

Docket No. UG-200112 - Vol. I

Washington Utilities and Transportation  
Commission v. Puget Sound Energy

March 13, 2020



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1 BEFORE THE WASHINGTON  
 2 UTILITIES AND TRANSPORTATION COMMISSION  
 3 \_\_\_\_\_  
 4 WASHINGTON UTILITIES AND ) DOCKET UG-200112  
 4 TRANSPORTATION COMMISSION, )  
 5 Complainant, )  
 6 vs. )  
 7 PUGET SOUND ENERGY, )  
 8 )  
 9 Respondent. )  
 10 \_\_\_\_\_  
 11 PREHEARING CONFERENCE, VOLUME I  
 12 Pages 1-18  
 13 ADMINISTRATIVE LAW JUDGES MICHAEL HOWARD AND  
 14 RAYNE PEARSON  
 15 \_\_\_\_\_  
 16 March 13, 2020  
 17 11:35 a.m.  
 18 Washington Utilities and Transportation Commission  
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 23  
 24  
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Page 3

1 LACEY, WASHINGTON; MARCH 13, 2020  
 2 11:35 A.M.  
 3 --o0o--  
 4 PROCEEDINGS  
 5  
 6 JUDGE PEARSON: Let's go ahead and be on the  
 7 record. We're here today for a prehearing conference in  
 8 Docket UG-200112, which is captioned Washington  
 9 Utilities and Transportation Commission versus Puget  
 10 Sound Energy.  
 11 My name is Rayne Pearson and with me is  
 12 Judge Michael Howard. We are administrative law judges  
 13 with the Commission, and we will be co-presiding in this  
 14 matter along with the Commissioners.  
 15 At this point, I will turn the rest of the  
 16 prehearing conference over to Judge Howard.  
 17 JUDGE HOWARD: Thank you, Judge Pearson.  
 18 Let's start by taking -- oh, I see. Let's  
 19 start by taking appearances and addressing any petitions  
 20 for intervention. If we could have an appearance from  
 21 Puget Sound Energy to begin with.  
 22 MR. STEELE: Thank you, Your Honor. My name  
 23 is David Steele with the law firm Perkins Coie. I  
 24 appear on behalf of Puget Sound Energy.  
 25 JUDGE HOWARD: Thank you, Mr. Steele. And I

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1 was looking in the docket, and it didn't look like there  
 2 was a written notice of appearance yet for your firm in  
 3 this case. Would you mind filing that today?  
 4 MR. STEELE: Sure -- sure.  
 5 JUDGE HOWARD: Okay. Thank you.  
 6 Do we have an appearance from Staff?  
 7 MR. ROBERSON: Good morning, Judge Howard,  
 8 Judge Pearson. My name is Jeff Roberson,  
 9 R-o-b-e-r-s-o-n. I'm an assistant attorney general. I  
 10 represent Commission Staff, and I believe on the bridge  
 11 line is Staff's witness, Ms. Elizabeth O'Connell.  
 12 JUDGE HOWARD: Thank you.  
 13 And can we have an appearance for Public  
 14 Counsel?  
 15 MS. PAISNER: Yes, this is Ann Paisner on  
 16 behalf of the Public Counsel Unit at the Washington  
 17 State Attorney General. Also on the line should be our  
 18 witness, Stephanie Chase.  
 19 JUDGE HOWARD: Thank you.  
 20 And next on the issue of any possible  
 21 petitions for intervention, it does not appear that we  
 22 have anyone in the room who would intervene in this  
 23 case, do we have anyone on the conference line who  
 24 intends to petition to intervene? Hearing none, we will  
 25 continue.

