not going to have much to say on that.

3 ATTORNEY NELSEN: Thank you, Mr. Duren.
4 Appreciate your time. That is all the questions that
5 the Company has.

6 JUDGE FUKANO: Thank you.

7 And Staff indicated cross?

8 ATTORNEY GAFKEN: Yes. Thank you.

9
10 CROSS EXAMINATION OF SCOTT DUREN
11 BY ATTORNEY GAFKEN:

12 Q. Hello, Mr. Duren. Can you hear me okay?

13 A. Yes.

14 Q. Okay, great. Would you please turn to your
15 settlement response testimony, which is exhibit SD-3CT,
16 and go to page 3 lines 10 through 15.

17 A. Okay.

18 Q. There you identify four projects that, from
19 your perspective, did not have sufficient information to
20 determine that they were necessary, correct?

21 A. Correct.

22 Q. Those projects were given numbers 3, 8, 12, and
23 7, correct?

24 A. Correct.

25 Q. You addressed projects 3, 8, and 12 in your

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1 related to them. Anything that wasn't included was, we
2 didn't see anything to ask for or comment on.

3 Q. With respect to projects 3, 8, 12, and 7. You
4 do not testify that these projects should not have been
5 done, but, rather, that they could have been delayed.
6 Is that a correct characterization?

7 A. That is correct. I think, yeah, in this
8 testimony, we were just posing that as a -- that they
9 could have been delayed, but -- yeah. I think that's
10 right.

11 Q. I'd like to focus on project 7, which is the
12 reservoir booster pumps and manganese treatment for the
13 Estates water system.

14 You discuss project 7 in your testimony,
15 exhibit SD-3CT, page 11, beginning at line 6. Do you
16 have that project in mind?

17 A. Yeah, m-hmm.

18 Q. Were you aware that the Estates system was
19 built in the 1970s?

20 A. I reviewed all the information. I don't recall
21 looking at the exact -- the exact dates, but I am sure
22 that I did look over that when I was reviewing the
23 materials.

24 Q. Were you aware that the reservoir was
25 approximately 54 -- 54 years old?

50 (Pages 364 to 367)

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1 A. That seems reasonable. Yeah.

2 **Q. Were you aware that the system had a 50-year**
3 **life?**

4 A. The system or the reservoir or -- but maybe I
5 will add to that, is, I do this -- I look at a lot of
6 different parts of water systems, and often they have
7 different lives. So it's hard to say this system has
8 just --

9 **Q. Yeah. That's fair. That was a poor word**
10 **choice on my part.**

11 **Were you aware that the reservoir had a 50-year**
12 **life?**

13 A. No. No, I was not. I mean, and I will say
14 that it's not unreasonable. 50 years does not surprise
15 me for a concrete reservoir, but I have certainly seen
16 concrete reservoirs over 100 years that are going strong
17 and look great, so, um, yeah. I will leave it at that.

18 **Q. So project 7 was not included as one of the**
19 **projects that you identified as lacking support. Were**
20 **you directed to add project 7 in your later --**

21 A. Um --

22 **Q. -- response testimony?**

23 A. -- well, what was offered was some video of the
24 projects. And after reviewing some of the other
25 testimonies that were submitted, we just took another

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1 minimum standards that makes the right financial sense
2 and meets objectives of the water utility, whether it's
3 health and safety or improving main service to their
4 customers.

5 **Q. Mr. Duren, are you familiar with manganese?**

6 A. Yes.

7 **Q. There is a federal enforcement maximum**
8 **containment level for manganese in drinking water,**
9 **correct?**

10 A. Yeah. It is one of the secondary water quality
11 standards that -- yeah. But yes.

12 **Q. Do you know what that level is?**

13 A. Oh. Off the top of my head, I -- I -- I don't
14 remember. I am sorry.

15 **Q. Washington requires certain education for water**
16 **customers when manganese levels rise to a certain level;**
17 **is that correct?**

18 A. You know, I am not -- I will be honest. I am
19 not entirely sure what is required from the standpoint
20 of public notification. I am usually more focused on
21 the -- you know, the actual engineering design of the
22 projects and not as much customer outreach.

23 **Q. With respect to manganese and water, it has**
24 **both health and aesthetic concerns, correct?**

25 A. Correct.

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1 look at it. So we had some new information, which may
2 have been provided in the first round. It was just a
3 lot of information that was sifting through, so. So I
4 was just wanting to make sure that we took a look at
5 that particular project because it was mentioned in one
6 of their testimonies, to see if there was anything that
7 we wanted to rely on or change about that.

8 **Q. Mr. Nelsen for Cascadia asked you about Public**
9 **Counsel's response to Cascadia's data request number 9.**
10 **And it's actually listed twice in the exhibit list. I**
11 **believe it's exhibit SD-4X and 6X. So we can just refer**
12 **to 4X, The one that you were referring to earlier with**
13 **Mr. Nelsen. I have one question that I wanted to**
14 **follow-up with you on that.**

15 **What are some of the reasons that a water**
16 **system may go beyond minimum government standards?**

17 A. Well, your question, thank you. I -- often
18 when we are making major capital decisions like many of
19 the ones that are in this case, we do a lot of analysis
20 on alternatives and wanting to look at what is the
21 best -- the best use of the money that's being spent,
22 trying to get the most value, so. Often there are
23 opportunities to combine elements of the project and do
24 them more cost-effectively together. So there is --
25 there may very well be very good reasons to go above the

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1 **Q. Manganese can discolor water and cause**
2 **staining, correct?**

3 A. (Nodded.)

4 **Q. Would you agree that manganese is necessary in**
5 **small quantities for human health, but that it is also**
6 **dangerous in large quantities?**

7 A. Yeah, I would agree with that.

8 **Q. Too much manganese can cause behavioral and**
9 **developmental disorders in children, correct?**

10 A. I -- I don't know if that's true or not. I
11 have no -- not sure.

12 **Q. So you're aware that it is dangerous in large**
13 **quantities, but you don't know specifically how it might**
14 **be dangerous?**

15 A. Correct.

16 ATTORNEY GAFKEN: Thank you.

17 I have no further questions for Mr. Duren.

18 JUDGE FUKANO: Thank you.

19 Any redirect from Public Counsel?

20 ATTORNEY O'NEILL: Briefly, your Honor.

21
22 REDIRECT EXAMINATION OF SCOTT DUREN
23 BY ATTORNEY O'NEILL:

24 **Q. I am going to go in reverse order, Mr. Duren.**

25 **When you were being asked about the Estates system by**

51 (Pages 368 to 371)

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1 **Ms. Gafken, she asked whether you had received direction**
 2 **to add project number 7. Did you receive any direction**
 3 **about any project analysis from Public Counsel?**

4 A. No.

5 **Q. You indicated that you reviewed the video of**
 6 **the project. What video are you referring to?**

7 A. There -- there was -- there might have been
 8 more than one video. As I recall, that there was video
 9 footage shot from inside the reservoir taken by a diver,
 10 so, which is pretty comon. We review that kind of video
 11 often when we are trying to assess the condition of an
 12 aging reservoir such as the Estates reservoir.

13 **Q. Based on your experience, were you able to form**
 14 **an opinion about whether what the video showed required**
 15 **immediate replacement?**

16 A. I -- based on the review of the video, I don't
 17 believe that I can say with any kind of certainty
 18 whether immediate replacement was necessary or not. It
 19 certainly showed quite a bit of cracking, which would be
 20 concerning, but we would usually want to look a lot more
 21 carefully at the nature of the cracking. It just wasn't
 22 as much resolution for me to get into that.

23 And then often, I am using -- I am a civil
 24 engineer. I use a structural engineer, as well, when I
 25 am looking at especially condition of concrete

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1 **Q. Do you -- in your assessment of the CAL**
 2 **project, which is what he was asking you about -- I**
 3 **actually think it's page 11, now that I -- now -- I**
 4 **think it is page 11. There is a phase-in estimate where**
 5 **you have immediate and five-year projects. Do you see**
 6 **that?**

7 A. M-hmm.

8 **Q. Do you have any issues with Cascadia's decision**
 9 **to address the leaking at CAL Waterworks?**

10 A. No. It's usually -- I'd say it's good practice
 11 to address leaks, and especially in a reservoir, so no.

12 **Q. What documents, if any, were you able to review**
 13 **about whether they assessed whether it would have been**
 14 **possible to line that -- those reservoirs?**

15 A. I did not come across any -- anything in the
 16 documents that I reviewed that talked about an
 17 assessment of lining.

18 **Q. Is that unusual?**

19 A. I don't know if I would say it's unusual, but I
 20 would -- given that I believe there was -- that was
 21 something that was brought up in the sanitary survey, it
 22 seems like that could have been some time well-spent to
 23 decide if that was a feasible path or not.

24 **Q. In your projects -- or your project work, you**
 25 **discussed whether or not -- or, you discussed the**

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1 structures to make a decision whether it would be -- a
 2 replacement would be necessary or not, so. If I am
 3 answering your question correctly. I didn't feel that
 4 there was nothing there that I could make a decision off
 5 of that video.

6 **Q. You also -- your original testimony was on**
 7 **November of 2024; is that correct?**

8 A. Correct.

9 **Q. Did you have an opportunity to review**
 10 **Mr. Gilles's testimony prior to November -- prior to**
 11 **your first testimony?**

12 A. No.

13 **Q. When you were being questioned by Mr. Duren**
 14 **(sic), on page 3 of your settlement testimony, he**
 15 **directed you -- oh. I am sorry. It's page 13. Mmm. I**
 16 **am just going to ask you. Do you remember him asking**
 17 **you questions about your review and whether or not you**
 18 **were reviewing things retroactively? Does that make --**
 19 **does that -- I can skip --**

20 A. Yeah. Well, I -- I remember kind of starting a
 21 little bit to understand his line of questioning around
 22 immediacy and whether I would make decisions after
 23 something had failed or --

24 **Q. Correct.**

25 A. -- prior to it. Yeah.

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1 **prioritization, the priorities that you would have to**
 2 **engage in.**

3 **Is -- what role does budget play in your**
 4 **designing or prioritizing of projects?**

5 A. It plays a major role in design. Maybe less in
 6 prioritization. I think most of our -- most of the
 7 clients I work with wouldn't stop themselves from doing
 8 a project that was desperately necessary to protect the
 9 health of their customers based on budget alone. They
 10 would probably go look for funding if they needed it and
 11 look for assistance, but they wouldn't necessarily let
 12 that stop them.

13 But when it comes to design, I mean, it's every
 14 day that we talk about budget because all of our
 15 clients, ranging from large cities down to the smallest,
 16 the smallest municipalities, are dealing with budget
 17 constraints, and so we are often trying to maximize
 18 value, you know, for the utility kind of in every step
 19 of the way during the planning and in the design of
 20 these projects.

21 **Q. What about impact on rate pairs?**

22 A. Yeah. Impact on rate pairs is a huge one. And
 23 especially depends on the county that they are working
 24 in. But certainly wanting to make sure that the
 25 benefits of expenditures are well-understood and that

52 (Pages 372 to 375)

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1 rate pairs are understood. The rates are going to
2 needed projects that are protecting their water system.
3 It's -- it's something that we talk about all the time.

4 ATTORNEY O'NEILL: I don't have any
5 further -- I have no further redirect.

6 JUDGE FUKANO: Thank you.
7 Are there any questions from the Bench of this
8 witness?

9 Thank you, Mr. Duren. You're excused.

10 SCOTT DUREN: Thank you.

11 ATTORNEY HANSON: May I ask that we check
12 in on the schedule? Mr. Gilles is not available
13 tomorrow. We are not quite as far along as I
14 anticipated. And I am wondering. We have two more
15 Staff witnesses in addition. Do we have a estimate on
16 whether we will complete today?

17 JUDGE FUKANO: So based on the time
18 estimates that were provided to me, it looks as though
19 there will be approximately, well, if full time was
20 taken, an hour and a half for Staff witnesses and
21 perhaps as much as 30 minutes for Mr. de Villiers and
22 another 50 minutes for Mr. Gilles, which does put us a
23 little bit into the evening on this matter.

24 I suppose our options at this juncture are
25 either to consider trying to reschedule an additional

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1 against maybe not getting to him today. So if we could
2 put him on now, that would be super.

