

1 STATE OF ALASKA
2 REGULATORY COMMISSION OF ALASKA
3
4 Before Commissioners: Stephen McAlpine, Chairman
5 Rebecca L. Pauli
6 Robert M. Pickett
7 Norman Rokeberg
8 Janis W. Wilson
9 In the Matter of the Request Filed by)
10 the MUNICIPALITY OF ANCHORAGE d/b/a)
11 MUNICIPAL LIGHT & POWER DEPARTMENT) U-16-094
12 for Approval to Establish)
13 Depreciation Rates)
14)
15 In the Matter of the Tariff Revision)
16 Designated as TA357-121 Filed by the) U-17-008
17 MUNICIPALITY OF ANCHORAGE d/b/a)
18 MUNICIPAL LIGHT & POWER DEPARTMENT)
19)
20
21 REGULATORY COMMISSION OF ALASKA
22 701 West Eighth Avenue, Suite 300
23 Anchorage, Alaska 99501
24
25 PREHEARING CONFERENCE
November 16, 2017
9:07 a.m.

BEFORE JOHN P. WOOD
Administrative Law Judge

REGULATORY COMMISSION OF ALASKA

Docket Nos. U-16-094 & U-17-008 Prehearing Conference

November 16, 2017

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5
 Also Present:

6 Anna Henderson

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1 P R O C E E D I N G S

2 (On record - 9:07 a.m.)

3 ALJ WOOD: All right. Good
4 morning. It's approximately 9:00 o'clock a.m.,
5 November 16th, 2017, in the Commission's hearing
6 room in Anchorage, Alaska.

7 This is the time and place set for
8 the prehearing conference in the consolidated
9 proceedings, In the Matter of the Request Filed by
10 the Municipality of Anchorage doing business as
11 Municipal Light & Power Department for Approval to
12 Establish Depreciation Rates. That's given Docket
13 Number U-16-094.

14 And In the Matter of the Tariff
15 Revision Designated TA357-121, it's Filed by the
16 Municipality of Anchorage doing business as
17 Municipal Light & Power Department. That's given
18 Docket Number U-17-008.

19 This is John P. Wood,
20 administrative law judge for the Commission,
21 presiding.

22 And this prehearing conference was
23 scheduled by consolidated Order Number 3, that was
24 in Docket U-16-094; and Order Number 7 in Docket
25 U-17-008. That consolidated order was issued on

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1 March 24th, 2017.

2 The purpose of this morning's
3 prehearing conference is to address outstanding
4 motions, mark testimony, and address procedures
5 for the hearing scheduled to begin tomorrow
6 morning.

7 I'll now take appearances on behalf
8 of the parties. On behalf of Municipal Light &
9 Power?

10 MR. THOMPSON: Good morning, Your
11 Honor. Dean Thompson with the law firm of
12 Kempel, Huffman, and Ellis appearing on behalf of
13 Municipal Light & Power. With me is Paul Jones
14 from Kempel, Huffman, and Ellis; and Anna
15 Henderson, who is the division manager of
16 regulatory affairs for ML&P.

17 ALJ WOOD: Thank you, Mr. Thompson.
18 On behalf of the Attorney General?

19 MR. WALLER: Good morning. Jeff
20 Waller and Janet Fairchild-Hamilton.

21 ALJ WOOD: Thank you, Mr. Waller.
22 On behalf of Providence?

23 MR. DAWSON: Good morning, Your
24 Honor. Jon Dawson, Craig Gannett, Walker
25 Stanovsky of Davis Wright Tremaine for Providence.

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1 ALJ WOOD: What was the last
2 gentleman's name, Mr. Dawson?

3 MR. DAWSON: Walker Stanovsky. And
4 Mr. Stanovsky is just behind me here in the
5 gallery.

6 ALJ WOOD: Okay. Thank you,
7 Mr. Dawson. And do you prefer whether I refer to
8 your client as Providence or PHS or I -- I
9 probably will say "Providence," unless you ask for
10 something else.

11 MR. DAWSON: We like
12 "Providence" --

13 ALJ WOOD: Okay.

14 MR. DAWSON: -- but, frankly, we'll
15 go with whatever you like.

16 ALJ WOOD: Okay. Thank you,
17 Mr. Dawson. On behalf of the Federal Executive
18 Agencies?

19 LT. COL. COLCLASURE: Good morning,
20 Your Honor. Chris Colclasure with the United
21 States Air Force representing the Federal
22 Executive Agencies.

23 ALJ WOOD: Thank you, Lieutenant.
24 Lieutenant Colonel?

25 LT. COL. COLCLASURE: Lieutenant

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1 Colonel.

2 ALJ WOOD: Thank you. Thank you,
3 Lieutenant Colonel. And I do have a question for
4 you. We did get a substitution of counsel a
5 couple days ago. It was -- I'm glad to see you're
6 the one sitting here, because it looks like you
7 replaced Major Unsicker -- or Unsicker.

8 But then the addresses that were
9 included with that on who the people you wanted
10 served did not include -- they -- it doesn't
11 include you, but does include Mr. Unsicker -- or
12 Major Unsicker.

13 So is that a mistake or do you want
14 us to add you and remove him or have both of you
15 on there?

16 LT. COL. COLCLASURE: Yes, Your
17 Honor, thank you for asking. So just to clarify,
18 I will be appearing for the first two weeks of
19 this hearing. And then a different attorney,
20 Captain Lanny Zieman, will arrive approximately
21 November 30th, and I will depart. And he will
22 remain for the rest of the hearing.

23 Major Unsicker can stay on the
24 service list, but he will not be appearing in
25 person. In person it will just be me and Captain

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1 Lanny Zieman.

2 ALJ WOOD: Okay. Thank you for
3 that. On behalf of ENSTAR?

4 MS. HOBSON: Good morning, Lindsay
5 Hobson for ENSTAR, and I'll be joined tomorrow by
6 Moira Smith.

7 ALJ WOOD: Thank you, Ms. Hobson.
8 And on behalf of Alaska Native Tribal Health
9 Consortium?

10 MS. GROVIER: Good morning, Your
11 Honor. Tina Grovier, Stoel Rives on behalf of
12 ANTHC.

13 ALJ WOOD: And, Ms. Grovier, I have
14 a similar question for you, and I think you've
15 answered this once before. ANTHC?

16 MS. GROVIER: You can do it however
17 you like, but that's how I'll do it.

18 ALJ WOOD: Okay. Okay. Thank you.
19 And I will note for the record that JL Properties,
20 who was granted intervention in this docket, did
21 file an affirmative notice of nonparticipation in
22 this prehearing conference and the remainder of
23 the hearing.

24 And I'm looking around the room,
25 just to confirm that I do not see anyone from

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1 Brena, Bell and Clarkson or that I recognize would
2 be representing JL Properties in the hearing room
3 this morning.

4 All right. Do the parties have any
5 preliminary matters they wish to address before we
6 continue this morning? I've got a list of things
7 to run over, in addition to marking testimony.

8 MR. THOMPSON: Yes, Your Honor.
9 And if you would like me to address this later, I
10 can. But the parties have agreed on a grouping of
11 witnesses and witness subject matters for the
12 hearing.