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1 On the issue of a protective order, I just  
 2 want to remind the parties the Commission's already  
 3 entered a protective order with provisions for the  
 4 protection of highly confidential information.  
 5 And continuing through some procedural  
 6 issues in this case, on the issues of electronic filing  
 7 and electronic service, the Commission requires  
 8 electronic filing of documents for formal filings;  
 9 however, in this case, the Commission will also require  
 10 the filing of an original and five paper copies for  
 11 internal distributions. If filings include information  
 12 designated as confidential or highly confidential,  
 13 please file the original and three copies of the fully  
 14 unredacted version. No paper copy is necessary for any  
 15 partly redacted or fully redacted version. Please file  
 16 those versions only in electronic format.  
 17 Also, the Commission's rules provide for the  
 18 electronic service of documents. The Commission will  
 19 serve the parties electronically and the parties will  
 20 serve each other electronically.  
 21 MR. STEELE: Your Honor?  
 22 JUDGE HOWARD: Yes?  
 23 MR. STEELE: If I may, in -- in the last  
 24 prehearing conference today, one of the parties brought  
 25 up the question about whether due to the circumstances

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1 with the -- with the Coronavirus it's appropriate to  
 2 suspend or modify the requirement to do paper filings,  
 3 just with parties having reduced staffing concerns, and  
 4 I'm not -- I think Judge O'Connell said he was at least  
 5 considering that, and I'm wondering if something  
 6 similar -- I apologize, he -- he said 60 days.  
 7 JUDGE PEARSON: A 60-day waiver?  
 8 MR. STEELE: For now, yeah, for the -- for  
 9 the paper filing he thought would be appropriate, and so  
 10 I'm wondering if something similar's appropriate here?  
 11 JUDGE PEARSON: I think that's reasonable,  
 12 and then we can revisit that if we need to after 60 days  
 13 in the event that we need to extend it further because,  
 14 again, those -- those copies are for internal  
 15 distribution and we can print them off ourselves if we  
 16 need to. So that's fine.  
 17 MR. STEELE: Thank you, Your Honor.  
 18 JUDGE HOWARD: And thank you for raising  
 19 that issue.  
 20 Just to continue with some procedural issues  
 21 here, on designating an individual for service. If any  
 22 party has not yet designated a lead representative for  
 23 service, please do so via an email to me and Judge  
 24 Pearson as soon as possible. My email is  
 25 Michael.Howard@utc.wa.gov and Judge Pearson's email is

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1 Rayne.Pearson@utc.wa.gov.  
 2 For service list additions, if anyone would  
 3 like to add names and email addresses of other  
 4 representatives or support staff who should receive  
 5 electronic courtesy copies of all documents filed in  
 6 this proceeding, please email that to us as well.  
 7 On the issue of data requests, we are aware  
 8 that the parties often request any data requests and  
 9 responses are shared with every other party. We would  
 10 make this easier on the parties by making -- by  
 11 including such a requirement in the prehearing  
 12 conference order. Is there any objection to my  
 13 including that requirement in the order?  
 14 MR. STEELE: Not from the Company, Your  
 15 Honor.  
 16 MR. ROBERSON: None from Staff.  
 17 JUDGE HOWARD: Thank you.  
 18 Hearing no objection, we will include that  
 19 requirement.  
 20 For the procedural schedule in the case,  
 21 have the parties had an opportunity to discuss this  
 22 schedule? Or I'm -- I'm sorry, yes, we've -- we've been  
 23 informed that the parties have discussed the procedural  
 24 schedule.  
 25 Is that correct for Mr. Steele?