3 ATTORNEY GAFKEN: From Staff's
4 perspective, I will address the whether to try to
5 reschedule or continue today. I think we are close
6 enough to the end, and that we can -- I don't know that
7 we would be able to finish it by five o'clock, but
8 certainly Public Counsel's reduction in cross time
9 helps.

10 From Staff's perspective, we would be willing
11 to go into the evening. I don't think it would take a
12 lot of time in the evening. I think it would be early
13 evening that we would stop.

14 So from my perspective, I am happy to continue
15 on. If there is a strong desire to take Mr. Gilles now,
16 then I am not going to object to that.

17 JUDGE FUKANO: And do the Commissioners
18 have any comment?

19 COMMISSIONER RENDAHL: I just have a
20 question for the court reporter. Let's go off the
21 record for a moment, if that's okay.

22 JUDGE FUKANO: Let's be off the record.
23 (Discussion off the record.)

24 JUDGE FUKANO: Let's be back on the
25 record.

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1 maybe half day of hearing on another day this week or an
2 attempt to sort of carry on and push through and see if
3 we can wrap this up, understanding that we will probably
4 run over the five o'clock deadline, or normal end of
5 business for today.

6 Do the parties have any kind of position on
7 these two options?

8 ATTORNEY O'NEILL: At least for the Public
9 Counsel's cross-examination of the Staff witnesses, if
10 the stipulation of the DR is going into the record, I
11 have maybe 10 minutes for Staff, and then I don't have
12 any other cross questions. I don't know if that gets us
13 to the magic time or not, but.

14 JUDGE FUKANO: That certainly helps.

15 ATTORNEY NELSEN: Your Honor, from the
16 Company's perspective, I think that we can push on with
17 this afternoon and see how things progress over the next
18 hour or so and then check in, but I think that it would
19 be very beneficial to -- and reasonable to finish today
20 rather than trying to schedule something at another
21 time.

22 ATTORNEY O'NEILL: Mr. Hanson, would you
23 prefer Mr. Gilles to go now? I mean, as I said, I have
24 very short questions for Staff.

25 ATTORNEY HANSON: That would protect

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1 It is approximately 4:11 p.m. I believe the
2 parties have agreed to present...is it Mr. "Jiles" or...

3 BLAINE GILLES: "Gill-es."

4 JUDGE FUKANO: Gilles. Thank you for
5 correcting me.

6 Mr. Gilles out-of-order. Are there any
7 preliminary matters before we turn to the cross of
8 Mr. Gilles?

9 Then Mr. Hanson, you may present the witness.

10
11 DIRECT EXAMINATION OF BLAINE GILLES
12 BY ATTORNEY HANSON:

13 **Q. Good afternoon, Mr. Gilles. You have presented**
14 **testimony on -- that we have pre-filed, one time in**
15 **November and a second time in January of this year. Are**
16 **there any corrections to that testimony?**

17 A. Not at this time.

18 ATTORNEY HANSON: Thank you.

19 JUDGE FUKANO: Mr. Gilles, will you please
20 raise your right hand. Do you swear or affirm that the
21 testimony you provide today is the truth and nothing but
22 the truth?

23 BLAINE GILLES: I do.

24 JUDGE FUKANO: Thank you.
25 Cascadia Water indicated cross?

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1 ATTORNEY NELSEN: Yes, your Honor. After
2 further discussions, the Company does not have cross of
3 Mr. Gilles.

4 JUDGE FUKANO: Thank you.
5 Commission Staff, you indicated cross of
6 Mr. Gilles?

7 ATTORNEY GAFKEN: Yes. We will go ahead
8 and ask a few questions.

9 JUDGE FUKANO: Please proceed.

10
11 CROSS EXAMINATION OF BLAINE GILLES
12 BY ATTORNEY GAFKEN:

13 **Q. Good afternoon, Mr. Gilles.**

14 A. Hello.

15 **Q. You have decades of regulatory experience; is
16 that correct?**

17 A. Yes.

18 **Q. And much of your work has been focused on the
19 telecommunications industry, correct?**

20 A. That is correct.

21 **Q. The telecommunications industry underwent
22 significant changes in the 1990s resulting in changes in
23 how the industry was -- is regulated, correct?**

24 A. That is correct.

25 **Q. Cell phone, voice over, internet protocol, and**

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1 **Q. Okay. And then turn your attention to lines 13
2 through 16. There you describe your role with the
3 Illinois Commerce Commission, correct?**

4 A. That's correct.

5 **Q. When you worked with the Illinois Commerce
6 Commission, did you function as regulatory staff or were
7 you part of the decisionmaking body?**

8 A. I was part of the regulatory staff.

9 **Q. When you state that you participated in rate of
10 return regulation of telecom carriers, could you please
11 describe specifically what you did.**

12 A. We looked at what back then was called the
13 triennial re-prescription of depreciation rates, which
14 involved catalogs of literally thousands of pieces of
15 equipment or maybe tens of thousands of pieces of
16 equipment which were inputs into the rate of return
17 process. I looked at the prescription of rates for what
18 was then Illinois Bell. It's a long time ago.

19 **Q. Brings back lots of memories.**

20 **So is it fair to say that you reviewed company
21 filings and perhaps developed adjustments to those
22 filings?**

23 A. At that time, yes, I probably would have. I
24 would have not been an affiant, or a witness, in most
25 cases, but I would have -- in the background, I would

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1 **other technologies competed with plain old telephone
2 service provided over copper wires, correct?**

3 A. At different points in time, yes, that
4 happened.

5 **Q. By the end of the 1990s, regulation of
6 incumbent telecommunication companies moved away from
7 rate of return regulation, correct?**

8 A. In some instances, some states retained rate of
9 return regulation for local telecommunications
10 providers, but overall, the move was toward price cap
11 type regulation.

12 **Q. Do you know what year the last rate of return
13 rate case for an incumbent telecommunications company
14 was conducted in the state of Washington?**

15 A. I do not.

16 **Q. Energy and water companies have continued to be
17 rate regulated, correct?**

18 A. They have -- do you mean rate of return
19 regulated?

20 **Q. Correct. And we can also limit the question to
21 the state of Washington.**

22 A. Yes.

23 **Q. Would you please turn to your testimony in
24 exhibit BCG-1T and go to page 2.**

25 A. I am there.

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1 have been preparing analyses and so on.

2 **Q. Okay. So. I think I understand your role.
3 You would have been preparing the analysis, doing the
4 analytical work, and then maybe feeding that work up
5 through somebody who would have testified? Is that
6 accurate?**

7 A. That, and at the time, the change in regulation
8 that you referred to earlier was ongoing, and so one of
9 my tasks was to look at alternatives to rate of return
10 regulation for telecommunications carriers.

11 **Q. When you were doing that work, did you simply
12 accept what a company might tell you as true or did you
13 investigate and confirm the facts on an issue that you
14 were working on?**

15 A. Given the incentives under rate of return
16 regulation, I would never have just taken what the
17 company told me as truth.

18 **Q. After working for the Illinois Commerce
19 Commission, you held various sophisticated roles in the
20 private sector, correct?**

21 A. Yes.

22 **Q. Whether in the private sector or the public
23 sector, did you ever have the responsibility of
24 analyzing a regulated company's revenue requirement?**

25 A. I believe I have looked at them from time to

54 (Pages 380 to 383)

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1 time, but in -- from the perspective of being a witness
2 in a rate case, no, I did not.

3 **Q. Whether in the public sector or the private**
4 **sector, did you ever have the responsibility of**
5 **calculating a regulated company's revenue requirement?**

6 A. I was not directly responsible for it, no, but
7 I did instruct at -- both in conjunction with the Edison
8 Electric Institute and actually as part of the, what
9 used to be called "CAMP NARUC." I am not sure if it
10 still is or not. The professor that I wrote my
11 dissertation under actually was the -- I believe he was
12 the founder of the Public Policy Institute at Michigan
13 State that started CAMP NARUC. So. I taught some
14 courses regarding rate of return regulation and
15 alternatives to rate of return regulation and what the
16 process should look like.

17 **Q. Whether in the public sector or the private**
18 **sector, were you ever involved in settling regulatory**
19 **cases?**

20 A. Yes.

21 **Q. Can you briefly describe that experience.**

22 A. I was a witness on behalf of subsidiaries of
23 Ameritech Corporation. There we were launching
24 Ameritech's then subsidiary into the long-distance
25 business. So I was the main witness in a lot of their

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1 **Q. There you continue to opine that the record**
2 **does not support a prudency finding regarding Cascadia's**
3 **investments. Did you review the sanitary survey**
4 **system -- or, sanitary system surveys and the related**
5 **Department of Health letters?**

6 A. I have looked at them.

7 **Q. And I actually want to go back to BCG-1T.**
8 **That's your initial testimony. And go to page 5 lines**
9 **12 to 14.**

10 A. Yes.

11 **Q. Sorry for jumping around. I just realized I**
12 **didn't complete the thought.**

13 A. No problem.

14 **Q. At that testimony, the BCG-1T, you do talk**
15 **about your role in this case being to talk about rate**
16 **base rate of return regulation and to opine on the**
17 **increases in rate base; is that correct?**

18 A. Yes.

19 **Q. Okay. Now I'd like to go back to what we were**
20 **talking about a question ago. And I believe you**
21 **testified that you did look at the sanitary system**
22 **surveys and the related Department of Health letters,**
23 **correct?**

24 A. Yes.

25 **Q. Did you review the Department of Health water**

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1 regulatory cases. Those would have resulted ultimately
2 in I guess what you would call a settlement where the
3 company was given a license to operate. I am trying to
4 think of others.

5 **Q. That's okay. I think --**

6 A. Those would be the main ones that come to mind.

7 **Q. Thank you.**

8 **During settlement, did you ever run into an**
9 **issue where the parties couldn't agree on a specific**
10 **term, but they could agree on the overall outcome?**

11 A. I believe, in any negotiation, you try to find
12 common ground. And one party may say "toe-may-toe" and
13 the other says "toe-mah-toe." Good luck to the court
14 reporter for that one. But, you know, what terminology
15 you use may be different, and -- but I guess, to answer
16 your question, in the course of a settlement discussion,
17 you may end up in such a situation.

18 **Q. In this case, your role is to provide a primer**
19 **on rate base rate of return regulation and to opine on**
20 **Cascadia's increase in rate base; is that correct?**

21 A. I would say that is among the purposes, yes.

22 **Q. Could you please turn to exhibit BCG-24T and go**
23 **to page 3, beginning at line 18, and then following**
24 **through to page 4 line 2.**

25 A. I am there. Yes.

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1 **system manual?**

2 A. I do not recollect whether I did or not.

3 **Q. Okay.**

4 A. I may have.

5 **Q. That is contained in Mr. Lehman's exhibit**
6 **CLJ-12, if that helps jog your memory.**

7 A. I have looked at a lot of documents in this
8 case, I apologize, but I do not recollect that specific
9 document.

10 **Q. Okay. Do you review -- did you review photos**
11 **of the capital investments?**

12 A. By the capital investment, are you referring to
13 the reservoir?

14 **Q. Well, I am actually talking -- thank you. I**
15 **should have clarified that question.**

16 **Did you review photos of the capital**
17 **investments that Cascadia is seeking cost recovery for**
18 **in this rate case?**

19 A. I am not sure I understand the question, sorry.
20 Photos of an investment?

21 **Q. Photos of any of the 14 major capital**
22 **investments that the Company made.**

23 **Or let me ask it this way. Did you review**
24 **photos as part of your review of this case?**

25 A. I saw some photos of old reservoirs and new

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1 reservoirs, yes, if that's what you're asking me.

2 **Q. Did you review invoices and other documentation**
3 **related to the capital investments?**

4 A. I looked at some, but I did not conduct an
5 extensive review of them.

6 **Q. Are you familiar with the Washington Department**
7 **of Health's enforcement processes?**

8 A. I am not.

9 **Q. Okay. Would you please turn to cross exhibit**
10 **BCG-37X, And this is a set of WCAW responses to Staff**
11 **data requests.**

12 A. Okay. This one is more challenging.

13 **Q. Understood.**

14 A. Is that something you can put up on the screen?

15 **Q. Maybe.**

16 A. We have also changed all of the exhibit
17 numbers, which makes things a bit more challenging.

18 **Q. It would have -- I don't know if this helps.**
19 **It would have been the only cross exhibit from Staff**
20 **directed to you.**

21 A. Okay.

22 **Q. But I can see if I can share-screen. I just**
23 **want to make sure that I can also see my notes.**

24 ATTORNEY STARKEY: Lisa, do you want me
25 to?

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1 **Q. Did you evaluate whether any adjustments should**
2 **be made to Cascadia's requested revenue increase?**

3 A. In the sense that -- empirically, no. My
4 comments were aimed at determining whether or not, from
5 a process perspective, Cascadia had fulfilled its burden
6 of proof to demonstrate that the proposed investments
7 that they want to include as part of the rate base were
8 well-founded.

