

Docket No. UE-200980 - Vol. III

WUTC v. Puget Sound Energy

April 22, 2021



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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of:) Washington Utilities and Transportation Commission) No. UE-200980 Plaintiff,) vs.) Puget Sound Energy,) Defendant.)

SETTLEMENT HEARING MICHAEL HOWARD, ADMINISTRATIVE LAW JUDGE VOLUME III

April 22, 2021 Pages 51 through 108 Held at:

Washington Utilities and Transportation Commission 621 Woodland Square Loop Southeast Lacey, Washington

REPORTED BY: ChaRae Kent, CCR, RPR License No. 2408

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1 INDEX 2 Washington Utilities and Transportation Commission vs. 3 Puget Sound Energy 4 No. UE-200980 Volume III 5 April 22, 2021

EXHIBITS

6 PUGET SOUND ENERGY 7 KSJ-1T Direct Testimony of Kenneth S. Johnson (15 pgs) 8 KSJ-2 Professional Qualifications of Kenneth S. Johnson 9 10 CROSS-EXAMINATION EXHIBITS 11 SEF-1T Direct Testimony of Susan E. Free (43 pages) 12 SEF-2 Professional Qualifications 13 SEF-3 Order 11 in UE-130617 Adopting and Attaching 14 The 2015 PCA Settlement 15 SEF-4 Deficiency Calculation 16 SEF-5 Summary and Detail of Adjustments 17 SEF-6 Exhibit A-1 Power Cost Baseline Rate 18 SEF-7 Power Cost Baseline Rate Comparison 19 SEF-8 Overview of the Use of a Production Factor 20 SEF-9 Accounting & Reporting for the Voluntary Long Term Renewable Energy Purchase 21 SEF-10 CAISO Energy Unbalance Market Costs to Include 22 in PSE's PCA Mechanism 23 SEF-11 Earnings Analysis 24 SEF-12C PSE Response to Informal Discovery Regarding 25 Financial Metrics and Expected PCA Under-Recoveries SEF-13T Supplemental Direct Testimony (8 pages)

Page 55

1 EXHIBITS CONTINUED
 2 SEF-14 Updated Revenue (Surplus) Deficiency 2020
 PCORC Compared to 2019 GRC
 3
 4 SEF-15 Updated Summary & Detail of Adjustments
 5
 6 SEF-16 Updated Exhibit A-1 Power Cost Baseline Rate
 2020 PCORC
 7 SEF-17 Updated Power Cost Baseline Rate Comparison
 2020 Power cost-only rate Case Original
 Filing vs. 2019 GRC
 8 PSE-1JT Joint Testimony in support of Settlement
 Agreement (17 pages)
 9
 10 CROSS-EXAMINATION EXHIBITS
 11 BDJ-1T Direct Testimony (14 pages)
 12
 13 BDJ-2 Professional Qualifications of Birud D. Jhaveri
 14
 15 BDJ-3 Temperature Adjustment
 16
 17 BDJ-4 Production Factor
 18
 19 BDJ-5 Schedule 139 Green Direct Demand Portion of
 Power Costs in PCA Baseline Rate
 20
 21 BDJ-6 Calculation of Schedule 95 Rates
 22
 23 BDJ-7 Schedule 142 Decoupling Mechanism Fixed Power
 Cost Allowed Revenue & Revenue per Unit Rates
 24
 25 BDJ-8 Rate Impacts
 26
 27 CROSS-EXAMINATION EXHIBITS
 28
 29 WTE-1CT Direct Testimony (17 pages)
 30
 31 WTE-2 Professional Qualifications of William Einstein
 32
 33 WTE-3C Skookumchuck Amended & Restated
 Power Purchase Agreement
 34
 35 WTE-4C Lund Hill Amended Power Purchase Agreement
 36
 37 WTE-5 2017 Request for Proposal for Renewable Energy

Page 56

1 EXHIBITS CONTINUED
 2 WTE-6 2015 Request for Information for Renewable
 Energy
 3
 4 WTE-7HC RFI Submission Results
 5
 6 WTE-8HC RFP Submission Results
 7
 8 WTE-9HC Green Direct EMC Presentations
 9
 10 WTE-10C Power Purchase Agreement Approval Memoranda
 11
 12 CROSS-EXAMINATION EXHIBITS
 13
 14 CLS-1HCT Direct Testimony of Cindy L. Song (81 pages)
 15
 16 CLS-2 Professional Qualifications of Cindy Song
 17
 18 CLS-3 2017 IRP Document
 19
 20 CLS-4 2018 All Resources RFP Document
 21
 22 CLS-5HC 2018 All Resources RFP Eval. Process Document
 23
 24 CLS-6HC Presentations made to PSE's Energy Management
 Committee Subsequent to Phase 2 of the 2018
 All Resources RFP
 25
 26 CLS-7HC Presentations Made to PSE's Board of Directors
 Subsequent to Phase 2 of the 2018 All
 Resources RFP
 27
 28 CLS-8 PSE'S Revised 2019 IRP Progress Report
 29
 30 CLS-9C SPI Biomass PPA (Project ID#18100)
 31
 32 CLS-10C BPA Peak Capacity Product (Project ID#18161)
 33
 34 CLS-11 WSPP Master Agreement
 35
 36 CLS-12C MSCG System PPA (Project ID#UP006)
 37
 38 CLS-13C Golden Hills Shaped Wind PPA
 39
 40 CLS-14C Golden Hills Interim Capacity PPA
 41
 42

Page 57

1 CROSS-EXAMINATION EXHIBITS
 2 PKW-1CT Direct Testimony of Paul K. Wetherbee
 3
 4 PKW-2 Professional Qualifications of Paul Wetherbee
 5
 6 PKW-3C Summary of PSE's Proposed Power Costs in
 Comparison with Power Costs in the 2019 GRC
 Final Order
 7
 8 PKW-4C Memo Summarizing Analysis & Decision to Enter
 Energy Keepers Power Purchase Agreement
 9
 10
 11 PKW-5C EMC Slides Presenting Energy Keepers Proposal
 and Recommendation to Submit Offer
 12
 13 PKW-6 EMC Slides for Renewal of 23 MW BPA
 Transmission Contract from Mid-C
 14
 15
 16 PKW-7C C Slides for Renewal of 100 MW BPA
 Transmission, Contract from Centralia & 94 MW
 BPA Transmission, Contract from Garrison, MT
 17
 18
 19 PKW-8C Memo Summarizing Analysis and Decision to
 Acquire 50 MW BPA Contract for Transmission
 From Garrison, MT
 20
 21
 22 PKW-9C EMC Slids for New 50 MW BPA Transmission
 Contract from Garrison, MT
 23
 24 PKW-10 EMC Slids for new 75 MW BPA Transmission
 Contract from Lower Snake River Beginning
 in 2024
 25
 26 PKW-11C Summary to Rate-Year Power Costs by Resource
 27
 28 PKW-12C Monthly Detail of Costs & Energy Produced
 by Aurora
 29
 30
 31 PKW-13C Summary of the Rate Year Costs Not in Aurora
 32
 33
 34 PKW-14C Rate Year Resources Input Summary
 35
 36
 37 PKW-15C Gas Mark-to-Model and Open Transport Value
 38
 39
 40 PKW-16C Monthly Market Gas & Power Prices
 41
 42
 43 PKW-17C Fixed Gas-for-Power Transportation Costs
 44

Page 58

1 EXHIBITS CONTINUED
 2 PKW-18C Calculation of Rte Year Day-Ahead Wind
 Integration Costs
 3
 4
 5 PKW-19C Transmission Contract Costs
 6
 7
 8 PKW-20C Contract Costs of Mid-C Hydro Resources
 9
 10
 11 PKW-21C Distillate Fuel Incremental Costs
 12
 13
 14 PKW-22C Adjustment to Remove None-Fuel Costs that are
 Included in Aurora's Peaker Start Costs
 15
 16 PKW-23C Colstrip Units 3&4 Fixed Fuel Costs
 17
 18 PKW-24 Other Power Costs Chargeable to FERC Acct. 557
 19
 20 PKW-25CT Supplemental Direct Testimony (9 pages)
 21
 22 PKW-26C Rate Year Power Costs - Supplemental Filing
 23
 24 PKW-27C Rate Year Power Costs by Resource -
 Supplemental Filing
 25
 26
 27
 28 PKW-28C Aurora Costs and Energy Outputs - Supplemental
 29
 30
 31 PKW-29C Power Costs Not in Aurora - Supplemental Filing
 32
 33
 34 PKW-30C Market Energy Proces - Supplemental Filing
 35
 36
 37 PKW-31C Gas Mark to Model & Open Transport Value -
 Supplemental Filing
 38
 39 PKW-32C Rate Year Transmission Costs - Supplemental
 40
 41 PKW-33C Mid Columbia Contracts Costs - Supplemental
 42
 43 PKW-34C Fixed Gas for Power Transportation Costs -
 Supplemental Filing
 44
 45
 46
 47 PKW-35C Day Ahead Wind Integration Costs - Supplemental
 48
 49
 50
 51 PKW-36C Distillate Fuel Incremental Costs -
 Supplemental Filing
 52
 53
 54 PKW-37C Adjustment for Non-Fuel Costs Included in
 Peaker Start Costs - Supplemental Filing
 55

Page 59

1 EXHIBITS CONTINUED
 2 CROSS-EXAMINATION EXHIBITS
 3 RJR-1CT Direct Testimony of Robert J. Roberts (27 pgs.)
 4 RJR-2 Professional Qualifications
 5 RJR-3 Colstrip Units 3 and 4, Ownership & Operations
 Agreement
 6
 7 RJR-4C Coal Supply Agreement dated as of 12/5/2019
 8 RJR-5C Presentation to the PSE Energy Management
 Committee, 7/23/2019 re: Development of Coal
 Supply Contract Negotiations
 9
 10 RJR-6C Presentation to the PSE Energy Management
 Committee, 8/29/2019, regarding the Coal Supply
 Agreement
 11
 12 RJR-7C Summary of PSE's Analysis of the Alternate
 Agreement Between Westmoreland & Talen, MT
 13 RJR-8 Summary of Test Year Production O&M Expense
 14 RJR-9 Summary of Rate Year Production O&M Expenses
 15 RJR-10 Summary of the Adjustments to Test Year
 Production O&M Expense in Calculating the Rate
 Year Production O&M Expense
 16 RJR-11C Comparison of Major Maintenance of O&M Expense
 17 RJR-12 Comparison of Hydroelectric Production
 18 RJR-13C Comparison of Wind Production O&M Expense
 19
 20
 21
 22
 23
 24
 25

Page 60

1 CROSS-EXAMINATION EXHIBITS
 2 COMMISSION REGULATORY STAFF
 3 JL-1T Testimony of Jing Liu (27 pages)
 4
 5 PUBLIC COUNSEL
 6 SKC-1T Testimony of Stephanie K. Chase (5 pages)
 7 ALLIANCE OF WESTERN ENERGY CONSUMERS
 8 LDK-1T Testimony of Lance D. Kaufman (5 pages)
 9 LDK-2 Curriculum Vitae
 10
 11 THE ENERGY PROJECT
 12 SMC-1T Testimony of Shawn M. Collins (6 pages)
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

Page 61

1 BE IT REMEMBERED that on Thursday, April 22, 2021,
 2 at 12:00 p.m. the videoconference Zoom settlement hearing
 3 was taken before ChaRae Kent, Certified Court Reporter and
 4 Registered Professional Reporter. The following
 5 proceedings took place:
 6
 7 PROCEEDINGS
 8 JUDGE HOWARD: Today is Thursday, April 22nd at 12
 9 noon. We're here today for a settlement hearing in Docket
 10 UE-200980 which is captioned: Washington Utilities and
 11 Transportation Commission versus Puget Sound Energy. My
 12 name is Michael Howard. I'm an administrative law judge
 13 with the commission. I'm joined today by Chair Dave
 14 Danner, Commissioner Ann Randall, and Commissioner Jay
 15 Balasbas.
 16 Let's start by taking short appearances beginning
 17 with the company.
 18 MS. CARSON: Good morning, Your Honor. I'm Sheree
 19 Strom Carson with Perkins Coie, representing Puget Sound
 20 Energy.
 21 JUDGE HOWARD: Thank you. Could we have an
 22 appearance for staff.
 23 MR. DALLAS: Good morning, Your Honor. This is Joe
 24 Dallas, Assistant Attorney General on behalf of commission
 25 staff.

Page 62

1 JUDGE HOWARD: And public counsel.
 2 MS. GAFKEN: Good afternoon. This is Lisa Gafken,
 3 Assistant Attorney General appearing on behalf of public
 4 counsel.
 5 JUDGE HOWARD: And could we have an appearance for
 6 the Energy Project.
 7 MR. FFITCH: Good afternoon, Your Honor. Simon
 8 Ffitch appearing on behalf of the Energy Project.
 9 JUDGE HOWARD: Thank you.
 10 So on the issue of the evidence and testimony
 11 submitted so far, are the parties willing to stipulate to
 12 the admission of all the pre-filed exhibits and testimony
 13 up to and including the settlement testimony and exhibits?
 14 MR. COLEMAN: Your Honor, I apologize, if I may.
 15 Brent Coleman here, I would like to make an appearance on
 16 behalf of the Alliance of Western Energy Consumers. I was
 17 a little late joining in on the pre-meeting discussion,
 18 so.
 19 JUDGE HOWARD: I'm sorry, Mr. Coleman. Did I skip
 20 you in my run down there? I apologize. Thank you for
 21 bringing that up.
 22 MR. COLEMAN: Thank you, Your Honor.
 23 JUDGE HOWARD: All right. So on the issue of the
 24 evidence, are the parties willing to stipulate to the
 25 admission of all the pre-filed exhibits and testimony

Page 63

1 including the settlement and testimony and exhibits? I
 2 would turn first to the company.
 3 MS. CARSON: PSE has no objection and would like to
 4 see those exhibits and testimony stipulated into the
 5 record.
 6 JUDGE HOWARD: And staff.
 7 MR. DALLAS: Staff has no objection.
 8 JUDGE HOWARD: Public council.
 9 MS. GAFKEN: Public counsel has no objection and
 10 would also stipulate to the admission of all the testimony
 11 and exhibits.
 12 JUDGE HOWARD: All right. And AWEC.
 13 MR. COLEMAN: AWEC has no objection and would
 14 stipulate. Thank you, Your Honor.
 15 JUDGE HOWARD: And could we get The Energy Project's
 16 position.
 17 MR. FFITCH: Energy Project has no objection and
 18 agrees to stipulation of the exhibits.
 19 JUDGE HOWARD: Thank you, all. Then all the
 20 pre-filed exhibits and testimony are admitted and I'll
 21 provide a copy of the exhibit list to the court reporter
 22 so it can be made part of the record.
 23 (All pre-filed exhibits and testimony are admitted.)
 24 JUDGE HOWARD: Next we will turn to opening
 25 statements and we will be allowing the parties an

Page 64

1 opportunity to make an opening statement in support of the
 2 settlement. I would turn first to Puget Sound Energy.
 3 MS. CARSON: Thank you, Judge Howard, Chair Danner,
 4 Commissioner Randall, and Commissioner Balasbas.
 5 Thank you for the opportunity to present this
 6 settlement agreement for PSE's power cost only-rate case.
 7 This settlement is a full multi-party settlement. It
 8 is not opposed by any party, although public counsel has
 9 not joined in the settlement and the settlement is a
 10 carefully negotiated package. It reflects give and take
 11 from all parties and we ask that the commission approve
 12 the settlement without conditions.
 13 PSE filed this power cost-only rate case back in
 14 December in a manner consistent with past PCORCs. In
 15 recognition of the fact that PCORCs are to be expedited
 16 rate proceedings with the decision issued in six months,
 17 PSE held a technical conference in January. The technical
 18 conference parties had the opportunity to ask questions
 19 and PSE walked through its testimony, exhibits, and work
 20 papers. The parties engaged in discovery and in March,
 21 the parties participated in a settlement conference.
 22 Shortly before responsive testimony was due, the settling
 23 parties reached a settlement in principal. That's not
 24 been formalized and that's now what we present to the
 25 commission today.

