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BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

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BELLINGHAM COLD STORAGE )  
COMPANY and GEORGIA-PACIFIC )  
WEST, INC., )

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Complainant, )

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v. )

Docket No. UE-001014

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PUGET SOUND ENERGY, )

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Respondent, )

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GEORGIA-PACIFIC WEST, INC., )

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Complainant, )

12

v. )

Docket No. UE-000735

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PUGET SOUND ENERGY, )

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Respondent, )

VOLUME II  
Pages 116-131

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A prehearing conference in the above matter

was

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held on July 20, 2000 at 3:36 p.m., at 1300 South  
Evergreen

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Park Drive Southwest, Olympia, Washington before

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Administrative Law Judge ROBERT WALLIS.

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The parties were present as follows:

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BELLINGHAM COLD STORAGE and GEORGIA-PACIFIC,  
INC., by JOHN GOULD, Attorney at Law.

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Attorney at  
Law.

PUGET SOUND ENERGY by R. GERALD LUTZ,

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SCHEDULE 48 CUSTOMERS by MELINDA DAVISON,  
Attorney at Law.

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Attorney

THE PUBLIC by SIMON FFITCH, Assistant

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General

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CONSTANCE F. CHAMBLISS, CSR

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COURT REPORTER

00118

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CONTINENTAL REPORTING (206) 624-DEPS (3377)

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COLLOQUY

P R O C E E D I N G S

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come to

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prehearing

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UE-000735,

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by

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Bellingham

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JUDGE WALLIS: The conference will please

order. This matter is being held at Olympia,

and by teleconference bridge on July 20 of the year

2000. My name is Robert Wallis, an Administrative

Judge of the Washington Utilities and Transportation

Commission. And this matter is being heard pursuant

consent of the parties and to arrangement at a

conference held yesterday in the Docket Nos.

which is a complaint by Georgia-Pacific West, Inc.

against Puget Sound Energy and Docket No. UE-001014,

complaint by Bellingham Cold Storage Company and

Pacific West, Inc. against Puget Sound Energy.

I'm going to ask for appearances at this time,  
beginning with the complainants.

MR. GOULD: The complainants are represented

John Gould. That's Georgia-Pacific West and

Cold Storage.

JUDGE WALLIS: The respondent?

MR. LUTZ: The respondent is represented

today by  
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R. Gerard Lutz, L-u-t-z.

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directly  
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JUDGE WALLIS: Mr. Lutz, we cannot hear what  
you're saying, so we need you to speak clearly,  
into the mike, and keep your voice up.

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MR. LUTZ: Puget Sound Energy, respondent, is

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represented by R. G-e-r-a-r-d, L-u-t-z, Perkins Coie,  
LLP, 411 108th Avenue Northeast, Suite 1800,

Bellevue,

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Washington, 98004, (425) 453-6980.

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JUDGE WALLIS: Intervenors?

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MS. DAVISON: Melinda Davison, representing

five

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intervenors. We're calling these Schedule 48

customers,

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which are Air Lockheed, Air Products, the Boeing

Company,

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Ethelon (phonetic) Enterprises, and TARASCO

Northwest.

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MR. MYERS: Michael Myers, representing

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intervenor, Atlantic Ridgefield Company.

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JUDGE WALLIS: I will acknowledge that Robert

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Cedarbaum, representing the Commission staff, was

present

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at the appointed hour, but was required to leave to

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attend another hearing.

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MR. FFITCH: Your Honor, public counsel,

Simon

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ffitch, Assistant Attorney General.

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JUDGE WALLIS: Thank you very much. Are

there

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any other appearances to be entered?

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Let the record show that there's no response.

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At the conclusion of yesterday's session the

parties

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decision

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in

agreed to confer today to develop a schedule, which

effectively balanced the need for an expedited

with the need for adequate time for parties to engage

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the steps necessary to prepare and present a professional

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presentation to the Commission.

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CONTINENTAL REPORTING (206) 624-DEPS (3377)

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COLLOQUY

I want to commend the parties for the effort that

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they have spent at this and for the result, which appears

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to accomplish an effective balancing of those interests.