9 **Q. Please turn to page 3 of cross exhibit BCG-37X.**
10 **The response on that page is WCAW's response to Staff's**
11 **data request number 4. Do you recognize that response?**

12 A. Yes.

13 **Q. The response states that WCAW did not create or**
14 **propose a rate design formula, correct?**

15 A. That is correct.

16 **Q. And the response also indicates that certain**
17 **information was not received in time to develop a rate**
18 **design in this case, correct?**

19 A. Correct.

20 **Q. Did WCAW receive the Company's testimony and**
21 **exhibits filed on September 26, 2024?**

22 A. Yes.

23 ATTORNEY GAFKEN: Okay. I have no further
24 questions. Thank you.

25 JUDGE FUKANO: Any redirect of this

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1 ATTORNEY GAFKEN: Oh. Sure.

2 ATTORNEY STARKEY: So we are talking about
3 BCG Staff data request number 2 and --

4 ATTORNEY GAFKEN: 2 through 4.

5 ATTORNEY STARKEY: Okay.

6 ATTORNEY GAFKEN: We are figuring out the
7 technology in real-time here.

8 A. At the bottom of your screen, there is a green
9 "share" button. There you go. Yes.

10 **Q. Which usually isn't a big deal when you have**
11 **the multiple screens and then you can put things on**
12 **other screens. Thank you.**

13 **Mr. Gilles, do you see the exhibit up on the**
14 **screen?**

15 A. Yes. Thank you.

16 **Q. All right. Have you seen these data requests**
17 **before?**

18 A. Oh. Yes.

19 **Q. Okay. Turning to page 1 of cross exhibit**
20 **BCG-37X, and I believe that's what's on the screen**
21 **there. The response indicates that WCAW did not provide**
22 **a revenue requirement calculation.**

23 **Were you asked to calculate an alternative**
24 **revenue requirement calculation for WCAW?**

25 A. No, I was not.

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1 witness?

2 ATTORNEY HANSON: A little bit. Thank
3 you.

4
5 REDIRECT EXAMINATION OF BLAINE GILLES
6 BY ATTORNEY HANSON:

7 **Q. Ms. Gafken referenced the sanitary surveys and**
8 **Department of Health letters that you said that you**
9 **looked at. Did those documents by themselves justify**
10 **the investments that were made, and did they, in other**
11 **words, demonstrate that those investments were prudent?**

12 A. I wouldn't say they demonstrated that they were
13 prudent. My recollection is that they showed that the
14 investments would result in designs that the Department
15 of Health would approve, but there are probably an
16 infinite number of designs, some expensive, some not
17 expensive, that the Department of Health would find to
18 be consistent with their rules.

19 **Q. And did the invoices that Cascadia presented,**
20 **did they inform your opinion as to whether or not the**
21 **investments were prudent?**

22 A. No. Again, the fact that you purchased
23 something, and you were invoiced for it, and if you
24 added up the invoices, they add up to a certain number,
25 doesn't really tell one anything about whether the

56 (Pages 388 to 391)

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1 investments, themselves, were efficacious. Just that
2 you received invoices from them and you paid them.

3 **Q. What kinds of additional evidence would you**
4 **expect to see in order to demonstrate that the**
5 **investments were prudent?**

6 A. I would expect to see things that I listened to
7 Mr. Lehman's testimony earlier where he was discussing
8 looking at alternatives to certain investments, the
9 timeliness, could those investments be delayed, et
10 cetera, so. In a competitive environment, firms do this
11 all the time. You look at, oh, here is a prospective
12 investment. Well, what is the payback on that
13 investment? Is it likely to increase our profits? Will
14 it not increase our profits?

15 Ultimately, you're constrained in your capital
16 expenditures by the return you get on them. In a rate
17 of return environment, that constraint doesn't really
18 exist because you're allowed to earn the allowed rate of
19 return on all of your capital investments, so the real
20 constraint is the regulator's review of your
21 investments.

22 And so my concern in reviewing the record was
23 that I didn't see very much indication that the Company
24 had gone through a discipline process of looking at what
25 are the alternatives, for example, to constructing a

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1 which, again, is pretty extraordinary.

2 **Q. Is the fact that the maintenance or investments**
3 **were deferred, also resulting in a deferral of rates to**
4 **customers, is that a benefit that offsets the**
5 **accelerated purchases now?**

6 ATTORNEY GAFKEN: I am going to object.

7 This goes beyond the scope of my cross.

8 JUDGE FUKANO: Mr. Hanson, do you have any
9 response?

10 ATTORNEY HANSON: I think she is right.

11 JUDGE FUKANO: Sustained.

12 ATTORNEY HANSON: All right. I have no
13 other questions.

14 JUDGE FUKANO: Thank you. Are there any
15 questions from the Bench for this witness?

16 Thank you, Mr. Gilles. You are excused.

17 BLAINE GILLES: Thank you.

18 JUDGE FUKANO: This brings us to Staff's
19 witnesses. And I gather they will be testifying as a
20 panel?

21 ATTORNEY O'NEILL: I don't know.

22 Do you want one at a time or both?

23 ATTORNEY GAFKEN: I can answer that
24 question. I was planning on calling them both up at the
25 same time as a panel. I think that will just help us on

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1 reservoir; what are the costs associated with those
2 alternatives; what are the benefits of those
3 alternatives, et cetera. In all the businesses that I
4 have worked in or operated in my career, when making
5 multi-million-dollar investments, there would be
6 extensive detail associated with looking at those
7 alternatives.

8 In a regulated environment where a regulator
9 will scrutinize your investment, you would expect that
10 that documentation would both be created and maintained.
11 And my big concern in this case, in looking at it, at
12 first was, I couldn't find any documentation of those
13 types of cost benefit analyses, comparisons to
14 alternatives, et cetera, for what were the size of water
15 system -- or, size of water systems that are in question
16 here, that are -- are extremely large. We are talking
17 about, in this case, doubling the size of the rate base
18 in one rate case. And other than maybe some -- the
19 construction of some nuclear power plants in Illinois in
20 the 1990s, I can't think of a situation where I'd ever
21 seen a rate of return regulation where a single rate
22 case would double the size of a rate base. It's pretty
23 extraordinary. And from the testimony earlier, you
24 heard that, basically, it sounds like we are rolling up
25 20 years of deferred investment into one rate case,

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1 time a little bit.

2 JUDGE FUKANO: Very good.

3 Ms. Stark, will you please raise your right
4 hand.

5 Do you swear or affirm that the testimony you
6 provide today will be the truth and nothing but the
7 truth?

8 RACHEL STARK: I do.

9 JUDGE FUKANO: Thank you.

10 Mr. Sevall, will you please raise your right
11 hand.

12 SCOTT SEVALL: Give me one second to get
13 my video. There I am. Here is my right hand.

14 JUDGE FUKANO: Do you swear or affirm the
15 testimony you provide today is the truth and nothing but
16 the truth?

17 SCOTT SEVALL: I do.

18 JUDGE FUKANO: Thank you.

19 Please introduce the witnesses.

20 ATTORNEY GAFKEN: I am going to start with
21 Ms. Stark.

22
23 DIRECT EXAMINATION OF RACHEL STARK
24 BY ATTORNEY GAFKEN:

25 **Q. Would you please state your name, spelling it**

57 (Pages 392 to 395)

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1 for the court reporter.

2 A. Rachel Stark. R-a-c-h-e-l, last name
3 S-t-a-r-k.

4 **Q. What is your job title?**

5 A. Regulatory analyst.

6 **Q. Your testimony and exhibits have already been**
7 **entered into the record. Do you have any changes or**
8 **corrections to those testimonies and exhibits?**

9 A. Just one minor typo change to my rate school;
10 when I attended that. My testimony says I took -- I
11 attended rate school in 2022. In actuality, I was just
12 doing an update to another document, and I actually went
13 in October of 2023.

14 **Q. Okay. So any references to 2022 and your**
15 **attendance to rate school should have been 2023?**

16 A. Correct.

17 ATTORNEY GAFKEN: All right. Ms. Stark is
18 available for cross-examination, but I will introduce
19 Mr. Sevall.

20
21 DIRECT EXAMINATION OF SCOTT SEVALL
22 BY ATTORNEY GAFKEN:

23 **Q. Mr. Sevall, would you please state your name,**
24 **spelling it for the court reporter.**

25 A. Yes. Scott Sevall, S-c-o-t-t, S-e-v-a-l-l.

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1 **rate of return.**

2 A. I do not. Single tariff practice is common at
3 the Commission. You know. Washington Water, the
4 largest water purveyor in this state, has noncontiguous
5 systems, and they are single tariff rate. We are
6 proposing that here.

7 I know that there has been some focus on single
8 tariff rate, and that the systems can't be
9 interconnected, but the operations and the capital
10 structure surely are, and there is a benefit to the
11 Island systems, particularly by joining in the cost of
12 debt that came with the Aquarius systems in this case.

13 **Q. Have you -- well, do you know, of the \$7.5**
14 **million in capital investment, how much was in Island**
15 **County and how much was in Peninsula?**

16 A. Off the top of my head, I do not. That review
17 was Ms. Stark.

18 **Q. Have you done a calculation of how long it**
19 **would take for when the -- a level investment between**
20 **Island and Peninsula will even out so that the customers**
21 **receive a benefit from being part of the single rate --**
22 **or, single tariff?**

23 A. Well, that would require a forecast to know
24 exactly where next year's investment and the year after
25 that was going, and we don't have that.

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1 **Q. What is your job title?**

2 A. Regulatory analyst.

3 **Q. Your testimony and exhibits have already been**
4 **entered into the record, as well. Do you have any**
5 **corrections to those testimonies and exhibits?**

6 A. No corrections that I am aware of.

7 ATTORNEY GAFKEN: Mr. Sevall is also
8 available for cross-examination.

9 JUDGE FUKANO: Thank you.
10 Public Counsel indicated cross of these
11 witnesses.

12 ATTORNEY O'NEILL: Thank you, your Honor.

13
14 CROSS EXAMINATION OF SCOTT SEVALL
15 BY ATTORNEY O'NEILL:

16 **Q. My first question is for you, Mr. Sevall, on**
17 **the issue of the single rate of return. Do you have any**
18 **concerns in this case about cross subsidization between**
19 **the various water systems on Island County and the**
20 **Peninsula?**

21 A. So you mean single tariff, right?

22 **Q. Single tariff.**

23 A. You just said "rate of return." I got a little
24 twisted.

25 **Q. I got confused on Mr. Gilles' testimony, single**

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1 **Q. Could you do that forecast using the 20-year**
2 **plan that's part of the master plan that's in-progress?**

3 A. Once it's finalized, I think we could.

4 **Q. Would you use the draft version to come up with**
5 **a rough estimate of how long it's going to take before**
6 **the subsidization of one system or another is evened**
7 **out?**

8 A. Possibly, but.

9 **Q. You didn't do it in this case?**

10 A. I -- I did not perform to -- as far as the --
11 you're talking rate base specific? No. But I know the
12 cost of debt for the Island is significantly lower than
13 what it would be by including the Aquarius, which is a
14 significant savings.