13 For example, trying -- we have an
14 order that will attempt to group most of the
15 witnesses who address generation and prudence,
16 lump them together in the order.

17 And so I can tell you the order
18 that I believe we all have agreed on, either now
19 or at the appropriate time.

20 ALJ WOOD: Do you have that written
21 down anywhere, Mr. Thompson, a document, other
22 than your notes or --

23 MR. THOMPSON: No.

24 ALJ WOOD: Okay.

25 MR. THOMPSON: No. I have one on

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1 my computer, but --

2 ALJ WOOD: Okay.

3 MR. THOMPSON: -- that's not going
4 to help you.

5 ALJ WOOD: Why don't you give me a
6 preview, and we'll readdress it when we get to
7 marking testimony as well. Yes, please,
8 Ms. Hobson.

9 MR. THOMPSON: It'll be a little
10 bit different from that, but --

11 ALJ WOOD: Okay. And this will --
12 this is just going to give me a preview as we're
13 going this morning.

14 MR. THOMPSON: Okay.

15 ALJ WOOD: And I guess related to
16 this -- so I'm looking at this clumping of
17 witnesses, I guess I'll call it -- and were there
18 any agreements among the parties or are there any
19 agreements among the parties to stipulate to any
20 outstanding issues and/or not call certain
21 witnesses, subject to the Commission, of course,
22 calling a witness if it so chooses? Mr. Thompson?

23 MR. THOMPSON: Not yet, but I
24 believe there will be one regarding one of the
25 witnesses. But we haven't -- we -- all of the

1 parties haven't been brought in on that, but I
2 plan to do that today.

3 ALJ WOOD: Thank you, Mr. Thompson.

4 MR. THOMPSON: Yeah, be possibly
5 two witnesses.

6 ALJ WOOD: Okay. Thank you. And
7 we'll address that if and when it comes up. Thank
8 you for the heads-up.

9 MR. THOMPSON: Okay.

10 ALJ WOOD: Any other questions or
11 matters that the parties wish to address? All
12 right. Hearing none, I will dive into my list.

13 I guess the first order of business
14 will be to address, at least some number of the
15 outstanding motions. The Attorney General filed a
16 motion for partially summary -- partial summary
17 judgment regarding the rate stabilization plan
18 proposed by ML&P. That motion for partial summary
19 disposition is denied.

20 The Commission has determined that
21 the Attorney General failed to show that there was
22 no genuine issue of material fact and that
23 judgment -- they were entitled to judgment as a
24 matter of law or policy. So that motion is
25 denied.

1 Looking at the replies in support
2 of their respective motions to compel discovery,
3 it's my understanding that there are still
4 outstanding discovery requests from both
5 Providence and ML&P that have not been resolved.
6 And I will be addressing those motions, if not
7 today, first thing tomorrow morning.

8 And just to clarify for all
9 parties, the order that I took appearances this
10 morning will be the order that we will present
11 throughout the course of this hearing.

12 So that applies to opening
13 statements, it applies to cross-examination of
14 witnesses, and it applies to closing argument as
15 well.

16 For those of you that haven't
17 practiced in -- or don't have as much experience
18 in front of the Commission, when we put a witness
19 up for cross-examination on the stand, we'll do
20 cross-examination by the parties in the order that
21 we established this morning.

22 After the initial
23 cross-examination, the Commission will have the
24 opportunity to ask questions. After the
25 Commission asks questions, there will be recross

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1 limited to the scope of Commission inquiry,
2 followed by redirect examination. I'll remind
3 everybody that we don't allow friendly
4 cross-examination.

5 The hearing day, with the exception
6 of tomorrow, which are opening statements, the
7 hearing day is going to be running from 9:00 to
8 11:30, and then 1:00 to 3:00. That was in the
9 scheduling order that I issued in this docket.

10 It's a bit of an experiment. I
11 don't believe we've done a hard schedule like that
12 at the Commission before, so I'll appreciate your
13 feedback at the end of the hearing to see how it
14 works out.

15 Given the schedule, it's going to
16 be my intent to run till -- from 9:00 to about 10
17 after 10:00 every day, take a break, and then
18 reconvene for the final period. I'll try to do a
19 real 10-minute break.

20 In the afternoon we'll go from 1:00
21 to 1:55, 10-minute break, and then reconvene from
22 little after 2:00 to 3:00 o'clock.

23 Next Wednesday, that's November
24 22nd, the Commission has a public meeting.
25 They're addressing some telecomm matters that are

1 of some importance, and I had already informed
2 counsel that we will be concluding here by noon on
3 Wednesday. That's the Wednesday before
4 Thanksgiving.

5 The Commission is going to limit
6 their meeting from 9:00 to 10:30. So Tuesday
7 afternoon -- so Tuesday, November 21st, I'll
8 evaluate where we are in the presentation of
9 whatever witness is on the stand; and then we'll
10 decide whether to just take Wednesday completely
11 off or get an hour in on Wednesday if we can.

12 Additionally on Wednesday,
13 November 29th -- so that's the Wednesday after
14 Thanksgiving -- the Commission has a public
15 meeting scheduled from 9:00 to 10:30. We'll start
16 at 10:45 on that day and continue through a normal
17 hearing day.

18 I did issue an order governing
19 confidential discovery material. I do not believe
20 any pre-filed testimony included confidential
21 information, and there have been no motions for
22 confidential treatment filed with the Commission.

23 So right now, there is no
24 confidential information that's being presented at
25 this hearing, to the best of my knowledge.

1 If any party intends to introduce
2 confidential discovery material during
3 cross-examination, I require you to inform me and
4 all other parties 24 hours ahead of time.

5 That will give the party who may
6 wish to request confidential treatment of the
7 material time to prepare an oral motion for
8 confidential treatment, which we will address at
9 the hearing. If that motion is granted, I'll put
10 in appropriate -- put appropriate procedures in
11 place to deal with that confidential session.

12 This docket was originally assigned
13 a panel of five Commissioners. That is changing.
14 Commissioner Norman Rokeberg is not on the panel.
15 He will not be attending the hearing, unless it's
16 just out of curiosity, but he is not on the
17 Commission panel.

18 That leaves the Commission with a
19 panel of four right now. There are some
20 outstanding matters dealing with Commissioner
21 availability and schedules, that as they resolve,
22 one of the remaining four may naturally not
23 continue on the panel.

24 If that doesn't happen, before the
25 Commission starts its final adjudication, one

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1 Commissioner will have their name drawn out of the
2 hat, and we have -- the final adjudication will
3 take place among three Commissioners.

4 So that's to explain why there are
5 only going to be three, maybe four Commissioners
6 on the dais at any point in time.

7 If a Commissioner -- Commissioner
8 Pauli is out with some medical issues, some --
9 right now. So I don't expect her on the dais, and
10 I'm not sure how often she'll be on the phone.

11 As always, any Commissioner that's
12 not here in person will read the transcript for
13 any portion of the hearing that they miss before
14 they engage in decision-making.

15 Also, for those of you who haven't
16 practiced as much in front of the Commission, when
17 you're introducing hearing exhibits, we need two
18 for the court reporter. I will need four for the
19 Commission panel, one for me.