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I'm going to read the schedule, as supplemented by

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earlier discussions, and identify the dates for various

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aspects of the schedule, along with some concerns,

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reservations or conclusions that we have reached as

to

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those dates, as appropriate.

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It's agreed that the first round of dispositive motions may be filed any time between the present and July 31. It's agreed that the response time for any motion is four days, and for any discovery request is three days, unless the parties agree and it is

approved

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by the Administrative Law Judge.

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It is anticipated that there may be occasions when

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the demands of document production will require an

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extension, but we trust that those extensions would

be

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brief, would be upon a showing of good cause, and by

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agreement of the parties.

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MR. FFITCH: Your Honor, may I interject an inquiry as to whether those are business or calender days?



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JUDGE WALLIS: Was that Mr. ffitch?

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MR. FFITCH: This is Simon ffitch.

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off

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I'm sorry, Your Honor. We didn't discuss that

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the record.

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MR. GOULD: John Gould, may I respond, Your Honor, my view?

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JUDGE WALLIS: Mr. Gould?

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rule, as

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MR. GOULD: Simon, I was thinking of the

remember.

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now written, and the number of which I can't

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It's four-eight-oh-nine.

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JUDGE WALLIS: Four-eighty, I believe.

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you

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MR. GOULD: And it says that all days count, unless they end on Saturday or Sunday, in which case don't count them.

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MR. FFITCH: Ordinarily, in these scheduling

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how

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MR. GOULD: Unless the end day is Saturday or Sunday, and then you don't count it. So do you see that works? They do get counted.

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rule,

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MR. FFITCH: Well, I'm familiar with the

Commission

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Mr. Gould. I guess my observation is that the ordinarily either dictates whether it's calender days

or  
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business  
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business days. And the rule speaks in terms of  
days, ordinarily, for discovery.

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is

JUDGE WALLIS: I think Mr. Gould's suggestion

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the  
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requests  
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the equivalent of business days, unless those are in  
middle of the session. That could provide some  
opportunity for gaming, if parties filed their  
only on Fridays. So why don't we say business days.

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CONTINENTAL REPORTING (206) 624-DEPS (3377)

be  
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Commission  
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Very well. The responses to the motions would  
due at the Commission by close of business on Friday,  
August 4th. And it is anticipated that the  
will enter an order on the dispositive motions in the  
latter part of the following week; that is, by August  
or 11, or by the beginning of the following week, at  
latest.

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they  
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Nonetheless, the complainants have agreed that  
will file their direct case on October 10th, even if  
order has not yet been entered on the dispositive  
motions, recognizing that most of those motions would  
to - if they were granted, presumably, to reduce the  
scope of the complaint and the resulting evidence.

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act  
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has  
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If that happens, then evidence which has been  
prefiled on the 10th on an issue which the Commission  
ruled is no longer within the case, it will not be

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considered and will be stricken.

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MR. LUTZ: Your Honor, this is Gerry Lutz. I  
would like to ask a clarifying question.

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JUDGE WALLIS: Mr. Lutz?

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identification of

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three-day

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MR. LUTZ: The three-business-day-response

for discovery request --

JUDGE WALLIS: Yes.

MR. LUTZ: -- as a point of clarification,

received an initial data request I believe yesterday,

CONTINENTAL REPORTING (206) 624-DEPS (3377)

normally our response time would be ten days. So I

I would request that it be three days, starting

tomorrow. So our first response won't be due until

Tuesday.

MR. GOULD: John Gould. We went through that

bit yesterday, and I was authorized to serve the

data request by Judge Moss.

(Request by reporter to  
Judge for

speakers.)

MR. LUTZ: And we have no objection to that,

recognizing now that we're proposing to have a

limit rather than a ten-day limit.

MR. GOULD: We're talking yesterday.

MR. LUTZ: Well, we were talking yesterday

--  
23

and  
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court

JUDGE WALLIS: I'm going to interject here  
ask to you slow down, speak up, and state your name  
before you complete a comment, out of pity on our

00124

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reporter.

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MR. LUTZ: Your Honor, this is the Jerry Lutz

for

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Puget Sound Energy.

