

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*)

RESPONSE OF COMMISSION
STAFF TO KROGER'S LATE-FILED
PETITION TO INTERVENE

1 Pursuant to the Notice of Opportunity to Respond that the Washington Utilities and
Transportation Commission (Commission) served March 2, 2022, Commission Staff
provides this response to the Amended Late Filed Petition to Intervene of Fred Meyer Stores
Inc. and Quality Food Centers, Divisions of The Kroger Co. (Kroger).

2 The Commission held a prehearing conference in the proceeding referenced above
on February 28, 2022. On March 1, 2022, Kroger filed a Petition to Intervene in this
proceeding. The following day, Kroger filed an Amended Late Filed Petition to Intervene.

3 Pursuant to the Commission's intervention rule, the presiding officer may grant a
petition to intervene if the petitioner has a substantial interest in the subject matter of the
proceeding or if the petitioner's participation is in the public interest. WAC 480-07-355(3).
When a petition to intervene meets this standard but is made after the prehearing conference,
the Commission may grant a petition to intervene made after the prehearing conference only
on a showing of good cause, including a satisfactory explanation of why the person did not
timely file a petition to intervene. WAC 480-07-355(1)(b).

4 In its Amended Late Filed Petition to Intervene, Kroger explains that the petition was
filed late because Kroger did not become aware of the proceeding until Friday, February 25,
2022, and Kroger's counsel was not available then to review the case. The prehearing

conference commenced the following Monday morning at 9:30. Because Kroger states in its petition that it will accept the procedural schedule as is and because Staff believes the company meets the Commission's standard for intervention, Staff does not object to Kroger's late intervention.

DATED March 7, 2022.

Respectfully submitted,

ROBERT W. FERGUSON
Attorney General

/s/ Jennifer Cameron-Rulkowski, WSBA No. 33734
Assistant Attorney General
Office of the Attorney General
Utilities and Transportation Division
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1186
jennifer.cameron-rulkowski@utc.wa.gov