

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

PUGET SOUND ENERGY,

Respondent.

DOCKETS UE-220066 and
UG-220067 (*Consolidated*)

ORDER 03

PREHEARING CONFERENCE
ORDER; NOTICE OF HEARING
**(Evidentiary Hearing set for October
3-4, 2022, at 9 a.m.)**

1 On January 31, 2022, 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. PSE characterizes its filing as a general rate case (GRC). Citing the recently enacted RCW 80.28.425,¹ the Company proposes a multiyear rate plan with performance measures for its base electric rates.

2 Also on January 31, 2022, PSE filed revisions to its currently effective WN U-2 Tariff. The Company also proposes a three-year rate plan for its base natural gas rates.

3 **CONFERENCE.** The Commission convened a prehearing conference at Lacey, Washington on February 28, 2022, before Administrative Law Judge Michael Howard.

4 **APPEARANCES.** Sheree Carson, Pamela J. Anderson, Donna L. Barnett, David Steele, Ryan C. Thomas, and Byron C. Starkey, of Perkins Coie LLP, Seattle, Washington, represent PSE. Jennifer Cameron-Rulkowski, Jeff Roberson, Nash Callaghan, Harry Fukano, Joe Dallas, and Daniel Teimouri, Assistant Attorneys General, Lacey, Washington, represent Commission staff (Staff).² Ann Paisner, Lisa W. Gafken, and Nina Suetake, Assistant Attorneys General, Seattle, Washington, represent the Public Counsel Unit of the Attorney General's Office (Public Counsel). Brent Coleman of Davison Van

¹ See Laws of 2021, ch. 288 § 2.

² 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.

Cleve, P.C., Portland, Oregon, represents the Alliance of Western Energy Consumers (AWEC). Tyler Pepple and Corinne O. Milinovich of Davison Van Cleve, P.C., Portland, Oregon, represent Microsoft Corporation (Microsoft). Yochanan Zakai of Shute, Mihaly & Weinberger LLP and Simon J. ffitch, Attorney at Law, represent The Energy Project. Damon Xenopoulos, Shaun C. Mohler, and Laura W. Baker, of Stone Mattheis Xenopoulos & Brew, PC, Washington, DC, represent Nucor Steel Seattle, Inc. (Nucor Steel). Jaimimi Parekh and Jan Hasselman, of Earthjustice, represent the NW Energy Coalition (NWEC). J. Richard Aramburu, Attorney at Law, represents the Coalition of Eastside Neighborhoods for Sensible Energy (CENSE). Rita Liotta, of the United States Navy, represents the Federal Executive Agencies (FEA). Vicki M. Baldwin, of Parsons, Behle and Latimer, represents Walmart Inc. (Walmart). Gloria D. Smith, of the Sierra Club Environmental Law Program, represents Sierra Club. Verna Bromley and Raul Martinez, of the King County Prosecuting Attorney's Office, as well as Benjamin Mayer and Kari L. Vander Stoep, of K&L Gates LLP, represent King County. Lisa Anderson, Sam Stiltner, and Alec Wrolson, of the Law Office of the Puyallup Tribe, and Nicholas G. Thomas, of Ogden Murphy Wallace, PLLC, represent the Puyallup Tribe of Indians. Murial Thuraisingham, Clean Energy Policy Lead, represents Front and Centered.³ Contact information for the representatives of those granted party status is attached as Appendix A to this Order.

- 5 **PETITIONS TO INTERVENE.** AWEC, The Energy Project, Nucor Steel, NWEC, CENSE, Sierra Club, Walmart, King County, the Puyallup Tribe, Microsoft, and FEA timely filed petitions to intervene. Microsoft filed a written petition to intervene the day of the prehearing conference, which is addressed below.
- 6 Absent objections to the petitions to intervene filed by AWEC, The Energy Project, Nucor Steel, NWEC, Walmart, King County, and FEA, the Commission finds that these petitioners have established a substantial interest in this proceeding and that their participation will be in the public interest. Accordingly, the Commission grants those petitions.
- 7 PSE filed written objections to the petitions to intervene filed by both the Puyallup Tribe and CENSE. At the prehearing conference, AWEC joined in supporting PSE's objections to CENSE's petition for intervention. Public Counsel commented on, but did not object to, either organization's request to intervene. After considering all of the written submissions and arguments at the prehearing conference, we grant both the Puyallup

³ Front and Centered did not petition to intervene at the time of the prehearing conference.