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JUDGE WALLIS: Mr. Lutz.

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MR. LUTZ: And my request for clarification

was

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that yesterday the first discovery request was served

on

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CONTINENTAL REPORTING (206) 624-DEPS (3377)

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COLLOQUY

Puget. And as Mr. Gould was just stating, they had

asked

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for and been given authorization to file a data

request.

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What we are asking is, since the normal reply time

would

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be ten days, that we not be required to respond in

three

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business days, counting today. We just want to start

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we want to have three days from the date the order is

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entered, so we would have our first response due

Tuesday,

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rather than Monday.

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JUDGE WALLIS: Mr. Gould?

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MR. GOULD: I think that the proposal I made

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yesterday was that discovery time be - or response

time

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be two days, as a matter of fact, in the schedule

that

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Judge Moss asked that we then carry to his bench.

And we

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did not - he did not resolve that question then. But

it

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was - you know, a short time was clearly before the

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parties. And I think Monday is the - in this case,

if

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they are business days, I certainly would think it

would

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be fair to attach that ruling to that discovery

served



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yesterday. And in that case, the proper due date is

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Monday.

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JUDGE WALLIS: Well, I'm going interject

here, if

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I may, and say that to my thinking, at the time those

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requests were provided to the company, there was no

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deadline established, other than the deadline

provided by

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rule, even though you had - Mr. Gould filed a request

for

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CONTINENTAL REPORTING (206) 624-DEPS (3377)

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an expedited schedule.

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So I do not see that the additional day is going

to

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unduly interfere with the schedule. I will, however,

ask

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Mr. Lutz to prevail upon those who are responding to

the

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request to expedite it, and if any are ready for

service,

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any responses are ready for service on the 24th, I

will

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ask that the company provide those responses on the

24th.

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MR. LUTZ: Yes, sir, that will happen.

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JUDGE WALLIS: That was Mr. Lutz?

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MR. LUTZ: That was Mr. Lutz. I apologize.

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JUDGE WALLIS: Very good. Thank you.

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Mr. Gould, does that meet most of your concerns?

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MR. GOULD: Yes.

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JUDGE WALLIS: Thank you.

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complainant's Very well. We've mentioned that the

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responses direct case will be due on August 10th. The

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would be from PSE and also responses from the intervenors

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counsel

due on August 21. Commission staff and public  
responses would be due on August 28th.

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that

The opportunity to respond to points not yet  
responded to would be September 7th. And to meet a  
concern from intervenors, why don't we make it clear  
that allows - that deadline allows complainants,  
respondents, and the intervenors to respond to points  
they have not yet responded to.

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CONTINENTAL REPORTING (206) 624-DEPS (3377)

whole or  
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and  
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on or  
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The last day for the dispositive motions in  
in part would be September 21. We would expect that  
direct that parties be foreclosed from filing on  
September 21 any motion which could have been filed  
before July 31, except upon a showing of good cause.

will  
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hearing in  
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The hearing will be set for October 5th. We  
block off October 5 and 6, in case a second day is  
needed. At the present time there is a public  
Vancouver, Washington set for the evening of October  
in the matter of the Northwest Natural Gas rate  
proceeding, which is pending before the Commission.

5th  
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We will look at the internal possibilities of  
rescheduling that to another date. And if that is

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possible, we'll proceed on the dates at that we've

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identified. If it is not possible, we will re-look

at

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the schedule, and it may be that we would be moving

into

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closely  
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one or more days in the following week, but very  
following the days which have been identified.

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on  
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out  
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the  
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parallel  
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Simultaneous opening briefs would be presented  
October 19th, and we will direct the parties to work  
an outline for the briefs prior to the conclusion of  
hearing or immediately following the conclusion of  
hearing, so that all briefs are presented in a  
structure. We found this to be very important over  
years in assuring that the arguments line up, so that

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the  
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CONTINENTAL REPORTING (206) 624-DEPS (3377)

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Commission and other parties are aware of the issue  
which arguments are being addressed and so that the  
arguments are as clearly and cogently presented as  
possible.

answering  
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Parties will be presenting simultaneous  
briefs on October 24th.

