Docket No. UG-210745 - Vol. II

Tree Top, Inc. v. Cascade Natural Gas Corporation

February 22, 2022



COURT REPORTING AND LEGAL VIDEO

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	BEFORE THE WASHINGTON	1	FEBRUARY 22, 2022
	UTILITIES AND TRANSPORTATION COMMISSION	2	1:30 p.m.
		3	* * * *
	TREE TOP, INC.)	4	JUDGE O'CONNELL: Good afternoon. The time is
	Complainant,)	5	approximately 1:30 p.m. on Tuesday, February 22, 2022.
		6	My name is Andrew O'Connell. I'm an administrative law
	vs.) Docket No. UG-210745	7	judge with the Washington Utilities and Transportation
	CASCADE NATURAL GAS)	8	Commission, and I am presiding in this matter.
	CORPORATION,)	9	We're here today for a second virtual prehearing
) Decrementaria	10 11	conference in Docket UG-210745 which concerns a complaint
	Respondent.)	12	filed by Tree Top Inc. against Cascade Natural Gas Corporation. Today's conference is being held for the
		13	purpose of discussing procedural next steps including a
	SECOND VIRTUAL PREHEARING CONFERENCE	14	procedural schedule.
	ADMINISTRATIVE LAW JUDGE ANDREW O'CONNELL	15	Let's move forward with appearances. Short
	February 22, 2022	16	appearances will be sufficient, beginning with counsel
	1:30 p.m.	17	for Tree Top.
		18	MR. STOKES: Good afternoon, Your Honor.
		19	Chad Stokes, counsel for Tree Top with the Cable
		20	Huston Law Firm.
		21	JUDGE O'CONNELL: And for Cascade?
		22	MS. PEASE: Good afternoon, Your Honor.
		23	This is Jocelyn Pease with McDowell Rackner
	DATE TAKEN: FEBRUARY 22, 2022	24	Gibson for Cascade.
	REPORTED BY: CARISA KITSELMAN, RPR, CCR 2018	25	JUDGE O'CONNELL: First let me ask what
	Page 2		Page 4
1	APPEARANCES	1	discussions, if any, the parties have had regarding
2 3	ADMINISTRATIVE LAW JUDGE: ANDREW O'CONNELL	2	procedural next steps and the procedural schedule.
4		3	Mr. Stokes?
5 6	FOR COMPLAINANT:	4	MR. STOKES: I'll jump in here, Your Honor.
0	CHAD STOKES Cable Huston	5	I believe we have an agreed upon schedule. So
7	1455 Southwest Broadway	6 7	we've been talking about a schedule. And I think we have
8	Suite 1500 Portland, Oregon 97201	8	something to read to the court at this point, if you're
	503.224.3092		ready. JUDGE O'CONNELL: Yes, I am. If you're both
9 10	cstokes@cablehuston.com FOR CASCADE NATURAL GAS:	10	ready.
11	JOCELYN PEASE	11	MR. STOKES: Okay.
12	McDowell, Rackner & Gibson, PC 419 SW 11th Avenue	12	JUDGE O'CONNELL: Okay. Go ahead.
12	Suite 400	13	MR. STOKES: So obviously the prehearing
13	Portland, Oregon 97205	14	conference is today. Tree Top will file its opening
14	503.595.3925 jocelyn@mrg-law.com	15	testimony on April 8th. We will have a settlement
15	MIKÉ PARVÍNEN	16	conference on April 26th. Cascade will file its rebuttal
16	Director of Regulatory Affairs	17	testimony on May 12th. Tree Top will file its reply
17	ALSO PRESENT: RYAN SMITH	18 19	testimony on 5/27. There will be a hearing, if
18 19	LORI BLATTNER	20	necessary, on 6/22, if that works for the Commission. Post-hearing briefs simultaneous on July 13th. And
20		20	response briefs on 7/27.
21 22		22	JUDGE O'CONNELL: Now, Mr. Stokes, you
22	* * * *	23	mentioned the hearing, if necessary. Do the parties
23		24	is that just down to the settlement conference if the
24 25		25	parties are if you do work out a settlement?

