WUTC v. Puget Sound Energy

Docket No. UG-230968 - Vol. I

January 30, 2024



206.287.9066 I 800.846.6989



WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,) Complainant,	Page 1		Page 3
UTILITIES AND TRANSPORTATION COMMISSION In the Matter of the Petition of) WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION. Complainant, DOCKET NO. UG-230968 } PUGET SOUND ENERGY, PUGET SOUND ENERGY, Respondent) PAGES 1-20 PREHEARING CONFERENCE - VOL. I BEFORE ADMINISTRATIVE LAW JUDGE MICHAEL HOWARD January 39, 2024 Washington Utilities and Transportation Commission of 21 Urilidade Scannardor 95 Lacey, Washington Stide 1 TRANSCRIBED BY: JAN-MARIE GLAZE, RPR, WA CCR 2491 TRANSCRIBED BY: JAN-MARIE GLAZE, RPR, WA CCR 2491 PAGE A P PE AR A N CE S 10 MS PARANETT - Good afternoon, Your Honor. Name of the more of the petition for international periodical control of the more of the petition of the call of the more of the more of the call of the more of the call of the more of the call of the more of the commission and IT be co-presiding this matter along with the commission and IT be co-presiding the matter along with the commission and IT be co-presiding the matter along with the commission and IT be co-presiding the principle of the petitions for intervention. Well head first from the Company. TRANSCRIBED BY: JAN-MARIE GLAZE, RPR, WA CCR 2491 Page A P PE AR A N CE S 10 GAS ARNETT - Good afternoon, Your Honor. Name of the Martery General of the Martery General on behalf of Puget Sound Energy. DOWN ASANETT - Process Color. 10 Gas Again, was sistant Attorney General on behalf of Puget Sound Energy. 11 Gas Again, was sistant Attorney General on behalf of Puget Sound Energy. 12 Gallaghan, Assistant Attorney General on behalf of Puget Sound Energy. 13 JUDGE HOWARD: Thank you. Could we hear from Proceedings of the first from the Call Sound Assistant Attorney General on behalf of the Alliance of Western Conditions on the Call Sound Assistant Attorney General on behalf of the Alliance of Western Conditions on the Again Sound Assistant Attorney General on behalf of the Alliance of Western Conditions on the Again Sound Assistant Attorney General on behalf of the Alliance of Western Conditions on t		1	January 30, 2024
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TRANSCRIBED BY: JAN-MARIE GLAZE, RPR, WA CCR 2491 23 Energy. I'm with Perkins Coie. 24 JUDGE HOWARD: Thank you. Staff? MR. CALLAGHAN: Thank you, Your Honor. Nas Page 25 Page 26 APPEARANCES 27 Callaghan, Assistant Attorney General on behalf of Commission Staff. 28 JUDGE HOWARD: Thank you. Could we hear fron Public Counsel? 29 JUDGE HOWARD: Thank you. Could we hear fron Public Counsel? 30 JUDGE HOWARD: Thank you. Could we hear fron Public Counsel? 31 JUDGE HOWARD: Thank you. Could we hear fron Public Counsel? 42 JUDGE HOWARD: Thank you. And nice to have you appear in one of my proceedings for the first time, Utilities and Transportation Division 43 JUDGE HOWARD: Thank you. And nice to have you appear in one of my proceedings for the first time, Utilities and Transportation Division 44 JUDGE HOWARD: Thank you. And nice to have you appear in one of my proceedings for the first time, Utilities and Transportation Division 45 JUDGE HOWARD: Thank you. And nice to have you appear in one of my proceedings for the first time, Utilities and Transportation Division 46 JUDGE HOWARD: Thank you. And nice to have you appear in one of my proceedings for the first time, Utilities and Transportation Division 46 JUDGE HOWARD: Thank you. And could we hear from AWEC? 47 FOR PUBLIC COUNSEL: 48 JUDGE HOWARD: Thank you. And could we hear from the Joint Environmental Advocates, which I understand to be Northwest Energy Consumers. 