

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND)	DOCKET UE-100177
TRANSPORTATION COMMISSION,)	
)	
Complainant,)	ORDER 03
)	
v.)	
)	PREHEARING CONFERENCE
PUGET SOUND ENERGY,)	ORDER
)	
Respondent.)	
)	
.....)	

1 **NATURE OF PROCEEDING.** Docket UE-100177 involves the 10-year achievable conservation potential and biennial conservation target report (Report) filed by Puget Sound Energy (PSE) with the Washington Utilities and Transportation Commission (Commission) on January 29, 2010, in compliance with RCW 19.285 and WAC 480-109. In the report, PSE projects its 10-year achievable conservation potential and biennial conservation target.

2 The matter was brought before the Commission at its open meeting on March 11, 2010. Because PSE did not provide sufficient information to determine whether the 10-year achievable conservation potential and biennial conservation target should be approved, the Commission entered an order setting the matter for hearing.¹

3 **CONFERENCE.** The Commission convened a prehearing conference in this docket at Olympia, Washington on April 1, 2010, before Administrative Law Judge Marguerite E. Friedlander.

¹ See Order 01.

4 **APPEARANCES.** Sheree Strom Carson, Perkins Coie, Bellevue, Washington, represents PSE. Danielle Dixon, Senior Policy Associate, Seattle, Washington, represents NW Energy Coalition (NVEC). Irion Sanger, Davison Van Cleve, P.C., Portland, Oregon, represents Industrial Customers of Northwest Utilities (ICNU). Simon ffitich, Senior Assistant Attorney General, Seattle, Washington, represents the Public Counsel Section of the Washington Office of the Attorney General (Public Counsel). Fronda Woods, Assistant Attorney General, Olympia, Washington, represents the Commission's regulatory staff (Commission Staff or Staff).² Contact information provided at the prehearing conference for the parties' representatives is attached as Appendix A to this order.

5 **PETITIONS FOR INTERVENTION.** NVEC and ICNU petitioned in writing to intervene in the docket. No party objected to their petitions for intervention, which were granted.

6 **PROTECTIVE ORDER.** The parties ask that the Commission enter a protective order in this docket under RCW 34.05.446, RCW 80.04.095, WAC 480-07-420 and WAC 480-07-423 to protect the confidentiality of proprietary information. The request was granted and a protective order has been entered in this docket.

7 **DISCOVERY.** Discovery will be conducted pursuant to the Commission's discovery rules, WAC 480-07-400 – 425. The Commission urges the parties to work cooperatively together to avoid having to bring discovery matters forward for formal resolution. The parties propose to have the Commission initially resolve several threshold legal issues through cross motions for summary determination. It accordingly is not anticipated that the parties will conduct much, if any, discovery.

8 **PROCEDURAL SCHEDULE.** The parties agreed on a procedural schedule during the conference. The Commission adopts this procedural schedule, which is set forth below and attached to this Order as Appendix B.

² In formal proceedings, such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See, RCW 34.05.455.*

Motions for Summary Determination

April 6, 2010

Responses to Motions

April 19, 2010

Replies to Responses

April 28, 2010

9 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file an original plus **twelve (12)** copies of the unredacted version of all pleadings, motions, briefs, and other prefiled materials. Parties must also file the original and 1 copy of any redacted version(s). These materials must conform to the format and publication guidelines in WAC 480-07-395 and WAC 480-07-460. The Commission prefers that materials be three-hole punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.

10 All filings must be mailed or delivered to the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.

11 An electronic copy of all filings must be provided through the Commission's Web Portal (www.utc.wa.gov/e-filing) or by e-mail delivery to records@utc.wa.gov. Alternatively, parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette or CD including the filed document(s). Parties must furnish electronic copies in MS Word 6.0 (or later) supplemented by a separate file in .pdf (Adobe Acrobat) format. Parties must follow WAC 480-07-140(5) in organizing and identifying electronic files.

12 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Parties may submit documents electronically to the Commission on the filing deadline to expedite the filing process, but must file an original, plus **twelve (12)** paper copies, of the documents with the Commission by 12:00 noon on the first business day following the filing deadline established in the procedural schedule.³ WAC 480-07-145(6). Parties may submit documents electronically through the Commission's Web Portal (www.utc.wa.gov/efiling) or by e-mail to records@utc.wa.gov. Finally, to perfect

³ See, supra, ¶ 9 for detailed filing requirements when documents include material designated confidential.

filing, parties must simultaneously provide e-mail courtesy copies of filings to the presiding administrative law judge identified on Appendix A to this Order as well as to the parties to the proceeding.

- 13 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission does have limited ability to provide dispute resolution services; if you wish to explore those services, please call the Director, Administrative Law Division, at 360-664-1144.
- 14 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective April 12, 2010.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

MARGUERITE E. FRIEDLANDER
Administrative Law Judge

APPENDIX A

PARTIES' REPRESENTATIVES

DOCKET UE-100177

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
Puget Sound Energy	Sheree Strom Carson Perkins Coie 10885 N.E. Fourth Street Suite 700 Bellevue, WA 98004	425-635-1422	425-635-2422	scarson@perkinscoie.com
NW Energy Coalition	Danielle Dixon 811 1 st Avenue Suite 305 Seattle, WA 98104	206-621-0094	206-621-0097	Danielle@nwenergy.org
Industrial Customers of Northwest Utilities	Irion Sander Davison Van Cleve, P.C. 333 S.W. Taylor Suite 400 Portland, OR 97204	503-241-7242	503-241-8160	Mail@dvclaw.com
Public Counsel	Simon ffitich Office of Attorney General Public Counsel Section 800 Fifth Avenue Suite 2000 Seattle, WA 98104	206-389-2055	206-464-6451	simonf@atg.wa.gov
Commission Staff	Fronda Woods Office of Attorney General Utilities and Transportation Commission 1400 S. Evergreen Drive SW P.O. Box 40128 Olympia, WA 98504	360-664-1225	360-586-5522	fwoods@utc.wa.gov
Administrative Law Judge	Marguerite E. Friedlander 1300 S. Evergreen Park Drive SW P.O. Box 47250 Olympia, WA 98504	360-664-1285	N/A	mfriedla@utc.wa.gov

**APPENDIX B
PROCEDURAL SCHEDULE
DOCKET UE-100177**

EVENT	DATE
Motions for Summary Determination	April 6, 2010
Responses to Motions	April 19, 2010
Replies to Responses	April 28, 2010