

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

PUGET SOUND ENERGY, INC.,
and NW ENERGY COALITION

For an Order Authorizing PSE To
Implement Electric and Natural Gas
Decoupling Mechanisms and To
Record Accounting Entries
Associated With the Mechanisms

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WASHINGTON UTILITIES AND
TRANSPORTATION
COMMISSION,

Complainant,

v.

PUGET SOUND ENERGY, INC.,

Respondent.

DOCKETS UE-121697 and
UG-121705

DOCKETS UE-130137 and
UG-130138

PUBLIC COUNSEL MOTION FOR
RECONSIDERATION OR
CLARIFICATION OF ORDER 11

I. Pursuant to WAC 480-07-375, WAC 480-07-430 and WAC 480-07-810, Public Counsel respectfully requests reconsideration or clarification with respect to Order 11, ¶15. The Order states, in part, that “the Court’s order unequivocally puts us to the task of reconsidering in the context of fully developed analyses of *data contemporaneous with the entry of Order 07* whether a 9.8 percent ROE remained, in fact, within the zone of reasonable returns at that time.”

2. As Public Counsel argued at the prehearing conference, this formulation appears to shift the burden of proof to other parties, requiring them to disprove, in effect that 9.8 percent remains a fair ROE. The Court's order remands the case to the Commission "to establish fair, just, reasonable and sufficient rates to be charged under the rate plan." PSE is required to carry its burden of proof to establish the correct ROE as of the time contemporaneous with Order 07. There is no presumption, rebuttable or otherwise, that 9.8 percent, or any other level, is the correct level.

3. This may not be the Commission's intention in Order 11. However, Public Counsel respectfully requests that the Order be clarified to make clear that the burden in the case is not to prove that the prior 2012 ROE is no longer valid. This is never the task in a general rate case. Instead Puget Sound Energy must simply prove, by a preponderance of the evidence, what the correct ROE is to be applied during the period of the rate plan, based upon the additional evidence to be presented in this phase of the docket.

4. DATED this 7th day of November, 2014.

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