Tribe's and CENSE's petitions for intervention subject to conditions, as explained below. We also address concerns raised regarding Microsoft's and Sierra Club's intervention.

8 **Standard of Review.** The Administrative Procedure Act (APA) states that a presiding officer may grant a petition to intervene in an adjudication “upon determining that the petitioner qualifies as an intervenor under any provision of law and that the intervention sought is in the interests of justice and will not impair the orderly and prompt conduct of the proceedings.”⁴ Commission rules provide the presiding officer with discretion to grant intervention “[i]f the petition discloses a substantial interest in the subject matter of the hearing or if the petitioner’s participation is in the public interest.”⁵ In addition, “the presiding officer may impose conditions upon the intervenor’s participation in the proceedings.”⁶ To determine whether a petitioner has a substantial interest in the proceeding, the Commission applies a “zone of interest test” that requires the petitioner to demonstrate that there is a nexus between the stated purpose of its intervention and an interest protected by a Washington statute within the Commission’s jurisdiction.⁷

9 As the Commission has observed, “The extent to which we allow intervention depends upon the number, complexity, and newness of the issues before us, upon whether we believe the intervenor will provide relevant facts and argument which are not cumulative and will contribute positively to our understanding and evaluation of the issues, and upon the effect that allowing a particular intervention will have upon the orderly and prompt conduct of the proceedings.”⁸

10 Applying these standards, we address each petition in turn.

11 **CENSE.** In its petition to intervene, CENSE states that it is a non-profit organization that represents thousands of East King County residents and business owners who are concerned with PSE’s 230kv transmission line project, referred to as “Energize Eastside.”

⁴ RCW 34.05.443(1).

⁵ WAC 480-07-355(3).

⁶ RCW 34.05.443(2); accord WAC 480-07-355(3).

⁷ *In Re Joint Application of Verizon Communications, Inc. and Frontier Communications Corporation for an Order Declining to Assert Jurisdiction Over, or, in the Alternative, Approving the Indirect Transfer of Control of Verizon Northwest, Inc.*, Docket UT-090842, Order 05, ¶ 14 (Sep. 10, 2009).

⁸ *In the Matter of the Investigation on the Commission's Own Motion into the Propriety and Adequacy of Certain Depreciation Rates of US West Communications, Inc. And the Changes, if any, that Should be Ordered to such Depreciation Rates*, Docket UT-951425 Fourth Supplemental Order (March 28, 1997).

CENSE notes that it has participated in various land use, legislative, and permitting proceedings regarding this project since 2014. CENSE has also commented on PSE's Integrated Resource Plans (IRPs) regarding this project. CENSE requests to intervene because PSE seeks a prudency determination for investments in the Energize Eastside project. Although CENSE has not yet determined the exact scope of its participation, it maintains that it will not unnecessarily broaden the issues or impair the orderly and prompt conduct of this proceeding.

- 12 PSE filed a written objection to CENSE's petition to intervene. PSE argues that the interests CENSE identifies are already represented by other statutory parties, such as Public Counsel. PSE also argues that CENSE fails to demonstrate a substantial interest in this proceeding and fails to articulate how its participation is in the public interest. Finally, PSE expresses its concern that CENSE will attempt to re-litigate earlier permitting decisions made by other regulatory bodies, and that these decisions are beyond the scope of this proceeding. PSE argues that CENSE should participate by filing public comments rather than being granted party status.
- 13 On February 25, 2022, CENSE filed a reply to PSE's written objections. Because CENSE did not seek leave from the Commission prior to filing its reply, we do not consider it in this Order. The Commission will address CENSE's reply and PSE's February 28, 2022, Motion to Strike by separate order.
- 14 At the prehearing conference, CENSE stated that it does not intend to broaden the issues and will instead focus on the issue of the prudency of the costs PSE incurred for its Energize Eastside project. CENSE noted that it previously filed comments in response to PSE's 2017 IRP related to this issue.
- 15 PSE reiterated its position that CENSE would broaden the issues in this proceeding and that CENSE may advance arguments that were discredited in other venues. Although Public Counsel also intends to address the Energize Eastside project, it does not object to CENSE's petition to intervene. No other party objected to CENSE's petition to intervene.
- 16 Overall, we find that CENSE has demonstrated that it has a substantial interest in a limited issue in this proceeding that is not adequately represented by other statutory parties. Although Public Counsel intends to address the prudency of PSE's investments in Energize Eastside, CENSE offers a broader depth of knowledge and experience related to this issue than any other party because it has been participating in proceedings related to the project for nearly eight years. As such, its perspective may not be adequately represented by other parties. For those same reasons, we find that CENSE is likely to

provide facts and argument that are not cumulative of other parties' facts and arguments, and that its participation may contribute positively to the Commission's understanding of issues related to the prudence of the investments at issue.