20 We have three staff members that'll
21 be sitting in, so I need three for staff. That's
22 Ms. Vogler, Mr. Layne, and Mr. Davis back there.
23 Please give them courtesy copies. And then make
24 sure you have sufficient copies to give to the
25 opposing counsel and parties.

1 All right. I think that kind of
2 takes care of the housekeeping matters I wanted to
3 deal with before marking testimony. Do the
4 parties have any questions?

5 All right. Hearing none, let's
6 start marking testimony. And, Mr. Thompson, so is
7 it your intent to mark the testimony in the order
8 that the parties are intending to call witnesses?
9 That looks like it's a slight deviation from the
10 witness list that was filed last week.

11 MR. THOMPSON: Yes, I -- we can do
12 it either way in terms of the order of the T
13 exhibits. The document that you have, I would
14 note that that shows ML&P's witnesses in a
15 different order from our witness list.

16 ML&P plans to introduce its
17 witnesses in the order of its own -- of its
18 witness list that we filed --

19 ALJ WOOD: Okay.

20 MR. THOMPSON: -- it's just there
21 will be witnesses from other parties injected at
22 two points. But if we want to keep all of the T
23 exhibits in order, then maybe I can tell you the
24 order that the parties have agreed.

25 ALJ WOOD: I think I'd like to keep

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1 the T -- let's clump the T numbers by party --

2 MR. THOMPSON: Okay.

3 ALJ WOOD: -- so we'll mark all of
4 them --

5 MR. THOMPSON: Yep, that'll be
6 easy -- okay.

7 ALJ WOOD: -- all of ML&P's
8 witnesses, all of Providence's witnesses, and so
9 forth.

10 MR. THOMPSON: Okay. Then --

11 ALJ WOOD: Also for the parties'
12 benefit, I am experimenting with technology during
13 the course of this hearing to try to cut down on
14 the clutter up on the dais.

15 So one thing I am going to request
16 all the parties to do once we mark all the
17 testimony and I confirm that all the pages have
18 been swapped out with the erratas and are
19 accurate, I would like you to send -- e-mail me
20 the final version of the testimony in both PDF
21 format and word format for each of your witnesses.

22 MR. THOMPSON: And, Your Honor,
23 what about the exhibits? The PDF version will
24 include exhibits, the word version will not.

25 ALJ WOOD: And that's fine.

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1 MR. THOMPSON: Okay.

2 ALJ WOOD: All right. T-1?

3 MR. THOMPSON: Okay. Yes, Your
4 Honor, T-1 will be the pre-filed direct testimony
5 of Dane A. Watson, consisting of 21 pages and 4
6 exhibits.

7 ALJ WOOD: Give me one moment. I'm
8 going to take some time and just make sure that I
9 get the testimony all accurate this morning. For
10 whatever reason, it seems like there were more
11 erratas and substitutions than normal.

12 So I've got Mr. Watson, I've got
13 four exhibits, and -- I do not have -- I'd like to
14 confirm that there are no errata or substitutions
15 to Mr. Watson's testimony? That's the -- this is
16 the testimony that was filed on November 29th,
17 2016.

18 MR. THOMPSON: That's correct.

19 ALJ WOOD: Okay. Marked for
20 identification purposes as T-1.

21 MR. THOMPSON: Okay. Exhibit T-2
22 will be the pre-filed direct testimony of Robert
23 S. Mudge, consisting of 54 pages and 2 exhibits.

24 MR. WALLER: Your Honor, I hate to
25 interrupt, but don't we normally do direct and

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1 then reply this -- in sequential for T numbers?

2 ALJ WOOD: Watson only filed
3 direct.

4 MR. WALLER: Oh, okay. My bad.

5 ALJ WOOD: Thank you. The answer
6 to your question is, yes, you are correct though,
7 Mr. Waller.

8 All right. I've got Mudge with 54
9 pages. This is Mudge direct, and two exhibits.
10 That's RSM-1 and RSM-2; is that correct?

11 MR. THOMPSON: Yes, Your Honor.

12 ALJ WOOD: And this is the version
13 of Mudge's testimony that's marked as the final
14 revision, January 12th, 2017; is that correct?

15 MR. THOMPSON: I'm sorry, Your
16 Honor, I -- could you repeat your question, Your
17 Honor? I'm sorry.

18 ALJ WOOD: Yeah. And just to
19 confirm, Mudge's direct testimony is a replacement
20 copy that was filed on January 12th, 2017? So the
21 testimony that I'm looking at, down in the footer
22 says, "Final revision, 1/12/17."

23 MR. THOMPSON: That's correct.

24 ALJ WOOD: Okay. All right. I
25 will mark the pre-filed direct testimony of Robert

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1 S. Mudge as T-2.

2 MR. THOMPSON: Okay. Are we up to
3 T-3?

4 ALJ WOOD: Yes.

5 MR. THOMPSON: T-3 is the pre-filed
6 reply testimony of Robert S. Mudge, consisting of
7 26 pages, and 3 exhibits.

8 ALJ WOOD: All right. I've got the
9 pre-filed reply testimony of Robert S. Mudge, that
10 was filed September 22nd, 2017. I've got 26
11 pages. I've got RSM-4, RSM-5 -- excuse me one
12 moment -- I have RSM-3, RSM-4, RSM-5, and I also
13 have the expert disclosures for Robert S. Mudge.
14 I would like to include those as part of the
15 testimony.

16 MR. THOMPSON: Okay.

17 ALJ WOOD: Yeah.

18 MR. THOMPSON: For all of the
19 witnesses?

20 ALJ WOOD: Correct.

21 MR. THOMPSON: Okay.

22 ALJ WOOD: So I may have missed
23 Mr. Watson's.

24 MR. THOMPSON: And we did not
25 include those with the copies that we gave the

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1 court reporter.

2 ALJ WOOD: Are you able to get the
3 two copies by tomorrow morning to include in the
4 exhibits?

5 MR. THOMPSON: Yes.

6 ALJ WOOD: Okay. And that's for
7 all parties as well. You may not have -- the --
8 you were required to provide expert disclosures
9 with the testimony, and you did for all your
10 witnesses. I want to include that as part of the
11 testimony.

12 So if you could make two copies to
13 include with the versions you're giving the court
14 reporter. And just provide them by tomorrow
15 morning, that would be good.

16 MR. DAWSON: And a quick question
17 if I may, Your Honor.

18 ALJ WOOD: Yes.

19 MR. DAWSON: In terms of marking,
20 is that going to -- are the disclosures going to
21 be associated with a particular T number? I
22 mean --

23 ALJ WOOD: Yes, they'll be added on
24 to the end of each witness's direct testimony --
25 or actually, reply testimony on -- for ML&P,

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1 because I believe they came in with ML&P's reply
2 testimony.

3 And then the expert disclosures for
4 Robert S. Mudge, filed September 22nd, 2017 -- or
5 at least in the Commissioners' binders, those will
6 be following the last RSM exhibit.

7 So when the Commissioners are
8 looking at the testimony -- so when you're running
9 through examination, if you get to the expert
10 disclosures, you'll have testimony, attached
11 exhibits, expert disclosures. So that'll give you
12 a visualization of what the Commissioners are
13 looking for in their binders.