49 JUDGE HOWARD: Thank you. And could we hear from the Joint Environmental Advocates, which I understand to be Northwest Energy Collition, Climate similar and wavenum sum of the Judge Howard to be Northwest Energy Collition, Climate similar and wavenum, Suite 610 48 Seattle, WA 99104-1845 49 JUDGE HOWARD: All right, Thank you. 40 JUDGE HOWARD: All right, Thank you. 50 JUDGE HOWARD: Thank you. 50 JUDGE HOWARD: Thank you. 51 JUDGE HOWARD: Thank you. 52 JUDGE HOWARD: Thank you. 53 JUDGE HOWARD: Thank you. 54 Souther MoSER 55 JUDGE HOWARD: Thank you. 56 JUDGE HOWARD: Thank you. 57 JUD			•
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3 FOR THE RESPONDENT, PUGET SOUND ENERGY: DONNA BARNETT Perkins Coie 10885 Northeast Fourth Street, Suite 700 Bellevue, WA 98004-5579 COMMISSION STAFF: NASH CALLAGHAN Office of the Attorney General Utilities and Transportation Division P.O. Box 40128 Olympia, WA 9804-0128 Olympia, WA 9804-0128 THOMAS "TAD" ROBINSON O'NEILL O'NEILL: Tad Robinson O'Neill, Assistant Attorney General on behalf of Public Counsel. JUDIGE HOWARD: Thank you. And nice to have you appear in one of my proceedings for the first time, office of the Attorney General Utilities and Transportation Division P.O. Box 40128 Olympia, WA 98504-0128 Olympia, WA 98504-0128 THOMAS "TAD" ROBINSON O'NEILL THOMAS "TAD" ROBINSON O'NEILL O'NEILL: This is my first time in front of you, yes. FOR PUBLIC COUNSEL: JUDIGE HOWARD: Thank you. THOMAS "TAD" ROBINSON O'NEILL O'NEILL: This is my first time in front of you, yes. FOR PUBLIC COUNSEL: JUDIGE HOWARD: Thank you. Could we hear from AWEC? MS. MOSER: Good afternoon, Your Honor. Seattle, WA 98104-3188 Jad. oneil@atg.wa.gov FOR ALLIANCE OF WESTERN ENERGY CONSUMERS: SOMMER MOSER Davison Van Cleve Davis Cleve		1	Callaghan Assistant Attorney General on hehalf of
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Office of the Attorney General Utilities and Transportation Division P.O. Box 40128 Olympia, WA 98504-0128 THOMAS "TAD" ROBINSON O'NEILL Office of the Attorney General 800 Fifth Avenue, Suite 2000 Seattle, WA 98104-3188 tad.oneill@atg.wa.gov FOR ALLIANCE OF WESTERN ENERGY CONSUMERS: SOMMER MOSER Davison Van Cleve 107 SE Washington Street, Suite 430 Portland, OR 97214 Sim@dvclaw.com FOR JOINT ENVIRONMENTAL ADVOCATES: NOELIA GRAVOTTA Earthjustice 810 3rd Avenue, Suite 610 Seattle, WA 98104-1645 Gravotta Rearthjustice.org South that test left by the table to the partitions to	DONNA BARNETT Perkins Coie 10885 Northeast Fourth Street, Suite 700 Bellevue, WA 98004-5579 dbarnett@perkinscoie.com	3 4 5	Commission Staff. JUDGE HOWARD: Thank you. Could we hear from Public Counsel? MR. O'NEILL: Tad Robinson O'Neill, Assistant
O P.O. Box 40128 Olympia, WA 98504-0128 nash.callaghan@atg.wa.gov FOR PUBLIC COUNSEL: THOMAS "TAD" ROBINSON O'NEILL Office of the Attorney General 800 Fifth Avenue, Suite 2000 Seattle, WA 98104-3188 tad.oneill@atg.wa.gov FOR ALLIANCE OF WESTERN ENERGY CONSUMERS: SOMMER MOSER Davison Van Cleve 107 SE Washington Street, Suite 430 Portland, OR 97214 Sim@dvclaw.com FOR JOINT ENVIRONMENTAL ADVOCATES: NOELIA GRAVOTTA Earthjustice 810 3rd Avenue, Suite 610 Seattle, WA 98104-1645 ngravotta@earthjustice.org SOM SER Davison Van Cleve 10 Seattle, WA 98104-1645 ngravotta@earthjustice.org SOMMER MOSER Davison Van Cleve 10 Solutions, and Washington Conservation Action. South Seattle, WA 98104-1645 ngravotta@earthjustice.org	DONNA BARNETT Perkins Coie 10885 Northeast Fourth Street, Suite 700 Bellevue, WA 98004-5579 dbarnett@perkinscoie.com FOR COMMISSION STAFF:	3 4 5 6	Commission Staff. JUDGE HOWARD: Thank you. Could we hear from Public Counsel? MR. O'NEILL: Tad Robinson O'Neill, Assistant Attorney General on behalf of Public Counsel.