Page 65

1 The commission has said that it favors settlements if
 2 they are lawful and consistent with the public interest.
 3 That is the case here and I'm going to point to a few
 4 aspects of the settlement that demonstrate that.
 5 First, this settlement, like all power cost-only rate
 6 cases, allows for the power cost baseline rate to be reset
 7 to more accurately reflect the power cost and load that
 8 will be in affect during the rate year. This is important
 9 because it mitigates the risk of surcharges in the future.
 10 Second and relatedly, this PCORC, like all other
 11 PCORCs, allows new resources, PPAs, transmission
 12 contracts, to go into rates and be determined to be
 13 prudent. No party objects to the prudence of the
 14 resources that PSE has presented in the case and PSE has
 15 provided substantial testimony and evidence supporting the
 16 prudence. We respectfully ask that the commission approve
 17 the prudence of these resources.
 18 These power purchase agreements and transmission
 19 contracts are important because they address the capacity
 20 shortfall that's resulted from the closure of cold strip
 21 units 1 and 2 and they also bring in new renewable energy
 22 into PSE's portfolio consistent with statutory mandates.
 23 Third, the settlement is in the public interest
 24 because it increases the low-income assistance. It
 25 increases it to double the base rate of the residential

Page 66

1 customer increase in this case.
 2 Fourth, this settlement addresses some issues that
 3 the parties have grappled with for quite a while and one
 4 of these is the green direct program. The settlement
 5 provides for a compromise in this case on the energy
 6 credit for green direct customers. But parties also
 7 recognize that there's more work to do on this and so it
 8 allows for a collaborative process to set up a durable
 9 consistent method for calculating the green direct credit
 10 in the future; and all stakeholders will be able to
 11 participate in this.
 12 And finally, it's important to recognize that this
 13 settlement represents a significant compromise for PSE on
 14 the revenue request that it made in its filing. The
 15 settlement is approximately \$23 million less than the
 16 revenue that PSE filed for and projected that would be
 17 needed to serve customers with the power in the rate year.
 18 For these reasons, we respectfully request that the
 19 commission approve the settlement as filed, without
 20 conditions. Again, it's carefully negotiated, it
 21 represents the interests of PSE, its residential
 22 customers, its low-income customers, its commercial and
 23 industrial customers.
 24 We thank you for the opportunity to present the
 25 settlement. PSE has made available three witnesses for

Page 67

1 the commission's questioning; Susan Free, Jon Piliaris,
2 and William Einstein. Thank you.

3 JUDGE HOWARD: Thank you, Ms. Carson. I would now
4 turn to staff for their opening statement.

5 MR. DALLAS: Good afternoon, commissioners. As you
6 know, a full multi-party settlement was filed for this
7 docket on April 2nd. No party to this proceeding has
8 stated any opposition to the settlement, although public
9 counsel did not join the settlement. Pursuant to WAC
10 480-07-740, staff believes that this settlement is
11 consistent with law and the public interest and therefore
12 requests that the commission approve the settlement.

13 I will briefly discuss some of the terms within the
14 settlement that are important to staff, but try not to
15 reiterate the points PSE just made.

16 First, this settlement recognizes that PSE has
17 incurred increases to its power cost in the form of new
18 and renewed PPAs, increased transmission cost, increased
19 gas pipeline cost, and increased variable fuel cost.
20 However, this settlement significantly reduces PSE's
21 requested revenue deficiency from \$87 million to
22 \$65.3 million, subject to a power cost update.

23 Nevertheless this rate increase will be mitigated to
24 PSE's most vulnerable rate payers as the help program will
25 be receiving twice the percentage increase as the increase

Page 68

1 to residential customers base rates. Staff believes the
2 proposed revenue deficiency in this settlement will result
3 in just, fair, reasonable, and sufficient rates given
4 PSE's increased power cost since its last GRC.

5 Second, this settlement provides that for the first
6 time, PSE rate payers will receive the direct net benefit
7 of PSE's participation in the EIM. Rate payers will no
8 longer receive these benefits indirectly from the PCA
9 mechanism and which these benefits must run through the
10 dead and sharing bands. This results in a direct
11 \$4.4 million benefit to PSE's rate payers. This
12 settlement further provides for a collaborative where
13 interested parties may come up with an agreed to
14 methodology to quantify the net benefits of EIM for future
15 proceedings and this is important so PSE rate payers can
16 continue to receive these direct benefits in the future.

17 Third, this settlement also eliminates any cost it's
18 shifting, while helps eliminate any cost shifting between
19 green direct customers and PSE's rate payers pursuant to
20 the requirements of RCW 19.29.090 and Order 8 and Docket
21 UE-190530. This is accomplished by doing two things:
22 First, for the purpose of rate calculation, this
23 settlement includes green direct load, but not the cost of
24 the green direct PPAs. Because fixed costs are spread
25 across load, this ensures that green direct customers are

Page 69

1 paying their proportional share of PSE's fixed cost.

2 Second, the energy credit is adjusted from 75 percent
3 of the total power cost rate to a 100 percent of the
4 variable cost rate. Staff believe that this adjustment
5 closely reflects the actual avoided cost of green direct
6 customers having their own dedicated PPAs. However, this
7 settlement provides that after this proceeding, there will
8 be a collaborative where all interested parties are
9 invited to determine if this adjustment needs to be
10 changed again to reduce all cost shifting to comply with
11 this rate-making principal.

12 Lastly, this settlement also provides for reasonable
13 outcomes on the colstrip O&M expenses, increase to BPA
14 transmission rate, and also establishes another
15 collaborative directed at PSE's intracompany gas
16 transactions.

17 In conclusion, staff believe that this settlement
18 meets the applicable legal standards within WAC 480-07-740
19 because it results in fair rates given PSE's increased
20 cost, effectuates the commission's guidance on green
21 direct within PSE's last GRC, and sets up three separate
22 collaboratives to tackle complicated and important issues
23 that the commission will have to address in future
24 proceedings. Therefore, staff recommends that the
25 commission approve the settlement. And today we do have

Page 70

1 Jing Liu available as a witness for any questions from the
2 bench. Thank you.

3 JUDGE HOWARD: Thank you. I will now turn to
4 Ms. Gafken if public counsel would like to provide an
5 opening statement.

6 MS. GAFKEN: Yes, thank you, Judge Howard, Chair
7 Danner, Commissioner Randall, and Commissioner Balasbas.

8 Public counsel is not a settling party in this case.
9 We are neutral on the settlement under consideration
10 today. We will not be providing a recommendation to the
11 commission regarding whether to accept or reject the
12 settlement. This means that public counsel is not
13 actively supporting the settlement. However, in this
14 case, we are also expressly not opposing the settlement.
15 The adjustments made in the settlement, from my
16 perspective, correct the filing and fairly reflect Puget
17 Sound Energy's power costs. The increased power cost
18 though will have a significant impact on customer bills.
19 As we heard this week -- heard earlier this week at the
20 public comment hearing, customers are sensitive to rate
21 increases, especially during the pandemic. There are
22 settlement terms that we view as particularly reasonable,
23 which public counsel witness, Stephanie Chase, highlights
24 in her testimony. Very briefly, those terms include the
25 green direct terms, inclusion of the energy and balance

Page 71

1 market benefits, exclusion of the smart berm costs, and
 2 increasing low income assistance funding in the event that
 3 this case results in higher rates.
 4 Additionally, the settlement calls for two work
 5 groups, one on hedging and one on the EIM cost and
 6 benefits. If those work groups take place, public counsel
 7 will participate because the issues contemplated by each
 8 of those groups are very important.
 9 I want to take a moment to express my gratitude. I
 10 want to commend the parties in the discussions and
 11 engagement in this case. Collectively, we worked really
 12 hard during the negotiation process. I want to also
 13 extend any compliments, specifically to Mr. Dallas, for
 14 commission staff who took an active role in effectively
 15 managing the process.
 16 To wrap up my comments here, Ms. Chase is here this
 17 afternoon as public counsel's witness addressing the
 18 settlement and will be available for any of your
 19 questions. Thank you.
 20 JUDGE HOWARD: All right. With that, I would turn to
 21 Mr. Coleman for any opening statement from AWEC.
 22 MR. COLEMAN: Thank you, Your Honor, and good
 23 afternoon, Mr. Chairman and commissioners.
 24 On behalf of the AWEC, I won't reiterate the legal
 25 and regulatory standards addressed by PSE and staff, but

Page 72

1 AWEC agrees that this settlement is in the public
 2 interest. There were four main areas of focus for AWEC in
 3 its participation in this matter and we believe that the
 4 terms of the settlement agreement address and resolve
 5 those concerns in the manner that is -- that supports
 6 public interest. Specifically, we feel like there is a --
 7 the settlement has arrived at a fair balance of the cost
 8 associated with the transmission services provided by
 9 Bonneville Power Administration.
 10 We also believe that given the maturity of the energy
 11 imbalance market, the costs and benefits are more
 12 appropriately addressed and we appreciate the efforts that
 13 were gone over were put forward by the parties to reflect
 14 the benefits and the cost associated with the
 15 participation in the EIM.
 16 We also agree, as mentioned by Ms. Gafken, with
 17 respect to the treatment of the smart berm costs in its
 18 consistency with the commission's prior decisions; and
 19 finally, as mentioned in AWEC's settlement testimony and
 20 referenced in the settlement agreement, AWEC submits that
 21 there is an ongoing question regarding the continued
 22 necessity of the PCORC framework and its application by
 23 Puget Energy and we appreciate the efforts and support the
 24 compromise and the resolution that's presented in this
 25 matter to be able to address the needs and potential --

Page 73

1 PCORC moving forward.
 2 JUDGE HOWARD: Sorry, Mr. Coleman, the court reporter
 3 is indicating there is an issue.
 4 MR. COLEMAN: I'll do my best to maybe start a new
 5 sentence.
 6 We appreciate the efforts of all the parties, and the
 7 company in particular, to address and evaluate the need of
 8 the PCORC on a going forward basis in the future
 9 proceeding. Accordingly, we do recommend to the
 10 commission that the settlement agreement be adopted
 11 without further modification. I apologize, if you can
 12 bear with me for just one moment. I missed one point on
 13 my thoughts.
 14 As mentioned in the settlement agreement, AWEC takes
 15 no position with respect to the prudence of the PPAs and
 16 other investments that are discussed -- that were
 17 discussed by counsel for the company. Thank you.
 18 JUDGE HOWARD: MR. FFITCH, would you like to provide
 19 an opening statement for the Energy Project?
 20 MR. FFITCH: Yes. Thank you, Your Honor. Good
 21 morning Chairman Danner, Commissioners Randall and
 22 Balasbas. I'm Simon Ffitch appearing on behalf of the
 23 Energy Project. The Energy Project appreciates the
 24 commission's accommodation in excusing Energy Project
 25 Director, Shawn Collins, from the hearing today.

Page 74

1 For the reasons stated in Mr. Collins' testimony,
 2 Energy Project supports the settlement stipulation. The
 3 settlement specifically addresses the significant level of
 4 need for bill assistance among Puget Sound Energy's low
 5 income customers. This level of need is based on both the
 6 economic consequences of COVID-19 and the ongoing need to
 7 broaden the reach of assistance to more of PSE's low
 8 income customers. The Energy Project particularly
 9 appreciates Puget's recognition of this by their inclusion
 10 in their initial filing of a proposal for increased
 11 funding for their home energy lifeline program, the help
 12 program.
 13 In negotiation, the parties were able to develop an
 14 agreed formula for the increase consistent with the
 15 formula that was used in the last Puget Sound Energy
 16 general rate case; and this results in a settlement
 17 specifically providing for an increase of approximately
 18 \$1.2 million in help funding for electrical customers --
 19 electricity customers and that would take affect for the
 20 heating season that begins this coming October.
 21 The Energy Project also supports the fact that the
 22 settlement has been able to reduce the overall revenue
 23 impact of the initial filing and that it allows for future
 24 review of the PCORC mechanism. The energy project
 25 therefore believes the settlement is in the public

1 interest and recommends approval by the commission.
 2 Thank you. That concludes my statement.
 3 JUDGE HOWARD: Thank you, all. Do we have any
 4 questions from the bench for the attorneys before we bring
 5 the witnesses up for questioning?
 6 CHAIR DANNER: Hi, this is Dave Danner. I have a
 7 question. Ms. Carson, in your comments, it appears that
 8 you are saying that this settlement actually would result
 9 in a prudence determination; is that what I heard you say?
 10 MS. CARSON: Yes, Chair Danner, that is correct. We
 11 are asking -- PSE is asking for a prudence determination
 12 in this case. The PCA settlement that goes back to 2002
 13 and as it was revised in 2015 and approved by the
 14 commission, allows for and provides the commission will
 15 make a prudence determination on the new resources and the
 16 commission has done that in every PCORC prior to this, so
 17 we think that's important. It takes away any uncertainty
 18 going forward. So, yes, we are asking for a prudence
 19 determination. The other parties take no position and do
 20 not contest the prudence of these resources.
 21 CHAIR DANNER: All right. So because others --
 22 parties have said that, I mean, specifically, I mean, I
 23 can turn to Jing Liu's testimony for staff. She said,
 24 "There's no inquiries and other than PSE take no position
 25 and therefore do not contest or support -- affirmatively

1 and if we would take a position if we were to make a
 2 prudence determination in the order in this case. Maybe
 3 start with Mr. Dallas.
 4 MR. DALLAS: Thank you, Commissioner Danner. This is
 5 a topic that Ms. Carson and I have talked about quite a
 6 bit. Staff's position on this is staff is not contesting
 7 the prudence of any resources within PSE's filing;
 8 therefore, our position is because no one is contesting
 9 prudence, the commission doesn't need to make an explicit
 10 prudence determination. Typically, the commission will
 11 make an exclusive prudence determination when someone is
 12 contesting the prudence of that resource; and there is an
 13 argument that, you know, the commission, including a
 14 resource and rates; therefore, making an implicit prudence
 15 determination. So Ms. Carson is correct, that no party is
 16 contesting prudence, but staff's position is that the
 17 commission does not need to make an explicit prudence
 18 determination when deciding -- if the commission decides
 19 to approve the settlement.
 20 CHAIR DANNER: All right, thank you very much.
 21 Ms. Gafken, is that your position as well?
 22 MS. GAFKEN: I don't know that is exactly my
 23 position, you know, in looking at the settlement terms.
 24 Of course, we're neutral on it, but no party is
 25 contesting -- Puget has to have for the prudence

1 support the prudence of PSE's proposed and renewed
 2 resources presented in PSE's filing." So I guess my
 3 question then is: Is it your view that the settlement
 4 actually does state that the settlement itself makes a
 5 prudency determination or are you asking us to make that
 6 in addition to what the settlement says and, in fact, if
 7 that is the case, would we, you know, are we amending the
 8 settlement?
 9 MS. CARSON: I don't believe that you're amending the
 10 settlement. No party contests the prudence of the
 11 settlement. Other parties can speak for themselves, but I
 12 know some parties feel that very fact that resources are
 13 in rates means that they're prudent. We're not
 14 necessarily comfortable with that. We think sometimes the
 15 commission has said something different from that so we
 16 think it's important to have the prudence determination as
 17 has been made in every other power cost-only rate case and
 18 which the PCORC documents provide will happen.
 19 I don't think anybody's saying there shouldn't be a
 20 prudence determination. I think parties just didn't --
 21 didn't agree that it would be, but they also did not
 22 contest it. They just took no position on it.
 23 CHAIR DANNER: Right. But it's not in the
 24 settlement. With that, maybe I could ask the other
 25 counsel to clarify their positions with regard to prudency

1 determination. So they've provided evidence and whatnot
 2 supporting their position, but no party is affirmatively
 3 saying that they agree, you know, they're not taking that
 4 specific step forward saying that they also agree that
 5 they're prudent, but there is no opposition. I don't -- I
 6 do not believe that making a determination explicitly in
 7 the order will change the settlement term. I -- I have to
 8 admit, I have not given a lot of thought about whether the
 9 commission has to make that determination, so I don't know
 10 if I agree specifically with Mr. Dallas's position as he
 11 just stated; but I think the company does have to ask for
 12 it and they've provided evidence supporting their
 13 position.
 14 CHAIR DANNER: Well, yeah. So I don't know where we
 15 have, you know, tacitly given -- made a prudency
 16 determination or not expressly done so. I certainly don't
 17 know what benefit there would be in, you know, making a
 18 prudency determination in a later GRC or something. It
 19 seems to me that we have to make some kind of
 20 determination here, but it sounds like you're not
 21 objecting to the expenditures that are at issue in this
 22 case; is that correct?
 23 MS. GAFKEN: That's correct. I guess I can take it
 24 one step further. We have a consultant from the case who
 25 looked at the different resources being proposed and we,

Page 79

1 in that review, you know, I can't represent that we looked
 2 at it with a fine tooth comb top to bottom, but we also
 3 didn't find anything objectionable. There were things
 4 that raised questions. We asked questions and at THE end
 5 of the day, we were satisfied that there wasn't, you know,
 6 anything that was amiss with the resources being provided.
 7 CHAIR DANNER: All right. Thank you. Mr. Ffitch and
 8 then Mr. Coleman, your thoughts as well.
 9 MR. FFITCH: Thank you, Your Honor. On behalf of The
 10 Energy Project, I don't really have anything to add to
 11 elaborate the statement we agreed to in the settlement
 12 which is that we don't take a position on prudence and we
 13 don't contest the prudence of these particular resources;
 14 so I don't feel that I have anything to add to those two
 15 statements that we've agreed to.
 16 CHAIR DANNER: All right, thank you. And
 17 Mr. Coleman.
 18 MR. COLEMAN: I apologize for the delay. A little
 19 struggle getting things to click.
 20 You know, I think that AWEC's position will be
 21 similar to that of Mr. Ffitch. This was something that we
 22 did think through significantly with respect to some of
 23 this language and do not take a position with respect to
 24 the prudence or -- and that -- I agree.
 25 CHAIR DANNER: Okay. So I guess I'm not hearing any

