

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND)	
TRANSPORTATION COMMISSION,)	DOCKET UG-110723
)	ORDER 03
Complainant,)	
)	
v.)	ORDER OVERRULING
)	OBJECTIONS TO ORDER 02
PUGET SOUND ENERGY, INC.,)	AND MODIFYING
)	PROCEDURAL SCHEDULE
Respondent.)	
)	
.....)	

BACKGROUND

- 1 On April 26, 2011, Puget Sound Energy, Inc., (PSE or Company) filed with the Washington Utilities and Transportation Commission (Commission) a revision to the Company’s currently effective Tariff WN U-2, establishing a Pipeline Integrity Program (PIP). The PIP is a new cost recovery method intended to enhance pipeline safety by providing for the expedited recovery of the Company’s investment in new plant to implement certain reliability, integrity, and safety programs related to PSE’s natural gas delivery system. PSE modified its initial filing with revised tariff filings on June 29, 2011, and July 14, 2011.
- 2 On July 15, 2011, the Commission entered Order 01, suspending the tariff filings and setting the matter over for hearing.
- 3 On August 19, 2011, the Commission conducted a prehearing conference, after which it issued Order 02, Prehearing Conference Order (Order 02), on August 24, 2011.
- 4 On September 1, 2011, Commission Staff (Staff) filed an Objection of Commission Staff to Prehearing Conference Order 02. Staff observes that in the procedural schedule adopted in Order 02, there are only 10 calendar days between the filing of Company rebuttal on November 8, 2011, and the last scheduled day of the evidentiary

hearings on November 18, 2011. Staff requests that the response time for data requests propounded after November 8, 2011, be reduced to two business days. Staff also reserves the right to seek revisions to the schedule adopted in Order 02.

- 5 On September 1, 2011, the Public Counsel Section of the Washington Attorney General's Office (Public Counsel) filed Public Counsel Objection to Schedule; Request for Correction. Public Counsel objects to the procedural schedule adopted in Order 02 for the reasons stated at the prehearing conference and reserves the right to request to modify the procedural schedule at a later date. Public Counsel also states that Order 02 does not correctly reflect Public Counsel's position on the procedural schedule and requests that the Commission modify Order 02 to reflect Public Counsel's position as stated during the prehearing conference.

DISCUSSION AND DECISION

- 6 No party raised the issue of the timing of discovery responses during the prehearing conference, including in response to the procedural schedule PSE proposed and the Commission adopted. Nor did the Commission unilaterally include any discussion of discovery response times in Order 02. Staff's request to shorten discovery responses after the filing of the Company's rebuttal testimony, therefore, would more appropriately have been presented in the form of a motion to modify the procedural schedule in Order 02, rather than as an objection to that order.
- 7 The Commission, however, liberally construes pleadings,¹ and accordingly will construe Staff's request as a motion to modify the procedural schedule. The Commission finds Staff's request reasonable under the circumstances, particularly in light of the timing of the Veterans Day Holiday, and will grant that request with one modification. All data requests seeking the shortened response time must be directed specifically to the Company's rebuttal testimony. No party should be subject to an abbreviated response time for discovery requests that could have been propounded before November 8, 2011.
- 8 The Commission otherwise overrules the objections to Order 02. The Commission adheres to its conclusion that the procedural schedule it adopted in that Order provides the parties with sufficient opportunity to develop the record the Commission

¹ WAC 480-07-395(4).

needs to render a decision on the PIP. All parties nevertheless retain the option to file a motion to amend or modify the procedural schedule.

- 9 The Commission also denies Public Counsel's request for correction of Order 02. Upon review of the transcript of the prehearing conference, the Commission finds the Order's summary of Public Counsel's position on the procedural schedule to be a reasonable interpretation of Public Counsel's stated remarks. The Commission appreciates Public Counsel's clarification of its position, but that clarification does not necessitate a correction to the prehearing conference order.

ORDER

THE COMMISSION ORDERS THAT:

- 10 (1) The procedural schedule adopted in Order 02 is modified to shorten to two business days the response time for data requests propounded after, and specifically directed at, Puget Sound Energy's Rebuttal Testimony due on November 8, 2011;
- 11 (2) Commission Staff's and Public Counsel's objections to Order 02 are overruled; and
- 12 (3) Public Counsel's request for correction to Order 02 is denied.

Dated at Olympia, Washington, and effective September 7, 2011.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

GREGORY J. KOPTA
Administrative Law Judge

NOTICE TO PARTIES: This is an Interlocutory Order of the Commission. Administrative review may be available through a petition for review, filed within 10 days of the service of this Order pursuant to WAC 480-07-810.