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Page 5 Page 7 1 1 intervene. Are there any petitions for intervention meeting, watched the open meeting, I'm confused as to 2 2 the scope of what we're doing. I understand that this other than the ones that have been filed in writing? 3 3 is just limited to the risk-sharing mechanism, and I Hearing none, let's proceed. 4 We've received two petitions to intervene in 4 know PSE did propose a risk-sharing mechanism that I 5 writing in this docket, one from AWEC and one from the 5 understand Staff was not satisfied with, so I 6 Joint Environmental Advocates. I am unaware of any 6 understand that is the limited and sole and only scope, 7 written objections to these petitions. Are there any 7 but, again, it didn't appear clear from the prehearing 8 8 objections today? conference order or -- prehearing conference notice or 9 MS. BARNETT: No, Your Honor, not from PSE. 9 the Order 1 if that's the case and how -- what that MR. CALLAGHAN: None from Staff, Your Honor. 10 means. So I guess I would like to hear from both you 10 MR. O'NEILL: (Inaudible) counsel. 11 11 and maybe the other parties if I am understanding JUDGE HOWARD: Mr. O'Neill, I'm sorry, I 12 12 something differently. JUDGE HOWARD: Certainly. And I would like 13 didn't quite catch that. 13 MR. O'NEILL: None from Public Counsel. 14 14 to hear from the other parties as well. I think that's JUDGE HOWARD: Thank you. All right. 15 a good point for us to discuss. When I went back and 15 16 Hearing no objections, the petitions to intervene are 16 looked at Order 1, the suspension order, it did appear 17 granted. 17 that Order 1 included the condition requiring the 18 Let's move on to the procedural schedule for this 18 company to report on different investments in 19 proceeding. I have not considered this issue at 19 decarbonization, and I believe that was a topic raised length, but I would anticipate that this case would 20 in Commissioner Rendahl's motion. 20 21 likely involve rounds of prefiled testimony and an 21 So I would turn to Mr. Callaghan. 22 evidentiary hearing. Perhaps it would be comparable. 22 MR. CALLAGHAN: Thank you, Your Honor. My 23 in terms of the overall length of the proceeding, to a 23 understanding was that the scope of this adjudication 24 24 power cost-only rate case in just not necessarily in was just related to the -- the risk-sharing mechanism. 25 25 the amount of evidence but in terms of the length of So Staff's expectation was that the company would be Page 6 Page 8 1 filing initial testimony. Not to get into the merits 1 the schedule, although that is merely a suggestion. 2 2 If we are looking at something comparable to PCO of this, but Staff's position was that what's been put 3 in terms of the amount of time for the case, I -- that 3 forward in this docket already was not actually 4 would put the hearing possibly in early July. Clearly, 4 risk-sharing mechanism. Our expectation was that 5 the first week of July, many people will be on 5 initial testimony would include a different proposal, 6 vacation. That might not be ideal. And I would also 6 and that we would -- the scope would be limited to the 7 want to note that the week of July 15 is a conference 7 risk-sharing mechanism itself. JUDGE HOWARD: Could I hear from Public 8 for the commissioners, and they would not be available. 