Page 80

1 party recommend that we postpone a prudence decision to
 2 some other proceeding later. It's just that they're not
 3 taking position on prudency and then leaving open the
 4 question of whether we can move ahead without actually
 5 making an explicit prudency determination.
 6 So, all right. I will leave it at that and if there
 7 is any other questions on prudency, I would just leave it
 8 to the other commissioners to clarify my question. Thank
 9 you, Judge.
 10 COMMISSIONER BALASBAS: So just to follow-up on
 11 Chair Danner's question about prudence, I'd like to maybe
 12 pose this question first to Mr. Dallas. So why or what is
 13 the advantage of not making a prudence determination here?
 14 Why would we wait if there is no one who opposes the
 15 prudence of any of the resources that Puget is asking for
 16 here?
 17 MR. DALLAS: Thank you, Commissioner Danner (sic). I
 18 think there is no law requiring the commission to make an
 19 explicit prudence determination if no one is contesting
 20 it. The commission allows resources in all the time
 21 without making an explicit prudence determination. I
 22 think by including the resources in rates, the commission
 23 is making an implicit prudence determination and the time
 24 to contest prudence is before resource enters rates. And
 25 I would argue perhaps the commission shouldn't make such a

Page 81

1 prudence determination because doing so will imply that
 2 the commission has complete information, to say with
 3 certainty that something is prudent or isn't prudent. So
 4 I think by including the resource into rates, it
 5 implicitly states that it's prudent and there is no need
 6 to make such an explicit finding.
 7 COMMISSIONER BALASBAS: So, I guess I would like to
 8 pose the same question to the other attorneys of the
 9 settling party, as well as to Ms. Gafken to respond to
 10 that question. You know, what is the advantage of not
 11 doing that here or waiting on prudence?
 12 MS. GAFKEN: I understand what Mr. Dallas was
 13 expressing is that the commission wouldn't necessarily
 14 need to explicitly make a prudence determination, but that
 15 it wouldn't also be held over until later. I guess I
 16 would note that in past settlements, in other cases
 17 parties have expressly held that prudence determination
 18 until a later time. I was just sitting here trying to
 19 think of a specific example that I could offer and I'm
 20 coming up short, but I've been, you know, party to a case
 21 several times before the commission where we have held
 22 that prudency determination for a later case. That's not
 23 what this settlement has expressed. You know, in this
 24 settlement, the settling parties are not opposing the
 25 prudency determination, they are also not asking for that

Page 82

1 prudency determination to be postponed. Puget, on the
 2 other hand, needs to ask for that specific prudency
 3 determination and they want that. You know, and again,
 4 I'll just reiterate that I don't believe that making a
 5 prudency determination would alter the settlement
 6 agreement because there isn't opposition. So then I think
 7 it's a question of whether the commission wants to be
 8 silent on the issue and just approve the rates as they're
 9 set out in the settlement or if the commission feels that
 10 it has enough to make that prudency determination.
 11 COMMISSIONER BALASBAS: Go ahead, Chair Danner.
 12 CHAIR DANNER: I just want to clarify. So if we were
 13 to make that prudency determination right now, I'm not
 14 hearing that you would object or that staff would object
 15 or that Mr. Ffitch or Mr. Coleman would object. So with
 16 regard to yourself --
 17 MS. GAFKEN: That's where I was going to go. So
 18 speaking just for public counsel; no, we would not object
 19 to that ruling.
 20 COMMISSIONER BALASBAS: Mr. Coleman or Mr. Ffitch,
 21 anything to add?
 22 MR. FFITCH: Thank you for the question,
 23 Commissioner Balasbas. We, being the Energy Project, did
 24 not specifically review prudence questions about specific
 25 resources as several of the other parties have done. So

1 that did give us comfort with the particular language in
2 the settlement agreement. You know, stating that we take
3 no position and that we don't contest prudence. With
4 regard to the specific question here about, you know,
5 where does that leave the commission, I would agree with
6 Ms. Gafken's statement that the commission could then do
7 what it feels is appropriate with regard to the prudence
8 issue and the Energy Project would not object if the
9 commission chose or felt it was important to make a
10 specific, explicit prudence determination here. I hope
11 that is helpful.

12 MR. COLEMAN: From AWEC's position, we would also
13 support and agree with the discussion from Ms. Gafken and
14 would not, to the extent the commission feels that the
15 information and the record is sufficient to make the
16 decision, we would not -- we would not contest such a
17 decision in line with the agreed upon language hereof
18 taking no position.

19 CHAIR DANNER: Mr. Dallas, you too?

20 MR. DALLAS: Yes. Staff wouldn't object to the
21 commission making such a determination. I think staff's
22 point is that such determination isn't necessary. You
23 know, in this proceeding, the commission is approving this
24 settlement and in this settlement, we didn't agree to an
25 explicit finding of prudence and the commission doesn't

1 prudence in this case, are there risks in the future?

2 MS. CARSON: Thank you, Commissioner Randall. We
3 think there are potentially risks in the future if you
4 don't have the certainty of a prudence determination and
5 that's why the PCA settlement provides for that and I
6 think that's why the commission has provided for that each
7 time in a PCORC. But I mean, you know, if the commission
8 believes that there's an implicit prudence finding when
9 these resources go into rates, PSE is not opposed to that
10 position either, but I think it, you know, there's a --
11 this is, as you said, the potential for uncertainty with
12 without a prudence determination.

13 COMMISSIONER RANDALL: Thank you.

14 COMMISSIONER BALASBAS: I'd just like to go back to
15 Mr. Dallas for another -- I just want to put this question
16 very directly to you. You've stated in responses to
17 questions from all three of us here that you both don't --
18 you don't -- you seem to not find the resources prudent,
19 but you're also not contesting it. You seem to be saying
20 two different things here. So which one is it? Are you
21 saying that the resources are not prudent or are in
22 prudence or are you saying they're prudent? And, again,
23 I'd like a direct answer to the question. Would staff
24 object if the commission did make a prudence determination
25 as part of its order in this case?

1 need to make this additional finding. You know, they
2 certainly can, they have the discretion to do it, but the
3 commission can simply include these resources and rates
4 and there's an understanding that we're not going to
5 contest these resources in the future. So staff certainly
6 wouldn't object to the commission doing this. Our point
7 is that it's just not necessary.

8 COMMISSIONER RANDALL: Okay. So Mr. Dallas, you just
9 said that you can't agree to the prudence in this case,
10 you just don't contest it. But -- so you would -- would
11 you -- I think Chair Danner asked you earlier, this
12 wouldn't create a condition on the settlement if the
13 commission were to determine prudence, would it?

14 MR. DALLAS: I don't believe so. I think, you know,
15 what we're trying to do here is just let the commission
16 know that the settlement doesn't call for an explicit
17 prudence finding by the commission. And to clarify that,
18 staff doesn't believe -- we're not taking the position
19 that anything is prudent, but the wording of the language
20 in the settlement is that no party -- the parties take no
21 position and do not contest.

22 COMMISSIONER RANDALL: Okay. I think as you can tell
23 from our questions, we're just trying to clarify where all
24 of the parties are in terms of this prudence question.
25 And Ms. Carson, if the commission were to not determine

1 MR. DALLAS: Thank you, Commissioner Balasbas. So
2 our position is that we take no position, but we also do
3 not contest. And that's slightly different than saying,
4 you know, staff affirmatively supports the prudence of
5 each item. You know, we've looked at it and we don't
6 believe that the resources are imprudent, but that is
7 different than saying that we affirmatively support that
8 they are prudent.

9 And as to your second question, staff would not
10 object if the commission did want to make an affirmative
11 prudence finding. The only point staff is trying to make
12 here is that if the commission doesn't want to make such
13 affirmative prudence finding, it doesn't have to
14 incidentally include these resources in the rates.

15 COMMISSIONER BALASBAS: Okay. Thank you.

16 CHAIR DANNER: Thank you. That was my question as
17 well, so I'm glad we have clarity on that. Thank you.

18 JUDGE HOWARD: Did we have any further questions for
19 the attorneys before we call the witnesses?

20 Hearing none, we will continue on and call the
21 witnesses. Because this is a virtual hearing, let's first
22 have the witnesses identify themselves and the party that
23 they are appearing for beginning with the settlement
24 witnesses for Puget Sound Energy, which would include
25 William Einstein. Then I'll swear in the witnesses at

Page 87

1 same time and we will hear testimony from the witnesses
 2 together as a panel. So could we first have the witnesses
 3 from the company identify themselves.
 4 MS. FREE: Good afternoon, Chairman Danner,
 5 Commissioners Randall and Balasbas. This is Susan Free.
 6 I'm the director of revenue requirements and regulatory
 7 compliance for Puget Sound Energy.
 8 MR. EINSTEIN: Good afternoon, commissioners. Will
 9 Einstein, I'm the director of product development for PSE.
 10 MR. PILIARIS: Good afternoon, Chair Danner,
 11 Commissioners Balasbas and Randall. My name is Jon
 12 Piliaris. I'm director of regulatory affairs for Puget
 13 Sound Energy.
 14 JUDGE HOWARD: Thank you all. Could we have staff's
 15 witness identify herself. Jing Liu, can you hear me?
 16 MS. LIU: Sorry, I forgot to unmute. My apologies.
 17 Good afternoon, Judge Howard and good afternoon Chairman
 18 Danner and commissioners. My name is Jing Liu, the deputy
 19 assistant director for energy section of regulatory
 20 services.
 21 JUDGE HOWARD: Thank you. And could we have public
 22 counsel's witness identify themselves.
 23 MS. CHASE: Good afternoon, Judge Howard and
 24 commissioners. My name is Stephanie Chase and I'm a
 25 regulatory analyst with public housing.

Page 88

1 JUDGE HOWARD: Thank you. And could we have AWEC's
 2 witness identify themselves.
 3 MR. KAUFMAN: Good afternoon, Chair Danner and
 4 commissioners, my name is Lance Kaufman. I'm an economist
 5 with Aegis Insight and I'm here on behalf of the Alliance
 6 for Western Energy Consumers.
 7 JUDGE HOWARD: Thank you. And as we've noted, The
 8 Energy Project's witness is excused from the hearing. So
 9 I will swear in each of you here at the same time. Please
 10 raise your right hands.
 11 Do you swear or affirm that the testimony you give
 12 today is the truth, the whole truth, and nothing but the
 13 truth?
 14 THE WITNESSES: I do. I do. I do. I do.
 15 JUDGE HOWARD: Thank you. At this point, we'll open
 16 it up to questions from the commissioners.
 17 COMMISSIONER RANDALL: This is Commissioner Randall
 18 and I'll begin with some questions about green direct and
 19 the program costs; and these initial questions are for
 20 PSE, either Mr. Einstein or Mr. Piliaris, I assume.
 21 So in the tariff that PSE filed in December 2020
 22 accompanying its green direct tariff filing, PSE stated
 23 that notice to individual customers under provisions of
 24 WAC 480-100-194 will be provided within 30 days of the
 25 January 1st effective date. And so I guess the question,

Page 89

1 and I'm sure you all are aware we heard public comment
 2 about -- from green direct customers, have received two
 3 letters from green direct customers in the last day or so.
 4 What notice did PSE provide directly or indirectly to
 5 green direct customers to inform them of the proposed
 6 tariff change?
 7 MR. EINSTEIN: Well, I don't have -- do you want to
 8 go, Jon?
 9 MR. PILIARIS: Yes. I can take that one. I was just
 10 pulling it up. We filed, apparently, on December 17th --
 11 no, that is a notice of appearance. Apologize. That
 12 is -- that is the wrong notice. That is under public
 13 notice. I don't have that -- the date of the actual
 14 notice, but my understanding was a notice was provided
 15 broadly. Not -- to my knowledge, there was no specific
 16 announcement or communication that was made directly,
 17 unless this was handled through Mr. Einstein's group, but
 18 there was not a direct communication to green direct
 19 customers specifically. It was a more broad announcement
 20 that went to all customers -- electric customers.
 21 COMMISSIONER RANDALL: Is that your understanding,
 22 Mr. Einstein?
 23 MR. EINSTEIN: It is and I guess if that is different
 24 from the question you're asking -- I'm trying to
 25 understand what you are asking about a particular notice

Page 90

1 related to this power cost-only rate case or you're asking
 2 relating to a notice we would have provided to customers
 3 relative to tariff changes associated with the actual
 4 tariff that the customers are on.
 5 COMMISSIONER RANDALL: It would be about the tariff
 6 changes, to the tariff that the customers are on.
 7 MR. EINSTEIN: Right. So in that particular
 8 situation, while I don't have that particular notice of
 9 provision in front of me at the moment, my understanding
 10 would be that that would be just in relation to the last
 11 set of adjustments we made to the tariffs, which I believe
 12 implemented pricing adjustments for the charge the
 13 customers receive as part of their participation in the
 14 green direct program. You may recall we made several
 15 adjustments over the course of the fall as the resources
 16 were coming online, and that was not -- would not be the
 17 same as notice for issues related to the power cost-only
 18 rate case.
 19 COMMISSIONER RANDALL: Correct. Okay. So for that
 20 filing, that put into affect the changes to the green
 21 direct program, I believe that the tariff also provided as
 22 Item 8, that the energy charge credit will be updated with
 23 each general rate case, power cost-only rate case, or
 24 other power-related filings; is that your understanding?
 25 MR. EINSTEIN: Yes, it is.

1 COMMISSIONER RANDALL: Okay. So the company in its
2 testimony -- your testimony, Mr. Einstein, the
3 Exhibit 9-HC, referenced several interactions with
4 potential green direct customers, both historic and
5 perspective in its slide presentation to the management
6 committee. And so as the company prepared this filing,
7 and now we're talking about this file in particular, what
8 communications did the company have with its green direct
9 customers?

10 MR. EINSTEIN: So the company is in regular
11 communication, particularly given the complexity of this
12 particular program and Schedule 139, is in regular
13 communication with the customers on the program about
14 various changes and elements in it. We did not
15 specifically provide any notice to -- we didn't provide
16 any specific outreach at the beginning of the power
17 cost-only rate case to these customers because at that
18 point, we did not anticipate any changes to the energy
19 credit that these customers received at the time of the
20 filing.

21 COMMISSIONER RANDALL: Okay. So after the filing
22 though, did the company communicate to green direct
23 customers about the potential changes to the rates?

24 MR. EINSTEIN: We have started communications with
25 these customers about the changes to the rates associated

1 MS. LIU: So I don't believe we did any
2 communication.

3 COMMISSIONER RANDALL: Okay. Does any other party
4 have a response to that question?

5 MS. GAFKEN: Public counsel did not reach out to any
6 green direct customers.

7 COMMISSIONER RANDALL: Okay. So in the settlement,
8 the settling parties have reserved the right to reevaluate
9 the method of determining the green direct customer's
10 costs and have agreed to work toward a path forward on a
11 durable method for calculating the energy credit for green
12 direct customers. Is this -- now there are two other
13 collaboratives in this settlement, but is this a
14 collaborative or just -- what exactly is this working
15 forward, working on a path forward?

16 MR. PILIARIS: I -- this is Jon Piliaris. I guess
17 I'll start. I don't honestly profess to know if there is
18 a defined term around collaborative if that's outlined
19 anywhere specifically. But the intent anyway was to
20 again -- we recognize in the settlement discussions that
21 there was a wide array of opinions and that we will not
22 have enough time to really fully flush those out in the
23 time allowed for the settlement itself. And so we tried
24 to land on a reasonable middle ground for purposes of
25 settlement and then park the rest of the discussion for

1 with the settlement, but not prior to the settlement
2 conversation.

3 COMMISSIONER RANDALL: Okay. All right. Well, I
4 have some questions for other parties, but I'll see if my
5 colleagues have any additional questions just for the
6 company on this topic.

7 Okay. So for the other parties, when the company
8 filed this PCORC or when you were aware that the company
9 would file a PCORC, did you contact green direct customers
10 or after the filing contact green direct customers about
11 the possibility that there would be issues related to them
12 in this matter? And that is for any of the witnesses,
13 non-company witnesses. I guess I'll start with Ms. Liu.

14 MS. LIU: I don't believe commission staff reached
15 out to specific individual green direct customers to
16 inform them of any changes, because in our perception, the
17 energy credit would be -- would be a fall-through from
18 this power cost rate that we are determining in this
19 proceeding.