15 **Q. Have you calculated the rate impact of an**
16 **additional three to four million dollars of investment**
17 **per year after this rate case is concluded?**

18 A. I have not, no.

19 **Q. Can you give us a ballpark of what that is**
20 **going to do to rates?**

21 A. Well --

22 ATTORNEY GAFKEN: Objection; speculation.

23 JUDGE FUKANO: Any response, Mr. O'Neill?

24 ATTORNEY O'NEILL: I am asking if he has
25 done the calculation; if he has a sense of the ballpark.

58 (Pages 396 to 399)

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1 If he does, he does. If he doesn't, he doesn't.
 2 JUDGE FUKANO: I am going to overrule. If
 3 it's within the witness's knowledge, he may answer. If
 4 not --
 5 A. I don't have it readily available, no.
 6 **Q. Are you aware of any other water system that's**
 7 **had a 151 rate increase in a four-year period of time?**
 8 A. No.
 9 ATTORNEY O'NEILL: That's all I have for
 10 you, Mr. Sevall.
 11
 12 CROSS EXAMINATION OF RACHEL STARK
 13 BY ATTORNEY O'NEILL:
 14 **Q. Ms. Stark.**
 15 A. Yes.
 16 **Q. Did you perform an independent analysis of the**
 17 **sizing of the reservoirs, the three reservoirs that are**
 18 **part of this rate case?**
 19 A. Independent analysis how? What do you mean?
 20 **Q. Did you go through the documents and figure out**
 21 **how many customers were on the system, how many were**
 22 **projected to be on the system, and how big the**
 23 **reservoirs were?**
 24 A. Yes. I reviewed the sanitary surveys, the DOH
 25 requirements, in the DOH system design manual.

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1 **Q. You heard the testimony from earlier today with**
 2 **Mr. Lehman; is that correct?**
 3 A. Yes.
 4 **Q. You're aware that all three of the reservoirs**
 5 **are approximately 25 percent larger than their projected**
 6 **need in 20 years?**
 7 A. Yes.
 8 **Q. Does that cause you any concerns?**
 9 A. No.
 10 **Q. Can you think of any other asset where a**
 11 **company would be able to oversize it by 25 percent and**
 12 **then recover it, even though they didn't have a**
 13 **projected need?**
 14 A. No.
 15 **Q. Did you consult with a water engineer, other**
 16 **than the Company, in forming your opinion about whether**
 17 **or not the replacement of the reservoirs was prudent?**
 18 A. Do you mean did I speak directly to an
 19 engineer?
 20 **Q. Yes.**
 21 A. No, I did not.
 22 ATTORNEY O'NEILL: That's all the
 23 questions I have. Thank you.
 24 JUDGE FUKANO: WCAW indicates cross of
 25 these witnesses.

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1 ATTORNEY HANSON: Yes. Thank you, your
 2 Honor.
 3 JUDGE FUKANO: Please proceed.
 4
 5 CROSS EXAMINATION OF RACHEL STARK
 6 BY ATTORNEY HANSON:
 7 **Q. Ms. Stark, with regard to the generators.**
 8 **Cascadia did not submit any documentation of the number**
 9 **of outages for each of the systems where generators were**
 10 **installed, did they?**
 11 A. No, they did not.
 12 **Q. So you have no knowledge of the frequency and**
 13 **duration of any outages in the systems, correct?**
 14 A. No.
 15 **Q. It's not correct, or do you have such**
 16 **knowledge?**
 17 A. No, I don't have that knowledge.
 18 **Q. Okay. But that knowledge is important to know,**
 19 **whether or not generators would be required under DOH**
 20 **regulations, isn't it?**
 21 A. Partially, yes. In my review of the need for
 22 generators, I did look at the Department of Health's
 23 design manual, Water System Design Manual, and the
 24 prudence for when a water system may need a generator.
 25 **Q. And that design manual did not require**

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1 **generators in the case of these systems unless they had**
 2 **an excess number of outages, or water outages, right?**
 3 A. That would be correct.
 4 **Q. And did anyone submit to you a comparison of**
 5 **the costs of responding to outages without generators**
 6 **and compare that to the cost of the generators?**
 7 A. No.
 8 **Q. Did anyone give you any information about the**
 9 **annual maintenance cost of generators?**
 10 A. No.
 11 **Q. So Cascadia provided no documentation on -- or,**
 12 **with regard to an engineering study about the remaining**
 13 **useful life of the reservoirs, did they?**
 14 A. An engineering study?
 15 **Q. Well, was there any engineering study that**
 16 **pointed out structural deficiencies in the reservoirs**
 17 **that required immediate replacement?**
 18 A. Well, I did look at the sanitary surveys
 19 documentation from Department of Health. I did look
 20 at -- during our site visit, we saw leakage. We saw
 21 deteriorating reservoirs.
 22 In review of -- looking at the need for
 23 prudence, the -- you know, we -- I requested invoices
 24 from the Company. I spoke with the Company. They have
 25 the knowledge. I am not an engineer, so I -- I -- I

59 (Pages 400 to 403)

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1 relied on DOH engineer specs that they had for their
2 systems. I also relied on the knowledge of Mr. Lehman
3 on his systems and the requirements there. He -- he has
4 got a lot more knowledge than I do on the water system
5 and how to run a water company. Therefore, I relied on,
6 again, the DOH requirements and any letters that the
7 Company received back about improvements that might be
8 needed.

9 **Q. But first, with the site visit. And when you**
10 **stood outside the pond -- the reservoir and saw evidence**
11 **of leakage, were you able to assess whether or not that**
12 **reservoir needed to be replaced?**

13 A. Again, I am not an engineer. However, what I
14 viewed, there was -- in some of the systems, there was
15 quite a bit of leakage.

16 One of the questions that I did ask of the
17 Company while we were on our site visit is, do you know
18 how much water you're losing, because there seems to be
19 a lot of leakage. Their -- the ground was soft. It was
20 evident that the -- you know, that the water wasn't just
21 dripping out. It was -- in some cracks, it was pouring
22 out. So yeah. In our site visit, I did feel that some
23 of these cracks were non-repairable, but again, I am not
24 an engineer. It's just, I used my commonsense and
25 looking at the leakage.

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1 I reviewed, and again, there was a -- as a witness
2 earlier had testified to -- I believe Duren -- he
3 indicated that he reviewed the underground inspection
4 recording; that he indicated it was a diver. It was not
5 a diver. It was a robot. And it was recorded that
6 there were significant cracking, root intrusion. And I
7 took that information and compared it and reviewed it
8 with the DOH Water System Design Manual, which, and with
9 my meetings with Department of Health, that root
10 intrusion would be a safety hazard for the Company to be
11 able to provide safe drinking water to its customers, so
12 it would have an opportunity to have contaminants into
13 the water source. So replacement of that, I relied on
14 DOH engineers, as well as the engineers' information
15 that I had with the Company.

16 **Q. Did you talk to the Company's engineers?**

17 A. No.

18 **Q. Okay. And there is no information in the**
19 **record from DOH engineers about their analysis of the**
20 **reservoirs, is there?**

21 A. The information in the record is very robust,
22 as indicated by multiple witnesses today. There is a
23 lot of information to be reviewed and to be looked at.
24 So off the top of my head, I can't confirm that that's
25 possible.

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1 **Q. And you didn't know whether the alternatives to**
2 **replacing the reservoir might be a corrective measure?**

3 A. Correct.

4 **Q. And there was no history of coliform**
5 **contamination in any of these reservoirs, was there?**

6 A. Without reviewing the sanitary survey, off the
7 top of my head, I can't answer that.

8 **Q. Okay. And the sanitary survey, for example,**
9 **for the Estates, it did not require the replacement of**
10 **the Estates reservoir, did it?**

11 A. I don't believe -- again, without looking at
12 these, sanitary survey, I don't believe that there was a
13 requirement, but there were some significant
14 improvements that DOH wanted the Company to do.

15 DOH did note that the improvements that the
16 Company had planned for the Estates system, especially
17 the reservoir with the cracking and leaking and the fact
18 that it was underground, DOH thanked the Company for
19 taking measures to be able to provide its customers with
20 safe drinking water.

21 **Q. So taken together, the information you had did**
22 **not allow you to conclude that replacement at that time**
23 **was necessary or the best alternative or even**
24 **cost-effective, did it?**

25 A. So based on the information that I had and that

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1 **Q. Do you feel that you're more qualified than**
2 **Mr. Duren to determine that there was sufficient**
3 **information in which to make a decision about the**
4 **reservoirs?**

5 ATTORNEY GAFKEN: Objection;
6 argumentative.

7 ATTORNEY HANSON: That's a question. She
8 is expressing opinion.

9 JUDGE FUKANO: Can you rephrase the
10 question.

11 **Q. You expressed an opinion about the replacement**
12 **of the reservoirs and that the information was, in your**
13 **words, quote, robust. And my question was: Are you**
14 **more qualified than Mr. Duren to determine whether or**
15 **not the information supplied was adequate in order to**
16 **reach a decision on whether replacement of the**
17 **reservoirs was prudent?**

18 ATTORNEY GAFKEN: Objection; argumentative
19 and irrelevant. Mr. Duren's qualifications versus
20 Ms. Stark's qualifications are not relevant.

21 ATTORNEY HANSON: Rule 701, 702, with
22 regard to the qualifications of experts, put her
23 qualifications, especially when she is expressing
24 engineering opinions, directly into controversy. And if
25 she feels she is better qualified, well, it would be

60 (Pages 404 to 407)

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1 helpful for everybody to know it, and we could explore
2 that further.

3 ATTORNEY GAFKEN: Ms. Stark is not holding
4 herself out as an engineer, but Ms. Stark is a
5 regulatory analyst employed by the Commission and is
6 qualified by virtue of that.

7 JUDGE FUKANO: I am going to sustain the
8 objection.

9 ATTORNEY HANSON: I would like to direct
10 some questions to Mr. Sevall.

11 SCOTT SEVALL: My mic is on. Do you hear
12 me?

13 ATTORNEY HANSON: I can hear you.

14 SCOTT SEVALL: Excellent.

15 ATTORNEY HANSON: I don't see you. Where
16 are you? Oh, you're way down there. All right.

17
18 CROSS EXAMINATION OF SCOTT SEVALL
19 BY ATTORNEY HANSON:

20 **Q. In your testimony, you mention problems with**
21 **potential discriminatory pricing. There are -- there is**
22 **more than one kind of discriminatory pricing, isn't**
23 **there?**

24 A. From the purview which I was explaining in, I
25 believe, your SS-1T -- or, SS-1TR as you're referring

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1 ROE, if we wanted to drive that cost of capital, we
2 would need 29 different capital structures, 29 different
3 returns on equity, 29 different costs of debt, I mean,
4 if we really wanted to know what the costs were for each
5 system.

6 **Q. Well, you would only need one return on equity**
7 **for all systems, correct?**

8 A. Possibly.

9 **Q. So the real issue is whether or not the**
10 **investments, the capital investments that serve only one**
11 **system should be properly charged to other systems. And**
12 **so you're correct that if you had widely divergent**
13 **costs, then -- and you set up different rate structures,**
14 **that would require separate pricing. But is the mere**
15 **fact that all the systems have a common owner sufficient**
16 **to say all customers on all the systems should pay the**
17 **same rate?**

18 A. As sufficient, Cascade Natural and Washington
19 Water.

20 **Q. So regardless of which systems Cascadia elects**
21 **to purchase, as long as they own it, it's fair to charge**
22 **all of their customers the same rates, even if the**
23 **systems they acquired have widely divergent costs of**
24 **delivering water? Is that what you're saying?**

25 A. Yeah. The costs change in the future. I mean,

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1 to.

2 **Q. Yes.**

3 A. I believe I had laid out in that testimony some
4 of my explanation. Trying to get to it.

5 **Q. Oh. Well, let me be more specific.**

6 **If you charge customers who are similarly**
7 **situated on systems with similar costs -- if you charge**
8 **them different prices, that would be discriminatory,**
9 **wouldn't it?**

10 A. If they have similar costs all the way across
11 from capital costs, operating costs, plant costs, and
12 then you come to two different prices for the same unit,
13 then that's a possibility, yes.

14 **Q. And if you charge the same price to customers**
15 **who were on systems that had widely divergent costs of**
16 **water, that would also be discriminatory, wouldn't it?**

17 A. Again, that's only if they have separate costs.
18 In this case, joining the cost of capital, that is a
19 cost. That is a cost borne by the Company. And, you
20 know, it's easy to point to the capital structure of
21 Northwest Natural and try to imply that all 29 of these
22 systems -- and I am going to exclude the Moses Lake
23 system from this discussion because I think we all agree
24 that's separate. But the 50-50 capital structure, or
25 approximately 50-50 capital structure, the, you know,

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1 Puget Sound Energy, for example, serves a very wide
2 geographic area, right? And storm damage occurs, you
3 know, on different pieces of that system at different
4 times. I pay for storm damage up on Whidbey Island.
5 And then when I get storm damage down here, you know,
6 the Whidbey Island customers are paying to repair my
7 storm damage. So there is, you know, a bit of the, if
8 you scratch my back, I will scratch yours.