8 9 So if that time frame does generally seem suitable 9 10 1.0 for the parties, the parties might want to consider MR. O'NEILL: I was not present at the 11 hearings -- I could throw out several dates, possible 11 hearing so I don't know what was represented at the 12 dates here, on June 20th, June 28th, July 10th, 12 hearing, and so I have to defer to Mr. Callaghan on 13 13 July 9th. We're skipping ahead past that conference. this. 14 July 22nd through the 24th. And I would anticipate 14 JUDGE HOWARD: Not a problem. 15 that this could be a one-day evidentiary hearing, so I 15 Could I hear from AWEC? As I recall, AWEC was 16 would not plan on noting that schedule for a two-day 16 raising the issue of the investments in decarbonization 17 hearing, but, of course, we can hear from the parties 17 projects. 18 on that. 18 MS. MOSER: Thank you, Your Honor. We did 19 Would it be helpful for us to adjourn, for me to 19 raise concerns about those investments; however, I do 2.0 leave the call, so the parties can discuss? 2.0 not view those as within the scope of this proceeding. 21 MR. CALLAGHAN: I believe so, Your Honor. 21 I think we are also looking at it as limited to the 22 22 MS. BARNETT: Your Honor, I think it would be risk-sharing mechanism. JUDGE HOWARD: All right. Thank you. 23 important for us to all get on the same page before we 23 24 2.4 Could I hear from the Joint Environmental separate about what the scope of this proceeding is. I 25 25 know, I, for one -- although I listened to the opening Advocates?

	Page 9		Page 11
1	MS. GRAVOTTA: Yeah. I think we're all on	1	JUDGE HOWARD: Certainly. Well, I'm glad you
2	the same page that this is limited to the risk-sharing	2	raise that. I'm going to consider this a little bit
3	mechanism.	3	more, but I think that is a valid point that, unlike
4	JUDGE HOWARD: All right. Thank you.	4	many proceedings, these rates are already in effect.
5	I think this was helpful. I think, given the	5	So the suspension date is not the same. It's just my
6	parties' agreement, the prehearing conference order	6	usual habit to calculate that based off of the initial
7	will note that the scope of this proceeding is focused	7	filing.
8	on the risk-sharing mechanism, and hopefully that helps	8	Well, if the parties are inclined to have a longer
9	the parties with their discussions on the schedule.	9	schedule for various reasons, then, I'm amenable to
10	Is there anything else we should discuss before	10	making that work, and I imagine that there will be
11	before I leave the call and the parties can have some	11	times on the commissioners' schedules that far out.
12	time?	12	Is there anything else that we should discuss? I
13	MR. CALLAGHAN: Just briefly, Your Honor, so	13	could I could look ahead, potentially, to some weeks
14	Staff was thinking about the timing of this schedule,	14	in October, just to see if there's any obvious
15	and we were thinking something more along the lines of	15	conflicts.
16	a ten-month schedule, given the workload that's going	16	It looks like October 8th, October 9th,
17	on here at the Commission. I don't know if that's	17	October 15th, October 16th, and the 22nd and the 23rd
18	something that the commissioners would be willing to	18	would all be open at this time.
19	entertain, but we were thinking of something that's	19	MS. BARNETT: Thank you. That's helpful.
20	closer to, you know, an October hearing date.	20	JUDGE HOWARD: All right. Any other
21	JUDGE HOWARD: I I I'm certainly	21	questions of the parties before we go off the record
22	understanding of workload concerns. I think that that	22	and I leave the call? All right. Hearing none,
23	could cut both ways though. That could suggest that we	23	Mr. Callaghan, if you or another representative could
24	move past this before some of the rate cases come to	24	send me an e-mail discussing, that would be helpful.