14 MR. THOMPSON: And if it's a
15 witness with direct and reply, it'll be at the
16 very end of the reply?

17 ALJ WOOD: Correct.

18 MR. THOMPSON: Okay.

19 ALJ WOOD: All right. Marked as
20 T-3. And this is why we're going slow this
21 morning, I'll also note that -- never mind.

22 All right. We've got T-1, T-2, and
23 T-3. It looks like Ms. Henderson is next on the
24 list, Mr. Thompson?

25 MR. THOMPSON: Yes, that's correct.

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1 T-3 will be the pre-filed direct testimony of Anna
2 C. Henderson -- yes, T-4, pre-filed direct
3 testimony of Anna C. Henderson, consisting of 27
4 pages, and 1 exhibit.

5 ALJ WOOD: All right. I'm marking
6 as T-4, the pre-filed direct testimony of Anna C.
7 Henderson. It was filed on December 30th, 2016,
8 along with attached Exhibit ACH-1 as T-4 for
9 identification purposes.

10 And there were no substitutions or
11 errata to Ms. Henderson's direct testimony; is
12 that correct, Mr. Thompson?

13 MR. THOMPSON: That's correct.

14 ALJ WOOD: Thank you. All right.
15 T-5?

16 MR. THOMPSON: Okay. T-5 is the
17 pre-filed reply testimony of Anna C. Henderson,
18 consisting of 22 pages and 3 exhibits.

19 ALJ WOOD: All right. Marking as
20 T-5, I've got the pre-filed reply testimony of
21 Anna C. Henderson, filed September 22nd, 2017. I
22 have 22 pages. I've got ACH-2, ACH-3, ACH-4, and
23 the expert disclosures for Anna C. Henderson,
24 marked as T-5.

25 One moment, Mr. Thompson. And I

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1 may have misspoken earlier. I need to go back to
2 T-1, Mr. Watson. Were expert disclosures filed
3 for Mr. Watson? I don't have any in my binder,
4 and I just don't see any.

5 And without the order in front of
6 me, I don't know if that's something that was
7 overlooked. No party has raised this as a matter,
8 so I don't know that I want to right now. I just
9 want to make sure that all the documents are
10 appropriately available to the Commissioners and
11 the parties.

12 MR. THOMPSON: Oh, yeah, Your
13 Honor, my recollection is that after the TA was
14 filed, the Commission ordered ML&P to file expert
15 disclosures, even though we had already submitted
16 direct testimony; and we did that. But I believe
17 that was before the consolidation with Docket
18 U-16-094 --

19 ALJ WOOD: Okay.

20 MR. THOMPSON: -- and -- which is
21 the depreciation docket, and that is the docket in
22 which Mr. Watson submitted testimony.

23 ALJ WOOD: Okay. So that's the
24 long way of saying, no?

25 MR. THOMPSON: It's the long way --

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1 yes, that I --

2 ALJ WOOD: Thank you.

3 MR. THOMPSON: -- my recollection
4 is Mr. Watson did not submit a --

5 ALJ WOOD: Okay. Thank you.

6 MR. THOMPSON: -- expert
7 disclosure.

8 ALJ WOOD: So to clarify, if I
9 indicated that there would be expert disclosures
10 attached to T-1, I spoke in error, and there are
11 not.

12 MR. THOMPSON: Yes. Yes.

13 ALJ WOOD: Okay. Thank you. All
14 right. Let's move on to T-6, Mr. Wilks.

15 MR. THOMPSON: Yes, T-6, the
16 pre-filed direct testimony of William J. Wilks,
17 consisting of 36 pages, and 2 exhibits.

18 ALJ WOOD: All right. I've got the
19 pre-filed direct testimony of William J. Wilks,
20 filed December 30th, 2016. I've got WJW-1, 2, 3,
21 and 4.

22 Yeah, and Wilks' Exhibits -- excuse
23 me -- Wilks' Exhibits 3 and 4 were filed with an
24 errata -- or a notice of filing after the reply
25 testimony. It looks like they just were put in

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1 the binders for the Commissioners and myself in
2 the wrong --

3 MR. THOMPSON: Okay. Yeah.

4 ALJ WOOD: -- witness -- or, excuse
5 me, the wrong testimony. So WJW-1 and 2 would be
6 attached to T-6, the direct testimony. And WJW-3
7 and 4 will be moved in the binders to Mr. Wilks'
8 reply testimony.

9 All right. Mr. Thompson, T-7?

10 MR. THOMPSON: T-7 is the pre-filed
11 reply testimony of William J. Wilks, consisting of
12 9 pages and 2 exhibits.

13 ALJ WOOD: All right. So T-7, I've
14 got 9 pages. I've got WJW-3 and 4, followed by
15 the expert disclosures for William J. Wilks, all
16 marked as T-7.

17 MR. THOMPSON: Okay. And T-8 will
18 be the pre-filed direct testimony of Bryant T.
19 Robbins, consisting of 13 pages and 3 exhibits.

20 ALJ WOOD: All right. I've marked
21 as T-8 the pre-filed direct testimony of Bryant T.
22 Robbins, filed on December 30th, 2016. 13 pages,
23 and BTR-1, 2, 3 as exhibits.

24 And I'm looking, Mr. Robbins
25 also -- well, there's -- there are no expert

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1 disclosures for Mr. Robbins; is that correct,
2 Mr. Thompson?

3 MR. THOMPSON: We will check. It
4 appears there was one. Mr. Jones is confirming
5 that it was filed, but we believe it was.

6 ALJ WOOD: Yeah, I'm looking at our
7 database right now, and it's not included with the
8 other expert disclosures that were filed. That
9 doesn't mean that it wasn't lost in our database
10 or somehow misplaced. So if you could confirm
11 that, Mr. Jones, and --

12 MR. THOMPSON: And while we're on
13 that point, Your Honor, when you want us to e-mail
14 to you PDF and word versions of the testimony, do
15 you want that of the expert disclosures as well?

16 ALJ WOOD: Yes, please, just at the
17 back end. Unless that causes a great deal of
18 havoc getting the PDF set up, and then send it as
19 a separate document.

20 MR. THOMPSON: Okay.

21 ALJ WOOD: One moment. You've
22 got -- Mr. Reed is next in the order,
23 Mr. Thompson?

24 MR. THOMPSON: Yes. So Exhibit T-9
25 will be the pre-filed reply testimony of John J.

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1 Reed, consisting of 115 pages and 41 exhibits.

2 ALJ WOOD: Were there any
3 replacements or errata to Mr. Reed's testimony?

4 MR. THOMPSON: No.

5 ALJ WOOD: Okay. I'm marking as
6 T-9, the pre-filed reply testimony of John J.
7 Reed, filed on September 22nd, 2017. I've got 115
8 pages, and let's go through the exhibits slowly.
9 How many were the total again, Mr. Thompson?

10 MR. THOMPSON: 41.

11 ALJ WOOD: Okay. So this will be
12 John -- so Exhibits JJR-1 through 41. Give me a
13 moment while I confirm that they're all in the
14 Commissions' binders.

15 All right. I've marked for
16 ident- -- I've marked as T-9, the pre-filed reply
17 testimony of John J. Reed. I've got JJR-1 through
18 41, followed by the expert disclosures for John R.
19 Reed. I will note that JJR-34 has a number of
20 sub-markings in it. So there's 34.10, 34.11, .12.

