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BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION

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WASHINGTON UTILITIES AND ) DOCKET UE-144160  
TRANSPORTATION COMMISSION, ) Pages 1-13  
v. )  
Complainant, )  
PACIFIC POWER & LIGHT COMPANY, )  
Respondent. )

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PREHEARING CONFERENCE - VOLUME I

Pages 1-13

ADMINISTRATIVE LAW JUDGE DENNIS MOSS

10:02 A.M.

April 23, 2015

Washington Utilities and Transportation Commission  
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A P P E A R A N C E S

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OLYMPIA, WASHINGTON, APRIL 23, 2015

10:02 A.M.

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P R O C E E D I N G S

JUDGE MOSS: Good morning, everybody. My name is Dennis Moss. I'm the administrative law judge with the Washington Utilities and Transportation Commission. We are convened this morning in Docket UE-144160, which is a tariff filing by Pacific Power & Light Company, updating the Company's avoided cost tariff, Schedule 37.

I note from the Commission's notice of prehearing conference that I'm looking at right now that this matter was actually filed originally with an effective date of January 9th of this year. It has been extended a couple of times, apparently, with ongoing discussions -- at least with Staff and perhaps other parties as well -- to resolve such differences as may separate people at this point on the issues raised by this docket.

So I suppose the starting point after we take appearances will be to discuss with you all where we are today in terms of issues. I understand what a couple of issues were, at least at the time the Commission entered its complaint and order suspending the tariff, and we'll see where things stand in that respect.

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1                   But let's take appearances, and we'll start with the  
2 Company.

3                   And you are not known to me, sir, so I look forward  
4 to meeting you.

5                   MR. TILL: This is Dustin Till on behalf of  
6 PacifiCorp.

7                   JUDGE MOSS: And the last name again?

8                   MR. TILL: Till; T-i, double "l."

9                   JUDGE MOSS: Thank you. And you're with the Company?

10                  MR. TILL: Yes, sir.

11                  JUDGE MOSS: Yes. Okay. All right. Very good.

12                  All right. Mr. Sanger, who are you representing  
13 today?

14                  MR. SANGER: Irion Sanger, representing the Renewable  
15 Energy Coalition.

16                  JUDGE MOSS: Renewable Energy Coalition. All right.  
17 You're not representing anybody today?

18                  MR. COWELL: Your Honor, procedurally...

19                  JUDGE MOSS: Mr. Cowell?

20                  MR. COWELL: Procedurally, I just didn't want to do  
21 anything I shouldn't be doing, but for Boise White Paper,  
22 Melinda Davison and Tyler Pepple are the attorneys appearing.  
23 I'm just coming up to monitor, but I'm not officially on the  
24 notice for our petition.

25                  JUDGE MOSS: All right. Fine. And I did have an

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1 earlier communication from Mr. Pepple that he would be  
2 unavailable today. And so I appreciate you being here to fill  
3 in, if you will, but you can participate or not as you see fit.

4 MR. COWELL: Thank you.

5 JUDGE MOSS: All right. Very good.

6 And for Staff?

7 MR. CASEY: Christopher Casey here on behalf of  
8 Commission Staff.

9 JUDGE MOSS: All right. Very well. Mr. Casey, I  
10 think this is the first time you've appeared before me as well,  
11 so --

12 MR. CASEY: It is.

13 JUDGE MOSS: -- I have reached the age where I'm  
14 beginning to see a lot of new faces in the hearing room, which  
15 is maybe a good thing or maybe not. I'm not so sure.

16 Is there anyone on the teleconference bridge line who  
17 wishes to enter an appearance this morning?

18 All right. I gather not, then, so let's just start.  
19 And I'll invite you all to speak as you wish on the topic, but  
20 I'll just direct my question to the Company, initially, which  
21 is: Where do we stand in this docket? What issues are  
22 outstanding at this point that I might need to consider?

23 MR. TILL: Well, Judge, I think the biggest issue  
24 today is resolving a procedural schedule. The parties have  
25 conferred and have an agreed-upon procedural schedule. The

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1 parties are also engaged in settlement conversations with an eye  
2 to hopefully resolving both of the issues that were identified  
3 in the Commission's report, the wind integration charge, and the  
4 manner in which capacity is addressed in the Company's proposed  
5 avoided cost update.

