

**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 04

GRANTING MOTION TO STRIKE

BACKGROUND

- 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 Tariff WN U-60, Tariff G, Electric Service, and its currently effective Tariff WN U-2, Natural Gas.
- 2 On February 22, 2022, the Coalition of Eastside Neighborhoods for Sensible Energy (CENSE) filed a Petition for Leave to Intervene (Petition). CENSE notes that it represents residential customers and business owners who are concerned with the Company's 230kv transmission line "Energize Eastside" project. CENSE indicated that it had not yet determined the extent of its participation but requested to intervene in this proceeding.
- 3 On February 24, 2022, PSE filed a Response to CENSE's Petition for Intervention. PSE argued that the Petition should be denied because CENSE does not identify a substantial interest in the proceeding that is not already represented by statutory parties, and because CENSE does not establish that its intervention would be in the public interest.
- 4 On February 25, 2022, CENSE filed a Reply to PSE's Response to CENSE's Petition for Intervention (Reply). CENSE argued that its comments informed the Commission's discussion of PSE's 2017 Integrated Resource Plan (IRP) and that CENSE met the standards for intervention. CENSE did not request leave from the Commission in order to file this reply.

- 5 On February 28, 2022, PSE filed a Motion to Strike CENSE’s Reply to PSE’s Response to CENSE’s Petition for Intervention (Motion to Strike). PSE submits that WAC 480-07-355, which governs petitions for intervention, does not allow for an intervening party to file a reply. PSE also notes that WAC 480-07-370(5) states that a reply is not permitted without prior approval of the Commission upon a showing of good cause. PSE argues that CENSE made new arguments in the reply that should have been raised in the Petition and that CENSE did not make any showing as to why a reply was necessary. PSE argues that the Commission should strike CENSE’s reply and deny CENSE’s requested intervention.
- 6 On February 28, 2022, the Commission held a virtual prehearing conference before administrative law judge Michael S. Howard. CENSE argued in support of its Petition and requested leave orally to file its Reply. PSE reiterated its arguments against CENSE’s Petition and in support of PSE’s Motion to Strike. The presiding administrative law judge indicated that CENSE’s Petition would be granted subject to conditions and that PSE’s Motion to Strike would also be granted, with more detailed explanations of each ruling following in written orders.
- 7 On March 3, 2022, the Commission issued Order 03, Prehearing Conference Order and Notice of Hearing, setting an evidentiary hearing for October 3-4, 2022. The Commission granted CENSE’s Petition subject to conditions. However, the Commission indicated that a ruling on PSE’s Motion to Strike would be addressed separately.

DISCUSSION

- 8 We grant PSE’s Motion to Strike CENSE’s Reply. Pursuant to WAC 480-07-370(5), “A party must not file a reply without permission from the commission, which the commission will grant only upon a showing of good cause.” This is consistent with the Commission’s rules concerning intervention. The Commission’s rules provide that a party may respond to any petition to intervene, but there is no right to follow a reply to a petition to intervene.¹
- 9 As PSE correctly observes, CENSE did not seek leave of the Commission to file its Reply and therefore violated WAC 480-07-370(5). It is thus appropriate to strike CENSE’s Reply. Although CENSE moved at the prehearing conference for leave to file its Reply, this oral motion was made after-the-fact, and CENSE failed to demonstrate good cause as required by the Commission’s rules.

¹ WAC 480-07-355(2).

ORDER

10 **THE COMMISSION ORDERS That Puget Sound Energy's Motion to Strike
CENSE's Reply is GRANTED.**

DATED at Lacey, Washington, and effective March 3, 2022.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Michael S. Howard
MICHAEL HOWARD
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.**