21 One moment. And thank you all for
22 your patience while I'm going through these
23 binders. All right. Continue, Mr. Thompson.

24 MR. THOMPSON: Okay. Exhibit T-10
25 will be the pre-filed direct testimony of Eugene

1 A. Ori, consisting of 24 pages and 3 exhibits.

2 ALJ WOOD: All right. As T-10,
3 I've got the pre-filed direct testimony of Eugene
4 A. Ori, filed December 30th, 2016. I've got
5 EAO-1, 2, and 3. There were no replacements or
6 errata to Mr. Ori's direct testimony; is that
7 correct, Mr. Thompson?

8 MR. THOMPSON: Correct.

9 ALJ WOOD: And actually, just to --
10 is -- Ms. -- Dr. Villadsen the only one that you
11 have an errata for that we have remaining?

12 MR. THOMPSON: That we have
13 remaining, yes.

14 ALJ WOOD: Okay. Thank you. All
15 right. T-11?

16 MR. THOMPSON: T-11 is the
17 pre-filed reply testimony of Eugene A. Ori,
18 consisting of 30 pages and 1 exhibit.

19 ALJ WOOD: We've marked as T-11 the
20 pre-filed reply testimony of Eugene A. Ori, filed
21 September 22nd, 2017. I've got EAO-4, followed by
22 the expert disclosures for Eugene A. Ori, marked
23 as T-11. Please continue.

24 MR. THOMPSON: Let's see what -- so
25 T-11 -- or T-12 --

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1 ALJ WOOD: Uh-huh.

2 MR. THOMPSON: -- will be the
3 pre-filed direct testimony of Gary S. Saleba,
4 consisting of 49 pages and no exhibits.

5 ALJ WOOD: So I've got the
6 pre-filed direct testimony of Gary S. Saleba filed
7 December 30th, 2016, 49 pages, marked as T-12.

8 MR. THOMPSON: And T-13 is the
9 pre-filed reply testimony of Gary S. Saleba,
10 consisting of 31 pages and 4 exhibits.

11 ALJ WOOD: I've got the pre-filed
12 reply testimony of Gary S. Saleba filed September
13 22nd, 2017. I've got 31 pages. GSS-1, 2, 3, and
14 4, followed by the expert disclosures for Gary S.
15 Saleba, marked as T-13.

16 MR. THOMPSON: T-14 is the
17 pre-filed direct testimony of Mark A. Johnston,
18 consisting of 18 pages and 1 exhibit.

19 ALJ WOOD: I've got the pre-filed
20 direct testimony of Mark A. Johnston filed
21 December 30th, 2016. 18 pages, MAJ-1, marked as
22 T-14.

23 MR. THOMPSON: T-15 is the
24 pre-filed reply testimony of Mark A. Johnston,
25 consisting of 50 pages and 7 exhibits.

1 ALJ WOOD: All right. I've got the
2 pre-filed reply testimony of Mark A. Johnston
3 filed September 22nd, 2017. 50 pages -- I
4 actually have Exhibits 2 through 7. So that's six
5 exhibits, plus the expert disclosures. Unless
6 we're missing one up here.

7 He has one attached to his direct
8 testimony, and then 2 through 7 attached to his
9 reply.

10 MR. THOMPSON: Okay. I misspoke,
11 Your Honor, six exhibits to his reply testimony.

12 ALJ WOOD: Thank you. Plus I've
13 got the expert disclosures for Mark A. Johnston,
14 all marked as T-15.

15 MR. THOMPSON: Exhibit T-16 is the
16 pre-filed direct testimony of Bente Villadsen,
17 consisting of 75 pages and 5 exhibits.

18 ALJ WOOD: And one moment,
19 Mr. Thompson, I'm going to have to look through my
20 database here. I do have the pre-filed direct
21 testimony of -- Dr. Villadsen; is that correct?

22 MR. THOMPSON: Correct.

23 ALJ WOOD: Dr. Villadsen. I've got
24 75 pages. I've got attached Exhibits BV-1 through
25 5. It just looks like when I get to BV-5, the

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1 last page in my binder is page 6 of 8. So I just
2 need to make sure that that's not something that
3 was dropped on our side.

4 Yeah, and I've got pages 7 and 8
5 here in this database, so I'll just make sure that
6 that --

7 MR. THOMPSON: Yeah.

8 ALJ WOOD: -- gets appropriately
9 updated. All right. I've marked as the pre-filed
10 direct testimony of Bente Villadsen, filed
11 December 30th, 2016, attached Exhibits BV-1
12 through 5, as T-16.

13 I will also note that replacement
14 pages to Dr. Villadsen's testimony were filed
15 through errata on November 9th, 2017. Those
16 replacement pages have been substituted into the
17 Commission's binders and are part of T-16.

18 MR. THOMPSON: And T-17 is the
19 pre-filed reply testimony of Bente Villadsen,
20 consisting of 55 pages and 4 exhibits.

21 ALJ WOOD: All right. I've got the
22 pre-filed reply testimony of Bente Villadsen,
23 filed September 22nd, 2017. I've got 55 pages.
24 I've got attached Exhibits BV-6, 7, 8, and 9,
25 followed by the expert disclosures for Bente

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1 villadsen. I've got replacement pages filed by
2 errata on November 9th inserted into the
3 testimony, marked as T-17.

4 MR. THOMPSON: And those are all of
5 ML&P's witnesses.

6 ALJ WOOD: Thank you, Mr. Thompson.
7 One moment. And, Mr. Waller, the Attorney General
8 is not calling any witnesses in this docket,
9 correct?

10 MR. WALLER: That is correct, Your
11 Honor.

12 ALJ WOOD: Thank you, Mr. Waller.
13 Mr. Dawson, Providence?

14 MR. DAWSON: Thank you, Your Honor.
15 Actually, Mr. Gannett is going to take care of
16 working with you on marking the exhibits.

17 ALJ WOOD: Thank you, Mr. Dawson.
18 Mr. Gannett?

19 MR. GANNETT: Good morning, Your
20 Honor.

21 ALJ WOOD: Good morning.

22 MR. GANNETT: So T-18 will be the
23 testimony of Richard Beam, 49 pages, 8 exhibits
24 with notes -- corrections on pages 9, 14, and 41.

25 ALJ WOOD: And those corrections

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1 were filed August 30th, 2017; is that correct?

2 MR. GANNETT: The corrections?

3 ALJ WOOD: Yes.

4 MR. GANNETT: I don't have a notice
5 to the date.

6 ALJ WOOD: Gotcha.

7 MR. GANNETT: But if you have the
8 right page numbers, I -- that's right. That is
9 correct. I'm told that is correct.

10 ALJ WOOD: All right. I've got 49
11 pages. I've got attached RB-1. And, yes, for
12 those who are wondering, this is my absolute
13 favorite part of the hearing.

14 I've got 1, 2, 3, 4, 5, 6, 7, and
15 8. I've got the direct testimony of Richard Beam,
16 filed July 7, 2017, attached RB-1 through 8 as
17 supplemented -- or modified by errata filed on
18 August 30th, 2017, marked as T-18. Please
19 continue.