25	their conclusion in their hearings. And also believe	25	And I'll leave the call, and we'll consider ourselves
	Dago 10		Dago 12
	Page 10		Page 12
1	that the suspension date, the statutory suspension	1	off the record. Thank you.
2	that the suspension date, the statutory suspension date, for the tariffs in this proceeding would be	2	off the record. Thank you. MR. CALLAGHAN: Thank you.
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2 3 4	that the suspension date, the statutory suspension date, for the tariffs in this proceeding would be November 1st. So an October hearing I mean, this order would be on the relatively short order, but I	2 3 4	off the record. Thank you. MR. CALLAGHAN: Thank you. (Off the record.) JUDGE HOWARD: All right. Let's be back on
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Page 13 Page 15 1 1 MS. GRAVOTTA: It's okay. cross answer and rebuttal testimony on September 12th. 2 And, at that point, data request responses would be due 2 Environmental intervenors are fine with the 3 3 earlier deadline, but just clarifying that the within three business days. 4 We're proposing the discovery cutoff to be 4 evidentiary hearing, I think that was the only date 5 5 September 25th, and the due date for cross-examination that we could all make, so we can't have that pushed 6 exhibits, cross time estimates, et cetera, would be 6 back. 7 October 2nd. 7 JUDGE HOWARD: Okay. 8 8 MS. MOSER: Thank you, Your Honor. I think, For the public comment hearing -- and, again, we 9 9 don't know the Commission's availability here, but we you know, one other consideration was just trying to 10 were proposing October 8th, with the evidentiary 10 avoid Labor Day week, which is, I think, the week hearing on October 9th. And then we had post-hearing before, and just understanding that it may be difficult 11 11 brief -- initial post-hearing brief on November 7th to get a filing in. So it -- I would just flag that 12 12 13 that's still a concern. 13 with a reply brief on the 21st. 14 JUDGE HOWARD: All right. I am noticing that 14 JUDGE HOWARD: All right. Thank you. 15 there's nearly a two-month period of time between 15 MR. O'NEILL: The other -- from Public 16 response testimony and the deadline for rebuttal and 16 Counsel, just -- the observation is that if we move the 17 cross answering. Would the parties be amenable to 17 hearing date back any further, we're worried it's going 18 18 to run into the rate cases that are all going to be moving the deadline for rebuttal and cross answering a 19 week earlier so that the Commission has 19 hitting right around the same time. And so we were approximately -- has a little bit more time before the 20 reluctant to push any more of this into later than 20 21 hearing to review all the -- to review all the 21 October 9th, just for that reason. There's going to be 22 testimony and evidence? 22 a crush. 23 MS. BARNETT: I think, as usual, this was a 23 JUDGE HOWARD: Thank you. Thank you, 24 Mr. O'Neill. I am definitely tending to agree with 24 carefully crafted calendar. I would -- I -- we did 25 25 discuss that, or at least a shorter time, and the that. Page 14 Page 16 1 All right. Well, thank you. I will take this 1 parties -- I think there was a consensus of wanting 2 2 more time between response and rebuttal, given the under advisement. I expect that this schedule should 3 potential number of proposals we're going to be seeing, 3 work for the Commission, but I do just want to make 4 and we don't really know what they're going to look 4 sure that the Commission is able to fully review all 5 5 the evidence before -- before the hearing. 6 I know there was also some discussion about a 6 All right. Mr. Callaghan, any other issues around 7 couple dates in October. I don't know if it's an 7 the schedule that we should discuss or any other points 8 issue, maybe we choose the later October date for the 8 in disagreement? 9 hearing, but I -- I'm open. That would change a couple 9 MR. CALLAGHAN: Nothing from Staff, Your 10 1.0 other dates though too, so I -- I don't want to speak Honor. 11 for anybody else, but that's PSE's position is, we 11 JUDGE HOWARD: Any other party? 