

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

<p>WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,</p> <p style="text-align: center;">Complainant,</p> <p>v.</p> <p>PUGET SOUND ENERGY,</p> <p style="text-align: center;">Respondent.</p>	<p>DOCKETS UE-240004 and UG-240005 <i>(Consolidated)</i></p> <p>ORDER 04</p>
<hr/> <p>In the Matter of the Petition of</p> <p>PUGET SOUND ENERGY</p> <p style="text-align: center;">Petitioner,</p> <p>For an Accounting Order Authorizing deferred accounting treatment of purchased power agreement expenses pursuant to RCW 80.28.410</p>	<p>DOCKET UE-230810</p> <p>ORDER 02</p> <p>PREHEARING CONFERENCE ORDER; NOTICE OF HEARING (Evidentiary Hearing set for November 4-5 at 9:00 a.m.)</p>

- 1 **NATURE OF PROCEEDING.** On February 15, 2024, Puget Sound Energy (PSE or Company) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective WN U-60 Tariff G for electric service. PSE characterizes its filing as a general rate case (GRC). Citing Revised Code of Washington (RCW) 80.28.425, the Company proposes a two-year multiyear rate plan for its base electric rates. The Company’s proposed revised tariff sheets provide an effective date of March 16, 2024.
- 2 **CONFERENCE.** The Commission convened a virtual prehearing conference on April 2, 2024, before Administrative Law Judges Michael Howard and Bijan Hughes.
- 3 **APPEARANCES.** Donna L. Barnett, Sheree Strom Carson, Pamela J. Anderson, David S. Steele, and Byron C. Starkey of Perkins Coie LLP represent PSE. Nash Callaghan, Liam Weiland, Cassandra Jones, Colin O’Brien, and Lisa W. Gafken represent the

Commission staff (Staff).¹ Tad Robinson O'Neill represents Public Counsel. Yochanan Zakai of Shute, Mihaly & Weinberger LLP represents The Energy Project (TEP). Sommer Moser and Corinne O. Olson of Davison Van Cleve, P.C. represents the Alliance of Western Energy Consumers (AWEC). Jan Hasselman of Earthjustice represents Front and Centered, Sierra Club, and NW Energy Coalition (NVEC), collectively referred to as the Joint Environmental Advocates (JEA). Justina A. Caviglia of Parsons Behle & Latimer represents Walmart. Damon E. Xenopoulos, Shaun C. Mohler, Joseph R. Briscar, and Laura W. Baker of Stone Mattheis Xenopoulos & Brew, PC represent Nucor Steel Seattle, Inc. (Nucor). Rita M. Liotta of the U.S. Navy represents the Federal Executive Agencies (FEA). Kurt J. Boehm and Jody Kyler Cohn of Boehm, Kurtz & Lowry represent Fred Meyer Stores, Inc. and Quality Food Centers, Divisions of The Kroger Co. (Kroger). Tyler C. Pepple of Davison Van Cleve, P.C. represents Microsoft Corporation. Contact information for the parties' representatives is attached as Appendix A to this Order.

4 **INTERVENTION.** At the prehearing conference, the presiding administrative law judge granted unopposed petitions to intervene filed by AWEC, Microsoft, Walmart, Nucor Steele Seattle Inc., Kroger, FEA, TEP, and JEA.

5 **DISCOVERY.** On March 5, 2024, in order to facilitate an efficient resolution to this matter, Order 01 in this docket made discovery immediately available to the parties. Discovery shall be conducted under the Commission's discovery rules, Washington Administrative Code (WAC) 480-07-400 – 425. The Commission urges the parties to work cooperatively together to avoid having to bring discovery matters forward for formal resolution. In Order 02, the Commission issued a separate protective order.

6 Furthermore, the Parties agree to certain discovery practices that will facilitate the sharing of all data requests and responses with all Parties as well as the tracking and organizing of those data requests and responses.

7 First, the Parties agree to identify each data request by subject (1) above each data request, (2) in the cover letter, and (3) in the distribution email. Data requests propounded in a single set will be grouped by subject in the cover letter and distribution email. The Parties will cooperate to develop a uniform list of subjects to facilitate discovery tracking.