- 17 At the prehearing conference, CENSE committed to focusing its case solely on the prudence of PSE's Energize Eastside investments. Because the Commission is the only regulatory body that can determine the prudence of PSE's investments, we are not as concerned that CENSE will advance arguments that have been rejected in other forums. Nevertheless, we impose certain conditions to avoid this outcome and to ensure that CENSE adheres to its assurances regarding the limited scope of its participation because it has not yet established that it meets the standards for intervention with respect to other issues in this proceeding.
- 18 Accordingly, we place conditions on CENSE's participation pursuant to RCW 34.05.443(2) as follows: (1) CENSE's participation in this proceeding is limited to the prudence of PSE's Energize Eastside project investments; (2) CENSE will participate in discovery and cross-examination only with respect to the Energize Eastside project; and (3) CENSE will—to the extent reasonably possible—coordinate the presentation of its case with Public Counsel.
- 19 **Puyallup Tribe.** In its petition to intervene, the Puyallup Tribe states that it holds unique and distinct evidence regarding the prudence of the costs PSE incurred in developing the Tacoma Liquid Natural Gas (LNG) plant. The Puyallup Tribe submits that the Tacoma LNG plant will provide less natural gas to ratepayers than originally projected. The Puyallup Tribe further asserts that its participation will be narrow and focused. The Puyallup Tribe also notes that it has members who may, from time to time, be eligible for need-based utility assistance.
- 20 In its objections, PSE argues that the Puyallup Tribe has unsuccessfully opposed the Tacoma LNG plant for several years and that the Puyallup Tribe will present evidence that has been discredited in other venues. PSE expresses concern that the Puyallup Tribe will expand the scope of the proceeding. PSE submits that the interests of tribe members are adequately represented by other parties. However, if the Puyallup Tribe is allowed to intervene, PSE requests that the Commission limit the scope of its participation. PSE also argues that the Commission should instruct the Puyallup Tribe that it cannot use evidence obtained in this proceeding for purposes outside the current Commission proceeding.
- 21 At the prehearing conference, the Puyallup Tribe acknowledged the limited scope of the issues before the Commission with respect to the Tacoma LNG plant. The Puyallup Tribe

indicated that it was familiar with the protective orders used by the Commission but explained that information not marked confidential is generally considered public information and is not subject to these protective orders. PSE maintained its opposition to the Puyallup Tribe's intervention in the case, arguing that the Puyallup Tribe should not be allowed to make arguments rejected in other venues. Public Counsel also commented on the Puyallup Tribe's petition to intervene. Public Counsel noted, among other points, that the Puyallup Tribe's participation is encouraged by the recently enacted statute providing for participant funding in Commission proceedings.⁹

22 We grant the Puyallup Tribe's petition to intervene subject to conditions. We agree with Public Counsel that RCW 80.28.430 prioritizes participation by organizations such as the Puyallup Tribe, which represent vulnerable populations and highly impacted communities. Pursuant to RCW 19.405.020(23), a "highly impacted" community includes "a community located in census tracts that are fully or partially on 'Indian country' as defined in 18 U.S.C. Sec. 1151."¹⁰ The Puyallup Tribe's land includes land designated as "Indian country" under federal law, as it presented at the prehearing conference. This designation conclusively demonstrates that the Puyallup Tribe's participation is in the public interest.

23 Furthermore, we find that the Puyallup Tribe has demonstrated a substantial interest in this proceeding that is not adequately represented by other parties. The Puyallup Tribe maintains that its participation will be narrow and focused, and at the prehearing conference, it acknowledged the relatively narrow issue before the Commission with regards to the Tacoma LNG plant. Like CENSE, the Puyallup Tribe offers a unique perspective because of its lengthy involvement with various aspects of the Tacoma LNG project. As such, there is sufficient reason to believe that the Puyallup Tribe may bring relevant evidence into the record that is not merely cumulative of other parties' efforts.

