

**Docket No. UG-210745 - Vol. II**

**Tree Top, Inc. v. Cascade Natural Gas Corporation**

**February 22, 2022**



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BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

|                     |   |                      |
|---------------------|---|----------------------|
| TREE TOP, INC.      | ) |                      |
|                     | ) |                      |
| Complainant,        | ) |                      |
|                     | ) |                      |
| vs.                 | ) | Docket No. UG-210745 |
|                     | ) |                      |
| CASCADE NATURAL GAS | ) |                      |
| CORPORATION,        | ) |                      |
|                     | ) |                      |
| Respondent.         | ) |                      |

SECOND VIRTUAL PREHEARING CONFERENCE  
ADMINISTRATIVE LAW JUDGE ANDREW O'CONNELL

February 22, 2022

1:30 p.m.

DATE TAKEN: FEBRUARY 22, 2022

REPORTED BY: CARISA KITSELMAN, RPR, CCR 2018

1 A P P E A R A N C E S

2 ADMINISTRATIVE LAW JUDGE:

3 ANDREW O'CONNELL

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15 MIKE PARVINEN  
16 Director of Regulatory Affairs

17 ALSO PRESENT: RYAN SMITH

18 LORI BLATTNER

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1 FEBRUARY 22, 2022

2 1:30 p.m.

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4 JUDGE O'CONNELL: Good afternoon. The time is  
5 approximately 1:30 p.m. on Tuesday, February 22, 2022.

6 My name is Andrew O'Connell. I'm an administrative law  
7 judge with the Washington Utilities and Transportation  
8 Commission, and I am presiding in this matter.

9 We're here today for a second virtual prehearing  
10 conference in Docket UG-210745 which concerns a complaint  
11 filed by Tree Top Inc. against Cascade Natural Gas  
12 Corporation. Today's conference is being held for the  
13 purpose of discussing procedural next steps including a  
14 procedural schedule.

15 Let's move forward with appearances. Short  
16 appearances will be sufficient, beginning with counsel  
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  
24 Gibson for Cascade.

25 JUDGE O'CONNELL: First let me ask what

1 discussions, if any, the parties have had regarding  
2 procedural next steps and the procedural schedule.  
3 Mr. Stokes?

4 MR. STOKES: I'll jump in here, Your Honor.

5 I believe we have an agreed upon schedule. So  
6 we've been talking about a schedule. And I think we have  
7 something to read to the court at this point, if you're  
8 ready.

9 JUDGE O'CONNELL: Yes, I am. If you're both  
10 ready.

11 MR. STOKES: Okay.

12 JUDGE O'CONNELL: Okay. Go ahead.

13 MR. STOKES: So obviously the prehearing  
14 conference is today. Tree Top will file its opening  
15 testimony on April 8th. We will have a settlement  
16 conference on April 26th. Cascade will file its rebuttal  
17 testimony on May 12th. Tree Top will file its reply  
18 testimony on 5/27. There will be a hearing, if  
19 necessary, on 6/22, if that works for the Commission.  
20 Post-hearing briefs simultaneous on July 13th. And  
21 response briefs on 7/27.

22 JUDGE O'CONNELL: Now, Mr. Stokes, you  
23 mentioned the hearing, if necessary. Do the parties --  
24 is that just down to the settlement conference if the  
25 parties are -- if you do work out a settlement?

1           Or are the parties thinking that there might not  
2 be a need for a live hearing?

3           MR. STOKES: I think -- well, I'll only speak  
4 for Tree Top.

5           In my experience, sometimes once you have the  
6 testimony on file, there are no contested issues and it's  
7 just a matter for the Commission to decide.

8           So we'll have to see what the testimony provides  
9 and see if there's going to be cross-examination that's  
10 necessary. So we always kind of view that as something  
11 you see at the time.

12           MS. PEASE: And, I guess, Your Honor, one  
13 other point that I would make is we would, of course, be  
14 available if the Commission were to have questions and  
15 want to have a hearing, even if the parties didn't seek  
16 cross-examination.

17           JUDGE O'CONNELL: Good point. Thank you.

18           Okay. Let me quickly tentatively unofficially  
19 look for whether June 22nd is available for the  
20 Commission.

21           Have you inquired about that date already,  
22 Mr. Stokes?

23           MR. STOKES: I have not, Your Honor. I  
24 apologize. I probably should have done that before this  
25 call.

1 JUDGE O'CONNELL: No. I'm asking you because  
2 it looks like the one day among a sea of full days where  
3 the Commission is completely free.

4 MR. STOKES: Sometimes you get lucky.

5 JUDGE O'CONNELL: All right. Ms. Pease, do  
6 you want to be heard at all about the schedule?

7 MS. PEASE: Cascade has conferred with counsel  
8 for Tree Top on the schedule and agrees to the schedule  
9 proposed by Mr. Stokes.

10 JUDGE O'CONNELL: Okay. I've also had my  
11 questions I planned on asking answered already.

12 Is there -- well, let me say, first, I will  
13 confirm that that date for the hearing works for the  
14 Commission. And if it does, I will approve the  
15 procedural schedule that's been agreed and presented.  
16 And I will memorialize it in a second prehearing  
17 conference order shortly after the hearing today. It may  
18 be tomorrow or the next day.

19 Is there anything else that we should discuss?  
20 Is there any other issue for the parties?

21 MR. STOKES: Yes, Your Honor.

22 So the parties have contemplated discovery that  
23 may be needed. But we'll try to work informally.

24 But we also want to build in a protective order  
25 in case anyone asks for information that's confidential.

1 JUDGE O'CONNELL: And, Ms. Pease, this is --  
2 well, let me direct the question to both Ms. Pease and  
3 Mr. Stokes.

4 Who is the confidentiality order protecting? Is  
5 it the company?

6 MR. STOKES: I think it would be both.  
7 Because, I mean, what Tree Top would be concerned about  
8 is customer specific information that they would be asked  
9 for. So, you know, production, quotas, and, you know,  
10 volumes, and that sort of thing. So we'd want to -- I  
11 mean, there's certain information that's already public.  
12 But to the extent you get into -- once you ask the  
13 question, we just want to make sure if it's sensitive  
14 that we can protect it.

15 MS. PEASE: I would agree with that, Your  
16 Honor.

17 I would -- I mean, we don't have the questions  
18 before us yet. But would assume that the protections  
19 would go both ways.

20 JUDGE O'CONNELL: Okay. So my understanding  
21 is the standard protective order that the Commission  
22 usually issues will need to be updated for that situation  
23 so that both sides will be needing to sign. Okay.

24 And is there anything else from the parties?

25 MR. STOKES: Not from Tree Top.



1 MS. PEASE: And I don't think so from Cascade  
2 either.

3 JUDGE O'CONNELL: Thank you.

4 I -- we've covered everything I had planned to  
5 cover. And thank you for bringing up the protective  
6 order. I will issue a protective order as soon as  
7 possible that will protect both sides. And then I will  
8 issue a second prehearing conference order.

9 So without anything else, we will be adjourned.  
10 Thank you. And we'll be off the record.

11 (Adjourned at 1:39 p.m.)

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C E R T I F I C A T E

STATE OF WASHINGTON

COUNTY OF KITSAP

I, Carisa Kitselman, a Certified Court Reporter in and for the State of Washington, do hereby certify that the foregoing transcript on FEBRUARY 22, 2022, is true and accurate to the best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 2nd day of March, 2022.

  
CARISA KITSELMAN, RPR, CCR #2018



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