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1 MR. STEELE: Yes, Your Honor.  
 2 And for the -- for -- for the parties on the  
 3 phone, I provided a copy of the schedule that we  
 4 circulated this week to the judges just a few minutes  
 5 ago.  
 6 JUDGE HOWARD: Thank you for providing this  
 7 draft schedule. We will take a brief recess for the  
 8 judges here to communicate with the Commissioners and  
 9 the policy staff to make sure that this would work with  
 10 their schedule and see what we can do to address the  
 11 possible hearing date.  
 12 JUDGE PEARSON: Yeah, let's take -- probably  
 13 ten minutes will be sufficient. If we take a little  
 14 longer, I apologize in advance, but we will do the best  
 15 we can to be back down here in ten minutes. And we will  
 16 be in recess. Thank you.  
 17 (A break was taken from  
 18 11:42 a.m. to 11:57 a.m.)  
 19 JUDGE HOWARD: Hello, everyone. We'll go  
 20 back on the record. We conferred and we would be able  
 21 to offer a couple hearing dates of either July 13th or  
 22 July 15th as sort of a compromise between what we had  
 23 envisioned and the proposed schedule by the parties. Do  
 24 we have any feedback from the parties on -- on those  
 25 hearing dates? And I should mention that we would -- in

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1 the prehearing conference order, we would adjust some of  
 2 the other discovery deadlines accordingly.  
 3 MR. STEELE: Your Honor, the Company is  
 4 comfortable with either of those dates for a hearing.  
 5 Thank you.  
 6 MR. ROBERSON: It looks like Staff can make  
 7 either of those work.  
 8 MS. PAISNER: This is Ann from Public  
 9 Counsel. We also would be able to accommodate either of  
 10 those dates in July.  
 11 JUDGE PEARSON: Okay. So rather than make a  
 12 final decision now, I think that what we'll do is put  
 13 the -- the final date in the prehearing conference  
 14 order. The only other thing that we wanted to point out  
 15 is that this is going to bump back dates, obviously the  
 16 dates for the settlement conferences. Did the parties  
 17 intend to keep that April 3rd date as their first  
 18 settlement conference date, because the Commissioners do  
 19 require us to put in a date for a settlement conference  
 20 in the prehearing conference order. So I just want to  
 21 know if that still seems realistic to the parties at  
 22 this point, that April 3rd date?  
 23 MR. STEELE: I know the Company feels it  
 24 would be beneficial to have one start off and see where  
 25 the parties are. And so the Company's comfortable with

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1 keeping that as the first settlement date.  
 2 JUDGE PEARSON: Okay. How about from the  
 3 other parties?  
 4 MR. ROBERSON: I think Staff is comfortable  
 5 with it.  
 6 MS. PAISNER: This is Ann from Public  
 7 Counsel. We are also okay with April 3rd continuing.  
 8 JUDGE PEARSON: Okay. And so then I think  
 9 what we'll do is bump out response testimony, moving the  
 10 deadline from April 24th to May 8th. The second  
 11 settlement conference, then, you may all want to modify  
 12 that date based on the later date for response testimony  
 13 being filed, and if you can just send a letter to the  
 14 docket letting us know when you've chosen a date, that's  
 15 sufficient for our purposes.  
 16 Rebuttal testimony will be due May 26th, and  
 17 then exhibit list, cross examination exhibits, witness  
 18 list, time estimates will be due either July 6th or July  
 19 8th depending on which hearing date we choose. And we  
 20 do anticipate, in light of the fact that the parties  
 21 don't intend to file post hearing briefs but will likely  
 22 just make oral argument at hearing, that it would be  
 23 realistic to get an order out by September 1st. So we  
 24 hope that's a sufficient compromise.  
 25 Ms. Paisner, were you going to say

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1 something?  
 2 MS. PAISNER: Yes, I -- I just had a  
 3 question for the Commission. Just wondering whether the  
 4 Commission is contemplating have -- holding a public  
 5 meeting for members of the public to voice their  
 6 concerns directly to the Commission?  
 7 JUDGE HOWARD: Thank you, Ms. Paisner. We  
 8 did want to address that issue at our prehearing  
 9 conference today. That would be permitted and does  
 10 Public Counsel believe that would be warranted?  
 11 MS. PAISNER: Yes, we feel like it's -- it's  
 12 a good opportunity to allow the public to voice its  
 13 concerns directly to the members of the Commission.  
 14 JUDGE PEARSON: Okay. I think that what we  
 15 should do now is put a TBD in the prehearing conference  
 16 order, and then also due to the heightened technological  
 17 capabilities in our new building, if need be we can --  
 18 we can hold it virtually here from our hearing room and  
 19 have a way for the public to call in. Just depending on  
 20 what the state of the public health emergency is at that  
 21 time, but we're happy to use the facility here to do  
 22 that hearing so that -- and do you think one would be  
 23 sufficient, Ms. Paisner?  
 24 MS. PAISNER: Yes, one would be --  
 25 JUDGE PEARSON: And you're comfortable with