24 As with CENSE, we find it appropriate to place conditions on the Puyallup Tribe's participation in this proceeding to ensure its scope is narrow. We therefore find that (1) the Puyallup Tribe's participation in this proceeding is limited to the prudence of the costs associated with PSE's Tacoma LNG plant, the portion of Tacoma LNG plant costs that should be borne by ratepayers, and low-income programs; (2) the Puyallup Tribe will participate in discovery and cross-examination only with regards to the Tacoma LNG

⁹ Engrossed Substitute Senate Bill 5295, Chapter 188, Laws of 2021, codified as RCW 80.28.430.

¹⁰ Because RCW 80.28.430 does not itself define the terms "vulnerable populations" or "highly impacted communities," we read these terms in light of the definitions in the Clean Energy Transformation Act, RCW 19.405 *et seq.*.

plant project and low-income programs; and (3) the Puyallup Tribe will—to the extent reasonably possible—coordinate the presentation of its case regarding low-income programs with The Energy Project and Public Counsel.

25 We decline, however, to instruct the Puyallup Tribe further as to the use of any discovery obtained in this proceeding. The Puyallup Tribe acknowledges that it is bound by the protective order, Order 02, in these consolidated dockets. But the Puyallup Tribe correctly observes that any discovery responses that are not marked “confidential” or “highly confidential” are not subject to the protective order. The Commission does not have cause, at this point in time, to instruct the Puyallup Tribe as to the use of non-confidential information obtained through discovery.

26 **Sierra Club.** At the prehearing conference, PSE expressed concerns regarding the scope of Sierra Club’s participation and whether Sierra Club would expand the issues in this proceeding. PSE did not oppose Sierra Club’s petition to intervene but supported placing conditions on the organization’s participation. In response, Sierra Club noted that it may have used inaccurate wording at one point in its petition to intervene, which may have given an incorrect impression. Sierra Club submitted that it was appropriately focused on the prudence of certain investments, rather than broader issues outside of the Commission’s jurisdiction.

27 We decline to place conditions on Sierra Club’s participation. The Sierra Club both clarified the language in its petition and provided reassurance it will focus only on the issues before the Commission. At this point in time, we do not have cause for concern that Sierra Club will unnecessarily expand the issues or hinder the orderly conduct of this proceeding. For the same reasons, we decline to require Sierra Club to coordinate the presentation of its case with NWECA.

28 **Microsoft.** On February 28, 2022, Microsoft filed a written petition to intervene. This was the same day as the prehearing conference. Microsoft notes that it has a substantial interest in this proceeding because PSE proposes in its initial filing how to allocate decommissioning and remediation costs from the Colstrip Generating Station to Microsoft.

29 Pursuant to WAC 480-07-355(1)(a), written petitions to intervene should be filed “at least three business days before the initial hearing date or prehearing conference, whichever occurs first.” Microsoft failed to comply with this requirement. Although Microsoft should be aware of the Commission’s procedural rules, we will nevertheless

accept Microsoft’s petition to intervene as timely. A “good cause” showing is not required unless the petitioner waits until after the prehearing conference.¹¹

30 Thus, absent any objections to Microsoft’s petition to intervene, we find that Microsoft has established a substantial interest in this proceeding and that its participation will be in the public interest. We accordingly grant Microsoft’s petition to intervene.

31 **PROTECTIVE ORDER.** The Commission entered a protective order as Order 02 in this docket on February 10, 2022.

32 **DISCOVERY.** Order 01 provides that discovery will be conducted under the Commission’s discovery rules, 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. If the parties are unable to resolve discovery disputes, the presiding administrative law judge encourages the parties to either file appropriate motions or to contact the presiding administrative law judge to arrange for a discovery conference. Because it is difficult to predict when a discovery conference may be needed, if at all, a discovery conference is only identified as a “to be determined” date on the procedural schedule attached in Appendix B.

33 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.

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

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

36 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

¹¹ See WAC 480-07-355(1)(b) (“The commission may grant a petition to intervene made after the initial hearing or prehearing conference, whichever occurs first, only on a showing of good cause, including a satisfactory explanation of why the person did not timely file a petition to intervene.”).