12 12 would like that time for rebuttal, but we're open to MS. MOSER: No, Your Honor. 13 13 JUDGE HOWARD: All right. Hearing none, I pushing back the evidentiary hearing time. 14 JUDGE HOWARD: Okay. Would any other party 14 will again take this all under advisement, and this like to weigh in? 15 15 will be in the prehearing conference order. 16 MR. CALLAGHAN: Staff doesn't have any 16 Turning to some of the other issues that we 17 conflict with the earlier cross answering deadline. 17 commonly address at our prehearing conferences, we 18 JUDGE HOWARD: Okay. I suppose -- I suppose 18 would normally address at this stage whether the 19 between the hearing and this deadline, we're pretty 19 parties want a protective order. I don't believe that 2.0 much at four weeks. Okay. 2.0 there's one in this docket. Is there any request for a 2.1 Any other party like to weigh in? I'll just take 21 protective order in this docket? Turning first to the 22 22 this under advisement. Company. 23 MS. GRAVOTTA: Um --23 MS. BARNETT: Yeah. I don't -- sorry, let me 24 2.4 MS. MOSER: Thank you, Your Honor. Sorry. turn my video on. 25 You can go ahead. 25 I honestly don't know what confidential

	Page 17		Page 19
1	information would be requested, but it's hard to dis	1	MR. O'NEILL: Thank you.
2	hard to know, so we can we can move to have one just	2	MS. GRAVOTTA: Thank you, Your Honor.
3	in case, or we can move at a later time. I really	3	(Hearing adjourned.)
4	don't have a preference, I suppose. It's hard to tell.	4	,
5	I don't know. Maybe the other parties know what	5	
6	they're going to ask. I guess I don't know.	6	
7	JUDGE HOWARD: Any other party like to weigh	7	
8	in?	8	
9	MR. CALLAGHAN: Your Honor, Staff's	9	
10	preference would be to just have a protective order	10	
11	just in case. I think it's best to just take care of	11	
12	it now.	12	
13	JUDGE HOWARD: I'm inclined to agree, if	13	
14	there's no objection. Would anyone like to make an	14	
15	objection to one? All right. Hearing none, turning to	15	
16	some of the other matters that we commonly address.	16	
17	We are likely going to continue to suspend the	17	
18	requirements for filing paper copies of documents. We	18	
19	are going to follow the rules for electronic service of	19	
20	documents which are already in place. If the parties	20	
21	would like to designate any additional individuals for	21	
22	service or for courtesy service, please feel free to	22	
23	e-mail me directly.	23	
24	All right. And, finally, I think I don't	24	
25	believe we specifically discussed any deadline for	25	
	Page 18		Page 20
1	errata sheets. Would there be any objection to setting	1	CERTIFICATE
2	a deadline for errata sheets one week prior to the	2	STATE OF NEW HAMPSHIRE)
3	hearing, which would be the same day as the) ss
4	cross-examination exhibits and other submissions?	3	COUNTY OF MERRIMACK)
5	MR. CALLAGHAN: No objection, Your Honor.	4	Lan Maria Claza a Cartified Court Paparter and
6	-	1 -	I, Jan-Marie Glaze, a Certified Court Reporter and
~	JUDGE HOWARD: All right. Thank you. And	5	Registered Professional Reporter within and for the State of
7	JUDGE HOWARD: All right. Thank you. And hearing no objections from any other party.		
	hearing no objections from any other party.	5	Registered Professional Reporter within and for the State of Washington, do hereby certify under penalty of perjury that the foregoing court proceedings or legal recordings were
7		5 6 7 8	Registered Professional Reporter within and for the State of Washington, do hereby certify under penalty of perjury that the foregoing court proceedings or legal recordings were transcribed under my direction; and that the transcript is
7 8	hearing no objections from any other party. Is there anything else that we should address at our prehearing conference today?	5 6 7 8 9	Registered Professional Reporter within and for the State of Washington, do hereby certify under penalty of perjury that the foregoing court proceedings or legal recordings were transcribed under my direction; and that the transcript is true and accurate to the best of my knowledge and ability,
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