6 JUDGE MOSS: Okay. And those are the two issues that  
7 I had discerned from the Commission's complaint and order.

8 I gather there's been no progress on discussion of  
9 those issues since the date of that order?

10 MR. TILL: The parties, Your Honor, have exchanged  
11 some background information on the manner in which capacity is  
12 looked at in other state jurisdictions, so we've been exchanging  
13 information. There are some more concrete proposals that have  
14 been sent to Staff and to the Renewable Energy Coalition as well  
15 that we'll be discussing after this prehearing conference.

16 JUDGE MOSS: Very good. There's a lot of discussions  
17 going on today that involve my dockets with Pacific Power, so  
18 we'll see how that goes. And Ms. Siores is here to help out  
19 with all the technical details and all that stuff that's hard  
20 for mere mortals to understand. So all right. Very well.

21 Does anybody else wish to speak to the issues, or  
22 does anybody else have additional comment on what issues are  
23 outstanding and sort of the general plan for proceeding?

24 No? Okay. Fine.

25 Well, I always find it encouraging that parties are

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1 talking and, hopefully, can reach some accommodation. What we  
2 do is complicated, and you all are well equipped to address  
3 these sorts of issues on your own. And, oftentimes, when you  
4 bring us an agreement, it's one we find to be acceptable and in  
5 the public interest, so I'll encourage that process to continue.

6 But in the meantime, I suppose we should -- you say  
7 you have a procedural schedule that's been discussed?

8 MR. TILL: Yes, we do, Your Honor.

9 JUDGE MOSS: Okay. Do you want to hand that up or  
10 read it out loud or whatever you want to do.

11 MR. TILL: Why don't I read it out loud. It's got my  
12 chicken scratch here, so...

13 JUDGE MOSS: That will be fine. Just slow enough so  
14 I can take notes.

15 MR. TILL: So we have on May 7th, a motion to admit  
16 certain documents into the record.

17 JUDGE MOSS: All right.

18 MR. TILL: And those are background, stipulated, and  
19 the factual documents the parties have exchanged.

20 JUDGE MOSS: Great.

21 MR. TILL: We have a second settlement conference  
22 scheduled for May 15th. I don't know if that needs to appear on  
23 the procedural schedule.

24 June 12th, we would have the filing of -- what we're  
25 referring to as "policy declarations," so sworn statements, not

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1 in the form of question-and-answer testimony, but more of a  
2 narrative declaration of policy because these issues are really  
3 policy issues versus fact-intensive issues. So that would be  
4 June 12th.

5 July 14th would be Staff and REC responses, July 24th  
6 would be rebuttals and cross-answering statements --

7 JUDGE MOSS: Okay.

8 MR. TILL: -- and August 14th would be a BAP-style  
9 hearing, if necessary.

10 JUDGE MOSS: Oh, really? Okay.

11 MR. TILL: September 12th would be initial briefs.

12 JUDGE MOSS: September 12th.

13 MR. TILL: Correction. I'm sorry. September 11th.

14 JUDGE MOSS: Okay. September 11th.

15 MR. TILL: October 2nd would be response briefs.

16 JUDGE MOSS: Was that the 7th?

17 MR. TILL: October 2nd.

18 JUDGE MOSS: 2nd. I'm sorry.

19 MR. TILL: Yes. And November 29th suspension date.

20 JUDGE MOSS: November 29th.

21 MR. TILL: Correct.

22 JUDGE MOSS: That's good to know always.

23 MR. TILL: And, you know, we looked at the schedule  
24 as a way to try to expedite this and to kind of -- to minimize  
25 some of the -- minimize kind of the scope of this proceeding, so



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1 we're looking at trying to get this done in a reasonable amount  
2 of time.

3 JUDGE MOSS: Okay. Well, certainly, from my  
4 perspective, that's a reasonable schedule consistent with, I  
5 believe -- I can't speak to all of these dates sitting up here  
6 today. I didn't print out a calendar before I came in this  
7 morning, which I should have done. But in any event, this looks  
8 workable from my perspective, and are all the parties on board  
9 with this?

10 MR. SANGER: So, Your Honor, I did not communicate  
11 with any of the parties about this, but I didn't hear back until  
12 recently.

