

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND)
TRANSPORTATION COMMISSION,)
Complainant,)
v.) Docket No. PG-150120
CASCADE NATURAL GAS CORPORATION,)
Respondent.)

PREHEARING CONFERENCE, VOLUME I

PAGES 1 - 10

ADMINISTRATIVE LAW JUDGE MARGUERITE FRIEDLANDER

1:33 P.M.

AUGUST 31, 2016

Washington Utilities and Transportation Commission
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Olympia, Washington 98504-7250

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1 OLYMPIA, WASHINGTON; AUGUST 31, 2016

2 1:33 P.M.

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5 JUDGE FRIEDLANDER: Good afternoon. My name
6 is Marguerite Friedlander. I'm the administrative law
7 judge assigned to this proceeding.

8 We're here before the Washington Utilities
9 and Transportation Commission on August 31st of 2016 for
10 the matter of Docket PG-150120, a complaint against Cascade
11 Natural Gas Corporation alleging that the Company violated
12 a prior Commission order by failing to file its maximum
13 allowable operating pressure compliance plan when directed
14 and failing to maintain records or documentation sufficient
15 to establish, confirm, or validate the MAOP of at least 116
16 pipeline segments.

17 The purpose of the prehearing today is to
18 take appearances of the parties, discuss the schedule for
19 the Commission's consideration of the complaint, and any
20 other procedural matters that the parties wish to address.

21 So we'll start with brief appearances. I
22 already have your contact information, so if, Ms. Carson,
23 you could start, and you could just say your full name,
24 spell your last name, and then identify who you're
25 representing.

1 MS. CARSON: Good afternoon. Sheree Strom
2 Carson, C-A-R-S-O-N, with Perkins Coie representing Cascade
3 Natural Gas, and also sitting here with me today is Eric
4 Martuscelli, who is the vice president of operations with
5 Cascade Natural Gas.

6 JUDGE FRIEDLANDER: Thank you.

7 And Mr. Beattie?

8 MR. BEATTIE: Julian Beattie, B-E-A-T-T-I-E,
9 assistant attorney general representing Commission Staff,
10 and I'm joined by Alan Rathbun, who is the pipeline safety
11 director for Commission Staff.

12 JUDGE FRIEDLANDER: Thank you.

13 Is there anyone else who wishes to put in an
14 appearance either in person or on the conference bridge?
15 And we have -- I hear nothing.

16 Also, we've received no interventions. Is
17 there anyone in person or on the conference bridge who
18 wishes to put in an appearance -- I'm sorry, who wishes to
19 petition for an intervention? All right. Hearing nothing,
20 we'll proceed.

21 We have already discussed off the record that
22 the parties will consent to electronic service amongst
23 themselves; however, delivery of documents from the
24 Commission will be done in hard copy to Ms. Carson and
25 Mr. Martuscelli and also Mr. Beattie and Mr. Rathbun for

1 Staff.

2 The discovery rules -- discovery will be
3 conducted pursuant to the Commission's discovery rules, and
4 now I guess I need to know whether or not there's a need
5 for a protective order in the proceeding?

6 MS. CARSON: At this point in time, we don't
7 anticipate the need for the protective order. We would
8 like to reserve our rights to ask for one if, at some point
9 in time, confidential information is requested.

10 JUDGE FRIEDLANDER: That's fine. Thank you.

11 And the parties, it would appear, have a
12 proposed procedural schedule. If somebody would like to
13 walk me through it on the record?

14 MR. BEATTIE: I will do so. September 21st,
15 2016, the parties would like to meet here at the Commission
16 for a settlement conference, and I've indicated that's
17 parties only. By November 1st, the parties agree to submit
18 a status report to you, the presiding officer, indicating
19 the progress made, if any, on settlement negotiations.

20 And after that, we have a more traditional
21 procedural schedule in the event that settlement
22 negotiations fail to produce an agreement. On
23 December 15th, 2016, Staff will file its direct testimony.
24 January 31st, 2017, Cascade Natural Gas will file its
25 response testimony. Staff will file its rebuttal testimony

1 on February 17th, 2017.

2 There will be an evidentiary hearing here at
3 this Commission on March 22nd, 2017. Briefing will follow.
4 Staff will file an initial brief on April 21st, 2017, and
5 Cascade will respond on May 5th, 2017.