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1	Or are the parties thinking that there might not	1	JUDGE O'CONNELL: And, Ms. Pease, this is
2	be a need for a live hearing?	2	well, let me direct the question to both Ms. Pease and
3	MR. STOKES: I think well, I'll only speak	3	Mr. Stokes.
4	for Tree Top.	4	Who is the confidentiality order protecting? Is
5	In my experience, sometimes once you have the	5	it the company?
6	testimony on file, there are no contested issues and it's	6	MR. STOKES: I think it would be both.
7	just a matter for the Commission to decide.	7	Because, I mean, what Tree Top would be concerned about
8	So we'll have to see what the testimony provides	8	is customer specific information that they would be asked
9	and see if there's going to be cross-examination that's	9	for. So, you know, production, quotas, and, you know,
10	necessary. So we always kind of view that as something	10	volumes, and that sort of thing. So we'd want to I
11	you see at the time.	11	mean, there's certain information that's already public.
12	MS. PEASE: And, I guess, Your Honor, one	12	But to the extent you get into once you ask the
13	other point that I would make is we would, of course, be	13	question, we just want to make sure if it's sensitive
14	available if the Commission were to have questions and	14	that we can protect it.
15	want to have a hearing, even if the parties didn't seek	15	MS. PEASE: I would agree with that, Your
16	cross-examination.	16	Honor.
17	JUDGE O'CONNELL: Good point. Thank you.	17	I would I mean, we don't have the questions
18	Okay. Let me quickly tentatively unofficially	18	before us yet. But would assume that the protections
19	look for whether June 22nd is available for the	19	would go both ways.
20	Commission.	20	JUDGE O'CONNELL: Okay. So my understanding
21	Have you inquired about that date already,	21	is the standard protective order that the Commission
22	Mr. Stokes?	22	usually issues will need to be updated for that situation
23	MR. STOKES: I have not, Your Honor. I	23	so that both sides will be needing to sign. Okay.
24	apologize. I probably should have done that before this	24	And is there anything else from the parties?
25	call.	25	MR. STOKES: Not from Tree Top.
	Page 6		Page 8
1	JUDGE O'CONNELL: No. I'm asking you because	1	MS. PEASE: And I don't think so from Cascade
2	it looks like the one day among a sea of full days where	2	either.
3	the Commission is completely free.	3	JUDGE O'CONNELL: Thank you.
4	MR. STOKES: Sometimes you get lucky.	4	I we've covered everything I had planned to
5	JUDGE O'CONNELL: All right. Ms. Pease, do	5	cover. And thank you for bringing up the protective
6	you want to be heard at all about the schedule?	6	order. I will issue a protective order as soon as
7	MS. PEASE: Cascade has conferred with counsel	7	possible that will protect both sides. And then I will
8	for Tree Top on the schedule and agrees to the schedule	8	issue a second prehearing conference order.
9	proposed by Mr. Stokes.	9	So without anything else, we will be adjourned.
10	JUDGE O'CONNELL: Okay. I've also had my	10	Thank you. And we'll be off the record.
11	questions I planned on asking answered already.		(Adjourned at 1:39 p.m.)
12	Is there well, let me say, first, I will	12	
13	confirm that that date for the hearing works for the Commission. And if it does, I will approve the	13 14	
14 15	procedural schedule that's been agreed and presented.	14	
16	And I will memorialize it in a second prehearing	16	
17	conference order shortly after the hearing today. It may	17	
18	be tomorrow or the next day.	18	
19	Is there anything else that we should discuss?	19	
20	Is there any other issue for the parties?	20	
21	MR. STOKES: Yes, Your Honor.	21	
22	So the parties have contemplated discovery that	22	
23	may be needed. But we'll try to work informally.	23	
24	But we also want to build in a protective order	24	
25	in case anyone asks for information that's confidential.	25	
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2 (Pages 5 to 8)

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1	CERTIFICATE	
2		
3	STATE OF WASHINGTON	
4	COUNTY OF KITSAP	
5		
6	I, Carisa Kitselman, a Certified Court Reporter	
7	in and for the State of Washington, do hereby certify	
8	that the foregoing transcript on FEBRUARY 22, 2022, is	
9	true and accurate to the best of my knowledge, skill and	
10	ability.	
11	IN WITNESS WHEREOF, I have hereunto set my hand	
12 13	and seal this 2nd day of March, 2022.	
14		
14	Contract Vite 1	
	CARISA KITSELMAN, RPR, CCR #2018	
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