13 The hearing date will work for us, but only if it's  
14 in the afternoon.

15 JUDGE MOSS: Okay. Well, it sounds to me -- let me  
16 stop for half a second and offer a commentary.

17 It sounds to me as if this case is either going to  
18 settle, or it's going to be one that will be resolved more or  
19 less on the basis of a paper record.

20 I see heads nodding in the affirmative from all  
21 counsel who have appeared today, so that means that the hearing  
22 should be brief. And it's basically oral argument. And you  
23 referred to it as a "BAP-style hearing." That, for the record,  
24 being a brief adjudicative proceeding under the Administrative  
25 Procedure Act, which is a somewhat more relaxed process than the

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1 full-blown APA adjudication, in which we would have  
2 cross-examination and so forth.

3 I gather that's not contemplated?

4 Someone needs to confirm or deny for the record.

5 MR. TILL: That's my understanding at least, so...

6 MR. SANGER: Yeah, mine as well, Your Honor.

7 JUDGE MOSS: Okay.

8 Mr. Casey?

9 MR. CASEY: Mine as well. I think these next  
10 settlement conferences will provide some further information and  
11 clarity of where we'll go from there.

12 JUDGE MOSS: Okay. All right. Now, you have  
13 provided dates. I mean, in a sense, this is another way I would  
14 handle this. In the context of a full-blown APA adjudication  
15 would be to say, Well, we're going to apparently resolve this on  
16 cross-motions for summary determination, which is somewhat  
17 similar to what you've got in mind here, although I gather  
18 you're not contemplating such formal motions, but rather would  
19 present the issues as you've described and then brief me, which  
20 is fine. I'm good either way. I'm drawing the analogy for  
21 purposes of being clear as to how we're going to proceed.

22 MR. SANGER: And also, Your Honor, it might be  
23 possible after our policy directions that the parties decide  
24 that the briefs are not necessary, so the initial and response  
25 briefs are -- we're putting them in the schedule as necessary.

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1 JUDGE MOSS: As necessary?

2 MR. SANGER: Yeah.

3 JUDGE MOSS: Okay. Maybe I'll even note that in the  
4 schedule, which we'll set up that we will revisit this at some  
5 point.

6 I'm thinking at this juncture that I will not  
7 schedule a status conference, although that might be a good idea  
8 given what you all are thinking in terms of settlement  
9 negotiations and one thing and another, but rather than do that,  
10 I think I'll just rely on you all to report to me if you make  
11 sufficient process -- or I'm sorry -- sufficient progress to  
12 make that an appropriate thing to do and perhaps forestall the  
13 need for some of the process we've outlined today. And that  
14 might come at the time of the policy declarations, June 12th, or  
15 it might come up in some other context if you all just achieve  
16 settlement terms.

17 So, you know, put that on your tickler list of  
18 something that -- you know, Contact Judge Moss and let him know  
19 to have a status conference, if it's appropriate to do so. And,  
20 you know, we can always do something like that telephonically,  
21 if it's inconvenient for parties to be here, or what have you.

22 I'll put myself in the spirit of this type of  
23 proceeding, which is, again, a little bit less formal than  
24 perhaps some of the other matters we're dealing with at the  
25 Commission, and I want to open the door to that sort of dialogue

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1 with me, keeping all parties apprised, of course, of any  
2 communication with me that goes beyond mere procedure.

3 All right. Is there any other business we need to  
4 conduct today? I'll adopt this schedule, unless there's some  
5 objection.

6 Any other business?

7 All right. Well, we didn't set a record this  
8 morning, but that was mercifully brief, I suppose, from  
9 everyone's perspective.

10 I thank you all for being here. I look forward to  
11 working with you to bring this docket to a satisfactory  
12 conclusion in the near term, hopefully. Thank you very much.  
13 We're off the record.

14 (Proceeding concluded at 10:14 a.m.)

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STATE OF WASHINGTON )

) ss

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COUNTY OF KING )

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I, SHELBY KAY K. FUKUSHIMA, a Certified Shorthand Reporter  
7 and Notary Public in and for the State of Washington, do hereby  
8 certify that the foregoing transcript is true and accurate to  
9 the best of my knowledge, skill and ability.

10

IN WITNESS WHEREOF, I have hereunto set my hand and seal  
11 this 4th day of May, 2015.

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SHELBY KAY K. FUKUSHIMA, CCR

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My commission expires: June 29, 2017

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