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, the protective order issued in this docket, and the conditions placed on CENSE's and the Puyallup Tribe's participation in discovery in this Order. 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.

37 **PROCEDURAL SCHEDULE.** PSE and Staff presented different procedural schedules to the presiding administrative law judge at the prehearing conference. The parties indicated that they were at an impasse and requested a ruling on this issue.

38 The parties gave several reasons why they could not agree on a procedural schedule. PSE argued that the parties are generally allowed to file reply briefs (a second round of briefing) after a general rate case hearing. Only PSE's schedule provided for reply briefs. PSE was also concerned that Staff provided only five weeks between response testimony and rebuttal testimony. The Company noted that it was unwilling to extend the effective date of its tariffs to allow additional time to accommodate its requests.

39 In its comments, Staff observed that both Avista Corporation d/b/a Avista Utilities (Avista) and PSE filed general rate cases within one week of each other. The presiding administrative law judge proposed holding the hearing in this proceeding on September 27 and September 28, 2022, which is only one week after the hearing in Avista's general rate case.

40 Public Counsel agreed with Staff's proposed schedule, with the exception of a settlement conference date set for June 14, 2022. Public Counsel submitted that the Commission does not always provide for reply briefs, noting that reply briefs are not included in the procedural schedule for Avista's pending general rate case.¹²

41 After considering all of the circumstances and the parties' comments, we adopt Staff's procedural schedule. There are trade-offs associated with either PSE's or Staff's procedural schedule. While the Commission may benefit from a second round of post-hearing briefing, second briefs are not required by any statute or Commission rule. Moreover, allowing two rounds of briefing is impractical in circumstances like those

¹² See *Avista Corporation d/b/a Avista Utilities*, Dockets UE-220053 and UG-220054, Order 03 App. B (February 16, 2022).

presented here, where competing workload priorities create time constraints for most parties and the Commission. On balance, it is more important for the Commission to provide adequate time to review all of the pre-filed testimony before the evidentiary hearing and to provide adequate time to consider, discuss, and draft a final order following the last round of briefing.

42 We therefore adopt Staff's proposed procedural schedule. Because Public Counsel may not be available for a June 14, 2022, settlement conference, we note that the parties may change the date of this settlement conference with written notice to the Commission.

43 We also conclude that it is premature to set a deadline for PSE's compliance filing. The Commission will state in its final order a date for the Company's compliance filing.¹³ Staff must then file a response to the Company's compliance filing within five business days.¹⁴

44 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, as indicated in Staff's proposed schedule. The Commission therefore adopts Staff's proposed procedural schedule, which is attached to this Order as Appendix B.

45 Finally, as the presiding administrative law judge observed at the prehearing conference, 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.

46 **INTERVENOR FUNDING.** On February 24, 2022, the Commission issued Order 01, Approving Agreement with Modifications, implementing an interim participatory funding agreement (Agreement) to enhance public participation in the Commission's regulatory processes pursuant to RCW 80.28.430.

47 Because the Commission approved the Interim Agreement only a few days before the prehearing conference, the presiding administrative law judge emailed the parties indicating that they would be allowed until March 14, 2022, to file any requests for case

¹³ WAC 480-07-880(2).

¹⁴ See WAC 480-07-880(4).

certification and notices of intent to seek funding. This is a deadline for written submissions only. The deadline for proposed budgets follows 30 days later, on April 13, 2022. These deadlines are included in Staff's proposed schedule and are set forth in Appendix B, attached to this Order.

48 **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) In light of the COVID-19 pandemic, the Commission is suspending requirements for paper filings in this case for all submissions dating after the Company's initial testimony.
- (d) Documents filed with the Commission must conform to the formatting and other requirements in WAC 480-07-395 and WAC 480-07-460, and must comply with the requirements in WAC 480-07-160 and the Protective Order in this docket for documents that include information designated as confidential.
- (e) Parties must electronically serve the other parties and provide courtesy electronic copies of filings to the presiding administrative law judge (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.

- (f) Attorneys, non-attorney representatives, and witnesses are welcome to include their pronouns in filings or oral testimony if they so choose. The Commission does not assume any person's pronouns and will use they/them/theirs for witnesses and representatives who do not provide their pronouns.

49 **EXHIBITS FOR CROSS-EXAMINATION.** Parties are required to file with the Commission and serve all proposed cross-examination exhibits by **5 p.m. on September 26, 2022.** 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.

