

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of	DOCKET UE-200115
PUGET SOUND ENERGY	ORDER 05
For an Order Authorizing the Sale of All of Puget Sound Energy’s Interests in Colstrip Unit 4 and Certain of Puget Sound Energy’s Interests in the Colstrip Transmission System	DENYING INTERLOCUTORY REVIEW

- 1 On February 19, 2020, Puget Sound Energy (PSE or Company) filed with the Washington Utilities and Transportation Commission (Commission) an Application for an Order Authorizing the Sale of All of PSE’s Interests in Colstrip Unit 4 and Certain of PSE’s Interests in the Colstrip Transmission System (Application).
- 2 On March 13, 2020, the Commission held a prehearing conference in this matter. On March 23, 2020, the Commission entered Order 02, Prehearing Conference Order, which, among other things, granted the timely petitions to intervene filed by the Alliance of Western Energy Consumers, the Sierra Club, Natural Resources Defense Council, NW Energy Coalition, Renewable NW, Avista Corp. d/b/a Avista Utilities, PacifiCorp d/b/a Pacific Power & Light Co., and Portland General Electric.
- 3 On September 4, 2020, Jeff Jordan filed with the Commission a late-filed petition to intervene.
- 4 On September 8, 2020, the Commission convened a status conference before Administrative Law Judge Andrew J. O’Connell to discuss changes to the procedural schedule and address late-filed petitions to intervene. PSE opposed Jordan’s petition. No other party commented on Jordan’s petition.
- 5 On September 10, 2020, the Commission entered Order 04, which, among other things, concluded that Jordan failed to establish a substantial interest that is not already adequately represented in this proceeding, failed to show that his participation as a party is in the public interest, and failed to demonstrate good cause for his late-filed petition.

Order 04 also found that Jordan seeks to broaden the issue in this proceeding, which the Commission declined to do.

6 On September 21, 2020, Jordan filed a Petition for Interlocutory Review of Order 04 (Petition). Jordan argues that no other party is likely to advocate specifically for his position related to transmission planning. Specifically, Jordan asserts that Northwest wind and solar cannot be used to replace retiring winter baseload coal generation, and that converting the existing Colstrip Transmission System (CTS) and continuing BPA segments high-voltage, direct-current transmission would ensure that PSE and other Northwest utilities could rely on Northern Plains wind to meet load and clean energy requirements.

7 On September 28, 2020, PSE filed a response to the Petition. PSE argues that Jordan does not have a substantial interest in the proceeding, that his participation is not in the public interest because he seeks to broaden the scope of the proceeding, and that Jordan has no valid reason for seeking to intervene at this late stage of the proceeding.

8 On September 30, 2020, Jordan filed a reply to PSE's response. Jordan disputes PSE's arguments that Public Counsel adequately represents his interests and that he did not demonstrate good cause for his late filing.<sup>1</sup>

#### DISCUSSION

9 The Commission may accept review of interim or interlocutory orders if it finds that:

- (a) The order terminates a party's participation in the proceeding, and the party's inability to participate thereafter could cause it substantial and irreparable harm;
- (b) Immediate review is necessary to prevent substantial prejudice to a party that would not be remediable in the Commission's final order; or
- (c) Immediate review could save the Commission and the parties substantial effort or expense, or some other factor is present that outweighs the costs in time and delay of exercising review.<sup>2</sup>

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<sup>1</sup> WAC 480-07-810(3) does not permit petitioners to reply to other parties' responses. Accordingly, Jordan's reply is not properly before the Commission.

<sup>2</sup> WAC 480-07-810(2).

10 Jordan's Petition fails to demonstrate substantial and irreparable harm or prejudice to Jordan as a result of Order 04, or resource savings that parties and the Commission would realize from interlocutory review.<sup>3</sup> We nevertheless exercise our discretion to accept review of the determination in Order 04 to deny Jordan's petition to intervene. We agree with that determination and thus deny the Petition.

11 The presiding officer in a Commission adjudication may grant a petition to intervene "[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."<sup>4</sup> Jordan's Petition does not challenge the finding in Order 03 that he lacks a substantial interest. Rather, he contends only that his participation would be in the public interest and that his position is not adequately represented by any other party.

12 As a preliminary matter, we agree with the administrative law judge's conclusion in Order 04 that Jordan's petition to intervene failed to establish good cause for his late filing. Jordan states that his petition was late because he "only recently become aware of the importance of details surrounding the proposed transfer of PSE's interest in the Colstrip Transmission System to NorthWest Energy." Jordan does not claim that he was unaware of this proceeding or that circumstances beyond his control precluded him from timely filing. Accordingly, we find that Jordan's explanation does not justify a six-month delay in seeking intervention.

13 Although our analysis need not go further, we also uphold the administrative law judge's conclusion that Jordan failed to demonstrate that his participation in this proceeding would be in the public interest. According to Jordan, he is "offering a unique and timely advocacy in the public interest."<sup>5</sup> Specifically, Jordan claims that his "participation goes directly to preventing a winter-power-capacity-shortage event similar to California's current problem and to the NW Power Pool market events of 2001, so is in the interests of Washington ratepayers both outside and inside of PSE's service territory."<sup>6</sup> As the

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<sup>3</sup> In his reply, which is not properly before the Commission, Jordan argues only that "written comments and oral statements are much less effective representation of interests than are testimony and participation in the process, which are only available to an intervenor." This does not establish that Jordan will be substantially or irreparably harmed.

<sup>4</sup> WAC 480-07-355(3).

<sup>5</sup> Petition ¶ 5.

<sup>6</sup> *Id.* ¶6.

administrative law judge correctly observed, Jordan's focus on transmission planning – specifically promoting a HVDC transmission line – exceeds the scope of this proceeding.

14 Finally, we agree with the finding in Order 04 that Jordan's interests are adequately represented by other parties to the extent that those interests are within the scope of this proceeding. Jordan's argument that other parties have not expressly agreed to represent his specific interests is unpersuasive. Multiple intervenors represent environmental interests and Public Counsel represents residential ratepayers.

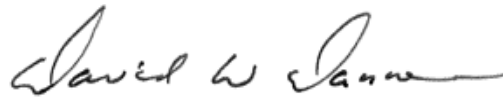
15 The record in this docket includes Jordan's comments and proposals, and we will consider them along with other public comments to the extent they are relevant to the determinations we must make in this proceeding. Beyond that, however, we agree with the conclusion in Order 04 that Jordan's petition to intervene should be denied.

**ORDER**

16 **THE COMMISSION ORDERS That** Jeff Jordan's Petition for Interlocutory Review of Order 04 is DENIED.

Dated at Lacey, Washington, and effective October 12, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



DAVID W. DANNER, Chairman



ANN E. RENDAHL, Commissioner



JAY M. BALASBAS, Commissioner