9 It's -- these are infrastructures which age.

10 And over time, whether it's 50 years, 100 years as
11 Mr. Duren said in one case, you know, or 10 years,
12 depending on what occurs, systems need assets that are
13 going to age, and they are going to need replacing.

14 **Q. But PSE covers a much wider area than each of**
15 **the Cascadia systems, and it's basically an**
16 **interconnected system, correct?**

17 A. In a fashion, yeah.

18 **Q. But the Cascadia systems are not interconnected**
19 **by any means?**

20 A. They are, through ownership and capital
21 structure.

22 **Q. That's the only means. But when you're looking**
23 **at an electrical provision, you also have to consider**
24 **what are called the network effects, don't you?**

25 A. You're speaking to the power grid?

61 (Pages 408 to 411)

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1 **Q. Yes.**

2 **A. Or PSE now?**

3 **Q. Yes.**

4 **A. The network effect?**

5 **Q. Yes, the PSE.**

6 **A. I mean, that generally is in the operating**
 7 **costs, right? The efficiencies within operating costs**
 8 **as you gain more customers. Yeah. I would agree with**
 9 **that.**

10 **Q. And you also consider that because of the**
 11 **network effects in -- in allowing an allocation, or a**
 12 **sharing, if you will, of the capital investments,**
 13 **correct?**

14 **A. In this case, yeah. I mean, there is a**
 15 **difference in the assets that each system has, but**
 16 **nobody is disputing that. And we are proposing in the**
 17 **single tariff that they are collected equally across,**
 18 **so. Currently, will that mean that there is one group**
 19 **of customers subsidizing another? Yes. But depending**
 20 **on what occurs next year and the year after that and the**
 21 **year after that, those may change.**

22 **Q. And Cascadia is based -- you know, the service**
 23 **they provide isn't, you know, broadly characterized as**
 24 **water. They are basically a water delivery service.**
 25 **They don't own the water. Water is free to them,**

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1 **Q. And if you have two systems, and the cost of**
 2 **delivering water in one system was very low, and on the**
 3 **other system is very high, simply because those two**
 4 **systems have the same owner, can you explain why it's**
 5 **fair to the low-cost system to subsidize the high-cost**
 6 **system?**

7 **A. Well, in this case, I believe it was the Staff**
 8 **response to the Advocates' DR 122 where I presented the**
 9 **scenario, because the question, and if I remember right,**
 10 **was about, is it fair that other customers pay for the**
 11 **Aquarius rate base. And I demonstrated that if we**
 12 **exclude Aquarius completely from the picture, all their**
 13 **rate base, all their customers, all their operating**
 14 **costs, all their debt, that it is incrementally more**
 15 **expensive for everybody on the systems.**

16 **Q. But that analysis assumes the single tariff**
 17 **pricing for all the systems -- you know. And rather**
 18 **than -- well. It just assumes the single tariff pricing**
 19 **for all the systems. And then if you include Aquarius,**
 20 **then you're right. You know, you can -- so it does**
 21 **affect the analysis. But Cascadia didn't do the**
 22 **analysis regardless of how many systems, did they?**

23 **A. I don't completely agree with that. The model**
 24 **that they presented, I believe you can run about seven**
 25 **different scenarios in it.**

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1 **correct?**

2 **A. Well, they own the water rights, I believe.**

3 **Q. They have water rights; the right to extract**
 4 **water. The State owns the water, correct? And the**
 5 **State does not charge them for each gallon extracted,**
 6 **does it?**

7 **A. Well, I don't -- I don't know any costs there**
 8 **that are acquired as far as to the State getting water**
 9 **rights, but I know water is expensive to get out of the**
 10 **ground.**

11 **Q. Because of the charge and what I am going to**
 12 **characterize broadly as delivery charge. You have to**
 13 **pick it up at the source with a well and a pump, and**
 14 **then you have to transport it through your reservoir and**
 15 **your pipeline and -- you know, and up to the meters,**
 16 **where it goes into the hoses, so. And all of the**
 17 **expenses of delivering the water is what goes into**
 18 **Cascadia's rate base, correct?**

19 **A. The plant. That's correct.**

20 **Q. Yeah. And so the delivery -- the services, you**
 21 **know, for any single system standing alone, that the**
 22 **charge for that delivery service is -- goes into the**
 23 **rates charged to the customers on that system, correct?**

24 **A. Yeah, and that includes the operating and the**
 25 **cost of capital in all of those costs.**

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1 **Q. Well, did they run the scenario of**
 2 **demonstrating what the cost differential between each of**
 3 **the individual systems was?**

4 **A. Well, if you go in -- I think it's on the input**
 5 **by entity tab within -- let's see. Staff model would**
 6 **be -- is that RS-2 and RS-3?**

7 **RACHEL STARK: Yes.**

8 **A. So RS-2 and RS-3, those exhibits. Input by**
 9 **entity allows you to break out Northwest Natural -- or,**
 10 **Northwest Water Services individual. It allows you to**
 11 **break out Aquarius individually. You know, the -- I**
 12 **can't remember them all off the top of my head, but I**
 13 **believe there were seven different scenarios. And so**
 14 **within that model, it's presented that you can't do it.**
 15 **Did they present seven different models saved under**
 16 **different names? No, they did not, and neither did**
 17 **Staff.**

18 **Q. So nobody really knows how much the cost**
 19 **differential is for each of the systems?**

20 **A. I remember that I went in and I looked at each**
 21 **scenario, running one-at-a-time, but I can't recall what**
 22 **the outputs are off the top of my head here, no. When I**
 23 **realized the significant difference in the cost of debt**
 24 **between Aquarius and the rest of the systems and that**
 25 **the incremental cost for customers decreased with their**

62 (Pages 412 to 415)

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1 inclusion, that was the final determination that led me
2 to single tariff ratemaking.

3 **Q. Were you present for Mr. Lehman's testimony**
4 **today?**

5 A. I was, but that was a while ago now.

6 **Q. So anything before lunch, we don't remember?**

7 A. I will do my best here.

8 **Q. Okay. So, you know, he testified about some of**
9 **the many differences there are between the systems and**
10 **that, and he concluded that each system has a different**
11 **cost per gallon of water delivered, and that some of**
12 **those costs were of a nature that they -- the difference**
13 **would be permanent because one system might always have**
14 **a high -- higher -- high-priced treatment system and**
15 **another would never have one. And as a result, wouldn't**
16 **the higher-cost system always be a higher-cost system,**
17 **projected that out in the future?**

18 A. If you look strictly at rate base, you could
19 make that conclusion, but, I mean, I know that the water
20 quality standards are ever-changing.

21 Currently, I do know that every single one of
22 the systems has been tested for PFAS and have tested
23 negative. But the moment one of those tests positive,
24 that system, and we don't know which one it will be,
25 will be very expensive.

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1 **Q. Well, if some price -- if some systems are**
2 **inherently higher cost, will the costs between high-cost**
3 **systems and low-cost systems ever converge in the**
4 **future?**

5 A. If that cost is strictly held to rate base and
6 plant, then your conclusion's probably accurate.

7 **Q. So in your opinion, does charging the same**
8 **consolidated rate discriminate against customers of**
9 **low-cost systems in favor of customers on high-cost**
10 **systems?**

11 A. That because I -- I mean, that's constrained to
12 only a rate-based plant analysis. If there is a small
13 system that's 100 percent equity, then they have got a
14 high cost of money (sic). But if there was a system
15 that has more plan, but it was all funded with a SRF
16 loan, then they have low -- and I don't -- it's
17 impossible to tell exactly what the total cost would be.

18 **Q. But the capital investments are the larger part**
19 **of the buyer. They are their most significant cost**
20 **driving rates.**

21 A. And capital investments get ROR applied to
22 them, so it is equally important, in my opinion.

23 **Q. So under the settlement, you know, phasing-in**
24 **the rates, what you call a three-year period, but 50**
25 **percent starts, under your proposal, April 1 of this**

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1 **Q. But you will agree we could only make decisions**
2 **today based upon the information that we have or**
3 **reasonable projections we can make today, and so the**
4 **fact that there are unknowables can't prevent us from**
5 **making a reasonable decision?**

6 A. Yeah. And we know that the cost of capital
7 from Aquarius incrementally lowers everyone's bill, and
8 that everyone benefits. We do know that.

9 **Q. So if, you know, some systems will always have**
10 **higher costs of delivering water, under single tariff**
11 **pricing, customers on lower-cost systems will always be**
12 **subsidizing the higher-cost system customers, right?**

13 ATTORNEY GAFKEN: Asked and answered.

14 JUDGE FUKANO: Any response, Mr. Hanson?

15 ATTORNEY HANSON: I don't think it has
16 been directly, but, you know, it's not a hard question.
17 It's what he has been talking about for justifying a
18 single tariff pricing.

19 ATTORNEY GAFKEN: Mr. Hanson has asked
20 this question several times, and the witness has
21 answered it.

22 ATTORNEY HANSON: I have not asked about
23 how it projects out into the future.

24 JUDGE FUKANO: Please rephrase your
25 question, Mr. Hanson.

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1 **year, and the other 50 percent is only one year later,**
2 **and you -- is -- you select -- selected that not because**
3 **that mitigated rate shock, did it?**

4 A. Well, that mitigates rate shock compared to
5 what it would be if it's fully implemented on day one.
6 Mitigation isn't necessarily removal.

7 **Q. Okay. I gotcha. I agree with that. In other**
8 **cases where you have had, for example, a 35 percent**
9 **increase, that 35 percent increase has been phased-in**
10 **over three years, correct?**

11 A. That's correct. We are constrained by each
12 case and the situation of each case. And I have
13 testified that rate shock is going to exist in this
14 case.

15 **Q. So what constrains you to using a three-year**
16 **phase-in in this case?**

17 A. The settlement stipulation, because you were
18 referring to the settlement, that's what we could agree
19 with the Company as far as, you know, reasonable, and I
20 think the record supports that. Public Counsel's got a
21 three-year phase-in proposed. Staff has a three-year
22 phase-in proposed in its initial testimony. And the
23 settlement has that same stipulation of the three-year
24 phase-in.

25 **Q. But that's not based upon the impact on the**

63 (Pages 416 to 419)

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1 **budgets of the customers. That's on your own -- on the**
 2 **proposals of the Company and your, basically, attempt to**
 3 **avoid backing in here, isn't it?**

4 A. The rates are designed from the revenue
 5 requirement. So once the revenue requirement is
 6 determined, then we have to figure out how to recover
 7 that.

8 **Q. But it could be recovered in more than three**
 9 **years, couldn't it?**

10 ATTORNEY GAFKEN: I am going to just
 11 object to the extent that Mr. Hanson is asking for
 12 anything to be disclosed from the settlement
 13 negotiations. Those conversations are confidential.
 14 But, you know, he can certainly explore Staff's
 15 reasoning for looking at the three years as being
 16 reasonable. I don't know that Mr. Hanson was actually
 17 trying to do that. I just wanted to make sure that the
 18 record was clear there.

19 ATTORNEY HANSON: Mr. Sevall got the
 20 message "don't talk about settlement negotiations," so.

21 JUDGE FUKANO: I am going to sustain that
 22 objection to the extent it gets into the settlement
 23 negotiations. But you may proceed, Mr. Hanson. And
 24 actually, before you do, I just want to inquire. Do you
 25 have an estimate of how much longer your line of

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1 couldn't do that.

2 ATTORNEY HANSON: That's all the questions
 3 I have. Thank you.

4 JUDGE FUKANO: Thank you.

5 Any redirect?

6 ATTORNEY GAFKEN: I have just a bit. I
 7 will try to make it speedy. I know we are at 5:15, and
 8 I am sure that folks are anxious to get going.