50 **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. The Company will prepare and file its preliminary exhibit list for its initial filing in this docket. 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., September 26, 2022.**

51 **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 the administrative law judge (michael.howard@utc.wa.gov) and the other parties by **5 p.m., September 26, 2022.**

52 **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. The exact date of the public comment hearing is to be determined. The Commission agrees that conducting a virtual public comment hearing is in the public interest and will therefore convene a public comment hearing on or before October 4, 2022. 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.

- 53 **NOTICE OF EVIDENTIARY HEARING.** The Commission will hold a virtual evidentiary hearing in these dockets on **October 3, 2022, at 9 a.m. and, if necessary, continuing on October 4, 2022.** To participate by phone, call (253) 215 8782 and enter the Conference ID: 958 4537 3117# and use passcode 588131#. To participate via Zoom, use the following link: [Click here to join the meeting.](#)
- 54 **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.
- 55 Parties are also encouraged to consider other means of resolving disputes informally. The Commission has limited ability to provide dispute resolution services. If you wish to explore those services, please contact Rayne Pearson, Director, Administrative Law Division (360-664-1136).
- 56 **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 March 3, 2022.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Michael S. Howard
MICHAEL S. HOWARD
Administrative Law Judge

APPENDIX A
PARTIES' REPRESENTATIVES
DOCKETS UE-220066 and UG-220067 (Consolidated)

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**APPENDIX B
PROCEDURAL SCHEDULE
DOCKETS UE-220066 and UG-220067 (Consolidated)**

EVENT	DATE
General Rate Case Filing	January 31, 2022
Complaint and Suspension Order; Commencement of Discovery	February 10, 2022
Prehearing Conference	February 28, 2022
Intervenor funding Case Certification/Notice of Intent to Seek Funding	March 14, 2022
Intervenor Funding Proposed Budgets	April 13, 2022
Green Direct Settlement Conference ¹	Week of April 11, 2022 or the week of April 18, 2022
Initial Settlement Conference	June 13-14, 2022²
Staff, Public Counsel, and Intervenor Response Testimony and Exhibits ³	July 19, 2022
PSE Circulates Joint Issues Matrix	July 22, 2022
Settlement Conference	August 10, 2022
Notice Issued for Public Comment Hearing	To be determined (“TBD”) – at least 30 days before the Public Comment Hearing
Public Comment Hearing	TBD – based on Commissioner availability

¹ See WAC 480-07-700(5)(a) (“Parties may reschedule a settlement conference included in the procedural schedule without seeking to modify the schedule if all parties agree, but the parties must provide notice to the presiding officer of the rescheduled date.”)

² *Id.*

³ Response time to data requests will be seven business days as of this date.

PSE Rebuttal Testimony and Exhibits; Staff, Public Counsel, and Intervenor Cross-Answering Testimony and Exhibits ⁴	August 23, 2022
<p>PSE files Power Cost Update—The filing will incorporate updates to the following:</p> <ol style="list-style-type: none"> 1. Natural gas prices to a more recent three-month average of forward market prices, 2. Power and gas-for-power hedge contracts and index-priced physical supply contracts, 3. BPA transmission contract rates, 4. Natural gas pipeline rates, 5. Mid-Columbia hydroelectric contract costs, and 6. Other rate year contract rates. <p>In addition, the power cost update will refresh the level of forecasted EIM benefits for the rate plan period years.</p>	August 23, 2022
Discovery Deadline - Last Day to Issue Data Requests	September 16, 2022
PSE files Joint Issues Matrix	September 26, 2022
Exhibit List, Cross-Examination Exhibits, Witness Lists, Time Estimates, Exhibits Errata	September 26, 2022
Evidentiary Hearing	October 3, 2022 beginning at 9:00am, continuing as needed through October 4, 2022⁵
Post-hearing Briefing and Updated Joint Issues Matrix	October 31, 2022

⁴ Response time to data requests will be five business days as of this date.

⁵ TEP raised a concern that the Yom Kippur holiday begins the evening of October 4, 2022. If any party is concerned with religious accommodations around this holiday, please contact the presiding administrative law judge.

Compliance Filing	TBD⁶
Suspension Date	December 31, 2022

⁶ Pursuant to WAC 480-07-880, Staff has five business days to review the Company's compliance filing prior to rates going into effect.