20 COMMISSIONER RANDALL: Did you say a pass through?

21 MS. LIU: It would be -- it is tied to the power cost
22 rate that we determined in this proceeding, so without the
23 conclusion of this proceeding, it will be hard to pin down
24 the exact energy credit.

25 COMMISSIONER RANDALL: Okay.

1 later consideration in what we're calling the
2 collaborative. The intent of the collaborative is to have
3 a more fully drawn-out discussion with far more detail,
4 far more analysis, far more sharing, far more sharing of
5 data to see if we can, under the best of cases, come to an
6 agreement as to what a durable and consistent methodology
7 could be for calculating this credit going forward, if we
8 can reach consensus. If not, then at least we have
9 clarity around what's the primary points of contention or
10 differences are and those could be brought forward in a
11 future rate case before the commission for adjudication
12 and the commission's determination to the extent
13 necessary. That will be -- go ahead.

14 COMMISSIONER RANDALL: Would this collaborative
15 include those green direct customers?

16 MR. PILIARIS: The company's intention would be that
17 yes, they would definitely be encouraged to attend and to
18 participate.

19 COMMISSIONER RANDALL: Chair Danner, you had your
20 hand up.

21 CHAIR DANNER: I just wanted to clarify. The term
22 "collaborative" is used with regard to the hedging and
23 with the EIM, but this one just says a path forward, but
24 Mr. Piliaris was defining it as a collaborative. So I'm
25 assuming it's because there aren't defined terms that

1 those are interchangeable, whether it's a path forward or
2 a collaborative, this is going to be an inclusive process
3 for the green direct customers and will be encouraged to
4 attend and participate; is that right?

5 MR. PILIARIS: That's correct.

6 CHAIR DANNER: All right. Thank you very much.

7 MR. PILIARIS: Thank you, commissioner.

8 COMMISSIONER RANDALL: And do any of the other
9 settling parties have any additional comments they want to
10 make on this question?

11 I'm not seeing anything. That is all I had at this
12 point, Chair Danner.

13 Commissioner Balasbas, if you have any questions,
14 please go ahead.

15 COMMISSIONER BALASBAS: I do have an additional
16 question. I believe this is probably best answered by
17 Ms. Free; and in your Exhibit SEF-9, this -- and the
18 settlement discusses tracking the generation surplus and
19 the deficiency of the green direct generation with respect
20 to the green direct load and so I have two questions here:
21 The first is in tracking the differences. Is the
22 settlement creating a deferral that would then be later
23 amortized into the future rates of green direct tariff
24 customers?

25 MS. FREE: No. That is not the intention of the

1 answer this question from the company, but I will put that
2 to any of the company witnesses who would like to answer
3 this. I'd just like to get a sense of scale of the
4 roughly \$3.7 million change in the energy credit amount.
5 I'd just like to kind of get a sense of scale as to how
6 large is that in relation to the total energy credit.

7 MR. PILIARIS: I was with you until the last part of
8 your question. I'm not sure what you mean by total energy
9 credit of the 3-7.

10 COMMISSIONER BALASBAS: So the settlement describes,
11 I believe it's a reduction of the energy credit,
12 \$3.7 million to the green direct customers. I guess for,
13 you know, maybe say, for example, a large green direct
14 customer or any -- like a typical, if there's such a
15 thing, as a typical green direct customer, kind of what --
16 how big of a change is that to them?

17 MR. PILIARIS: Yeah, I don't have that number handy.
18 It would be an easy number to calculate. Giving you
19 general -- a general indication of proportionality, if you
20 look at the current credit level, which is around \$47 a
21 megawatt hour, it is reduced to something just below 40.
22 Just looking at that proportionality, it looks like a
23 reduction -- a little less than 20 percent reduction in
24 their credit -- if that is helpful.

25 We can follow-up in a bench request for a precise

1 tracking that I lay out in my Exhibit SEF-9. The purpose
2 of SEF-9 is to address the commission's order from the
3 2019 GRC, I think it is Paragraph 296 in Order 8, to
4 ensure that there is no profitization associated with the
5 over or under generation of the green direct PPA. And so
6 it really is just presenting that we've developed a
7 methodology with commission staff that allows us to
8 essentially strip those costs out of our PCA mechanism.
9 And the reporting of that is included in SEF-9 to ensure
10 that there are no impacts of the over or under generation
11 of the PPAs within our PPA mechanism. But there is no
12 established deferral that's going to be dealt with at any
13 time, it's just strictly reporting.

14 COMMISSIONER BALASBAS: So what would, I guess then
15 as a follow-up, what -- is this really just informational
16 and nothing further happens with it or would the company
17 propose something to be done with, you know, especially if
18 there's maybe a significant amount of under or over
19 generation?

20 MS. FREE: The intention is not to track it for
21 recovery. The theory is that the green direct product
22 itself is priced at appropriate levels so there will not
23 be, over the long-term, significant over or under
24 recovery.

25 COMMISSIONER BALASBAS: And I'm not sure who can best

1 number if you would like that.

2 CHAIR DANNER: I believe we have a bench request out
3 there asking for that specific information, don't we?

4 COMMISSIONER BALASBAS: Yeah, I was actually going to
5 look to Judge Howard to see. I don't remember right off
6 hand if that was in our list of bench requests and if is
7 not, then yes, I would like to add that.

8 JUDGE HOWARD: Yes, Chair Danner and Commissioner
9 Balasbas, I think we will be issuing one shortly on that
10 and it should go out later today asking for the bill
11 impacts essentially of this change.

12 CHAIR DANNER: All right. Thank you very much.

13 MR. PILIARIS: And I did can speak to that. To the
14 issue of the bill impacts for these particular customers,
15 the bill impact of the change in the credit is on the
16 order of about six percent. In other words, just putting
17 aside the overall increase associated with the PCORC
18 filing itself, the change in the credit will result in a
19 roughly six percent increase to these particular
20 customers' rates.

21 COMMISSIONER RANDALL: Okay. Chair Danner, did you
22 have a question?

23 CHAIR DANNER: I don't have any more questions on
24 green direct.

25 COMMISSIONER RANDALL: I don't either.

1 CHAIR DANNER: So I just have some general questions
2 just to get a little more specificity on the hedging
3 collaborative. You know, the settlement commits to
4 settling parties to a collaborative to examine the hedging
5 practices and I was just wondering, what are the specific
6 issues that the parties have identified for examination
7 and what's the goal? I wonder, if any, if you can speak
8 to that.

9 MR. PILIARIS: I can start. I believe this was an
10 issue that was raised by staff. In their discovery, they
11 were having some challenges making the translation between
12 the gas hedging program, which they appeared to be more
13 familiar with, and the electric hedging program, which
14 they were less familiar with; and they were trying to
15 stack up to the programs on either side, so they wanted
16 more detail around that. That was one element of it.

17 Another element of the collaborative is around the
18 inner book transfers of gas between the two -- the two
19 books of business, the electric book that uses gas for
20 generation and the gas book that uses gas for LDC load and
21 how that -- how that occurs. So they wanted -- my
22 understanding was that staff wanted more -- essentially
23 education around those issues. But I would defer to Jing
24 for maybe staff's perspective for the perspective on that.
25 CHAIR DANNER: All right. Thank you. Ms. Liu, do

1 CHAIR DANNER: As you recall a few years ago, the
2 commission did a proceeding on gas hedging. That report
3 resulted in a white paper and that was a lengthy
4 proceeding. Are you envisioning something like that in
5 the future or at that point this is just information
6 gathering for your own purpose?

7 MS. LIU: I will say at this point it is exploratory.
8 It's more informational, educational. We don't envision a
9 regulatory requirement from that.

10 CHAIR DANNER: All right. Thank you so much.

11 JUDGE HOWARD: Did we have any further questions from
12 the commissioners?

13 COMMISSIONER RANDALL: There's one last question that
14 I would ask unless my colleagues have questions that they
15 wish to ask. I'm seeing shaking heads.

16 So this question is for Ms. Free and relates to the
17 production tax credits. Does the company have information
18 -- this might be more appropriate for a bench request
19 submitted -- information about the amount of the remaining
20 non-monetized PTCs that could be applied to offset cold
21 strip remediation costs? Because some of the PTCs have
22 been monetized and now used to address matters in this
23 settlement, so it's about the remaining non-monetized
24 PTCs.

25 MS. FREE: So Jon Piliaris does math really well but

1 you have anything to add?

2 MS. LIU: I don't specifically. Thank you,
3 Mr. Piliaris. I think you summarized it very well. The
4 company provides a gas hedging plan file as is with the
5 commission, so commission staff is relatively familiar
6 with gas hedging. However, when it comes to the gas for
7 electric hedging and the electric hedging programs, staff
8 is not as familiar. And during the data discovery
9 process, we realized we really need a lot more time and
10 resources in order to get to the bottom of this, so we
11 requested this collaborative.

12 CHAIR DANNER: Great. Thank you, that's very
13 helpful.

14 COMMISSIONER RANDALL: So is this collaborative more
15 of an informational gathering session? Educational for
16 staff and all the parties or are there specific concerns
17 that you hope to address through the collaborative?

18 MS. LIU: This is Jing, again. I think the nature of
19 the collaborative would be exploratory. We have not
20 identified any specific areas of concern. We just like to
21 know how the company do it and understand it better and
22 addressed in how is our understanding about intercompany
23 transactions, as well as how the company balance the risk
24 versus the benefits.

25 COMMISSIONER RANDALL: Thank you, Ms. Liu.

1 I don't. I think that we prefer to get a bench request.
2 I can tell you I think we use about 126 million to offset
3 cold strips 1 and 2 regulatory assets. I don't recall off
4 the top of my head how many we had. This might have been
5 somewhere around 250 million, but I would certainly
6 appreciate the chance to make sure those numbers are
7 correct.

8 COMMISSIONER RANDALL: Thank you, and I won't make
9 Mr. Piliaris do math in his head. So we will add that to
10 our list of bench requests that we will send just to get
11 that complete information. So thank you very much for
12 trying to do the math in your head. I appreciate it. I
13 don't have any other questions.

14 Do my colleagues have other questions?

15 CHAIR DANNER: Thank you, commissioner. I don't have
16 any further questions.

17 COMMISSIONER BALASBAS: And I do not have any further
18 questions either.

19 JUDGE HOWARD: Ms. Carson, you indicated that PSE was
20 reserving the right to redirect. Did you intend to do any
21 redirect of the company's witnesses?

22 MS. CARSON: Yes, I would like to do brief redirect.
23 And my first question actually relates to kind of a
24 housekeeping correction in the record and I've notified
25 the other parties of this and I think I've heard from

Page 103

1 everyone except public counsel and no one has any
 2 objection to this, but, Ms. Free, could you address the
 3 housekeeping correction to the settlement that you would
 4 like to -- that you've identified and would like to
 5 discuss?
 6 MS. FREE: Yes. Thank you. On Page 2 -- I'm sorry,
 7 on Page 4 of the settlement agreement, it is in Section 3,
 8 Item A-1(a), there is a rate reference that would be used
 9 for the tracking of our PCA mechanisms. That rate of
 10 \$40.706 per mega watt hour is incorrect. That rate is a
 11 grossed up rate for revenue sensitive items. It should be
 12 a rate that is net of revenue sensitive items. So that
 13 rate should be changed to \$38.716 per mega watt hour and
 14 that rate can be found on page -- in attachment A to the
 15 settlement agreement, Page 7, Column Roman Numeral I, Row
 16 37.
 17 MS. CARSON: Thank you, Ms. Free. And then I just
 18 have a question, I believe for Mr. Einstein. You were
 19 asked about when notice was given, actually both you and
 20 Mr. Piliaris were asked when notice was given, about the
 21 potential change to the green direct credit. So just to
 22 clarify, did PSE propose any changes to the green direct
 23 energy credit in its initial filing?
 24 MR. EINSTEIN: No, we did not.
 25 MS. CARSON: So no notice was given at that time of a

Page 104

1 change?
 2 MR. EINSTEIN: That's correct.
 3 MS. CARSON: And when was this change to the green
 4 direct energy credit? When did this first come about?
 5 MR. EINSTEIN: I'll defer to Mr. Piliaris.
 6 MR. PILIARIS: I would like to actually clarify the
 7 response given by Mr. Einstein on the last question
 8 because the energy credit will change. It would have
 9 changed in this case regardless by virtue of the fact that
 10 the power costs were changing, so there was a change that
 11 was proposed, but there was not a change in the
 12 methodology that was proposed. So there was a very slight
 13 change in the credit that was proposed and they would
 14 have -- the green direct customers should have taken
 15 notice of that, so I want to make sure that is clear. And
 16 now that I've clarified that, can you repeat the question?
 17 MS. CARSON: Yeah, the question was: When did this
 18 change to the methodology for calculating the green direct
 19 credit become a real issue in this case?
 20 MR. PILIARIS: It became an issue, I think,
 21 officially in the settlement discussions among the
 22 participants in the case and these were obviously
 23 confidential conversations among the parties.
 24 MS. CARSON: Okay. Thank you. That's all the
 25 questions I have.

Page 105

1 JUDGE HOWARD: Thank you. Were there any additional
 2 questions from the bench?
 3 COMMISSIONER DANNER: No questions. Thank you.
 4 COMMISSIONER RANDALL: None from me. Thank you.
 5 MR. DALLAS: Judge Howard, can I have few redirect
 6 questions, please?
 7 JUDGE HOWARD: Certainly. Certainly. Please,
 8 briefly, yes. Certainly.
 9 MR. DALLAS: Thank you, Your Honor.
 10 Ms. Liu, does staff have a list of green direct
 11 customers?
 12 MS. LIU: Thank you for asking this, we actually do
 13 not. In all the work papers that we receive from the
 14 company, each one of the customers are only identified by
 15 a code, so the list of customers are confidential; so even
 16 if we would like to notify them, we will have no means of
 17 doing that; and I also would like to say we believe the
 18 commission has the authority to change the green direct
 19 credit level. Schedule 139 clearly states that the energy
 20 charge credit will be updated with each general rate case,
 21 power cost-only rate case, or other power related filings,
 22 so we feel this is within the commission's authority.
 23 MR. DALLAS: Thank you, Ms. Liu.
 24 MS. LIU: Thank you.
 25 JUDGE HOWARD: Mr. Dallas, was that all of your

Page 106

1 questions?
 2 MR. DALLAS: Yes, Your Honor.
 3 JUDGE HOWARD: All right. Well, with that I would
 4 like to thank our panel of witnesses for their testimony
 5 today and their patience as we waited for the open meeting
 6 to conclude.
 7 Is there anything else that we should address before
 8 we adjourn?
 9 MS. GAFKEN: Yes, Your Honor. This is Lisa Gafken
 10 with public counsel and I do have one additional item to
 11 address or to get direction from. So there are public
 12 comments that have been submitted both to the UTC and to
 13 public counsel directly and we would put those comments
 14 into a public comment exhibit. So I have two questions:
 15 One, the date on which we should file that, and I have a
 16 proposal about that. And then two, what the exhibit
 17 number would be.
 18 So with respect to the filing date, I typically ask
 19 for about a week to prepare them. My impression is that
 20 there are quite a few comments that have come in. I know,
 21 you know, in Puget cases, my office typically gets around
 22 20 or so comments directly and with other companies, quite
 23 a bit less. In this case, I know we've gotten upwards of
 24 40 some and I suspect that the amount that we'll get from
 25 the commission will also be fairly large, so I would

1 propose that we file on April 30th, which is just over a
 2 week from today.
 3 JUDGE HOWARD: That would be acceptable for our
 4 purposes. I would even give you until May 4th. And if
 5 you wouldn't mind labeling the exhibit Bench Exhibit
 6 No. 5.
 7 MS. GAFKEN: Okay. No. 5 and May 4th will be lovely.
 8 Thank you.
 9 JUDGE HOWARD: Thank you. Were there any other
 10 concerns or questions before we adjourn?
 11 Hearing nothing, that concludes our settlement
 12 hearing today and we are off the record. Thank you all.

(CONCLUDED AT 1:18 P.M.)