9 Mr. Sevall, I am going to start with you.

10
 11 REDIRECT EXAMINATION OF SCOTT SEVALL
 12 BY ATTORNEY GAFKEN:

13 **Q. And you were asked several questions about rate**
 14 **consolidation. Do you recall those questions generally?**

15 A. Yes, I believe I can recall those.

16 **Q. What happens if each water system that's owned**
 17 **by a water company has its own separate tariffs?**

18 A. Well, in this case, there would be a separate
 19 tariff for every single system here, and that would mean
 20 29 balance sheets. That would mean 29 income
 21 statements. That would mean 29 rate designs. From an
 22 analysis standpoint, that's -- it's -- it's really not
 23 feasible to go down that road.

24 The single tariff pricing, right, allows us
 25 to -- people talk about economies of scale, right? And

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1 questioning of Staff is.

2 ATTORNEY HANSON: Only a few minutes.

3 JUDGE FUKANO: Please proceed.

4 **Q. In any event, the Staff's recommendation of a**
 5 **three-year phase-in did not include your analysis of the**
 6 **impact of the rate increase on the budgets of customers?**

7 A. Are you talking about my litigated position or
 8 the settlement? Just so I am clear.

9 **Q. I am talking about the position you're**
 10 **recommending today.**

11 A. Which is the settlement.

12 **Q. And it's not -- I am not asking you to disclose**
 13 **what Cascadia told you. I am asking, what was your**
 14 **analysis. And if you don't have an analysis, that's**
 15 **fine with me because you don't have a basis for**
 16 **settlement, so.**

17 ATTORNEY GAFKEN: Argumentative.

18 **Q. Did you analyze it?**

19 JUDGE FUKANO: I am going to sustain the
 20 argumentative objection. Mr. Hanson, please direct your
 21 questions and only questions to Mr. Sevall.

22 **Q. So the Staff did not analyze the impact of the**
 23 **rate increase on the budgets of customers in the**
 24 **Cascadia system, then?**

25 A. I don't have the customer budgets, so I

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1 it's real easy to point at the pipe in the crowd and
 2 say, "Well, those won't ever be connected, so there is
 3 no economy of scale." But as I alluded to the Staff
 4 response to the Advocates' data request number 122 where
 5 I exclude Aquarius completely from the equation, and the
 6 incremental cost increase goes up for every single
 7 customer that is -- is not in there. Why? Because the
 8 weighted cost of debt almost doubles, right?

9 So these companies come in and they purchase
 10 these, and they are connected all the way up to the
 11 capital structure, and -- and it's really not a feasible
 12 analysis or a sustainable analysis or a method of
 13 regulation if -- if you want to drive all the way down
 14 to the granular structure of every single one of those
 15 systems every single time you go through a rate case.

16 ATTORNEY GAFKEN: I am going to pause
 17 there just a moment.

18 I cannot recall whether Staff's response to
 19 WCAW data request number 122 is in the record already,
 20 but I would suggest placing that data request to that
 21 response in the record because it has been referred to,
 22 just so the record is clear. If it's already in the
 23 record, great. I can look and see on the exhibit list
 24 after the hearing. But if it's not, I would propose
 25 that Staff file that as an exhibit.

64 (Pages 420 to 423)

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1 ATTORNEY HANSON: I think it's in the
2 exhibit list.
3 ATTORNEY GAFKEN: It may be. There is a
4 wide range of discovery that's included in the record.
5 SCOTT SEVALL: If you find it's not there,
6 Bench request me for it.
7 COMMISSIONER RENDAHL: So I guess that
8 would be a Bench request, is, to identify where in the
9 exhibit list this is. And it sounds like it doesn't
10 include a model and an Excel spreadsheet analysis.
11 SCOTT SEVALL: No. I didn't want to have
12 all these attachments to that. So it was more of an
13 explanation of how to do it within like RS-2 and RS-3;
14 like, which cells would change and what they would
15 change to. And then it was tables showing, you know,
16 what it was prior and then what it is after sort of the
17 response.
18 COMMISSIONER RENDAHL: Okay. So yes, I
19 think it would be a Bench request to the -- maybe to the
20 Staff to determine whether it's in the record, and if
21 it's not, to provide it.
22 JUDGE FUKANO: I believe that makes sense.
23 I -- in reviewing the exhibit list, I believe it would
24 be encompassed in BCG-25, which is -- consists of
25 Staff's response to WCAW's data request 1 through 154.

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1 questions or complaints regarding the bills and the
2 charges, then, you know, there is a single -- a single
3 structure to go to.
4 As far as other benefits, I mean, I have said
5 it multiple times, right? It allows the shared cost of
6 capital across -- across the board, right? It allows us
7 to do those things, in the driving of the revenue
8 requirement, instead of keeping all of those separate
9 and granular, which, in this case, definitely provides a
10 benefit to the customers.
11 **Q. Does that same idea apply to other costs that**
12 **go into a company's rates or is it just limited to the**
13 **cost of capital?**
14 A. My head's a little -- could you say that again?
15 **Q. Sure. Does that general concept of sharing the**
16 **costs across a broader pool of rate pairs, does that**
17 **only apply to the cost of capital component or does that**
18 **also apply to other components that go into a company --**
19 **go into a company's rates?**
20 A. It applies, you know, across the board. I
21 mean, I -- it -- and other things. It does apply in
22 plant. It's a little easier when things are
23 interconnected. But in water, you know, there is --
24 there is a large health regulatory safety requirement
25 that we -- that is involved in water, and that can very

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1 ATTORNEY GAFKEN: Okay.
2 JUDGE FUKANO: But at the same time, in an
3 abundance of caution, we will issue a Bench request to
4 verify that, and we request that it be provided if it is
5 not included in that.
6 ATTORNEY GAFKEN: Thank you.
7 JUDGE FUKANO: So you just got homework.
8 **Q. Okay. Mr. Sevall, you were asked by both**
9 **Public Counsel and WCAW about the idea that forecasting**
10 **rates out to some future point and finding the time when**
11 **rates quote-unquote even out between systems, is that a**
12 **necessary analysis when considering consolidated rates?**
13 A. No, and I'd say that, I mean, I -- one, this
14 case is extraordinary. It is a very large increase to
15 rate base, so it's going to result, most likely, in some
16 sort of rate shock. But, you know, I worked on other
17 cases which were joining multiple systems, one of them
18 that had 11 different tariff structures. And
19 forecasting out plant-to-plant investment and trying to
20 determine when they converged has never been done, no.
21 **Q. Could you briefly discuss the benefits of**
22 **having consolidated rates.**
23 A. Well, on the operational side, it allows the
24 Company to set up, you know, single -- single billing
25 for everybody, right? And when -- when they do get

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1 quickly change, you know, what it costs to provide
2 water.
3 I was -- Northwest -- Northwest Water Services
4 had put in manganese filtration. I can speak to that
5 because I am the one that did that surcharge, and I am
6 the one that had to assist the company by calling the
7 bank at the time with the prior ownership group to help
8 satisfy the bank's liquidity questions and cash flow
9 questions in regards to even being able to give them the
10 capital to purchase that.
11 So there -- there is a real benefit to
12 everybody. We don't know really what the next plant is.
13 We can plan for it all day long, but nobody here can for
14 certain say you know what, there is an earthquake, and
15 we just had certain systems break, and now we have to
16 fix these. And there will be some that are affected,
17 some that aren't affected. So. As far as that answers
18 the question. Yeah, there is. You know, it's -- it's
19 cost sharing. It is. There will be some subsidy in
20 every single -- if you -- when you take a snapshot,
21 there will always be a subsidy going on, but that
22 subsidy will move and change most likely over time.
23 **Q. You were asked questions regarding**
24 **interconnected systems and disconnected systems. Are**
25 **you aware of any other utility that serves as a**

65 (Pages 424 to 427)

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distribution company with noncontiguous service territories?

A. Yeah. I believe I said Cascade Natural and Washington Water, as far as two of the biggest ones. Now, there is also Blue Rock, which was previously Iliad. Now there is quite a few -- quite a few water companies. Most water companies, if they own more than one system, they are not interconnected, but we will have a single tariff price.

Q. So there is other waters -- water companies that have noncontiguous service territories. I think you said Cascade Natural Gas in your answer. And there may be other examples. Do any of those companies have consolidated rates? Or single -- single tariff pricing?

A. They all do, from my knowledge.

ATTORNEY GAFKEN: Okay. I do have just a couple of questions -- I am done with Mr. Sevall. I do have a couple of questions for Ms. Stark on redirect.

REDIRECT EXAMINATION OF RACHEL STARK
BY ATTORNEY GAFKEN:

Q. Ms. Stark, you were asked questions about whether you spoke with engineers. Do you recall those questions?

A. Yes.

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A. Yes, I did.

Q. Again, I am going to start with a general question and then make -- get a little more specific with specific investments.

When you are looking at whether a capital investment is prudent, could you please explain what role Department of Health requirements plays in that review.

A. In this -- in this case and in most water cases, Department of Health's role is vital because the company files documentation with Department of Health for approval to upgrade or improve systems that need improvement. Department of Health engineers will look at the information that is filed by the company. Also, DOH has a rule and -- they have their rules and regulations that they follow.

I -- also, in this case, I look at the DOH Water System Design Manual, which has a lot -- it's very extensive. I learned a lot about what DOH does require for various issues or scenarios that the company may have to make sure that they are providing safe water to their customers in regards to just about any scenario.

Q. You were asked some questions about oversized projects. Do you recall those questions?

A. I do.

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Q. I believe you said "no" in response to one of them, but didn't you speak with engineers at the Department of Health?

A. Yes, I did.

Q. And those contacts with the engineers at Department of Health, those were both verbal and by electronic mail?

A. That's correct.

Q. Are copies of the electronic mail between Staff and Department of Health contained in the record?

A. Yes.

Q. I want to ask a general question, and I want to ask a more specific question.

When you were tasked with reviewing a company's filing, do you simply accept what a company says as true or do you investigate and confirm the issues that you are working on?

A. I don't just accept what the company files as true. We investigate to make sure that what the company filed is prudent, and confirm with other documentations that we request from the Company, is -- the information's accurate, and Staff may make adjustments to some of those expenses for capital improvements.

Q. And did you use that process that you just spoke of when you reviewed Cascadia's filings?

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Q. Did you take into account -- well. Did you evaluate whether those projects were needed? And I believe that those projects are the three reservoirs that were built.

A. I did evaluate whether those projects are needed. Again, I am not an engineer, so I based my decision about the prudence and the need of those improvements, of those reservoirs, based on engineers with Department of Health; based on information I received from the Company about -- and I looked at the sanitary survey for those systems and what information that DOH wanted the Company to either fix or resolve.

Again, in some of the letters that the Company received back, Department of Health engineers noted that the improvements or upgrades or repairs that the Company was doing based on various issues that were happening from contaminants in their water, cracking in some their reservoirs, fire flow. Making determination based on DOH engineers if those reservoirs needed the upgrade for their sizing.

Also, I reviewed the DOH Water System Design Manual. In there, it does have specifics about, the Company's required to consider growth in the community when it makes upgrades to their systems and reservoirs, so. In my determination, again, I was leaving, you

66 (Pages 428 to 431)

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1 know, the -- I wasn't going to second-guess the DOH
2 engineers on what -- their determination on what they
3 wanted the Company to do.

4 **Q. You have mentioned the design manual. You were**
5 **asked some questions about -- well, you were asked**
6 **several questions about reservoirs and replacement of**
7 **those reservoirs. Did you learn anything about DOH's**
8 **view of underground reservoirs?**

9 A. Yes. I did have a Teams meeting with DOH, and
10 looking at the Water System Design Manual that DOH has.
11 They talked about -- I just lost my train of thought.
12 Could you please tell me that question again?

13 **Q. Sure. I was asking about what you learned from**
14 **the design manual about DOH's view of underground --**

15 A. Thank you.

16 **Q. -- reservoirs.**

17 A. Thank you. Yes.

18 So again, in my meetings with DOH, though, the
19 engineers with DOH, they indicate that they -- or, it
20 appears they are phasing-out underground reservoirs
21 because they are hard to inspect, and it's -- and it's
22 expensive if the Company needs to make improvements such
23 as if there is cracks in it. They -- you know, because
24 most of it is underground, they can't see the cracks
25 readily; if there is leaking happening; if there is root

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1 2?