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1 it being here in Olympia?  
 2 MS. PAISNER: Yes, and also making it a  
 3 call-in --  
 4 JUDGE PEARSON: Absolutely.  
 5 MS. PAISNER: -- due to the public health  
 6 situation is fine with us, yeah, absolutely.  
 7 JUDGE PEARSON: Okay, great. And the -- the  
 8 beautiful part about our new Skype technology is that we  
 9 no longer have that 26 call-in limitation like we used  
 10 to. We can hold thousands of callers if they'd like to  
 11 so...  
 12 So we will put that in the prehearing  
 13 conference in the procedural schedule as a TBD, and then  
 14 we'll just -- Ms. Paisner, if you could just follow  
 15 normal process for making sure we get the notice out to  
 16 customers. That obviously falls on the Company to do  
 17 the 30-day notice, but notify us when you've picked a  
 18 date and we'll put that on our calendar.  
 19 MS. PAISNER: That sounds fine. Thank you.  
 20 MR. STEELE: Your Honor, could you just  
 21 provide those dates again just so I have them right? I  
 22 think you said for response testimony was moved to May  
 23 8th?  
 24 JUDGE PEARSON: Correct.  
 25 MR. STEELE: Rebuttal and cross-answering

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1 was May 26th?  
 2 JUDGE PEARSON: Yes.  
 3 MR. STEELE: And then I heard exhibit list  
 4 would be July...  
 5 JUDGE PEARSON: 6th or 8th depending on the  
 6 hearing dates that we pick. What would the parties then  
 7 propose for a discovery deadline? One week prior to  
 8 that? But also, I wanted to adjust for that, July 3rd  
 9 is a holiday, so would you like an extra day for the  
 10 discovery cutoff? Meaning it would be an extra day  
 11 earlier, right, not later?  
 12 MR. STEELE: So are you thinking it would be  
 13 June 26th?  
 14 JUDGE PEARSON: If that works for the  
 15 parties.  
 16 MS. PAISNER: That works --  
 17 (Simultaneous speakers.)  
 18 MS. PAISNER: -- for Public Counsel.  
 19 JUDGE PEARSON: Sorry, Mr. Roberson, could  
 20 you repeat what you said?  
 21 MR. ROBERSON: Staff has no objection to  
 22 that.  
 23 JUDGE PEARSON: Okay. And, Ms. Paisner, it  
 24 sounds like you didn't either.  
 25 MS. PAISNER: Correct.

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1 JUDGE PEARSON: Okay. So we'll put June  
 2 26th as the discovery deadline.  
 3 So I think that covers everything other than  
 4 the public comment hearing, which will be TBD, and then  
 5 the parties will also notify us if and when they  
 6 schedule a separate -- a second settlement conference.  
 7 MR. STEELE: Your Honor?  
 8 JUDGE PEARSON: Yes?  
 9 MR. STEELE: One -- one issue the parties  
 10 had talked about briefly was discovery turnaround time  
 11 potentially being -- being shortened some here because  
 12 of the schedule.  
 13 JUDGE PEARSON: Sure.  
 14 MR. STEELE: Since it's somewhat broadened a  
 15 little bit, I think we have a little more flexibility  
 16 there. Do you mind if I just confer with the Company on  
 17 that -- on that issue, and I'm not sure if Public  
 18 Counsel or Staff has a position, but may I just chat  
 19 with him about that?  
 20 JUDGE PEARSON: Do you want us to leave the  
 21 room or --  
 22 MR. STEELE: No, I --  
 23 JUDGE PEARSON: -- did you just want to chat  
 24 with Mr. Piliaris real quickly?  
 25 MR. STEELE: Yeah.

