

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of

PUGET SOUND ENERGY

For Penalty Mitigation Associated with
Service Quality Index No. 11-Electric
Safety Response Time Annual
Performance for Period Ending
December 31, 2021

Docket UE-220216

JOINT MOTION TO MODIFY
PROCEDURAL SCHEDULE

I. INTRODUCTION

1 The parties to this adjudication have reviewed the prefiled testimony and exhibits and concluded that none have any cross-examination. The record is therefore, in the eyes of the parties, complete once the Commission admits the prefiled testimony and exhibits. Given that fact, holding the evidentiary hearing set for March 22, 2023, is an inefficient use of the Commission's and the parties' time and resources. Accordingly, Puget Sound Energy, the Public Counsel Unit of the Washington State Attorney General's Office, and commission Staff move the Commission to cancel the evidentiary hearing and vacate certain associated deadlines set in this matter, admit the prefiled testimony and exhibits, and decide this matter based on the paper record after the parties submitted briefing in accordance with the procedural schedule adopted by the Commission.

II. RELIEF REQUESTED

2 The parties respectfully request that the Commission:

- (1) cancel the evidentiary hearing set for this matter on March 22, 2023,
- (2) vacate the requirement that the parties submit witness lists and cross-examination estimates on March 15, 2023, and

(3) admit the prefiled testimony and exhibits submitted by the parties on August 19, 2022, December 2, 2022, and February 17, 2023.

III. STATEMENT OF FACTS

3 In March of 2022, PSE filed the petition for mitigation that initiated this adjudicatory proceeding.¹ After a prehearing conference, the Commission issued an order authorizing use of the Commission’s discovery rules and adopting a stipulated procedural schedule for the orderly disposition of this matter.² Pursuant to that schedule, the parties must submit witness lists and cross-examination time estimates on March 15, 2023, and the Commission will hold an evidentiary hearing in this matter on March 22, 2023.³

4 The parties engaged in discovery and filed three rounds of testimony and exhibits (opening testimony on August 19, 2022, response testimony on December 2, 2022, and rebuttal testimony on February 17, 2023).⁴ After considering the record, each of the parties has concluded that it has no need for oral cross-examination, and each will stipulate to the admission of the prefiled testimony and exhibits, and no party intends to submit cross-examination exhibits, making the evidentiary record complete in the eyes of the parties.

IV. STATEMENT OF ISSUES

5 Should the Commission modify the procedural schedule and decide this matter on a paper record?

V. EVIDENCE RELIED UPON

6 The parties rely on the materials on file with the Commission in this docket.

¹ See generally *in re* *Puget Sound Energy*, Docket UE-220216, Petition (March 29, 2022).

² *In re* *Puget Sound Energy*, Docket UE-220216, Order 02, 2¶¶ 5, 7 & Appx. B (June 22, 2022).

³ *Id.* at Appx. B.

⁴ *E.g.*, Murphy, Exh. PRM-1T; Dahl, Exh. CJD-1T; Roberts, Exh. AR-1T; Murphy Exh. PRM-14T.

VI. ARGUMENT

7 The Commission, by rule, allows for multiple forms of motions. One, “[p]rocedural motions,” involve requests to “establish or modify the process or procedural schedule in a proceeding.”⁵ Another, “[e]videntiary motions,” concern “requests to limit or add to the evidentiary record in a proceeding.”⁶ The parties’ request is both a procedural motion and an evidentiary motion in that the parties seek to: (1) modify the procedural schedule to cancel the evidentiary hearing and vacate process requirements related solely to the hearing, and (2) to add to the evidentiary record by stipulating to the admission of the prefiled testimony and exhibits.

8 The Commission has good cause to modify the procedural schedule and to admit the prefiled testimony and exhibits. The parties will stipulate to the admission of the prefiled testimony and exhibits, and no party intends to file cross-examination exhibits. Accordingly, cancelling the hearing and admitting the prefiled exhibits will provide the Commission a sufficient evidentiary basis⁷ to determine the merits of PSE’s petition while at the same time allowing the parties to conserve the time and resources that would otherwise have gone into preparing for hearing.

VII. CONCLUSION

9 The Commission should cancel the evidentiary hearing set for March 22, 2023, vacate the procedural deadlines for submitting witness lists and cross-examination time estimates, admit the prefiled testimony and exhibits submitted by the parties, and make a

⁵ WAC 480-07-375(1)(b).

⁶ WAC 480-07-375(1)(d)

⁷ If the Commission has questions for any of the witnesses, the parties could answer those questions through responses to bench requests, if the Commission is amenable. That would allow the parties to provide the Commission with the information that it seeks and at the same avoid the time and expense associated with a hearing.

decision based on that record and the briefing the parties will submit in accordance with the procedural schedule set for this matter.

DATED this 10th day of March 2023.

Respectfully submitted,

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