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22
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| A | | | | |
|---------------------------|----------------------------|----------------------------|---------------------------|----------------------------|
| A-1 54:16 55:4 | 90:11,12,15 | 62:16 88:5 | appreciate 72:12 | 53:8 61:24 62:3 |
| A-1(a) 103:8 | Administration | allowed 55:17 | 72:23 73:6 102:6 | 108:10 |
| able 66:10 72:25 | 72:9 | 93:23 | 102:12 | attorneys 75:4 81:8 |
| 74:13,22 | administrative | allowing 63:25 | appreciates 73:23 | 86:19 |
| accept 70:11 | 51:15 52:2 61:12 | allows 65:6,11 66:8 | 74:9 | Aurora 57:19,20 |
| acceptable 107:3 | admission 62:12,25 | 74:23 75:14 80:20 | appropriate 83:7 | 58:13,14 |
| accommodation | 63:10 | 96:7 | 96:22 101:18 | Aurora's 58:7 |
| 73:24 | admit 78:8 | alter 82:5 | appropriately | authority 105:18 |
| accompanying | admitted 63:20,23 | Alterations 108:14 | 72:12 | 105:22 |
| 88:22 | adopted 73:10 | Alternate 59:11 | approval 56:6 75:1 | authorized 108:14 |
| accomplished | Adopting 54:12 | Amended 55:22,24 | approve 64:11 | available 66:25 |
| 68:21 | advantage 80:13 | amending 76:7,9 | 65:16 66:19 67:12 | 70:1 71:18 |
| Accounting 54:19 | 81:10 | amiss 79:6 | 69:25 77:19 82:8 | Avenue 53:8 |
| Acct 58:9 | Aegis 88:5 | amortized 95:23 | approved 75:13 | avoided 69:5 |
| accurately 65:7 | affairs 87:12 | amount 96:18 97:4 | approving 83:23 | aware 89:1 92:8 |
| Acquire 57:13 | affect 65:8 74:19 | 101:19 106:24 | approximately | AWEC 63:12,13 |
| active 71:14 | 90:20 | analysis 54:22 57:6 | 66:15 74:17 | 71:21,24 72:1,2 |
| actively 70:13 | affirm 88:11 | 57:12 59:11 94:4 | April 51:18 54:3 | 72:20 73:14 |
| actual 69:5 89:13 | affirmative 86:10 | analyst 87:25 | 61:1,8 67:7 107:1 | AWEC's 72:19 |
| 90:3 | 86:13 | Ann 53:12 61:14 | areas 72:2 100:20 | 79:20 83:12 88:1 |
| add 79:10,14 82:21 | affirmatively 75:25 | announcement | argue 80:25 | |
| 98:7 100:1 102:9 | 78:2 86:4,7 | 89:16,19 | argument 77:13 | B |
| addition 76:6 | affixed 108:18 | answer 85:23 97:1 | array 93:21 | B 54:5 |
| additional 84:1 | afternoon 62:2,7 | 97:2 | arrived 72:7 | back 64:13 75:12 |
| 92:5 95:9,15 | 67:5 71:17,23 | answered 95:16 | aside 98:17 | 85:14 |
| 105:1 106:10 | 87:4,8,10,17,17 | answers 108:8 | asked 79:4 84:11 | Bainbridge 52:22 |
| Additionally 71:4 | 87:23 88:3 | anticipate 91:18 | 103:19,20 | balance 70:25 72:7 |
| address 65:19 | ago 101:1 | anybody's 76:19 | asking 75:11,11,18 | 100:23 |
| 69:23 72:4,25 | agree 72:16 76:21 | anyway 93:19 | 76:5 80:15 81:25 | Balasbas 53:13 |
| 73:7 96:2 100:17 | 78:3,4,10 79:24 | apologies 87:16 | 89:24,25 90:1 | 61:15 64:4 70:7 |
| 101:22 103:2 | 83:5,13,24 84:9 | apologize 62:14,20 | 98:3,10 105:12 | 73:22 80:10 81:7 |
| 106:7,11 | agreed 68:13 74:14 | 73:11 79:18 89:11 | aspects 65:4 | 82:11,20,23 85:14 |
| addressed 71:25 | 79:11,15 83:17 | apparently 89:10 | assets 102:3 | 86:1,15 87:5,11 |
| 72:12 100:22 | 93:10 | appearance 61:22 | assistance 65:24 | 95:13,15 96:14,25 |
| addresses 66:2 | agreement 55:8,23 | 62:5,15 89:11 | 71:2 74:4,7 | 97:10 98:4,9 |
| 74:3 | 55:24 56:6,20 | appearances 52:1 | assistant 52:8 | 102:17 |
| addressing 71:17 | 57:6 59:5,6,10,12 | 53:1 61:16 | 61:24 62:3 87:19 | bands 68:10 |
| adjourn 106:8 | 64:6 72:4,20 | appeared 99:12 | associated 72:8,14 | base 65:25 68:1 |
| 107:10 | 73:10,14 82:6 | appearing 62:3,8 | 90:3 91:25 96:4 | based 74:5 |
| adjudication 94:11 | 83:2 94:6 103:7 | 73:22 86:23 | 98:17 | baseline 54:16,17 |
| adjusted 69:2 | 103:15 | appears 75:7 | assume 88:20 | 55:4,6,15 65:6 |
| adjustment 55:12 | agreements 65:18 | applicable 69:18 | assuming 94:25 | basis 73:8 |
| 58:6,24 69:4,9 | agrees 63:18 72:1 | 108:13 | Attaching 54:12 | BDJ-1T 55:10 |
| adjustments 54:15 | ahead 58:21 80:4 | application 72:22 | attachment 103:14 | BDJ-2 55:11 |
| 55:3 59:15 70:15 | 82:11 94:13 95:14 | applied 101:20 | attend 94:17 95:4 | BDJ-3 55:12 |
| | Alliance 53:3 60:5 | apply 108:16 | attorney 52:8,21 | BDJ-4 55:13 |

| | | | | |
|----------------------------|----------------------------|----------------------------|---------------------------|---------------------------|
| BDJ-5 55:14 | book 99:18,19,20 | 70:8,14 71:3,11 | changes 90:3,6,20 | Coleman 53:3 |
| BDJ-6 55:16 | books 99:19 | 74:16 75:12 76:7 | 91:14,18,23,25 | 62:14,15,19,22 |
| BDJ-7 55:17 | bottom 79:2 100:10 | 76:17 77:2 78:22 | 92:16 103:22 | 63:13 71:21,22 |
| BDJ-8 55:18 | Box 52:8,17 | 78:24 81:20,22 | 108:14 | 73:2,4 79:8,17,18 |
| bear 73:12 | BPA 56:19 57:9,10 | 84:9 85:1,25 90:1 | changing 104:10 | 82:15,20 83:12 |
| beginning 57:16 | 57:11,13,14,16 | 90:18,23,23 91:17 | ChaRae 51:24 61:3 | collaborative 66:8 |
| 61:16 86:23 91:16 | 69:13 | 94:11 104:9,19,22 | 108:5,22 | 68:12 69:8,15 |
| begins 74:20 | Brent 53:3 62:15 | 105:20,21 106:23 | charge 90:12,22 | 93:14,18 94:2,2 |
| behalf 61:24 62:3,8 | brief 102:22 | cases 65:6 81:16 | 105:20 | 94:14,22,24 95:2 |
| 62:16 71:24 73:22 | briefly 67:13 70:24 | 94:5 106:21 | Chargeable 58:9 | 99:3,4,17 100:11 |
| 79:9 88:5 | 105:8 | cause 108:10 | charges 108:14 | 100:14,17,19 |
| believe 69:4,17 | bring 65:21 75:4 | CCR 51:24 108:18 | Chase 53:16 60:4 | collaboratives |
| 72:3,10 76:9 78:6 | bringing 62:21 | 108:22,23 | 70:23 71:16 87:23 | 69:22 93:13 |
| 82:4 84:14,18 | broad 89:19 | Centralia 57:11 | 87:24 | colleagues 92:5 |
| 86:6 90:11,21 | broaden 74:7 | certainly 78:16 | chose 83:9 | 101:14 102:14 |
| 92:14 93:1 95:16 | broadly 89:15 | 84:2,5 102:5 | Cindy 56:8,9 | Collectively 71:11 |
| 97:11 98:2 99:9 | brought 94:10 | 105:7,7,8 | clarified 104:16 | Collins 60:8 73:25 |
| 103:18 105:17 | business 99:19 | certainty 81:3 85:4 | clarify 76:25 80:8 | Collins' 74:1 |
| believes 67:10 68:1 | | certification | 82:12 84:17,23 | colstrip 58:8 59:5 |
| 74:25 85:8 | C | 108:16 | 94:21 103:22 | 69:13 |
| Bellevue 52:13,17 | C 57:10 61:7 108:1 | Certified 61:3 | 104:6 | Columbia 58:19 |
| bench 70:2 75:4 | 108:1 | 108:5,22 | clarity 86:17 94:9 | Column 103:15 |
| 97:25 98:2,6 | CAISO 54:20 | certify 108:5,9 | clear 104:15 | comb 79:2 |
| 101:18 102:1,10 | calculate 97:18 | Chair 61:13 64:3 | clearly 105:19 | come 68:13 94:5 |
| 105:2 107:5 | calculating 59:15 | 70:6 75:6,10,21 | click 79:19 | 104:4 106:20 |
| benefit 68:6,11 | 66:9 93:11 94:7 | 76:23 77:20 78:14 | closely 69:5 | comes 100:6 |
| 78:17 | 104:18 | 79:7,16,25 80:11 | closure 65:20 | comfort 83:1 |
| benefits 68:8,9,14 | calculation 54:14 | 82:11,12 83:19 | CLS-10C 56:19 | comfortable 76:14 |
| 68:16 71:1,6 | 55:16 58:2 68:22 | 84:11 86:16 87:10 | CLS-11 56:20 | coming 74:20 |
| 72:11,14 100:24 | call 84:16 86:19,20 | 88:3 94:19,21 | CLS-12C 56:21 | 81:20 90:16 |
| BENTON 108:3 | calling 94:1 | 95:6,12 98:2,8,12 | CLS-13C 56:22 | commend 71:10 |
| berm 71:1 72:17 | calls 71:4 | 98:21,23 99:1,25 | CLS-14C 56:23 | comment 70:20 |
| best 73:4 94:5 | capacity 56:19,23 | 100:12 101:1,10 | CLS-1HCT 56:8 | 89:1 106:14 |
| 95:16 96:25 | 65:19 | 102:15 | CLS-2 56:9 | comments 71:16 |
| better 100:21 | captioned 61:10 | Chairman 53:12 | CLS-3 56:10 | 75:7 95:9 106:12 |
| big 97:16 | carefully 64:10 | 71:23 73:21 87:4 | CLS-4 56:11 | 106:13,20,22 |
| bill 74:4 98:10,14 | 66:20 | 87:17 | CLS-5HC 56:12 | commercial 66:22 |
| 98:15 | Carson 52:11 | challenges 99:11 | CLS-6HC 56:13 | commission 51:2,6 |
| bills 70:18 | 61:18,19 63:3 | chance 102:6 | CLS-7HC 56:15 | 51:20 52:3,6 54:1 |
| Biomass 56:18 | 64:3 67:3 75:7,10 | change 78:7 89:6 | CLS-8 56:17 | 60:2 61:11,13,24 |
| Birud 55:11 | 76:9 77:5,15 | 97:4,16 98:11,15 | CLS-9C 56:18 | 64:11,25 65:1,16 |
| bit 77:6 106:23 | 84:25 85:2 102:19 | 98:18 103:21 | Coal 59:6,8,10 | 66:19 67:12 69:23 |
| Blc@dvclaw.com | 102:22 103:17,25 | 104:1,3,8,10,11 | code 105:15 | 69:25 70:11 71:14 |
| 53:5 | 104:3,17,24 | 104:13,18 105:18 | Coie 52:12 61:19 | 73:10 75:1,14,14 |
| Board 56:15 | case 55:6 64:6,13 | changed 69:10 | cold 65:20 101:20 | 75:16 76:15 77:9 |
| Bonneville 72:9 | 65:3,14 66:1,5 | 103:13 104:9 | 102:3 | 77:10,13,17,18 |

| | | | | |
|--|--|--|---|---|
| 78:9 80:18,20,22 80:25 81:2,13,21 82:7,9 83:5,6,9,14 83:21,23,25 84:3 84:6,13,15,17,25 85:6,7,24 86:10 86:12 92:14 94:11 96:7 100:5,5 101:2 105:18 106:25 commission's 67:1 69:20 72:18 73:24 94:12 96:2 105:22 commissioner 53:12,13 61:14,14 64:4,4 70:7,7 77:4 80:10,17 81:7 82:11,20,23 84:8 84:22 85:2,13,14 86:1,15 88:17,17 89:21 90:5,19 91:1,21 92:3,20 92:25 93:3,7 94:14,19 95:7,8 95:13,15 96:14,25 97:10 98:4,8,21 98:25 100:14,25 101:13 102:8,15 102:17 105:3,4 commissioners 67:5 71:23 73:21 80:8 87:5,8,11,18 87:24 88:4,16 101:12 commits 99:3 committee 56:14 59:8,10 91:6 communicate 91:22 communication 89:16,18 91:11,13 93:2 communications 91:8,24 companies 106:22 company 52:10 | 61:17 63:2 73:7 73:17 78:11 87:3 91:1,6,8,10,22 92:6,7,8 96:16 97:1,2 100:4,21 100:23 101:17 105:14 company's 94:16 102:21 Compared 55:2 Comparison 54:17 55:6 57:4 59:17 59:18,19 complete 81:2 102:11 complexity 91:11 compliance 87:7 complicated 69:22 compliments 71:13 comply 69:10 compromise 66:5 66:13 72:24 concern 100:20 concerns 72:5 100:16 107:10 conclude 106:6 CONCLUDED 107:15 concludes 75:2 107:11 conclusion 69:17 92:23 condition 84:12 conditions 64:12 66:20 conference 64:17 64:18,21 confidential 104:23 105:15 consensus 94:8 consequences 74:6 consideration 70:9 94:1 consistency 72:18 consistent 64:14 65:2,22 66:9 | 67:11 74:14 94:6 consultant 78:24 Consumers 53:2,3 60:5 62:16 88:6 contact 92:9,10 contemplated 71:7 contention 94:9 contest 75:20,25 76:22 79:13 80:24 83:3,16 84:5,10 84:21 86:3 contesting 77:6,8 77:12,16,25 80:19 85:19 contests 76:10 continue 68:16 86:20 continued 53:1 55:1 56:1 58:1 59:1 72:21 Contract 57:9,11 57:11,13,15,16 58:3,4 59:8 contracts 58:19 65:12,19 control 108:17 conversation 92:2 conversations 104:23 copy 63:21 correct 70:16 75:10 77:15 78:22,23 90:19 95:5 102:7 104:2 108:8 correction 102:24 103:3 cost 54:16,17 55:4 55:6,17 64:6 65:6 65:7 67:17,18,19 67:19,22 68:4,17 68:18,23 69:1,3,4 69:5,10,20 70:17 71:5 72:7,14 92:18,21 cost-only 55:6 64:13 65:5 76:17 | 90:1,17,23 91:17 105:21 costs 54:20 55:15 57:4,4,18,19,20 57:24 58:2,3,4,5,6 58:7,8,9,11,12,13 58:14,18,19,20,21 58:22,24,24 68:24 70:17 71:1 72:11 72:17 88:19 93:10 96:8 101:21 104:10 council 63:8 counsel 53:6 60:3 62:1,4 63:9 64:8 67:9 70:4,8,12,23 71:6 73:17 76:25 82:18 93:5 103:1 106:10,13 108:8 108:10 counsel's 71:17 87:22 COUNTY 108:3 course 77:24 90:15 court 61:3 63:21 73:2 108:5,13,22 COVID-19 74:6 create 84:12 creating 95:22 credit 66:6,9 69:2 90:22 91:19 92:17 92:24 93:11 94:7 97:4,6,9,11,20,24 98:15,18 103:21 103:23 104:4,8,13 104:19 105:19,20 credits 101:17 CROSS-EXAMI... 54:9 55:9,19 56:7 57:1 59:2 60:1 current 97:20 Curriculum 60:6 customer 66:1 70:18 97:14,15 customer's 93:9 customers 66:6,17 | 66:22,22,23 68:1 68:19,25 69:6 70:20 74:5,8,18 74:19 88:23 89:2 89:3,5,19,20,20 90:2,4,6,13 91:4,9 91:13,17,19,23,25 92:9,10,15 93:6 93:12 94:15 95:3 95:24 97:12 98:14 104:14 105:11,14 105:15 customers' 98:20 <hr/> D D 54:1 55:11 60:5 61:7 D3 52:21 Dallas 52:7 61:23 61:24 63:7 67:5 71:13 77:3,4 80:12,17 81:12 83:19,20 84:8,14 85:15 86:1 105:5 105:9,23,25 106:2 Dallas's 78:10 Danner 53:12 61:14 64:3 70:7 73:21 75:6,6,10 75:21 76:23 77:4 77:20 78:14 79:7 79:16,25 80:17 82:11,12 83:19 84:11 86:16 87:4 87:10,18 88:3 94:19,21 95:6,12 98:2,8,12,21,23 99:1,25 100:12 101:1,10 102:15 105:3 Danner's 80:11 data 94:5 100:8 date 88:25 89:13 106:15,18 108:6 dated 59:6 Dave 53:12 61:13 |
|--|--|--|---|---|