6 And now I'm actually wondering if the intent
7 here was to -- for us both to file and then both to
8 respond?

9 MS. CARSON: Right.

10 JUDGE FRIEDLANDER: Simultaneous?

11 MS. CARSON: Simultaneous initial briefs and
12 reply briefs is what I had in mind.

13 MR. BEATTIE: Okay. Then I stand corrected
14 on that -- on that note, so simultaneous opening briefs on
15 April 21st, 2017, simultaneous response or reply briefs on
16 May 5th, 2017.

17 JUDGE FRIEDLANDER: Okay. So in the period
18 from, I would say, if discovery isn't already occurring,
19 after this -- the prehearing conference through the filing
20 of direct testimony, I assume that discovery will be
21 conducted by the parties; is that correct?

22 MS. CARSON: Yeah. There may be discovery.
23 I mean, I think that Staff probably has already done a
24 detailed investigation and has -- and may not have a lot
25 more need for discovery, although I cannot speak for them.

1 And Cascade has not yet determined, you know, what
2 discovery might be needed.

3 MR. BEATTIE: Right. So I would say
4 discovery should be available during that time period.

5 JUDGE FRIEDLANDER: Okay. With the
6 traditional response time of ten business days?

7 MR. BEATTIE: That works for us.

8 JUDGE FRIEDLANDER: Okay. I will take this
9 under advisement and issue a procedural schedule in the
10 prehearing conference order.

11 MS. CARSON: If I could just clarify, I
12 wanted to make sure that discovery would be available past
13 the direct testimony. Did you say it would only go into
14 the direct testimony, or --

15 JUDGE FRIEDLANDER: Typically, I believe it
16 only goes through direct, but I'm open to continuing
17 discovery past that if there's no objections.

18 MS. CARSON: My experience is we typically
19 have a discovery cutoff a couple of weeks before the
20 evidentiary hearing.

21 JUDGE FRIEDLANDER: Okay.

22 MS. CARSON: So certainly we would want the
23 opportunity to undertake discovery on Staff's testimony
24 when they file that, and that -- so we would want it to
25 continue beyond the direct testimony.

1 JUDGE FRIEDLANDER: So if the evidentiary
2 hearing is indeed convened on March 22nd, what time frame
3 were you looking at for the end of discovery?

4 MS. CARSON: I would say two weeks before
5 March 22nd.

6 JUDGE FRIEDLANDER: Okay. So March 8th?

7 MR. BEATTIE: And that would be fine with
8 Staff.

9 JUDGE FRIEDLANDER: Okay. Thank you.

10 All right. And I think I mentioned
11 previously off the record that any documents filed with the
12 Commission will need to be filed as an original and five
13 copies.

14 Are there any other procedural matters that
15 we need to address today before we adjourn?

16 MS. CARSON: What is the time for filing? In
17 the most recent case I was involved in, it was a 5 p.m.
18 filing time, and I just want to know if that's the new
19 standard or if that was just that particular case.

20 JUDGE FRIEDLANDER: Right. I believe that
21 the rule says -- and you'll have to double-check on this,
22 but I believe the rule says electronic filings by noon that
23 day with hard copies to follow by 3 p.m. the next day. But
24 I will put in the prehearing conference order what the time
25 is, whether it's 5 p.m. or noon for electronic copies.

1 MS. CARSON: Okay.

2 JUDGE FRIEDLANDER: Yeah. Did Staff have
3 anything else to --

4 MR. BEATTIE: We have nothing further.

5 JUDGE FRIEDLANDER: All right. If there's
6 nothing further, we'll adjourn, so thank you very much.

7 (Proceedings concluded at 1:41 p.m.)

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C E R T I F I C A T E

STATE OF WASHINGTON
COUNTY OF KING

I, Ryan Ziegler, a Certified Shorthand Reporter in and for the State of Washington, do hereby certify that the foregoing transcript of the proceedings held August 24, 2016, is true and accurate to the best of my knowledge, skill, and ability.

I do further certify that I am a disinterested person in this cause of action and that I am not a relative of the attorneys for any of the parties.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this September 8, 2016.

RYAN ZIEGLER, RPR, CCR