20 MR. GANNETT: T-19 will be the
21 direct testimony of Scott Norwood with -- that's
22 47 pages, with 10 exhibits and two corrections.
23 One to page 4; and the other, a corrected version
24 of Exhibit SN-1.

25 ALJ WOOD: And is that an errata

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1 that was filed late yesterday? Is that the one
2 that was handed to me?

3 MR. DAWSON: Yeah, Your Honor, that
4 was August 14.

5 ALJ WOOD: Excuse me, looks like
6 Mr. Lawton filed one last night.

7 MR. GANNETT: Uh-huh. And, Your
8 Honor, we will be providing the expert disclosure
9 for Mr. Norwood tomorrow.

10 ALJ WOOD: Thank you. I've got the
11 direct testimony of Scott Norwood, I've got 47
12 pages. 1, 2, 3, 4, 5 -- and I've got 12 exhibits.
13 I've got SN-1 through 12?

14 MR. GANNETT: I have 10 exhibits
15 lined out here. Let me check. Oh, my apologies,
16 there are 12 exhibits.

17 ALJ WOOD: Thank you. I've marked
18 as T-19, the direct testimony of Scott Norwood, 48
19 pages, Exhibits SN-1 through 12, as corrected by
20 errata filed on August 14th, 2017. And I will
21 also include the expert disclosures that will be
22 provided tomorrow morning, all marked as T-19.

23 MR. GANNETT: Thank you, Your
24 Honor. T-20 will be the direct testimony of Mark
25 Garrett, 81 pages, 10 exhibits, no corrections,

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1 and an expert disclosure to be provided tomorrow.

2 ALJ WOOD: We've been going for an
3 hour and a half, I'm going to keep going. If
4 anyone needs a break though, please let me know,
5 and we can go off record.

6 All right. I have the direct
7 testimony of Mark E. Garrett on behalf of
8 Providence Health and Services, filed July 7th,
9 2017. I've got 81 pages. I've got attached
10 Exhibits MG-1 through 10, that will be
11 supplemented with expert disclosures from
12 Mr. Garrett tomorrow morning, all marked as T-20.

13 MR. GANNETT: Finally, Your Honor,
14 the -- we have as T-21, the direct testimony of
15 Daniel J. Lawton, 60 pages, 12 exhibits,
16 corrections filed yesterday to pages 8 -- excuse
17 me, 5, 8, 45, and 56, and an expert disclosure
18 will be provided tomorrow morning.

19 ALJ WOOD: I have the direct
20 testimony of Daniel J. Lawton on behalf of
21 Providence Health and Services as an ML&P
22 customer, filed July 7th, 2017. 60 pages,
23 attached Exhibits DJL-1 through 12.

24 was corrected by errata filed
25 November 15th, 2017, and expert disclosures will

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1 be added tomorrow morning, all marked as T-21.

2 MR. GANNETT: That's it for
3 Providence, Your Honor.

4 ALJ WOOD: Thank you. All right.
5 Lieutenant Colonel Colclasure -- did I get your
6 name right? I apologize if I --

7 LT. COL. COLCLASURE: Yes, Your
8 Honor, that's perfect.

9 ALJ WOOD: -- it takes me a minute.
10 And --

11 LT. COL. COLCLASURE: Federal --

12 ALJ WOOD: -- give me one moment
13 while I shuffle for your testimony here. And,
14 Lieutenant Colonel Colclasure, do you have two
15 copies of your pre-filed testimony to provide to
16 the court reporter?

17 LT. COL. COLCLASURE: Yes, I do.

18 ALJ WOOD: Okay. Why don't you go
19 ahead and bring those up now, please. All right.
20 Please continue. Thank you.

21 LT. COL. COLCLASURE: Thank you.
22 Federal Executive Agencies have the pre-filed
23 direct testimony of Michael P. Gorman. It is 31
24 pages. It has three appendices labeled Appendix
25 A, B, and C.

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1 Appendix A has Exhibits MPG-1, 2,
2 and 3. Appendix B has Exhibits MPG-1 through
3 MPG-16 to Appendix B. So I apologize, it's a
4 little confusing, but we have -- we have it
5 labeled as Appendix A, B, and C with sub-exhibits
6 to Appendix A and Appendix B.

7 ALJ WOOD: Okay. And did you file
8 any errata or --

9 LT. COL. COLCLASURE: We did not
10 file errata or --

11 ALJ WOOD: Thank you.

12 LT. COL. COLCLASURE: --
13 substitutions.

14 ALJ WOOD: All right. As -- and
15 that'll be T-22?

16 LT. COL. COLCLASURE: Yes. And we
17 did file expert disclosures.

18 ALJ WOOD: For some reason, they
19 are not --

20 LT. COL. COLCLASURE: And as I am
21 looking at the paper copies that my office had
22 shipped here, I don't have paper copies of the
23 expert disclosures today.

24 They were served on the parties.
25 And I have them on a CD, so I can provide paper

1 copies either later today or tomorrow.

2 ALJ WOOD: Yes, please, if you
3 could.

4 LT. COL. COLCLASURE: Thank you.

5 ALJ WOOD: And tomorrow should be
6 fine. Thank you. All right. I have the --
7 Mr. Gorman, 31 pages. I've got Appendix A,
8 qualifications of Mr. Gorman. Following Appendix
9 A, I've got MPG-1, 2, and 3.

10 Next I have Appendix B, 57 pages,
11 it looks like. Followed by Appendix B, MPG-1, 2,
12 3, 4, 5, 6, 7, 8, 9, 10, 11 -- actually, I've got
13 17 exhibits to attachment B --

14 LT. COL. COLCLASURE: That's
15 correct, Your Honor.

16 ALJ WOOD: Okay. 17. And then it
17 looks like I have Appendix C. Looks like cases
18 that Mr. Gorman has testified in?

19 LT. COL. COLCLASURE: Yes, Appendix
20 C has 12 pages and no exhibits.

21 ALJ WOOD: Okay. All right. I
22 have the pre-filed direct testimony of Michael P.
23 Gorman, 31 pages, Appendixes A, B, and C.
24 Appendix A has MPG-1 through 3, Appendix B has
25 MPG-1 through 17, all marked for identification

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1 purposes as T-22. That will also include expert
2 disclosures that will be provided tomorrow
3 morning.

4 LT. COL. COLCLASURE: Correct.
5 T-23 is the pre-filed direct testimony of Larry
6 Bank. It has 35 pages and no exhibits, and I will
7 provide paper copies of his expert disclosures
8 tomorrow morning.

9 ALJ WOOD: And I've marked as -- so
10 I've got the pre-filed direct testimony of Larry
11 Blank on behalf of the Federal Executive Agencies,
12 filed July 7th, 2017, have 35 pages, no exhibits.
13 There will be expert disclosures attached to that
14 tomorrow morning, marked as T-23.

15 Thank you, Lieutenant Colonel
16 Colclasure. Ms. Hobson?

17 MS. HOBSON: Yes, Your Honor. We
18 have one exhibit for ENSTAR Natural Gas, and that
19 is the pre-filed responsive testimony of Daniel M.
20 Dieckgraeff, it is 17 pages, filed on July 7th,
21 2017. And we have one exhibit that was filed as
22 an errata on July 11th, 2017, and that is the
23 resume of Mr. Dieckgraeff.