| | | | | |
|--|--|--|--|---|
| <p>75:6 day 58:21 79:5 89:3 108:18 Day-Ahead 58:2 days 88:24 dead 68:10 dealt 96:12 December 64:14 88:21 89:10 decides 77:18 deciding 77:18 decision 57:6,12 64:16 80:1 83:16 83:17 decisions 72:18 Decoupling 55:17 dedicated 69:6 Defendant 51:10 defer 99:23 104:5 deferral 95:22 96:12 deficiency 54:14 55:2 67:21 68:2 95:19 defined 93:18 94:25 defining 94:24 definitely 94:17 delay 79:18 delivery 108:12 Demand 55:14 demonstrate 65:4 deputy 87:18 describes 97:10 detail 54:15 55:3 57:19 94:3 99:16 determination 75:9 75:11,15,19 76:5 76:16,20 77:2,10 77:11,15,18 78:1 78:6,9,16,18,20 80:5,13,19,21,23 81:1,14,17,22,25 82:1,3,5,10,13 83:10,21,22 85:4 85:12,24 94:12</p> | <p>determine 69:9 84:13,25 determined 65:12 92:22 determining 92:18 93:9 develop 74:13 developed 96:6 development 59:8 87:9 differences 94:10 95:21 different 76:15 78:25 85:20 86:3 86:7 89:23 direct 54:7,10,25 55:10,14,20 56:5 56:8 57:2 58:10 59:3 66:4,6,9 68:6 68:10,16,19,23,24 68:25 69:5,21 70:25 85:23 88:18 88:22 89:2,3,5,18 89:18 90:14,21 91:4,8,22 92:9,10 92:15 93:6,9,12 94:15 95:3,19,20 95:23 96:5,21 97:12,13,15 98:24 103:21,22 104:4 104:14,18 105:10 105:18 108:16 directed 69:15 direction 106:11 directly 85:16 89:4 89:16 106:13,22 director 73:25 87:6 87:9,12,19 Directors 56:15 discovery 54:23 64:20 99:10 100:8 discretion 84:2 discuss 67:13 103:5 discussed 73:16,17 discusses 95:18 discussion 62:17</p> | <p>83:13 93:25 94:3 discussions 71:10 93:20 104:21 Distillate 58:22 Distillate 58:5 docket 61:9 67:7 68:20 Document 56:10 56:11,12 documents 76:18 doing 68:21 81:1 81:11 84:6 105:17 double 65:25 drawn-out 94:3 due 64:22 durable 66:8 93:11 94:6</p> <hr/> <p style="text-align: center;">E</p> <p>E 54:1,5,10 61:7,7 108:1,1 earlier 70:19 84:11 Earnings 54:22 easy 97:18 economic 74:6 economist 88:4 education 99:23 educational 100:15 101:8 effective 88:25 effectively 71:14 effectuates 69:20 efforts 72:12,23 73:6 EIM 68:7,14 71:5 72:15 94:23 Einstein 53:15 55:21 67:2 86:25 87:8,9 88:20 89:7 89:22,23 90:7,25 91:2,10,24 103:18 103:24 104:2,5,7 Einstein's 89:17 either 85:10 88:20 98:25 99:15 102:18</p> | <p>elaborate 79:11 electric 89:20 99:13,19 100:7,7 electrical 74:18 electricity 74:19 element 99:16,17 elements 91:14 eliminate 68:18 eliminates 68:17 EMC 56:5 57:7,9 57:14,16 employee 108:10 encouraged 94:17 95:3 energy 51:9 52:15 52:16,19 53:2,3 54:2,6,19,20 55:25 56:2,13 57:6,7,19 58:13 58:15 59:7,9 60:5 60:7 61:11,20 62:6,8,16 63:15 63:17 64:2 65:21 66:5 69:2 70:25 72:10,23 73:19,23 73:23,24 74:2,8 74:11,15,21,24 79:10 82:23 83:8 86:24 87:7,13,19 88:6,8 90:22 91:18 92:17,24 93:11 97:4,6,8,11 103:23 104:4,8 105:19 Energy's 70:17 74:4 engaged 64:20 engagement 71:11 ensure 96:4,9 ensures 68:25 Enter 57:6 enters 80:24 envision 101:8 envisioning 101:4 EO12 52:16 equal 108:13</p> | <p>especially 70:21 96:17 essentially 96:8 98:11 99:22 established 96:12 establishes 69:14 Eval 56:12 evaluate 73:7 event 71:2 evidence 62:10,24 65:15 78:1,12 exact 92:24 exactly 77:22 93:14 examination 99:6 examine 99:4 example 81:19 97:13 exclusion 71:1 exclusive 77:11 excused 88:8 excusing 73:24 exhibit 54:16 55:4 63:21 91:3 95:17 96:1 106:14,16 107:5,5 exhibits 54:9 55:1,9 55:19 56:1,7 57:1 58:1 59:1,2 60:1 62:12,13,25 63:1 63:4,11,18,20,23 64:19 Expected 54:23 expedited 64:15 expenditures 78:21 Expense 59:13,15 59:16,17,19 expenses 59:14 69:13 explicit 77:9,17 80:5,19,21 81:6 83:10,25 84:16 explicitly 78:6 81:14 exploratory 100:19 101:7 express 71:9</p> |
|--|--|--|--|---|

| | | | | |
|--|---|---|---|--|
| <p>expressed 81:23 expressing 81:13 expressly 70:14 78:16 81:17 extend 71:13 extent 83:14 94:12</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>F 108:1 fact 64:15 74:21 76:6,12 104:9 Factor 54:18 55:13 fair 68:3 69:19 72:7 fairly 70:16 106:25 fall 90:15 fall-through 92:17 familiar 99:13,14 100:5,8 far 62:11 94:3,4,4,4 favours 65:1 feel 72:6 76:12 79:14 105:22 feels 82:9 83:7,14 fees 108:14 felt 83:9 FERC 58:9 Ffitch 52:20,21 62:7,8 63:17 73:18,20,22 79:7 79:9,21 82:15,20 82:22 Fifth 53:8 file 91:7 92:9 100:4 106:15 107:1 filed 64:13 66:16 66:19 67:6 88:21 89:10 92:8 filing 55:7 58:11,12 58:14,15,17,20,23 58:24 66:14 70:16 74:10,23 76:2 77:7 88:22 90:20 91:6,20,21 92:10 98:18 103:23 106:18 filings 90:24</p> | <p>105:21 final 57:5 108:12 finally 66:12 72:19 Financial 54:23 financially 108:10 find 79:3 85:18 finding 81:6 83:25 84:1,17 85:8 86:11,13 fine 79:2 first 63:2 64:2 65:5 67:16 68:5,22 80:12 86:21 87:2 95:21 102:23 104:4 fixed 55:17 57:24 58:8,20 68:24 69:1 flush 93:22 focus 72:2 follow-up 80:10 96:15 97:25 following 61:4 foregoing 108:6 forgot 87:16 form 67:17 formalized 64:24 formatting 108:13 formula 74:14,15 forth 108:6 forward 72:13 73:1 73:8 75:18 78:4 93:10,15,15 94:7 94:10,23 95:1 found 103:14 four 72:2 Fourth 52:12 66:2 framework 72:22 Free 53:14 54:10 67:1 87:4,5 95:17 95:25 96:20 101:16,25 103:2,6 103:17 front 90:9 fuel 58:5,8,22 67:19</p> | <p>full 64:7 67:6 fully 93:22 94:3 funding 71:2 74:11 74:18 further 68:12 73:11 78:24 86:18 96:16 101:11 102:16,17 108:9 future 65:9 66:10 68:14,16 69:23 73:8 74:23 84:5 85:1,3 94:11 95:23 101:5</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>G 61:7 Gafken 53:7 62:2,2 63:9 70:4,6 72:16 77:21,22 78:23 81:9,12 82:17 83:13 93:5 106:9 106:9 107:7 Gafken's 83:6 Garrison 57:11,13 57:15 gas 57:22,23 58:16 58:20 67:19 69:15 99:12,18,19,20,20 100:4,6,6 101:2 Gas-for-Power 57:24 gathering 100:15 101:6 general 52:8 53:8 61:24 62:3 74:16 90:23 97:19,19 99:1 105:20 generation 95:18 95:19 96:5,10,19 99:20 getting 79:19 give 64:10 83:1 88:11 107:4 given 68:3 69:19 72:10 78:8,15 91:11 103:19,20</p> | <p>103:25 104:7 Giving 97:18 glad 86:17 go 65:12 82:11,17 85:9,14 89:8 94:13 95:14 98:10 goal 99:7 goes 75:12 going 65:3 73:8 75:18 82:17 84:4 94:7 95:2 96:12 98:4 Golden 56:22,23 good 61:18,23 62:2 62:7 67:5 71:22 73:20 87:4,8,10 87:17,17,23 88:3 gotten 106:23 grappled 66:3 gratitude 71:9 GRC 55:2,7 57:4 68:4 69:21 78:18 96:3 Great 100:12 green 55:14 56:5 66:4,6,9 68:19,23 68:24,25 69:5,20 70:25 88:18,22 89:2,3,5,18 90:14 90:20 91:4,8,22 92:9,10,15 93:6,9 93:11 94:15 95:3 95:19,20,23 96:5 96:21 97:12,13,15 98:24 103:21,22 104:3,14,18 105:10,18 grossed 103:11 ground 93:24 group 89:17 groups 71:5,6,8 guess 76:2 78:23 79:25 81:7,15 88:25 89:23 92:13 93:16 96:14 97:12 guidance 69:20</p> | <hr/> <p style="text-align: center;">H</p> <hr/> <p>H 54:5 hand 82:2 94:20 98:6 108:18 handled 89:17 hands 88:10 handy 97:17 happen 76:18 happens 96:16 Harbor 53:4 hard 71:12 92:23 head 102:4,9,12 heads 101:15 hear 87:1,15 heard 70:19,19 75:9 89:1 102:25 hearing 51:14 61:2 61:9 70:20 73:25 79:25 82:14 86:20 86:21 88:8 107:11 107:12 108:6 heating 74:20 hedging 71:5 94:22 99:2,4,12,13 100:4,6,7,7 101:2 held 51:19 64:17 81:15,17,21 help 67:24 74:11,18 helpful 83:11 97:24 100:13 helps 68:18 hereof 83:17 hereunto 108:18 Hi 75:6 High 52:21 higher 71:3 highlights 70:23 Hill 55:24 Hills 56:22,23 historic 91:4 home 74:11 honestly 93:17 Honor 61:18,23 62:7,14,22 63:14 71:22 73:20 79:9 105:9 106:2,9</p> |
|--|---|---|---|--|

| | | | | |
|---|--|--|--|--|
| <p>hope 83:10 100:17 hour 97:21 103:10 103:13 housekeeping 102:24 103:3 housing 87:25 Howard 51:15 52:3 61:8,12,21 62:1,5 62:9,19,23 63:6,8 63:12,15,19,24 64:3 67:3 70:3,6 71:20 73:2,18 75:3 86:18 87:14 87:17,21,23 88:1 88:7,15 98:5,8 101:11 102:19 105:1,5,7,25 106:3 107:3,9 Hydro 58:4 Hydroelectric 59:18</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>ID#18100 56:18 ID#18161 56:19 ID#UP006 56:21 identified 99:6 100:20 103:4 105:14 identify 86:22 87:3 87:15,22 88:2 III 51:16 54:2 imbalance 72:11 impact 70:18 74:23 98:15 impacts 55:18 96:10 98:11,14 implemented 90:12 implicit 77:14 80:23 85:8 implicitly 81:5 imply 81:1 important 65:8,19 66:12 67:14 68:15 69:22 71:8 75:17 76:16 83:9</p> | <p>impression 106:19 imprudent 86:6 incidentally 86:14 include 54:20 70:24 84:3 86:14 86:24 94:15 included 58:7,24 96:9 includes 68:23 including 62:13 63:1 77:13 80:22 81:4 108:8,13 inclusion 70:25 74:9 inclusive 95:2 income 71:2 74:5,8 incorrect 103:10 increase 66:1 67:23 67:25,25 69:13 74:14,17 98:17,19 increased 67:18,18 67:19 68:4 69:19 70:17 74:10 increases 65:24,25 67:17 70:21 increasing 71:2 Incremental 58:5 58:22 incurred 67:17 indicated 102:19 indicating 73:3 indication 97:19 indirectly 68:8 89:4 individual 88:23 92:15 industrial 66:23 inform 89:5 92:16 Informal 54:23 information 56:2 81:2 83:15 98:3 101:5,17,19 102:11 informational 96:15 100:15 101:8</p> | <p>initial 74:10,23 88:19 103:23 inner 99:18 Input 57:21 inquiries 75:24 Insight 88:5 Integration 58:2,21 intend 102:20 intent 93:19 94:2 intention 94:16 95:25 96:20 interactions 91:3 interchangeable 95:1 intercompany 100:22 interest 65:2,23 67:11 72:2,6 75:1 interested 68:13 69:8 108:10 interests 66:21 Interim 56:23 INTERVENOR/... 52:19 intracompany 69:15 investments 73:16 invited 69:9 invoice 108:11 IRP 56:10,17 Island 52:22 issue 62:10,23 73:3 78:21 82:8 83:8 98:14 99:10 104:19,20 issued 64:16 issues 66:2 69:22 71:7 90:17 92:11 99:6,23 issuing 98:9 item 86:5 90:22 103:8 106:10 items 103:11,12</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>J 59:3</p> | <p>January 64:17 88:25 Jay 53:13 61:14 Jhaveri 55:11 Jing 53:14 60:2 70:1 75:23 87:15 87:18 99:23 100:18 JL-1T 60:2 Joe 52:7 61:23 Johnson 54:7,8 join 67:9 joined 61:13 64:9 joining 62:17 Joint 55:8 Jon 52:16 53:16 67:1 87:11 89:8 93:16 101:25 Jon.Piliaris@pse... 52:18 judge 51:15 52:2 61:8,12,21 62:1,5 62:9,19,23 63:6,8 63:12,15,19,24 64:3 67:3 70:3,6 71:20 73:2,18 75:3 80:9 86:18 87:14,17,21,23 88:1,7,15 98:5,8 101:11 102:19 105:1,5,7,25 106:3 107:3,9</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>K 57:2 60:4 Kaufman 53:15 60:5 88:3,4 Keepers 57:6,7 Kenneth 54:7,8 Kent 51:24 61:3 108:5,22 kind 78:19 97:5,15 102:23 know 67:6 76:7,12 77:13,22,23 78:3 78:9,14,15,17,17</p> | <p>79:1,5,20 81:10 81:20,23 82:3 83:2,4,23 84:1,14 84:16 85:7,10 86:4,5 93:17 96:17 97:13 99:3 100:21 106:20,21 106:23 knowledge 89:15 KSJ-1T 54:7 KSJ-2 54:8</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>L 56:8 labeling 107:5 Lacey 51:22 52:4 Lance 53:15 60:5 88:4 land 93:24 language 79:23 83:1,17 84:19 large 97:6,13 106:25 Lastly 69:12 late 62:17 law 51:15 52:2,21 61:12 67:11 80:18 lawful 65:2 laws 108:12 lay 96:1 LDC 99:20 LDK-1T 60:5 LDK-2 60:6 leave 80:6,7 83:5 leaving 80:3 legal 69:18 71:24 lengthy 101:3 let's 61:16 86:21 letters 89:3 level 74:3,5 97:20 105:19 levels 96:22 License 51:25 108:23 lifeline 74:11 line 83:17</p> |
|---|--|--|--|--|