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1 JUDGE PEARSON: That's fine.  
 2 MR. STEELE: What the Company would propose  
 3 is -- is shortening the time to seven business days and  
 4 then following -- following rebuttal move that to five  
 5 days, five business days.  
 6 JUDGE PEARSON: Okay. So it would be seven  
 7 days at the outset and then shortened to five following  
 8 rebuttal.  
 9 Mr. Roberson?  
 10 MR. ROBERSON: That seems perfectly  
 11 reasonable, Your Honor.  
 12 JUDGE PEARSON: And, Ms. Paisner?  
 13 MS. PAISNER: Public Counsel does not object  
 14 to that.  
 15 JUDGE PEARSON: Okay, great.  
 16 JUDGE HOWARD: Okay. Unless there's any  
 17 further concerns about the procedural schedule, I will  
 18 just note on the issue of errata sheets, that under the  
 19 Administrative Code 480-07-460, paragraph 6, each party  
 20 must file with the Commission served on all parties a  
 21 list of any corrections or revisions to its witness'  
 22 prefiled testimony and exhibits. The prehearing  
 23 conference order will provide a deadline for filing  
 24 these errata. Does anyone have an objection to setting  
 25 a deadline a week prior to the evidentiary hearing?

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1 MR. ROBERSON: No objection.  
 2 MR. STEELE: Same.  
 3 JUDGE HOWARD: Hearing no objection --  
 4 Oh, sorry, Public Counsel?  
 5 MS. PAISNER: I was just going to say --  
 6 yeah, this is Ann, I just wanted to say no objection.  
 7 JUDGE HOWARD: Thank you.  
 8 Since there are no objections, we will  
 9 incorporate that date into the prehearing conference  
 10 order.  
 11 Is there anything else that the parties  
 12 would like to address today?  
 13 MR. STEELE: One other issue, and I'm  
 14 wondering, going back to our topic on discovery  
 15 turnaround, I'm looking at the dates again between  
 16 response testimony and rebuttal, and I'm wondering if --  
 17 if -- if because that is a relatively short turnaround,  
 18 having that be a five-day, business day turnaround time  
 19 would be appropriate there as well?  
 20 JUDGE PEARSON: So beginning at response as  
 21 opposed to rebuttal?  
 22 MR. STEELE: Just because I -- it looks like  
 23 it's only really a couple weeks there between -- between  
 24 May 8th and May 26th.  
 25 JUDGE PEARSON: Staff or Public Counsel, do

1 you have any objection to that?  
 2 MR. ROBERSON: It also seems reasonable. No  
 3 objection.  
 4 MS. PAISNER: No objection here.  
 5 JUDGE PEARSON: Okay. We will reflect that,  
 6 then, in the prehearing conference order, that beginning  
 7 on May 8th, discovery response times will be shortened  
 8 to five business days.  
 9 JUDGE HOWARD: Okay. We will issue an order  
 10 shortly containing a procedural -- the procedural  
 11 schedule we've been discussing and other guidelines for  
 12 the disposition of this case. We are adjourned. Thank  
 13 you, everyone.  
 14 (Adjourned at 12:09 p.m.)

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CERTIFICATE

1  
2  
3 STATE OF WASHINGTON  
4 COUNTY OF THURSTON  
5  
6 I, Tayler Garlinghouse, a Certified Shorthand  
7 Reporter in and for the State of Washington, do hereby  
8 certify that the foregoing transcript is true and  
9 accurate to the best of my knowledge, skill and ability.

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Tayler Garlinghouse, CCR 3358