24 ALJ WOOD: Did Mr. Dieckgraeff file
25 expert disclosures?

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1 MS. HOBSON: He did not.

2 ALJ WOOD: All right. I will mark
3 the pre-filed responsive testimony of Daniel M.
4 Dieckgraeff on behalf of ENSTAR, filed July 7th,
5 2017, 17 pages, with DMD-1 filed later, as T-24.

6 Thank you, Ms. Hobson. And,
7 Ms. Grovier?

8 MS. GROVIER: Yes, Your Honor. For
9 Exhibit T-25, I have the pre-filed testimony of
10 Roald Helgesen on behalf of the Alaska Native
11 Tribal Health Consortium, consists of 6 pages, and
12 1 exhibit of 3 pages.

13 It was filed on July 7th. And on
14 November 9th we filed an errata correcting one
15 page, page 5. And that has been included in the
16 version submitted to the court reporter.

17 ALJ WOOD: And did Mr. -- you get
18 the same question as everyone else, no expert
19 disclosures?

20 MS. GROVIER: No, Your Honor.

21 ALJ WOOD: All right. I have the
22 pre-filed testimony of Roald Helgesen on behalf of
23 the Alaska Native Tribal Health Consortium, filed
24 July 7th, 2017, corrected by errata. And it
25 includes Exhibit RH-1, marked as T-25.

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1 MS. GROVIER: Thank you, Your
2 Honor.

3 ALJ WOOD: Thank you, Ms. Grovier.
4 One moment. All right. That concludes the
5 marking of testimony. I am going to mark the TA
6 letter filed in this case as the first hearing
7 exhibit, H-1.

8 I'm going to go through that just
9 to make sure that I've got it -- all the
10 appropriate replacements and supplements that were
11 filed into that, marked as H-1.

12 And do the parties have any
13 proposed hearing exhibits that they would like to
14 pre-mark this morning? Hearing none -- all right.
15 I am marking as Hearing Exhibit H-1, TA357-121,
16 that's the tariff advice letter that was suspended
17 into Docket U-17-008 that started this proceeding.

18 It was filed on December 30th,
19 2016. The final version of the TA letter that is
20 suspended is marked in the footer as "Final
21 revision January 12, 2017," and there are 19
22 exhibits attached to that TA letter.

23 And, Mr. Thompson, Mr. Jones, is
24 that an accurate recitation of what was filed with
25 H-1 -- or, excuse me, with the TA letter?

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1 MR. THOMPSON: Yes.

2 ALJ WOOD: Thank you. And just to
3 move things along so it's all ready to go, I guess
4 it will be Monday morning when we get to
5 witnesses, if anyone needs to use H-1, is there
6 any objection to me admitting H-1 at this point in
7 time? I'm hearing none, so H-1 is admitted.

8 (Exhibit H-1 admitted.)

9 ALJ WOOD: All right. The final
10 item I have is the order of witnesses that you're
11 proposing, Mr. Thompson -- or the clumping of
12 witnesses.

13 MR. THOMPSON: And one other issue,
14 Your Honor, that Mr. Jones mentioned to me as he
15 heard you asking about expert disclosures --

16 ALJ WOOD: Uh-huh.

17 MR. THOMPSON: -- and it appears
18 that the reason that several of the witnesses, you
19 don't have expert disclosures for them, is that
20 the order adopting the procedural schedule did not
21 require them to be filed. It required the parties
22 to serve in order to expedite discovery
23 concurrently with submitting their testimony.

24 And apparently ML&P, when it filed
25 its reply testimony, ended up filing its expert

1 disclosures for its reply witnesses. But all of
2 that, we just wanted to bring to your attention.

3 We can certainly provide, for ML&P,
4 the expert disclosures that were served on the
5 other parties that have not been filed and that
6 you don't have. But we wanted to make sure that
7 you and the Commission want all of the expert
8 disclosures as part of the testimony.

9 ALJ WOOD: Yes.

10 MR. THOMPSON: Okay.

11 MR. WALLER: Your Honor, I have one
12 more housekeeping matter. I am going to have a
13 PowerPoint to go with my opening tomorrow. So if
14 I could have maybe the court reporter or IT here
15 before 9:00 so I can get it loaded on to the
16 computer and the screen down.

17 And then my question to you, Your
18 Honor, is in the past, on occasion, the Commission
19 has asked for copies -- printed copies of
20 PowerPoints. Sometimes they want them, sometimes
21 they don't.

22 Do you know if there's a preference
23 that -- this one's not as long as some of my other
24 ones have been -- do you think the Commission
25 would like a printed copy? I can have that

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1 printed out tonight.

2 ALJ WOOD: Yeah, thank you for
3 that, Mr. Waller. The short answer is, yes. And
4 for all parties, if you are going to be referring
5 to any printed materials, if you're going to hand
6 out a PowerPoint, if you're going to put up a
7 PowerPoint or any type of demonstrative exhibits
8 with your -- either your opening or your closing,
9 please provide a printed copy to the court
10 reporter, because we will include those
11 demonstrative exhibits as part of the transcript.

12 Did that answer your question,
13 Mr. Waller? Probably longer than you --

14 MR. WALLER: It did. Thank you,
15 Your Honor.

16 ALJ WOOD: All right.
17 Mr. Thompson?

18 MR. THOMPSON: Yes, the proposed
19 order of subject matter is generally that there
20 will be three areas. One of them has to do with
21 generation and prudence, the other has to do with
22 cost of capital/return on equity, and the third is
23 everything else.

24 And so -- and I'll tell you what I
25 think everyone has agreed to. But ML&P's initial

1 proposal is that the first group will be the
2 everything else group. And the order of witnesses
3 would be, for ML&P, the same as our witness list,
4 Watson, Mudge, Henderson, Wilks, Robbins.

5 And next we will shift to the
6 generation/prudence group. And ML&P's witnesses
7 will be Reed, Ori, Saleba, Johnston.

8 And then at the request of FEA, we
9 would then go to Gorman and Blank. Gorman belongs
10 in the generation/prudent -- prudence group, Blank
11 doesn't. But they want to testify together, and
12 we want to accommodate them. Then next continuing
13 with generation/prudence would be Beam, Norwood,
14 and Garrett.

15 And then at that point we would
16 move to the cost of capital, allowed rate of
17 return on equity group. And that would be --

18 ALJ WOOD: Please continue, my
19 apologies.

20 MR. THOMPSON: -- that would be
21 Villadsen and Lawton. Gorman will have already
22 testified regard -- and then cross-examined
23 regarding the cost of capital issues, but -- so
24 the last group will be Villadsen, Lawton. Then we
25 return to the everything else group with

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1 Dieckgraeff and Helgesen.

2 ALJ WOOD: Thank you, Mr. Thompson.

3 And is that proposed grouping of witnesses, has
4 that been agreed to by all parties? I'll just --
5 rather than an affirmative statement, I'll look
6 around the room.

7 And if anyone has a negative, they
8 can speak up. And Mr. Waller's grabbing his
9 microphone.

10 MR. WALLER: I don't have a
11 negative. I just want to ensure that by agreeing
12 to this grouping -- which I think is a good
13 idea -- it doesn't preclude someone from asking
14 questions -- for example, if I want to ask
15 Mr. Johnston, because he's the general manager,
16 about something that's not prudence and it might
17 be under "everything else," just because he's, you
18 know, grouped in the prudence group, that I'm not
19 precluded from asking him about something that
20 might affect ROE or might affect O&M or something
21 else.