¹ In formal proceedings such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

These discovery tracking processes are not intended to limit or restrict discovery in any way.

8 Second, response times to data requests will be adjusted as set forth in Appendix B.

9 Third, the Commission believes it will aid discovery in this case if all responses to data requests are shared with all parties. No party objected to the Commission making the exchange of data request responses with all parties a requirement for discovery in this case. Accordingly, the Commission requires the parties to share every data request response with all parties, subject to any confidentiality limitations contained in Commission rule and the protective order issued in this docket. To be clear, data requests and responses are not shared with the Commissioners, the presiding administrative law judge, or Commission policy advisors, unless those responses are offered as exhibits to be admitted into the record.

10 **PROCEDURAL SCHEDULE.** The parties presented two proposed procedural schedules at the prehearing conference. Due to workload considerations, including a general rate case filed in close proximity by Avista Corporation d/b/a Avista Utilities, the Commission finds Staff's proposed schedule more reasonable and appropriate. The Commission recognizes the Company's preference for post-hearing reply briefs, but given timing and workload considerations, post-hearing reply briefs will not be included in the schedule in this proceeding. With some modifications, the Commission adopts the procedural schedule proposed by Staff, which is attached to this Order as Appendix B. The parties may modify the date of either settlement conference by providing written notice to the Commission.

11 Under WAC 480-07-460(1)(b), a deadline for filing errata sheets to exhibits may be established in the prehearing conference order. In the prehearing conference, no party objected to setting the errata filing deadline for one week prior to the evidentiary hearing. This is included in the hearing schedule attached as Appendix B.

12 Finally, the Commission is only able to suspend the operation of the Company's tariff for a set number of months. This complex proceeding must be concluded within an approximately 11 month timeframe. The Commission will not look favorably on any litigation tactics aimed towards delaying the proceeding, hindering the orderly administration of the case, or unnecessarily expanding the issues in the case.

13 **INTERVENOR FUNDING.** At the prehearing conference, the presiding administrative law judge granted case certification status to AWEC, TEP, NWECC, and Front and Centered. Any proposed budgets are due Thursday, May 2, 2024.

- 14 **DOCUMENT FILING AND SERVICE REQUIREMENTS.** Parties must file and serve all pleadings, motions, briefs, and other pre-filed materials in compliance with all of the following requirements:
- (a) Parties must submit electronic copies of all documents by 5 p.m. on the filing deadline established in the procedural schedule (or other deadline as applicable) unless the Commission orders otherwise. Parties must comply with WAC 480-07-140(6) in formatting, organizing, and identifying electronic files.
 - (b) The Commission accepts only electronic versions of documents for formal filing. Parties must submit documents electronically through the Commission's web portal (www.utc.wa.gov/e-filing). If a party is unable to use the web portal to submit documents for filing, the Commission will accept a submission via email to records@utc.wa.gov, provided that the email: (1) explains the reason the documents are not being submitted via the web portal, and (2) complies with the requirements in WAC 480-07-140(5)(b).
 - (c) Parties must electronically serve the other parties and provide courtesy electronic copies of filings to the presiding administrative law judges (bijan.hughes@utc.wa.gov and michael.howard@utc.wa.gov) by 5 p.m. on the filing deadline unless the Commission orders otherwise. Pursuant to WAC 480-07-365(2)(c), all electronic documents submitted to the Commission must also be delivered to all parties and the presiding administrative law judge “at the same time” that the documents are submitted to the Commission or shortly thereafter. Please note as well that failing to provide a courtesy copy to the presiding administrative law judge may result in a delayed ruling on a motion or other filing. If parties are unable to email copies, they may furnish electronic copies by delivering them on a flash drive only.
 - (d) When filing testimony, exhibits, or post-hearing briefs, the filing party must submit five paper copies to the Commission within three business days of its electronic filing. This requirement does not apply to exhibits comprised of tables or worksheets more than five pages long. The Commission is otherwise suspending any requirements for paper copies.
 - (e) Attorneys, non-attorney representatives, and witnesses are welcome to include their pronouns in filings or oral testimony if they so choose.
- 15 **EXHIBITS FOR CROSS-EXAMINATION.** Parties are required to file with the Commission and serve all proposed cross-examination exhibits by **5 p.m. on Monday, October 28, 2024**. The Commission requires electronic copies in searchable PDF (Adobe Acrobat or comparable software). If any of the exhibits contain information designated as

confidential, parties must file an electronic copy of the redacted version in searchable PDF (Adobe Acrobat or comparable software) of each such exhibit. The exhibits must be grouped according to the witness the party intends to cross-examine with the exhibits.

