

EXHIBIT NO. _____ (AML-10)
DOCKET NOS. UE-200115
COLSTRIP UNIT 4 SALE
WITNESS: AMANDA MARIE LEVIN

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant, v.

PUGET SOUND ENERGY,

Respondent.

DOCKET NO. UE-200115

**TENTH EXHIBIT TO THE
PREFILED RESPONSE TESTIMONY OF
AMANDA LEVIN
ON BEHALF OF
THE NATURAL RESOURCES DEFENSE COUNCIL**

October 2, 2020

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

**Docket UE-200115
Puget Sound Energy
Application Authorizing Sale of PSE Interest in Colstrip Unit 4**

PUBLIC COUNSEL DATA REQUEST NO. 003:

Please refer to the Direct Testimony Ronald J. Roberts, Exh. RJR-1CT at 7:20-8:2.

- a) Please provide copies of all internal e-mails, memoranda, or other documents relied on by PSE at the time that it “considered the potential of closing Colstrip Units 3 & 4” as the basis for its determination that the terms of the Ownership and Operation Agreement “requires unanimity among the owners to effectuate a closure”.
- b) Please provide copies of all internal e-mails, memoranda, or other documentation of the Company’s determination that closure of Colstrip Units 3 and 4 would be “extremely difficult, if not impossible”.
- c) With regard to the Company’s determination that the terms of the Ownership and Operation Agreement “requires unanimity among the owners to effectuate a closure”, does this determination apply solely to closure of both Colstrip Units 3 and 4 or does it also apply to closure of either Colstrip Unit 3 or Unit 4 individually? Please explain.
- d) If PSE has determined that the terms of the Ownership and Operation Agreement “requires unanimity among the owners to effectuate a closure” of either Colstrip Unit 3 or Unit 4 individually, please explain whether the closure of Colstrip Unit 3 would require unanimity among: (1) solely those parties with ownership interests in Colstrip Unit 3; or (2) all parties with ownership interests in either Colstrip Units 3 or 4.

Response:

Puget Sound Energy (“PSE”) objects to Public Counsel Data Request No. 003 on the grounds that it:

- (i) seeks documents and information protected by the attorney-client privilege and/or attorney work product doctrines;

- (ii) seeks information that is neither relevant to the subject matter involved in this action nor reasonably calculated to lead to the discovery of admissible evidence;
- (iii) seeks a legal conclusion concerning the terms and conditions of the Colstrip Units #3 & #4 Ownership and Operation Agreement, dated as of May 6, 1981, by and between The Montana Power Company, Puget Sound Power & Light Company, The Washington Water Power Company, Portland General Electric Company, Pacific Power & Light Company, and Basin Electric Power Cooperative (the “Colstrip Units 3 & 4 Ownership and Operation Agreement”); and
- (iv) is vague, ambiguous, overbroad and unduly burdensome, and misquotes or misinterprets the referenced testimony.

Subject to and without waiving these objections, PSE provides the following response.

- a. PSE objects to Public Counsel’s assertion that PSE made a “determination that the terms of the Ownership and Operation Agreement requires unanimity among owners to effectuate a closure.” To be clear, as explained in the Prefiled Direct Testimony of Ronald J. Roberts, Exh. RJR-1CTr at page 35, line 1, through page 36, line 6, PSE only believes that “[a]rguments could be made that any decision regarding the closure or decommissioning of one or both units must be unanimous.” Aside from the Colstrip Units 3 & 4 Ownership and Operation Agreement, there are no documents that provide “the basis” for PSE’s “determination.” To the extent there are any documents relating to this issue, PSE has conducted a reasonable search of any such “internal e-mails, memoranda, or other documents” and has not identified any responsive documents that are not protected by the attorney client or attorney work product doctrines.
- b. PSE’s determination in 2018 that the closure of Colstrip Units 3 & 4 would be “extremely difficult, if not impossible,” was based on there not being a consensus between Colstrip owners on the closure of Colstrip Units 3 & 4 and that the Colstrip Units 3 & 4 Ownership and Operation Agreement arguably requires unanimity among owners to effectuate a closure.¹ To the extent there are any documents relating to this issue, PSE has conducted a reasonable search of any such “internal e-mails, memoranda, or other documents” and has not identified any responsive documents that are not protected by the attorney client or attorney work product doctrines.
- c. Please see the Prefiled Direct Testimony of Ronald J. Roberts, Exh. RJR-1CTr, at page 35, line 1, through page 36, line 6.

¹ See Roberts, Exh. RJR-1CTr, at 35:1-36:6.

- d. Please see the Prefiled Direct Testimony of Ronald J. Roberts, Exh. RJR-1CTr, at page 35, line 1, through page 36, line 6.