22 And so assuming there's no
23 preclusion caused by the grouping, then I think
24 this is a very good idea. I just wanted to
25 clarify that.

1 ALJ WOOD: Yeah, and thank you for
2 that clarification, Mr. Waller. I will express my
3 understanding of what the parties have agreed to,
4 and they can correct me if that's -- if they agree
5 to something different.

6 But -- and also, the only way I see
7 this working, is if each witness is available for
8 cross-examination on the totality of their
9 testimony, regardless of which group they have
10 been placed in in this proposed clumping of
11 subject matters. And I'm seeing nods from
12 everybody, so that's the way that we will proceed.

13 Anything further?

14 MR. DAWSON: I had one quick
15 question, if I may, Your Honor.

16 ALJ WOOD: Yeah, Mr. Dawson.

17 MR. DAWSON: Does Your Honor
18 anticipate taking oral argument on the pending
19 motions to compel tomorrow or -- if you'd find it
20 useful, that's fine. But I wanted to get some
21 sense of whether that's something you expected.

22 ALJ WOOD: I do not expect oral
23 argument. I'll be issuing either an electronic
24 ruling either later today or an oral ruling
25 tomorrow morning before opening statements.

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1 MR. DAWSON: Thank you, Your Honor.

2 ALJ WOOD: Speaking of opening
3 statements, I'm going to poll the parties to see
4 if you have an estimate of how long your openings
5 are going to be.

6 It'll give me an idea of how to run
7 tomorrow, because we are going to -- well, I hope
8 we're going to finish opening statements tomorrow.
9 I can't imagine we won't, but I just want to
10 confirm.

11 Mr. Thompson, how long does ML&P
12 anticipate taking?

13 MR. THOMPSON: 45 minutes.

14 ALJ WOOD: Okay. Mr. Waller?

15 MR. WALLER: 10 to 15.

16 ALJ WOOD: Mr. Dawson?

17 MR. DAWSON: Our opening will
18 actually be by Mr. Gannett.

19 MR. GANNETT: About 45 minutes,
20 Your Honor.

21 ALJ WOOD: Thank you, Mr. Gannett.
22 Lieutenant Colonel Colclasure?

23 LT. COL. COLCLASURE: About
24 15 minutes, Your Honor.

25 ALJ WOOD: Ms. Hobson?

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1 MS. HOBSON: About 5 to 10 minutes,
2 Your Honor.

3 ALJ WOOD: And ANTHC, Ms. Grovier?

4 MS. GROVIER: Approximately 5 to
5 10 minutes as well.

6 ALJ WOOD: So we should be in good
7 shape tomorrow. We're not going to run the
8 modified schedule -- well, we might be done before
9 3:00 o'clock, we'll just see what happens
10 tomorrow.

11 But I'm not going to artificially
12 stop at 11:30, unless that's a good break point
13 tomorrow. So don't plan on the hard 11:30 to 1:00
14 schedule for lunch.

15 MR. WALLER: Your Honor, a quick
16 question.

17 ALJ WOOD: Yes, Mr. Waller.

18 MR. WALLER: Is there a possibility
19 that we will start witness cross-examination
20 tomorrow or will that stay on Monday?

21 ALJ WOOD: Thank you for that
22 question. It'll stay on Monday. We're going to
23 limit tomorrow to opening statements.

24 All right. I know we have a lot of
25 time scheduled for this hearing, but I still

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1 encourage the parties to use your time
2 efficiently. And I don't think it will hurt
3 anyone's feelings if we finish before December
4 22nd.

5 Any questions or further
6 clarifications this morning?

7 LT. COL. COLCLASURE: Your Honor, I
8 have a question about the witness schedule --

9 ALJ WOOD: Yes.

10 LT. COL. COLCLASURE: -- and
11 whether it would be possible to set a date certain
12 for Mr. Gorman and Mr. Blank. Mr. Gorman, in
13 particular, anticipates needing to testify at a
14 separate case in Mississippi on December 6th
15 through 8th. And if possible, he'd prefer to
16 testify December 4th or 5th.

17 ALJ WOOD: Why don't you confer
18 with the other parties and bring that up because
19 right now I cannot give Mr. Gorman --

20 LT. COL. COLCLASURE: Thank you.

21 ALJ WOOD: -- a date certain,
22 and -- so we haven't started cross-examination, so
23 I do not have a feel for how we're going to be
24 proceeding.

25 And he looks like he's -- he's kind

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1 of down the list of witnesses, so I would be
2 surprised if he was up in the normal course of
3 things by the 4th. So why don't you talk to
4 opposing counsel, and we'll revisit that.

5 LT. COL. COLCLASURE: Understood.

6 Thank you.

7 ALJ WOOD: Anything further?

8 MR. THOMPSON: Yes, Your Honor. I
9 wanted to make sure Exhibit H-1, that it -- I know
10 that you said that it included the January 12th
11 supplement -- but I just want to make sure, since
12 this is going to be used a lot, that it -- exactly
13 what it includes.

14 For example, there was a -- an
15 errata filed on January 11th, 2017, that provided
16 some corrected pages that -- oh, I guess that
17 was to --

18 ALJ WOOD: Mudge.

19 MR. THOMPSON: -- Mudge. And then
20 there was the January 12th supplement; and then
21 there was a September 28th, 2017, errata that
22 included two tariff sheets that had been omitted.
23 And that would probably be good to have that in
24 Exhibit H-1.

25 ALJ WOOD: Thank you for that,

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1 Mr. Thompson. And, yes, the -- so we took care of
2 Mudge. We've got the whole January 12th
3 replacement TA letter, the subsequently filed
4 tariff sheets have been placed into the TA
5 letter --

6 MR. THOMPSON: Okay.

7 ALJ WOOD: -- there is one -- I
8 guess we do have one outstanding question that I
9 neglected to raise before, and that's tariff sheet
10 number 116 that was filed on January 11th. You
11 withdrew some other tariff sheets on January 12th.

12 I just want to clarify that tariff
13 sheet number 116 was not one that was withdrawn.
14 Looks like you withdrew 109 and 120. No mention
15 of 116.

16 MR. THOMPSON: I don't think -- 109
17 and 120 with the January 11 errata --

18 ALJ WOOD: Yeah, those were filed
19 on January 11th. They were then withdrawn on
20 January 12th, and --

21 MR. THOMPSON: Right. Right, ML&P
22 withdraws 109 and 120.

23 ALJ WOOD: No mention of 116. So
24 I'm assuming that remained in the filing, but I
25 would like to just clarify.

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1 MR. THOMPSON: Yes, that -- yeah,
2 116 should be in the filing.

3 ALJ WOOD: Okay. Thank you. Any
4 further questions? All right. Hearing none,
5 thank you all very much, and we are adjourned.
6 Thank you.

7 (Adjourned - 10:59 a.m.)

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I, Brooklende D. Leavitt, hereby certify
that the foregoing pages numbered 21 through 76
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Date	Brooklende D. Leavitt, Transcriber