- 16 **EXHIBIT LISTS.** With each submission of pre-filed testimony and exhibits, the party making the submission must include a preliminary exhibit list that identifies each submitted exhibit in the format the Commission uses for exhibit lists it prepares for evidentiary hearings. PSE will prepare its preliminary exhibit list and circulate it to the parties. Each party must file and serve a final list of all exhibits the party intends to introduce into the evidentiary record, including all pre-filed testimony and exhibits, as well as cross-examination exhibits by **5 p.m. Monday, October 28, 2024.**
- 17 **CROSS-EXAMINATION TIME ESTIMATES.** Each party must provide a list of witnesses the party intends to cross-examine at the evidentiary hearing and an estimate of the time that party anticipates the cross-examination of that witness will take. Parties should not file witness lists or cross-examination time estimates but must provide them to both administrative law judges (bijan.hughes@utc.wa.gov and michael.howard@utc.wa.gov) and the other parties by email on **Monday, October 28, 2024.**
- 18 **PUBLIC COMMENT HEARING.** Consistent with the procedural schedule adopted as Appendix B to this Order, the Commission will hold a public comment hearing in this docket prior to the hearing on the final disposition of this case. Staff's proposed schedule proposes that the public comment hearing is held on October 9, 2024, and the Commission adopts this date. The Commission agrees that conducting a virtual public comment hearing is in the public interest. PSE customers will receive notice of the date, time, and address of each public comment hearing, as well as other information required under WAC 480-90-197 and WAC 480-100-197, at least 30 days prior to the date of the relevant public comment hearing.
- 19 **NOTICE OF EVIDENTIARY HEARING.** The Commission will hold a hybrid evidentiary hearing in this docket beginning on Monday, November 4, 2024, at 9 a.m., continuing if necessary at 9 a.m. on Tuesday, November 5, 2024. Parties may attend the hearing in person at the Commission's headquarters or virtually via Zoom. To attend the hearing via Zoom, [click here to join meeting](#), or call (253) 215-8782 and enter the Conference ID: 884 1286 2576# and use the Passcode: 209439#.
- 20 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. If the Parties reach a settlement in principle and request suspension of the procedural schedule, PSE must inform the Commission whether it is willing to extend the statutory deadline, if necessary, to allow the Commission sufficient

time to consider the settlement and take final action in these consolidated proceedings. The Commission may decline to consider a settlement agreement if the Commission determines that it cannot consider the settlement and take final action by the statutory deadline. Ideally, settlement among the parties would arise sooner rather than later during these proceedings, thus resulting in a Commission determination at a much earlier stage.

21 Parties are also encouraged to consider means of resolving disputes informally. The Commission has limited ability to provide dispute resolution services. If you wish to explore those services, please contact Michael Howard, Director, Administrative Law Division (360-664-1139).

22 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of this Order, in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this docket, subject to Commission review.**

DATED at Lacey, Washington, and effective April 18, 2024.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Michael Howard
Michael Howard
Administrative Law Judge

/s/ Bijan Hughes
Bijan Hughes
Administrative Law Judge

APPENDIX A
PARTIES' REPRESENTATIVES
DOCKET UE-240004, UG-24005, UE-230810 (consolidated)

