

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND)	DOCKET UG-110723
TRANSPORTATION COMMISSION,)	
)	
Complainant,)	ORDER 05
)	
v.)	
)	ORDER GRANTING, IN PART,
PUGET SOUND ENERGY, INC.,)	PSE MOTION TO AMEND
)	PROCEDURAL SCHEDULE AND
)	MODIFYING PROCEDURAL
Respondent.)	SCHEDULE
)	
.....)	

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 observed 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 requested that the response time for data requests propounded after November 8, 2011, be reduced to two business days.

5 On September 7, 2011, the Commission issued Order 03, which construed Staff's request as a motion to amend the procedural schedule and granted that request with the additional condition that such discovery must be directed to PSE's rebuttal testimony.

6 Also on September 7, 2011, PSE filed a Motion to Amend Procedural Schedule requesting that the Commission shorten the response time to discovery propounded after October 25, 2011, the date by which Staff and other parties must file response testimony. PSE observes that with only two weeks between the last two rounds of testimony filings, the Company would not have time to receive responses to any discovery directed to the response testimony before filing its rebuttal. PSE also requests that same three business day response time to data requests apply to discovery propounded after November 8, 2011, rather than the two business days ordered in Order 02. No party filed a timely response to PSE's motion.

DISCUSSION AND DECISION

7 The Commission agrees that responses to discovery propounded after October 25, 2011, should be shortened from the 10 business days provided in WAC 480-07-405(7)(b). None of the parties who would be required to respond to such data requests objected to PSE's request to provide responses in three business days. The Commission, therefore, will adopt that response time for discovery propounded after, and directed to, the response testimony filed on or before October 25, 2011.

8 The Commission, however, declines to modify the two business day response time for discovery propounded after November 8, 2011, and directed to PSE's rebuttal testimony. November 8 is a Tuesday, and Friday of that week, November 11, is Veteran's Day, a non-business day, leaving only five business days between the date PSE must file its rebuttal testimony and the first day of evidentiary hearings. Parties should have the opportunity to propound discovery to which they can receive responses in sufficient time to be used at the hearings. Under the circumstances presented in this case, a two business day response time after November 8, 2011, provides that opportunity, but a three business day response time after that date does not. Accordingly, the Commission will deny that aspect of PSE's motion.

ORDER

THE COMMISSION ORDERS THAT:

- 9 (1) Puget Sound Energy, Inc.'s Motion to Amend Procedural Schedule is granted
in part and denied in part.
- 10 (2) The procedural schedule adopted in Order 02 is modified to shorten to three
business days the response time for data requests propounded after, and
specifically directed at, Response Testimony due by October 25, 2011.

Dated at Olympia, Washington, and effective September 20, 2011.

WASHINGTON 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.**