| | | | | |
|--|---|---|--|---|
| <p>Lisa 53:7 62:2 106:9 Lisa.Gafken@at... 53:10 list 63:21 98:6 102:10 105:10,15 little 62:17 79:18 97:23 99:2 Liu 53:14 60:2 70:1 87:15,16,18 92:13 92:14,21 93:1 99:25 100:2,18,25 101:7 105:10,12 105:23,24 Liu's 75:23 LLP 52:12 load 65:7 68:23,25 95:20 99:20 Long 54:19 long-term 96:23 longer 68:8 look 97:20 98:5 looked 78:25 79:1 86:5 looking 77:23 97:22 looks 97:22 Loop 51:21 52:4 lot 78:8 100:9 lovely 107:7 low 71:2 74:4,7 low-income 65:24 66:22 Lower 57:16 Lund 55:24</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>M 60:8 main 72:2 Maintenance 59:17 Major 59:17 making 77:14 78:6 78:17 80:5,13,21 80:23 82:4 83:21 99:11 management 56:13</p> | <p>59:7,9 91:5 managing 71:15 mandates 65:22 manner 64:14 72:5 March 64:20 Mark 58:16 Mark-to-Model 57:22 market 54:20 57:23 58:15 71:1 72:11 Master 56:20 math 101:25 102:9 102:12 matter 51:4 72:3 72:25 92:12 matters 101:22 maturity 72:10 mean 75:22,22 85:7 97:8 means 70:12 76:13 105:16 108:16 mechanism 54:21 55:17 68:9 74:24 96:8,11 mechanisms 103:9 meeting 106:5 meets 69:18 mega 103:10,13 megawatt 97:21 Memo 57:6,12 Memoranda 56:6 mentioned 72:16 72:19 73:14 method 66:9 93:9 93:11 methodology 68:14 94:6 96:7 104:12 104:18 Metrics 54:23 Michael 51:15 52:3 61:12 Michael.Howard... 52:5 Mid 58:19 Mid-C 57:9 58:4</p> | <p>middle 93:24 million 66:15 67:21 67:22 68:11 74:18 97:4,12 102:2,5 mind 107:5 missed 73:12 mitigated 67:23 mitigates 65:9 Model 58:16 modification 73:11 moment 71:9 73:12 90:9 monetized 101:22 Monthly 57:19,23 months 64:16 morning 61:18,23 73:21 move 80:4 moving 73:1 MSCG 56:21 MT 57:11,13,15 59:12 multi-party 64:7 67:6 MW 57:9,10,11,13 57:14,16</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>N 54:1 61:7 N.E 52:12 name 61:12 87:11 87:18,24 88:4 nature 100:18 NE 52:21 necessarily 76:14 81:13 necessary 83:22 84:7 94:13 necessity 72:22 need 73:7 74:4,5,6 77:9,17 81:5,14 84:1 100:9 needed 66:17 needs 69:9 72:25 82:2 negotiated 64:10</p> | <p>66:20 negotiation 71:12 74:13 Negotiations 59:8 net 68:6,14 103:12 neutral 70:9 77:24 Nevertheless 67:23 new 57:14,16 65:11 65:21 67:17 73:4 75:15 non-company 92:13 Non-Fuel 58:24 non-monetized 101:20,23 None-Fuel 58:6 noon 61:9 note 81:16 noted 88:7 notice 88:23 89:4 89:11,12,13,14,14 89:25 90:2,8,17 91:15 103:19,20 103:25 104:15 notified 102:24 notify 105:16 number 97:17,18 98:1 106:17 108:18 numbers 102:6 Numeral 103:15</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>O 61:7 O&M 59:13,14,15 59:16,17,19 69:13 object 82:14,14,15 82:18 83:8,20 84:6 85:24 86:10 objecting 78:21 objection 63:3,7,9 63:13,17 103:2 objectionable 79:3 objections 108:8 objects 65:13 obviously 104:22</p> | <p>occurs 99:21 October 74:20 offer 57:8 81:19 office 53:8 106:21 officially 104:21 offset 101:20 102:2 Okay 79:25 84:8,22 86:15 90:19 91:1 91:21 92:3,7,25 93:3,7 98:21 104:24 107:7 Olympia 52:9 ongoing 72:21 74:6 online 90:16 only-rate 64:6 open 57:22 58:16 80:3 88:15 106:5 opening 63:24 64:1 67:4 70:5 71:21 73:19 Operations 59:5 opinions 93:21 opportunity 64:1,5 64:18 66:24 opposed 64:8 85:9 opposes 80:14 opposing 70:14 81:24 opposition 67:8 78:5 82:6 order 54:12 57:5 68:20 77:2 78:7 85:25 96:2,3 98:16 100:10 Original 55:6 outcome 108:10 outcomes 69:13 outlined 93:18 Outputs 58:13 outreach 91:16 overall 74:22 98:17 Overview 54:18 Ownership 59:5</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>P 61:7</p> |
|--|---|---|--|---|

| | | | | |
|---------------------------|-----------------------------|--------------------------|---------------------------|----------------------------|
| p.m 61:2 107:15 | 84:20 86:22 93:3 | PKW-13C 57:20 | Portion 55:14 | 108:11 |
| P.O 52:8 | pass 92:20 | PKW-14C 57:21 | Portland 53:4 | present 53:11 64:5 |
| package 64:10 | path 93:10,15 | PKW-15C 57:22 | pose 80:12 81:8 | 64:24 66:24 |
| page 103:6,7,14,15 | 94:23 95:1 | PKW-16C 57:23 | position 63:16 | presentation 59:7,9 |
| pages 51:19 54:10 | patience 106:5 | PKW-17C 57:24 | 73:15 75:19,24 | 91:5 |
| 54:25 55:8,10,20 | Paul 57:2,3 | PKW-18C 58:2 | 76:22 77:1,6,8,16 | Presentations 56:5 |
| 56:8 58:10 60:2,4 | payers 67:24 68:6,7 | PKW-19C 58:3 | 77:21,23 78:2,10 | 56:13,15 |
| 60:5,8 | 68:11,15,19 | PKW-1CT 57:2 | 78:13 79:12,20,23 | presented 65:14 |
| pandemic 70:21 | paying 69:1 | PKW-2 57:3 | 80:3 83:3,12,18 | 72:24 76:2 |
| panel 87:2 106:4 | PCA 54:13,21,23 | PKW-20C 58:4 | 84:18,21 85:10 | presenting 57:7 |
| paper 101:3 | 55:15 68:8 75:12 | PKW-21C 58:5 | 86:2,2 | 96:6 |
| papers 64:20 | 85:5 96:8 103:9 | PKW-22C 58:6 | positions 76:25 | priced 96:22 |
| 105:13 | PCORC 55:2,5 | PKW-23C 58:8 | possibility 92:11 | Prices 57:23 |
| Paragraph 96:3 | 65:10 72:22 73:1 | PKW-24 58:9 | postpone 80:1 | pricing 90:12 |
| park 93:25 | 73:8 74:24 75:16 | PKW-25CT 58:10 | postponed 82:1 | primary 94:9 |
| part 63:22 85:25 | 76:18 85:7 92:8,9 | PKW-26C 58:11 | potential 72:25 | principal 64:23 |
| 90:13 97:7 | 98:17 | PKW-27C 58:12 | 85:11 91:4,23 | 69:11 |
| participants | PCORCs 64:14,15 | PKW-28C 58:13 | 103:21 | prior 72:18 75:16 |
| 104:22 | 65:11 | PKW-29C 58:14 | potentially 85:3 | 92:1 |
| participate 66:11 | Peak 56:19 | PKW-30C 58:15 | power 54:16,17 | probably 95:16 |
| 71:7 94:18 95:4 | Peaker 58:7,24 | PKW-31C 58:16 | 55:4,6,6,15,17,23 | proceeding 67:7 |
| participated 64:21 | percent 69:2,3 | PKW-32C 58:18 | 55:24 56:6 57:4,4 | 69:7 73:9 80:2 |
| participation 68:7 | 97:23 98:16,19 | PKW-33C 58:19 | 57:6,18,23 58:9 | 83:23 92:19,22,23 |
| 72:3,15 90:13 | percentage 67:25 | PKW-34C 58:20 | 58:11,12,14,20 | 101:2,4 108:7 |
| particular 73:7 | perception 92:16 | PKW-35C 58:21 | 64:6,13 65:5,6,7 | proceedings 61:5 |
| 79:13 83:1 89:25 | Perkins 52:12 | PKW-36C 58:22 | 65:18 66:17 67:17 | 64:16 68:15 69:24 |
| 90:7,8 91:7,12 | 61:19 | PKW-37C 58:24 | 67:22 68:4 69:3 | Proces 58:15 |
| 98:14,19 | perspective 70:16 | PKW-3C 57:4 | 70:17,17 72:9 | process 56:12 66:8 |
| particularly 70:22 | 91:5 99:24,24 | PKW-4C 57:6 | 76:17 90:1,17,23 | 71:12,15 95:2 |
| 74:8 91:11 | PETITIONER/A... | PKW-5C 57:7 | 91:16 92:18,21 | 100:9 |
| parties 62:11,24 | 53:2 | PKW-6 57:9 | 104:10 105:21,21 | Produced 57:19 |
| 63:25 64:11,18,20 | pgs 54:7 59:3 | PKW-7C 57:10 | power-related | product 56:19 87:9 |
| 64:21,23 66:3,6 | Phase 56:14,16 | PKW-8C 57:12 | 90:24 | 96:21 |
| 68:13 69:8 71:10 | Piliaris 52:16 53:16 | PKW-9C 57:14 | PPA 56:18,21,22 | production 54:18 |
| 72:13 73:6 74:13 | 67:1 87:10,12 | place 61:5 71:6 | 56:23 96:5,11 | 55:13 59:13,14,15 |
| 75:19,22 76:11,12 | 88:20 89:9 93:16 | Plaintiff 51:7 | PPAs 65:11 67:18 | 59:16,18,19 |
| 76:20 81:17,24 | 93:16 94:16,24 | plan 100:4 | 68:24 69:6 73:15 | 101:17 108:12 |
| 82:25 84:20,24 | 95:5,7 97:7,17 | please 88:9 95:14 | 96:11 | profess 93:17 |
| 92:4,7 93:8 95:9 | 98:13 99:9 100:3 | 105:6,7 | practices 99:5 | Professional 54:8 |
| 99:4,6 100:16 | 101:25 102:9 | PO 52:17 | pre-filed 62:12,25 | 54:11 55:11,21 |
| 102:25 104:23 | 103:20 104:5,6,20 | point 65:3 73:12 | 63:20,23 | 56:9 57:3 59:4 |
| 108:10 | pin 92:23 | 83:22 84:6 86:11 | pre-meeting 62:17 | 61:4 |
| party 64:8 65:13 | pipeline 67:19 | 88:15 91:18 95:12 | precise 97:25 | profitization 96:4 |
| 67:7 70:8 76:10 | PKW-10 57:16 | 101:5,7 | prefer 102:1 | program 66:4 |
| 77:15,24 78:2 | PKW-11C 57:18 | points 67:15 94:9 | prepare 106:19 | 67:24 74:11,12 |
| 80:1 81:9,20 | PKW-12C 57:19 | portfolio 65:22 | prepared 91:6 | 88:19 90:14,21 |

| | | | | |
|--|---|---|--|--|
| <p>91:12,13 99:12,13 programs 99:15 100:7 Progress 56:17 project 52:19 56:18 56:19,21 60:7 62:6,8 63:17 73:19,23,23,24 74:2,8,21,24 79:10 82:23 83:8 Project's 63:15 88:8 projected 66:16 proportional 69:1 proportionality 97:19,22 proposal 55:25 57:7 74:10 106:16 propose 96:17 103:22 107:1 proposed 57:4 68:2 76:1 78:25 89:5 104:11,12,13 provide 63:21 70:4 73:18 76:18 89:4 91:15,15 provided 65:15 72:8 78:1,12 79:6 85:6 88:24 89:14 90:2,21 provides 66:5 68:5 68:12 69:7,12 75:14 85:5 100:4 providing 70:10 74:17 provision 90:9 provisions 88:23 108:14 prudence 65:13,16 65:17 73:15 75:9 75:11,15,18,20 76:1,10,16,20 77:7,9,10,11,12 77:14,16,17,25 79:12,13,24 80:1 80:11,13,15,19,21</p> | <p>80:23,24 81:1,11 81:14,17 82:24 83:3,7,10,25 84:9 84:13,17,24 85:1 85:4,8,12,22,24 86:4,11,13 prudence 76:5,25 77:2 78:15,18 80:3,5,7 81:22,25 82:1,2,5,10,13 prudent 65:13 76:13 78:5 81:3,3 81:5 84:19 85:18 85:21,22 86:8 PSE 54:23 59:7,9 63:3 64:13,17,19 65:14,14 66:13,16 66:21,25 67:15,16 68:6,15 71:25 75:11,24 85:9 87:9 88:20,21,22 89:4 102:19 103:22 PSE's 54:21 56:13 56:15,17 57:4 59:11 64:6 65:22 67:20,24 68:4,7 68:11,19 69:1,15 69:19,21 74:7 76:1,2 77:7 PSE-08N 52:17 PSE-1JT 55:8 PTCs 101:20,21,24 public 53:6 60:3 62:1,3 63:8,9 64:8 65:2,23 67:8,11 70:4,8,12,20,23 71:6,17 72:1,6 74:25 82:18 87:21 87:25 89:1,12 93:5 103:1 106:10 106:11,13,14 Puget 51:9 52:15 52:16 54:2,6 61:11,19 64:2 70:16 72:23 74:4</p> | <p>74:15 77:25 80:15 82:1 86:24 87:7 87:12 106:21 Puget's 74:9 pulling 89:10 purchase 54:19 55:23,24 56:6 57:6 65:18 purpose 68:22 96:1 101:6 purposes 93:24 107:4 pursuant 67:9 68:19 put 72:13 85:15 90:20 97:1 106:13 putting 98:16</p> <hr/> <p style="text-align: center;">Q</p> <p>Qualifications 54:8 54:11 55:11,21 56:9 57:3 59:4 quantify 68:14 question 72:21 75:7 76:3 80:4,8 80:11,12 81:8,10 82:7,22 83:4 84:24 85:15,23 86:9,16 88:25 89:24 93:4 95:10 95:16 97:1,8 98:22 101:13,16 102:23 103:18 104:7,16,17 questioning 67:1 75:5 questions 64:18 70:1 71:19 75:4 79:4,4 80:7 82:24 84:23 85:17 86:18 88:16,18,19 92:4 92:5 95:13,20 98:23 99:1 101:11 101:14 102:13,14 102:16,18 104:25 105:2,3,6 106:1</p> | <p>106:14 107:10 108:8 quite 66:3 77:5 106:20,22</p> <hr/> <p style="text-align: center;">R</p> <p>R 61:7 108:1 raise 88:10 raised 79:4 99:10 Randall 53:12 61:14 64:4 70:7 73:21 84:8,22 85:2,13 87:5,11 88:17,17 89:21 90:5,19 91:1,21 92:3,20,25 93:3,7 94:14,19 95:8 98:21,25 100:14 100:25 101:13 102:8 105:4 rate 54:16,17 55:4 55:6,6,15,18 57:20,21 58:11,12 58:18 59:14,15 64:13,16 65:5,6,8 65:25 66:17 67:23 67:24 68:6,7,11 68:15,19,22 69:3 69:4,14 70:20 74:16 76:17 90:1 90:18,23,23 91:17 92:18,22 94:11 103:8,9,10,11,12 103:13,14 105:20 105:21 rate-making 69:11 Rate-Year 57:18 rates 55:16,17 65:12 68:1,3 69:19 71:3 76:13 77:14 80:22,24 81:4 82:8 84:3 85:9 86:14 91:23 91:25 95:23 98:20 RCW 68:20 108:13 reach 74:7 93:5</p> | <p>94:8 reached 64:23 92:14 real 104:19 realized 100:9 really 71:11 79:10 93:22 96:6,15 100:9 101:25 reasonable 68:3 69:12 70:22 93:24 reasons 66:18 74:1 recall 90:14 101:1 102:3 receive 68:6,8,16 90:13 105:13 received 89:2 91:19 receiving 67:25 recognition 64:15 74:9 recognize 66:7,12 93:20 recognizes 67:16 recommend 73:9 80:1 recommendation 57:8 70:10 recommends 69:24 75:1 record 63:5,22 83:15 102:24 107:12 108:8 recovery 96:21,24 redirect 102:20,21 102:22 105:5 reduce 69:10 74:22 reduced 97:21 reduces 67:20 reduction 97:11,23 97:23 reevaluate 93:8 reference 103:8 referenced 72:20 91:3 reflect 65:7 70:16 72:13 reflects 64:10 69:5</p> |
|--|---|---|--|--|