PARTY	REPRESENTATIVE	PHONE	E-MAIL
Utilities and Transportation Commission Staff	Nash Callaghan Colin O'Brien Cassandra Jones Colin O'Brien Lisa W. Gafken Office of the Attorney General PO Box 40128 Olympia, WA 98504-0128	360-586-7777	Nash.Callaghan@atg.wa.gov Liam.Weiland@atg.wa.gov Cassandra.Jones@atg.wa.gov Colin.obrien@atg.wa.gov Lisa.Gafken@atg.wa.gov
Puget Sound Energy	Donna L. Barnett Sheree Strom Carson Pamela J. Anderson David S. Steele Byron C. Starkey Perkins Coie LLP 10885 N.E. Fourth Street, Suite 700 Bellevue, WA 98004-5579	425-635-1422	DBarnett@perkinscoie.com SCarson@perkinscoie.com PJAnderson@perkinscoie.com DSteele@perkinscoie.com ByronStarkey@perkinscoie.com
Public Counsel	Tad Robinson O'Neill Washington Attorney General's Office Public Counsel Unit 800 Fifth Avenue, Suite 2000 Seattle, WA 98104-3188	206-254-0570	Tad.ONeill@atg.wa.gov
The Energy Project	Yochanan Zakai Shute, Mihaly & Weinberger Llp 396 Hayes Street San Francisco, California 94102	415-552-7272	yzakai@smwlaw.com
AWEC	Corinne O. Olson Sommer Moser Davison Van Cleve, P.C. 107 SE Washington St., Suite 430 Portland, OR 97214	503-241-7242	coo@dvclaw.com sjm@dvclaw.com
Joint Environmental Advocates	Jan Hasselman Earthjustice 810 Third Avenue, Suite 610 Seattle, WA 98104	206-701-7613	jhasselman@earthjustice.org

Walmart	Justina A. Caviglia Parsons Behle & Latimer 50 West Liberty Street, Suite 750 Reno, Nevada 89501	775-323-1601	jcaviglia@parsonsbehle.com
Nucor Steel Seattle, Inc.	Damon E. Xenopoulos Shaun C. Mohler Laura W. Baker Joseph R. Briscar Stone Mattheis Xenopoulos & Brew, PC 1025 Thomas Jefferson Street, N.W., Suite 800 West Washington, DC 20007	202-342-0800	dex@smxblaw.com scm@smxblaw.com lwb@smxblaw.com jrb@smxblaw.com
Federal Executive Agencies	Rita M. Liotta U.S. Navy 1 Ave of the Palms San Francisco, CA 94130	415-671-9187	rita.m.liotta.civ@us.navy.mil
Fred Meyer Stores, Inc.	Kurt J. Boehm Jody Kyler Cohn Boehm, Kurtz & Lowry 36 East Seventh Street, Suite 1510 Cincinnati, Ohio 45202	513-421-2255	kboehm@BKLawfirm.com jkylercohn@BKLawfirm.com
Microsoft Corporation	Tyler C. Pepple Davison Van Cleve, P.C. 107 SE Washington St., Suite 430, Portland, OR 97214	503-241-7242	tcp@dvclaw.com

**APPENDIX B
PROCEDURAL SCHEDULE
DOCKET UE-240004, UG-240005, UE-230810 (consolidated)**

EVENT	DATE
Initial Filing	Thursday, February 15, 2024
Prehearing Conference	Tuesday, April 2, 2024
Participatory Funding Proposed Budgets	Thursday, May 2, 2024
Non-Company Party Settlement Meeting	Friday, June 7, 2024
First Settlement Conference	Friday, June 14, 2024
Staff, Public Counsel, and Intervenor Response Testimony and Exhibits ²	Tuesday, August 6, 2024
Non-Company Party Settlement Meeting	Wednesday, August 14, 2024
Second Settlement Conference	Monday, August 19, 2024
Company circulates joint issues matrix	Tuesday, August 27, 2024
Company Rebuttal Testimony and Exhibits; Staff, Public Counsel, and Intervenor Cross-Answering Testimony and Exhibits ³	Wednesday, September 18, 2024
Public Comment Hearing	Wednesday, October 9, 2024
Discovery deadline – last day to issue data requests	Tuesday, October 15, 2024
Company Files Joint Issue Matrix	Wednesday, October 23, 2024
Exhibit List, Cross-Examination Exhibits, Witness Lists, Time Estimates, and Exhibit Errata	Monday, October 28, 2024
Evidentiary Hearing	November 4-5, 2024

² Response times to data requests shortened to 7 business days.

³ Response times to data requests shortened to 5 business days.

Post-hearing Briefs and Updated Issues List	Wednesday, December 4, 2024
Final Order Due Date	Wednesday, January 15, 2025
Suspension Date	Thursday, January 16, 2025