2 JUDGE FUKANO: It's 2, yeah.

3 COMMISSIONER DOUMIT: Sorry about that.

4 JUDGE FUKANO: Public comment. State law.

5 COMMISSIONER DOUMIT: That's right.

6 Sorry. That came first. I'm sorry about that.

7 **Q. Paragraph 13 states that the revenue**
8 **requirement includes unspecified carrying costs related**
9 **to the phase-in rates. To confirm, does this mean that**
10 **the 1.51 million additional annual revenue requirement**
11 **includes carrying costs and-or the effect of the rate**
12 **mitigation mechanism?**

13 A. Yes. It's very close to Staff's litigated
14 position, the settlement is, and -- I mean, the
15 settlement discusses deferring, you know, and -- and how
16 that's to be collected. And so yes, there was agreed to
17 be carrying costs on the deferred portion.

18 COMMISSIONER DOUMIT: Okay. Thank you.

19 That's it. No more.

20 COMMISSIONER RENDAHL: And I just have
21 a -- maybe a follow-up.

22 EXAMINATION OF SCOTT SEVALL
23 BY COMMISSIONER RENDAHL:

24 **Q. I know you were here when we were asking**
25

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1 intrusion.

2 The DOH System Design Manual also has
3 parameters for how close reservoirs need to be to
4 vegetation because that vegetation could grow into the
5 underground reservoirs, which is another concern that
6 DOH engineers have, because like in the Estates
7 underground reservoir, there was root intrusion. And
8 again, DOH indicated during our meeting that -- that
9 root intrusion and vegetation intrusion and cracks could
10 introduce contaminants to the water, which would be a
11 huge safety problem for the Company's customers.

12 ATTORNEY GAFKEN: Thank you. I have no
13 further redirect.

14 JUDGE FUKANO: Thank you.

15 Are there any questions from the Bench for
16 these witnesses?

17 COMMISSIONER DOUMIT: Yes, please, your
18 Honor. Just one question for Mr. Sevall.

19 EXAMINATION OF SCOTT SEVALL
20 BY COMMISSIONER DOUMIT:

21 **Q. I guess -- yeah. So. The settlement**
22 **stipulation states that the -- this is paragraph 13.**
23 **This is now Bench Exhibit 1.**

24 COMMISSIONER DOUMIT: What's that? Is it
25

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1 **questions, Bench questions of the Company's witnesses,**
2 **and so you heard the questions we asked about paragraphs**
3 **17 and 18 about the capital plan and about the**
4 **prioritization.**

5 **Did you have any concerns or difference of**
6 **opinion from the Company's responses to our questions?**

7 A. No, I did not. I think it makes -- it makes
8 sense. Like, I know there wasn't a time line
9 necessarily specified in that report, but we knew that
10 it would have to be put forth prior to the meeting
11 that's specified to be 12 months from the effective
12 date. Sometimes it's a little tricky to put specific
13 dates and things when we don't know what the effective
14 date is, but. We know that it would have to happen
15 before that date, since they are going to present it at
16 the meeting.

17 **Q. And would you have -- you wouldn't have any**
18 **concern with the Company filing that plan with the**
19 **Commission instead of just publishing it on their**
20 **website?**

21 A. No, I would have no concern. I would say they
22 should do both.

23 **Q. Okay. And then do you have any concerns with**
24 **this being a one-time process or a continuing process,**
25 **meaning just for this next year or beyond?**

67 (Pages 432 to 435)

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1 A. I believe it should continue. Indefinitely? I
2 don't know if, you know, that, but I believe it should
3 continue more than one year.
4 COMMISSIONER RENDAHL: Okay. All right.
5 Thanks. That's all I have.
6 JUDGE FUKANO: Thank you. You're excused.
7 Before we move on to our last witness, I
8 believe we should take a -- just a quick five-minute
9 break to take a little stretch and use the bathroom if
10 necessary.
11 We are off the record.
12 (Short recess.)
13 JUDGE FUKANO: All right. Let's be back
14 on the record.
15 Our last witness for the hearing is
16 Mr. Stefan...is it...how do you pronounce it?
17 "De-vill-yers"?
18 STEFAN DE VILLIERS: I say Stefan
19 "de-vill-yers."
20 JUDGE FUKANO: Stefan de Villiers. Thank
21 you. Please raise your right hand.
22 Do you swear or affirm the testimony you
23 provide today is the truth and nothing but the truth?
24 STEFAN DE VILLIERS: I do.
25 JUDGE FUKANO: Thank you.

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1 ///
2 CROSS EXAMINATION OF STEFAN DE VILLIERS
3 BY ATTORNEY NELSEN:
4 Q. Good evening, Dr. -- Mr. De Villiers.
5 A. Good evening.
6 Q. I have just several questions for you. And the
7 first thing, I am going to ask that you turn to your
8 response testimony, page 6 lines 2 to 3 of the clean
9 version, your revised clean version.
10 A. This is my response to the settlement? My
11 response?
12 Q. That is correct. Yes.
13 JUDGE FUKANO: Would you please move the
14 mic a little bit closer to you. Thank you.
15 ATTORNEY NELSEN: Thank you.
16 Q. Yes. It is exhibit SDV-11Tr, and I am talking
17 about the clean version, page 6 lines 2 to 3.
18 A. I am there.
19 Q. And there, it says that Staff's evaluation of
20 prudence is based in part on a tour of the Company's
21 system, led by the Company, itself.
22 Do you see that?
23 A. I do see that.
24 Q. Did you do any tours of Cascadia Water systems?
25 A. I did not. In part, the usefulness of that

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1 You may present the witness, Public Counsel.
2 DIRECT EXAMINATION OF STEFAN DE VILLIERS
3 BY ATTORNEY O'NEILL:
4 Q. Good "evening," I guess, Mr. de Villiers.
5 Did you provide testimony in this case filed on
6 November 20, 2024, along with, I think it was, 14
7 attached exhibits?
8 A. I believe that's correct. Yes.
9 Q. Or 10.
10 And then you also filed testimony on
11 January 24, 2025; is that correct?
12 A. Yes.
13 Q. And those documents have already been admitted?
14 A. Yes.
15 Q. Do you have any corrections to that filed
16 testimony?
17 A. Not at this time, no.
18 ATTORNEY O'NEILL: We tender the witness
19 for cross-examination.
20 JUDGE FUKANO: Cascadia Water indicated
21 cross?
22 ATTORNEY NELSEN: Yes, your Honor. Thank
23 you.
24 ///
25 ///

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1 tour would be limited because I am a regulatory analyst
2 and not a water system engineer. But I did not tour the
3 Company system.
4 Q. I appreciate your answer. I do think sometimes
5 seeing a picture tells a thousand words, but we will
6 leave that as it is.
7 Did you talk to the general manager during --
8 about the rate case about any of the projects?
9 A. I believe we have conversed during points in
10 this case. Yes.
11 Q. About the projects?
12 A. Yes. I believe so. I believe there were Zoom
13 calls very early during the informal stage of this case
14 that I believe the general manager was on, and I believe
15 we discussed capital projects at that time. And I am
16 sure there were other instances, as well, but I don't
17 have specific examples for you right now.
18 Q. Do you have any specific examples after the
19 Company filed its testimony in September?
20 A. I can't think of a specific example, no.
21 Q. Did you have any conversations with the
22 Department of Health regarding this case?
23 A. Not me directly, no.
24 Q. Can you please turn to page 7 of the same
25 document, lines 7 through 9.

68 (Pages 436 to 439)

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1 A. I am there.

2 **Q. Here you testify:**

3 Without any planned investment adjustments, the
4 upper bound of Public Counsel's range would be \$1.46
5 million, very similar to Staff's calculated \$1.47
6 million revenue requirement increase.

7 **Do you see that?**

8 A. I do see that.

9 **Q. And do you understand that the settlement
10 provides for a revenue requirement increase of \$1.51
11 million?**

12 A. Yes, that's how I understand it.

13 **Q. So it's correct to say that the upper bound of
14 Public Counsel's range is only about \$50,000 less than
15 the revenue requirement increase in the settlement?**

16 A. No. I don't agree with that. This is the
17 upper bound of Public Counsel's range if no planned
18 adjustments were considered. But the testimony of my
19 colleague Mr. Duren does recommend plant investment
20 adjustments based on prioritization of the Company's
21 investments. And when those are factored in, Public
22 Counsel's range is different and ranges from \$1.12
23 million to \$1.19 million as indicated in table 1 on that
24 same page.

25 ATTORNEY NELSEN: Thank you for that

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1 **Q. Is it fair to say that the primary difference
2 between Staff's litigation position and Public Counsel's
3 litigation position is the treatment of capital
4 investments?**

5 A. I would say there are also differences in the
6 way that Public Counsel and the Staff approach the
7 capital costs portion, but there are very significant
8 differences in the way that we treat plant investment
9 compared to Staff.

10 ATTORNEY GAFKEN: I apologize. I forgot
11 to turn my camera on, but we are on now.

12 **Q. Looking at the percentage increase. Public
13 Counsel's low, mid, and high revenue requirements
14 calculate to increases of 47 percent, 48.5 percent, and
15 50 percent, respectively, correct?**

16 A. Absolutely. Even with the plant investment
17 adjustments that Mr. Duren recommends in this case, the
18 Company has still invested an incredible amount in its
19 system, and that is leading to a very significant
20 revenue requirement increase.

21 **Q. In your opinion, would these increases produce
22 rate shock?**

23 A. I believe so. That's -- that's why I
24 recommended a two-year phase-in.

25 **Q. You anticipated my next question. I'd like to**

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1 clarification, Mr. de Villiers.

2 No further questions from the Company.

3 JUDGE FUKANO: Any cross-examination from
4 Staff?

5 ATTORNEY GAFKEN: I do have just a bit.

6 JUDGE FUKANO: Please proceed.

7
8 CROSS EXAMINATION OF STEFAN DE VILLIERS
9 BY ATTORNEY GAFKEN:

10 **Q. I will also be referring to your testimony,
11 exhibit SDV-11Tr. If you could please go to page 7,
12 table 1. You may already be there.**

13 A. I am there.

14 **Q. There you set out the revenue requirement
15 calculations presented by Public Counsel, Staff,
16 Cascadia, and the settlement, correct?**

17 A. That is correct.

18 **Q. This might be a little bit repetitive, but I
19 just want to make sure that this is correct. Public
20 Counsel's low, mid, and high revenue requirements are
21 based on plant disallowances and a range of costs of
22 capital, correct?**

23 A. Yes, as well as incorporation of some expense
24 adjustments that Staff recommended in its initial
25 November filing.

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1 **ask about the concept of phase-in. Please turn to your
2 testimony, SDV-1T, and go to page 9, lines 1 through 3.**

3 A. I am there.

4 **Q. There you testify about how deferred revenue
5 not -- hang on. There you testify about how deferred
6 revenue not recovered in the initial steps of the
7 phase-in might be treated, correct?**

8 A. Yes.

9 **Q. You testify that one treatment is to have the
10 utility forego the deferred revenue, correct?**

11 A. Yes.

12 **Q. The other treatment is to allow recovery of the
13 deferred revenue with carrying costs, correct?**

14 A. Yes.

15 **Q. Now, please turn back to your testimony at
16 exhibit SDV-11Tr and go to page 10, lines 16 through 17.**

17 A. I am there.

18 **Q. There you testify that some phase-ins require
19 companies to forego revenue that is not recovered in the
20 initial steps of the phase-in, correct?**

21 A. Yes.

22 **Q. Would you agree that before the Commission can
23 determine an appropriate phase-in, it must determine
24 what the utility's revenue requirement should be?**

25 A. I would agree that that's -- I agree that the

69 (Pages 440 to 443)

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1 revenue requirement and the phase-in interact, and, uh,
2 yes. To some extent, there should be a revenue
3 requirement calculation that a phase-in is applied to.

4 **Q. Okay. So you agree, then, that the phase-in --**
5 **the thing that we are phasing in is the revenue**
6 **requirement. Is that a fair understanding?**

7 A. I -- yes. I think you could put it that way.

8 **Q. I am a little bit confused about "could put it**
9 **that way." Is there something else that we might be**
10 **phasing in, other than the revenue requirement?**

11 A. No. In this case, we are phasing-in an
12 increase in the revenue requirement.

13 **Q. Do you know of any example where either this**
14 **Commission or any other regulatory commission has**
15 **required a regulated company to forego revenue not**
16 **collected in the initial steps of a phase-in without the**
17 **company agreeing to forego such revenue?**

18 A. I don't have the specific example off the top
19 of my head.

20 **Q. Once the Commission determines the revenue**
21 **requirement, isn't it true that the utility is then**
22 **entitled to the opportunity to recover that revenue**
23 **requirement?**

24 A. To the extent that you are asking me to clarify
25 a legal point, I -- I am not a lawyer, and so. But the

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1 amount from the revenue requirement?