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Simon  
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MR. FFITCH: Your Honor, may I interject?

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ffitch.

JUDGE WALLIS: Mr. ffitch?

be

MR. FFITCH: I had requested that that date

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changed to October 25th.

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JUDGE WALLIS: Yes, October 25th, oral

argument

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on October 27th, and we anticipate an order date in

early

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November.

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Now, the parties have asked that the scheduling

of

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the transmission case we deferred for the moment.

And we

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will identify, either by letter to the parties or by

the

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scheduling of a prehearing conference, the time for

the

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parties to identify a schedule on those issues.

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dispositive

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It was also stated that responses to the

time

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motion may cause parties to believe that additional

the

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is necessary. And we've indicated that if that is

the

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case, then the parties, of course, are free to make

argument to the Commission regarding the need for

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additional time. The Commission will listen to such

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CONTINENTAL REPORTING (206) 624-DEPS (3377)

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arguments to any responses and will decide as is

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appropriate.

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omitted?

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Is there anything that I have misstated or

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MR. GOULD: Your Honor, Mr. Gould.

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JUDGE WALLIS: Mr. Gould?

075,

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MR. GOULD: With regard to the GP case, the

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I think it is . . .

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JUDGE WALLIS: 735, yes.

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think

MR. GOULD: 735. Because you opened your  
comments as though they were consolidated - and I

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you did that advisedly - perhaps it's appropriate to

say

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that scheduling for that is also deferred.

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JUDGE WALLIS: Yes. And I did not mean to

infer

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that they are - or to imply or for anyone to infer

that,



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comment.

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addressed

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elements of

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in fact, they had been consolidated, because they  
not. As a technical matter, we have scheduled  
simultaneous prehearing conferences and are still  
carrying these under separate dockets.

MR. GOULD: I see. All right.

JUDGE WALLIS: But we appreciate your

The Commission does remain concerned that it will  
the opportunity to address all of the issues and that  
parties will have the opportunity to present all of  
issues in a manner that is sufficiently timely for  
relief, when it is determined to be of value to the

CONTINENTAL REPORTING (206) 624-DEPS (3377)

parties.

And the fact that we have not specifically  
those dates in this conference does not mean that  
are unimportant, that the parties should believe that  
they are being set aside, but merely we want to get  
things first. This is the first of business, as the  
parties agreed yesterday. And we will be proceeding,

I say, either with a letter or with a scheduling of a  
further conference to explore dates for other

the dispute.

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Does that satisfy your concerns, Mr. Gould?

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MR. GOULD: Yes. Thank you.

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JUDGE WALLIS: Is there anything else? Any

other

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party have a comment or a question?

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MR. FFITCH: Your Honor, public counsel.

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JUDGE WALLIS: Mr. ffitch?

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MR. FFITCH: Just for the record, Your Honor,

you

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have already indicated the possibility that parties

may

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wish to seek adjustment of the schedule, depending on

how

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the issues develop. I just want to state public

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counsel's position for the record, that while we

agree to

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this schedule, it is our view that this schedule is

an

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extremely tight schedule for considering the type of

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issues that - which it appears may arise, the

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significance and the scope of the issues which may

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CONTINENTAL REPORTING (206) 624-DEPS (3377)

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arise. And we would reserve our right to, later in

the

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case, if it appears that this is not a practicable

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schedule, to raise that issue again with the

Commission.

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JUDGE WALLIS: Thank you, Mr. ffitch.

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Anything further? It appears that there's not.

I

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want to thank you all for attending this afternoon.

And

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I want to particularly thank you for the effort that

went

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into developing this schedule and to the spirit of

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cooperation that enveloped our discussions this

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afternoon. With that, this conference is adjourned.

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(Concluded at 3:57

p.m.)

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CONTINENTAL REPORTING (206) 624-DEPS (3377)

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C E R T I F I C A T E

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As Court Reporter, I hereby certify that  
the foregoing transcript is true and accurate and  
contains all the facts, matters, and proceedings  
of the hearing held on: July 20, 2000.

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CONTINENTAL REPORTING

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