| | | | | |
|---|--|--|---|--|
| regard 76:25 82:16 83:4,7 94:22 | representing 61:19 | rest 93:25 | role 71:14 | SEF-5 54:15 |
| regarding 54:23 59:10 70:11 72:21 | represents 66:13 66:21 | Restated 55:22 | Roman 103:15 | SEF-6 54:16 |
| regardless 104:9 | reproduction 108:16 | result 68:2 75:8 98:18 | roughly 97:4 98:19 | SEF-7 54:17 |
| Registered 61:4 | request 55:25 56:2 66:14,18 97:25 | resulted 65:20 101:3 | Row 103:15 | SEF-8 54:18 |
| regular 91:10,12 | requested 67:21 100:11 | results 56:3,4 68:10 69:19 71:3 74:16 | RPR 51:24 108:22 | SEF-9 54:19 95:17 96:1,2,9 |
| regulating 108:13 | requests 67:12 98:6 102:10 | revenue 55:2,17,17 66:14,16 67:21 | Rte 58:2 | send 102:10 |
| regulations 108:12 | requirement 101:9 | review 74:24 79:1 82:24 | rules 108:12,13 | sense 97:3,5 |
| regulatory 60:2 71:25 87:6,12,19 87:25 101:9 102:3 | requirements 68:20 87:6 108:14 | revised 56:17 75:13 | ruling 82:19 | sensitive 70:20 103:11,12 |
| reiterate 67:15 71:24 82:4 | requiring 80:18 | RFI 56:3 | run 62:20 68:9 | sentence 73:5 |
| reject 70:11 | reserved 93:8 | RFP 56:4,11,12,14 56:16 | <hr/> S <hr/> | separate 69:21 |
| related 90:1,17 92:11 105:21 | reserving 102:20 | Richland 108:6 | S 54:5,7,8 61:7 | serve 66:17 |
| relatedly 65:10 | reset 65:6 | right 62:23 63:12 71:20 75:21 76:23 77:20 79:7,16 | S.E 52:4 | services 72:8 87:20 |
| relates 101:16 102:23 | residential 65:25 66:21 68:1 | risk 65:9 100:23 | satisfied 79:5 | session 100:15 |
| relating 90:2 | residing 108:5 | risks 85:1,3 | saying 75:8 76:19 78:3,4 85:19,21 85:22 86:3,7 | set 66:8 82:9 90:11 108:6,18 |
| relation 90:10 97:6 | resolution 72:24 | River 57:16 | says 76:6 94:23 | sets 69:21 |
| relative 90:3 108:9 | resolve 72:4 | RJR-10 59:15 | scale 97:3,5 | settlement 51:14 54:13 55:8 61:2,9 62:13 63:1 64:2,6 64:7,7,9,9,12,21 64:23 65:4,5,23 66:2,4,13,15,19 66:25 67:6,8,9,10 67:12,14,16,20 68:2,5,12,17,23 69:7,12,17,25 70:9,12,13,14,15 70:22 71:4,18 72:1,4,7,19,20 73:10,14 74:2,3 74:16,22,25 75:8 75:12 76:3,4,6,8 76:10,11,24 77:19 77:23 78:7 79:11 81:23,24 82:5,9 83:2,24,24 84:12 84:16,20 85:5 86:23 92:1,1 93:7 93:13,20,23,25 95:18,22 97:10 99:3 101:23 103:3 103:7,15 104:21 107:11 |
| relatively 100:5 | resource 57:18 58:12 77:12,14 80:24 81:4 | RJR-11C 59:17 | SCarson@Perki... 52:14 | settlements 65:1 |
| remaining 101:19 101:23 | resources 56:11,12 56:14,16 57:21 58:4 65:11,14,17 75:15,20 76:2,12 77:7 78:25 79:6 79:13 80:15,20,22 82:25 84:3,5 85:9 85:18,21 86:6,14 90:15 100:10 | RJR-12 59:18 | Schedule 55:14,16 55:17 91:12 105:19 | |
| remediation 101:21 | respect 72:17 73:15 79:22,23 95:19 106:18 | RJR-13C 59:19 | School 52:21 | |
| remember 98:5 | respectfully 65:16 66:18 | RJR-1CT 59:3 | season 74:20 | |
| REMEMBERED 61:1 | respond 81:9 | RJR-2 59:4 | Seattle 53:9 | |
| Remove 58:6 | response 54:23 93:4 104:7 | RJR-3 59:5 | second 65:10 68:5 69:2 86:9 | |
| renewable 54:19 55:25 56:2 65:21 | responses 85:16 | RJR-4C 59:6 | section 87:19 103:7 | |
| Renewal 57:9,10 | responsive 64:22 | RJR-5C 59:7 | see 63:4 92:4 94:5 98:5 | |
| renewed 67:18 76:1 | | RJR-6C 59:9 | seeing 95:11 101:15 | |
| repeat 104:16 | | RJR-7C 59:11 | SEF-10 54:20 | |
| report 56:17 101:2 | | RJR-8 59:13 | SEF-11 54:22 | |
| reported 51:24 108:6 | | RJR-9 59:14 | SEF-12C 54:23 | |
| reporter 61:3,4 63:21 73:2 108:5 108:22 | | Road 52:21 | SEF-13T 54:25 | |
| reporting 54:19 96:9,13 | | Robert 59:3 | SEF-14 55:2 | |
| represent 79:1 | | Roberts 59:3 | SEF-15 55:3 | |
| | | | SEF-16 55:4 | |
| | | | SEF-17 55:6 | |
| | | | SEF-1T 54:10 | |
| | | | SEF-2 54:11 | |
| | | | SEF-3 54:12 | |
| | | | SEF-4 54:14 | |

| | | | | |
|--|--|--|--|---|
| 81:16 settling 64:22 70:8 81:9,24 93:8 95:9 99:4 shaking 101:15 Shaped 56:22 share 69:1 sharing 68:10 94:4 94:4 Shawn 60:8 73:25 Sheree 52:11 61:18 shifting 68:18,18 69:10 short 61:16 81:20 shortfall 65:20 shorthand 108:7 shortly 64:22 98:9 sic 80:17 side 99:15 significant 66:13 70:18 74:3 96:18 96:23 significantly 67:20 79:22 silent 82:8 similar 79:21 Simon 52:20,21 62:7 73:22 Simon@ffitchla... 52:23 simply 84:3 sitting 81:18 situation 90:8 six 64:16 98:16,19 SKC-1T 60:4 skip 62:19 Skookumchuck 55:22 slide 91:5 Slides 57:7,9,10 Slids 57:14,16 slight 104:12 slightly 86:3 smart 71:1 72:17 SMC-1T 60:8 Snake 57:16 | Song 56:8,9 sorry 62:19 73:2 87:16 103:6 Sound 51:9 52:15 52:16 54:2,6 61:11,19 64:2 70:17 74:4,15 86:24 87:7,13 sounds 78:20 Southeast 51:21 speak 76:11 98:13 99:7 speaking 82:18 specific 78:4 81:19 82:2,24 83:4,10 89:15 91:16 92:15 98:3 99:5 100:16 100:20 specifically 71:13 72:6 74:3,17 75:22 78:10 82:24 89:19 91:15 93:19 100:2 specificity 99:2 SPI 56:18 spread 68:24 Square 51:21 52:4 ss 108:2 stack 99:15 staff 52:6 60:2 61:22,25 63:6,7 67:4,10,14 68:1 69:4,17,24 71:14 71:25 75:23 77:6 82:14 83:20 84:5 84:18 85:23 86:4 86:9,11 92:14 96:7 99:10,22 100:5,7,16 105:10 staff's 77:6,16 83:21 87:14 99:24 stakeholders 66:10 standards 69:18 71:25 start 58:7,24 61:16 73:4 77:3 92:13 | 93:17 99:9 started 91:24 state 76:4 108:2,12 108:18,23 stated 67:8 74:1 78:11 85:16 88:22 statement 64:1 67:4 70:5 71:21 73:19 75:2 79:11 83:6 statements 63:25 79:15 states 81:5 105:19 stating 83:2 statutory 65:22 step 78:4,24 Stephanie 53:16 60:4 70:23 87:24 stipulate 62:11,24 63:10,14 stipulated 63:4 stipulation 63:18 74:2 Street 52:12 strictly 96:13 strip 65:20 96:8 101:21 strips 102:3 Strom 52:11 61:19 struggle 79:19 subject 67:22 Submission 56:3,4 Submit 57:8 submits 72:20 submitted 62:11 101:19 106:12 108:12 Subsequent 56:14 56:16 substantial 65:15 sufficient 68:3 83:15 Suite 52:12,21 53:4 53:8 summarized 100:3 Summarizing 57:6 | 57:12 Summary 54:15 55:3 57:4,18,20 57:21 59:11,13,14 59:15 supervision 108:17 Supplemental 54:25 58:10,11,12 58:13,14,15,17,18 58:19,20,21,23,24 Supply 59:6,8,10 support 55:8 64:1 72:23 75:25 76:1 83:13 86:7 supporting 65:15 70:13 78:2,12 supports 72:5 74:2 74:21 86:4 surcharges 65:9 sure 89:1 96:25 97:8 102:6 104:15 surplus 55:2 95:18 Susan 53:14 54:10 67:1 87:5 suspect 106:24 SW 53:4 swear 86:25 88:9 88:11 System 56:21 | 90:3,4,5,6,21 95:23 tariffs 90:11 tax 101:17 technical 64:17,17 telephone 53:14 tell 84:22 102:2 Temperature 55:12 term 54:19 78:7 93:18 94:21 terms 67:13 70:22 70:24,25 72:4 77:23 84:24 94:25 108:14 Test 59:13,15 testimony 54:7,10 54:25 55:8,10,20 56:8 57:2 58:10 59:3 60:2,4,5,8 62:10,12,13,25 63:1,4,10,20,23 64:19,22 65:15 70:24 72:19 74:1 75:23 87:1 88:11 91:2,2 106:4 108:8 thank 61:21 62:9 62:20,22 63:14,19 64:3,5 66:24 67:2 67:3 70:2,3,6 71:19,22 73:17,20 75:2,3 77:4,20 79:7,9,16 80:8,17 82:22 85:2,13 86:1,15,16,17 87:14,21 88:1,7 88:15 95:6,7 98:12 99:25 100:2 100:12,25 101:10 102:8,11,15 103:6 103:17 104:24 105:1,3,4,9,12,23 105:24 106:4 107:8,9,12 theory 96:21 |
| T | | | | |
| T 54:5 108:1,1 tacitly 78:15 tackle 69:22 take 64:10 71:6,9 74:19 75:19,24 77:1 78:23 79:12 79:23 83:2 84:20 86:2 89:9 taken 61:3 104:14 108:7 takes 73:14 75:17 Talen 59:12 talked 77:5 talking 91:7 tariff 88:21,22 89:6 | | | | |

| | | | | |
|--|--|--|--|---|
| <p>thing 97:15 things 68:21 79:3 79:19 85:20 think 75:17 76:14 76:16,19,20 78:11 79:20,22 80:18,22 81:4,19 82:6 83:21 84:11,14,22 85:3,6,10 96:3 98:9 100:3,18 102:1,2,25 104:20 Third 65:23 68:17 thought 78:8 thoughts 73:13 79:8 three 66:25 69:21 85:17 Thursday 61:1,8 tied 92:21 time 68:6 80:20,23 81:18 85:7 87:1 88:9 91:19 93:22 93:23 96:13 100:9 103:25 times 81:21 today 61:8,9,13 64:25 69:25 70:10 73:25 88:12 98:10 106:5 107:2,12 tooth 79:2 top 79:2 102:4 topic 77:5 92:6 total 69:3 97:6,8 track 96:20 tracking 95:18,21 96:1 103:9 transactions 69:16 100:23 transcribed 108:7 transcript 108:11 108:16 transfers 99:18 translation 99:11 transmission 57:9 57:11,11,13,14,16 58:3,18 65:11,18</p> | <p>67:18 69:14 72:8 Transport 57:22 58:16 Transportation 51:2,6,20 52:3 54:1 57:24 58:20 61:11 treatment 72:17 tried 93:23 true 108:7 truth 88:12,12,13 try 67:14 trying 81:18 84:15 84:23 86:11 89:24 99:14 102:12 turn 63:2,24 64:2 67:4 70:3 71:20 75:23 twice 67:25 two 68:21 71:4 79:14 85:20 89:2 93:12 95:20 99:18 99:18 106:14,16 typical 97:14,15 typically 77:10 106:18,21</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>UE-130617 54:12 UE-190530 68:21 UE-200980 51:6 54:2 61:10 Unbalance 54:20 uncertainty 75:17 85:11 Under-Recoveries 54:24 undersigned 108:5 understand 81:12 89:25 100:21 understanding 84:4 89:14,21 90:9,24 99:22 100:22 Unit 55:17 units 58:8 59:5</p> | <p>65:21 unmute 87:16 update 67:22 updated 55:2,3,4,6 90:22 105:20 upwards 106:23 use 54:18 102:2 uses 99:19,20 UTC 106:12 Utilities 51:2,5,20 52:3 54:1 61:10</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>Value 57:22 58:16 variable 67:19 69:4 various 91:14 versus 61:11 100:24 videoconference 52:1 53:1 61:2 108:6 view 70:22 76:3 violate 108:14 virtual 86:21 virtue 104:9 Vitae 60:6 Volume 51:16 54:2 Voluntary 54:19 vs 51:8 54:1 55:7 vulnerable 67:24</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>WA 52:4,9,13,17 52:22 53:9 WAC 67:9 69:18 88:24 108:13 WAC-308-14-130 108:13 wait 80:14 waited 106:5 waiting 81:11 walked 64:19 want 71:9,10,12 82:3,12 85:15 86:10,12 89:7 95:9 104:15</p> | <p>wanted 94:21 99:15 99:21,22 wants 82:7 Washington 51:1,5 51:20,22 54:1 61:10 108:2,5,12 108:18,23 wasn't 79:5 watt 103:10,13 Way 53:4 we'll 88:15 106:24 we're 61:9 76:13 77:24 84:4,15,18 84:23 91:7 94:1 we've 79:15 86:5 88:7 96:6 106:23 week 70:19,19 106:19 107:2 went 89:20 West 108:6 Western 53:2,3 60:5 62:16 88:6 Westmoreland 59:12 Wetherbee 57:2,3 whatnot 78:1 WHEREOF 108:18 white 101:3 wide 93:21 William 53:15 55:21 67:2 86:25 willing 62:11,24 Wind 56:22 58:2 58:21 59:19 wish 101:15 witness 70:1,23 71:17 87:15,22 88:2,8 108:8,18 witnesses 66:25 75:5 86:19,21,22 86:24,25 87:1,2 88:14 92:12,13 97:2 102:21 106:4 wonder 99:7 wondering 99:5</p> | <p>Woodland 51:21 52:4 wording 84:19 words 98:16 work 64:19 66:7 71:4,6 93:10 105:13 worked 71:11 working 93:14,15 wouldn't 81:13,15 83:20 84:6,12 107:5 wrap 71:16 wrong 89:12 WSPP 56:20 WTE-10C 56:6 WTE-1CT 55:20 WTE-2 55:21 WTE-3C 55:22 WTE-4C 55:24 WTE-5 55:25 WTE-6 56:2 WTE-7HC 56:3 WTE-8HC 56:4 WTE-9HC 56:5</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p>X 54:1,5</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>yeah 78:14 97:17 98:4 104:17 year 57:20,21 58:2 58:11,12,18 59:13 59:14,15,16 65:8 66:17 years 101:1</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p>Zoom 61:2</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1 65:21 102:3 1.2 74:18 1:18 107:15</p> |
|--|--|--|--|---|

| | | | | |
|---|---|--|--|--|
| <p>100 57:10 69:3 108 51:19 10885 52:12 10th 108:18 11 54:12 12 61:8 12/5/2019 59:6 12:00 61:2 126 102:2 139 55:14 91:12 105:19 14 55:10 142 55:17 15 54:7 17 55:8,20 1750 53:4 17th 89:10 18-145 108:13 19.29.090 68:20 1st 88:25</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2 56:14,16 65:21 102:3 103:6 20 97:23 106:22 2000 53:8 2002 75:12 2015 54:13 56:2 75:13 2017 55:25 56:10 2018 56:11,12,14 56:16 2019 55:2,7 56:17 57:4 96:3 2020 55:2,5,6 88:21 2021 51:18 54:3 61:1 108:19 2024 57:17 206.464.6595 53:9 206.669.8197 52:22 22 51:18 54:3 61:1 22nd 61:8 23 57:9 66:15 2408 51:25 108:23 250 102:5 27 59:3 60:2</p> | <p>296 96:3 2nd 67:7</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>3 59:5 103:7 3-7 97:9 3&4 58:8 3.7 97:4,12 30 88:24 308-14-135 108:13 30th 107:1 321 52:21 360.664.1160 52:5 360.664.1192 52:9 37 103:16 38.716 103:13 383 52:21</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>4 59:5 103:7 4.4 68:11 40 97:21 106:24 40.706 103:10 425.456.2142 52:18 425.635.1400 52:13 43 54:10 450 53:4 47 97:20 47250 52:8 480-07-740 67:10 69:18 480-100-194 88:24 4th 107:4,7</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5 60:4,5 107:6,7 50 57:13,14 503.241.7242 53:5 51 51:19 557 58:9</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>6 60:8 621 51:21 52:4 65.3 67:22</p> <hr/> <p style="text-align: center;">7</p> | <p>7 103:15 7/23/2019 59:8 700 52:12 75 57:16 69:2</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>8 54:25 68:20 90:22 96:3 8/29/2019 59:10 800 53:8 81 56:8 87 67:21</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>9 58:10 9-HC 91:3 94 57:11 95 55:16 97034 52:17 97201 53:4 98004-5579 52:13 98009-9734 52:17 98104-3188 53:9 98110 52:22 98503 52:4 98504 52:9</p> | | |
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