2 **ATTORNEY O'NEILL: I am going to object to**
3 **the line of questioning just to the extent that this is**
4 **starting to call for legal opinions which are not in the**
5 **purview of this witness.**

6 **ATTORNEY GAFKEN: I am actually just**
7 asking about his understanding of what happens when the
8 Commission finds something imprudent. I am trying not
9 to ask him for a legal opinion.

10 **JUDGE FUKANO: Do you think you could**
11 **rephrase the question, counsel?**

12 **ATTORNEY GAFKEN: I can try. Yes.**

13 **Q. Mr. de Villiers, what do you understand a**
14 **revenue requirement to be?**

15 A. I understand a revenue requirement to be a
16 calculation of the recovery of costs that a company is
17 entitled to, based on the investments in its rate base,
18 multiplied by a rate of return, along with the company's
19 operational costs, and any adjustments for taxes and
20 interest expenses.

21 **Q. So Public Counsel has a recommendation that**
22 **certain capital investments be removed and found to be**
23 **imprudent, and so those capital investments result in**
24 **your revenue requirement high, mid, and low -- or --**
25 **yeah. High, mid, and low, based on removing a certain**

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1 phase-in that I have proposed in this case -- let me put
2 it this way. The Company's being entitled to a -- to
3 the deferral of money not collected in the initial steps
4 of a phase-in assumes that that money -- that portion of
5 the revenue requirement was prudently incurred. In this
6 case, I am making the argument that Cascadia did not
7 invest at a rate that was prudent, and for that reason,
8 the Commission should deny the Company recovery of the
9 revenue that would otherwise be deferred in the initial
10 stages of phase-in. And in essence, this would
11 stimulate the Company investing into its system at a
12 more reasonable rate instead of placing all of this
13 plant investment into the rate base at once on the rate
14 effective date. This stimulates Cascadia investing in
15 its system over a two-year period.

16 Again, as we have pointed out, this is a very
17 significant rate revenue increase that's proposed here,
18 and even a two-year phase-in does not completely
19 eliminate the possibility of rate shock, but it is one
20 approach the Commission could take to insure that
21 customers are protected from the worst of Cascadia's
22 rate increases.

23 **Q. When the Commission determines that either an**
24 **expense or a cost or a capital improvement wasn't**
25 **prudent, doesn't the Commission then disallow that**

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1 amount of capital expenditures, correct?

2 A. Yes. Removing some capital expenses once --
3 was part of calculating that range.

4 **Q. And that's based on Public Counsel's prudence**
5 **argument, correct?**

6 A. That is based on my colleague Mr. Duren's
7 examination of specific projects, capital investment
8 projects conducted by Cascadia.

9 **Q. And so the remaining amount, the amount subject**
10 **to the low, mid, and high revenue requirement**
11 **calculation, that number is what's then phased-in under**
12 **your proposal, correct?**

13 A. Yes.

14 **Q. And your argument is that the Company should**
15 **forego the amount of the revenue requirement that was**
16 **not collected in the first year of the phase-in?**

17 A. Yes. My argument is that in addition to the
18 specific capital projects that Mr. Duren identifies, the
19 Company has engaged in a pattern of imprudent investment
20 on the whole, which is very clear. And in my initial
21 testimony, I compare this rate case to all water rate
22 cases; in fact, all water rate increases before this
23 Commission over the past decade. And I find that in
24 this case, the revenue requirement increase proposed is
25 exceeded only by three other rate cases in -- or, rate

70 (Pages 444 to 447)

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1 increases in the last decade, and all three of those
2 increases include other factors which this case does not
3 have. In one case, it's a water company coming in after
4 23 years of not having a rate case. And another, it's
5 seven years. And another, it's a company that's
6 increasing its water rates to account for the City of
7 Monroe increasing water prices.

8 So to get back to your question. Public
9 Counsel's argument is that -- or at least the argument
10 that I relied on is that Cascadia has invested at a pace
11 which is imprudent. It does not consider the impacts on
12 rate pairs. And as a result, the Commission should take
13 as many steps as it can to protect customers, as I said
14 earlier, from the worst of the rate increases proposed.

15 **Q. I do want to make sure that I am understanding**
16 **the recommendation, though. Is your recommendation that**
17 **the Company forego the amount that was not collected in**
18 **the first year in the phase-in?**

19 A. Yes.

20 **Q. Is that foregoing -- or, I am sorry. If I can**
21 **get the words out in the right order.**

22 **Is your recommendation essentially a penalty or**
23 **a punishment to the Company for what Public Counsel**
24 **views as an undesirable capital expenditure plan?**

25 A. You mentioned the word "disallowances" earlier.

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1 The first -- and we will get something out in
2 writing, so I am not going to waste time reading it into
3 the record right now. But the first would be relating
4 to calculations of the removal of the Aquarius surcharge
5 and the impacts it would have on the customers in the
6 Western systems. And the second would be analysis of
7 the difference from the rate consolidation of the Island
8 and Peninsula systems into the Western systems. And if
9 you -- but that impact on the customers would be, if you
10 did not do that, based on Witness de Villiers' testimony
11 in 11Tr and his exhibit SDV-13r. So we will get this
12 out in writing so you will be able to more effectively
13 respond.

14 JUDGE FUKANO: Thank you.

15 Mr. O'Neill, I recall from the public comment
16 hearing, that you had requested until March 4th to
17 compile public comments received as it's proceeding.
18 Acknowledging the docket will be open for comment until
19 February 18th, a week from today, is March 4th still a
20 reasonable deadline for submitting the compiled public
21 comment?

22 ATTORNEY O'NEILL: Yes. I believe that we
23 are on course for that. The record is open until the
24 18th. There was confusion in the public notice. So we
25 are still getting comments that are trickling in. And

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1 I think this could be categorized as a disallowance in
2 the first year of the phase-in and a disallowance -- a
3 smaller disallowance in the second year of the phase-in.

4 ATTORNEY GAFKEN: Okay. I will stop
5 there. Thank you.

6 JUDGE FUKANO: Any redirect?

7 ATTORNEY O'NEILL: I have no redirect,
8 your Honor.

9 JUDGE FUKANO: Are there any questions
10 from the Bench for this witness?

11 Thank you. You are excused.

12 STEFAN DE VILLIERS: Thank you.

13 JUDGE FUKANO: This covers all of the
14 witnesses that the parties have prepared
15 cross-examination for. Do the Commissioners have any
16 additional questions for any of the remaining witnesses
17 that have not yet been called?

18 This brings us to the end of
19 cross-examinations. We have a few housekeeping items to
20 handle before we adjourn.

21 Are there any Bench requests that the
22 Commission would like to issue at this time?

23 COMMISSIONER RENDAHL: So I think we do
24 have two Bench requests, and these would be for the
25 Staff and the Company.

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1 there is going to be a significant amount of
2 de-duplication that we are going to attempt. But I
3 believe we should be on course for the 4th.

4 JUDGE FUKANO: Very good. Then we will
5 plan to have that filed by the 4th, and that will be
6 filed as Bench Exhibit 1.

7 We have two rounds of post-hearing briefing due
8 February 25, 2025, and March 11, 2025, respectively. Do
9 the parties have thoughts on the number of pages to
10 associate with each round of briefing? And if not, I
11 have an initial proposal for your consideration.

12 ATTORNEY STARKEY: My inclination would be
13 40 pages.

14 JUDGE FUKANO: 40 pages for each or for --

15 ATTORNEY STARKEY: For each. For -- well,
16 for the initial one and then for --

17 JUDGE FUKANO: The reply.

18 ATTORNEY STARKEY: -- the reply. Usually
19 we do a little bit less than that.

20 ATTORNEY GAFKEN: 40 and 25?

21 ATTORNEY STARKEY: Yeah.

22 JUDGE FUKANO: Would 40 and 25 work for
23 the parties?

24 ATTORNEY O'NEILL: I don't have an
25 objection.

71 (Pages 448 to 451)

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<p>1 JUDGE FUKANO: Mr. Hanson?</p> <p>2 ATTORNEY HANSON: Well, as you know, it's</p> <p>3 hard to estimate, but I am thinking we are in a position</p> <p>4 of pointing -- you know, of pointing out all the reasons</p> <p>5 that unsupported assertions are unsupported, and that</p> <p>6 it's going to take more space to do that, so I would</p> <p>7 request 50 pages on the opening brief.</p> <p>8 JUDGE FUKANO: 50 and 25?</p> <p>9 ATTORNEY HANSON: Yes.</p> <p>10 JUDGE FUKANO: Any objection from the</p> <p>11 remaining parties?</p> <p>12 ATTORNEY GAFKEN: No objection from Staff.</p> <p>13 ATTORNEY STARKEY: No objection from the</p> <p>14 Company.</p> <p>15 ATTORNEY O'NEILL: No. Public Counsel</p> <p>16 does not have an objection to having to write 50 pages.</p> <p>17 JUDGE FUKANO: Very good. Then we will</p> <p>18 set the briefing limit for the opening brief at 50 pages</p> <p>19 and the reply brief at 25 pages.</p> <p>20 COMMISSIONER RENDAHL: I will just say</p> <p>21 that that's the limit, not the required amount. It's</p> <p>22 not a goal.</p> <p>23 ATTORNEY O'NEILL: That's true. I don't</p> <p>24 have to read it, though.</p> <p>25 JUDGE FUKANO: There is one final matter</p>	<p>1 (The hearing was concluded,</p> <p>2 adjourning at 6:10 p.m.)</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 regarding the disposition of this case. As you may be</p> <p>2 aware, we have a new Chair, Brian Rybarik, who will</p> <p>3 officially begin at the Commission the beginning of</p> <p>4 March.</p> <p>5 Provided that the new Chair reviews the entire</p> <p>6 record, including the transcript of this hearing, do the</p> <p>7 parties have any objection to the new chair</p> <p>8 participating in the disposition of this case?</p> <p>9 ATTORNEY GAFKEN: No objection. No</p> <p>10 objection from Staff.</p> <p>11 ATTORNEY O'NEILL: Public Counsel does not</p> <p>12 have an objection.</p> <p>13 ATTORNEY STARKEY: No objection from the</p> <p>14 Company.</p> <p>15 ATTORNEY HANSON: No objection, your</p> <p>16 Honor.</p> <p>17 JUDGE FUKANO: Thank you. In that case,</p> <p>18 the Commission will include the new Chair in the</p> <p>19 disposition of this case.</p> <p>20 Are there any questions before we adjourn, from</p> <p>21 the parties?</p> <p>22 Hearing nothing, then thank you very much for</p> <p>23 your patience today and for all your participation. We</p> <p>24 are adjourned.</p> <p>25 ///</p>	<p>1 CERTIFICATE</p> <p>2</p> <p>3 STATE OF WASHINGTON)</p> <p>4) ss</p> <p>5 COUNTY OF PIERCE)</p> <p>6</p> <p>7 I, the undersigned Washington Certified Court</p> <p>8 Reporter, pursuant to RCW 5.28.010, authorized to</p> <p>9 administer oaths and affirmations in and for the State</p> <p>10 of Washington, do hereby certify: That the foregoing</p> <p>11 proceedings were taken stenographically before me and</p> <p>12 reduced to a typed format under my direction;</p> <p>13</p> <p>14 That all objections made at the time of said</p> <p>15 proceedings have been noted by me;</p> <p>16 That I am not a relative or employee of any</p> <p>17 attorney or counsel or participant and that I am not</p> <p>18 financially or otherwise interested in the action or the</p> <p>19 outcome herein;</p> <p>20</p> <p>21 That the proceedings, as transcribed, is a full,</p> <p>22 true and correct transcript of the proceedings, and said</p> <p>23 transcript was prepared pursuant to the Washington</p> <p>24 Administrative Code 308-14-135 preparation guidelines;</p> <p>25</p> <p>/s/LORI K. HAWORTH, CCR</p> <p>State of Washington CCR #2958</p> <p>My CCR certification expires on 07/17/25</p>

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