

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of

PUGET SOUND ENERGY

For an Order Authorizing the Sale of All
of Puget Sound Energy's Interests in
Colstrip Unit 4 and Certain of Puget
Sound Energy's Interests in the Colstrip
Transmission System

DOCKET UE-200115

ORDER 06

GRANTING MOTION TO
CONTINUE ON SHORTENED
NOTICE; SUSPENDING
NOVEMBER 23, 2020, HEARING
DATE; SCHEDULING STATUS
CONFERENCE

(Set for 1:30 p.m. on October 29, 2020)

BACKGROUND

- 1 On February 19, 2020, Puget Sound Energy (PSE or Company) filed with the Washington Utilities and Transportation Commission (Commission) an Application for an Order Authorizing the Sale of All of PSE's Interests in Colstrip Unit 4 and Certain of PSE's Interests in the Colstrip Transmission System (Application) to NorthWestern Corporation (NorthWestern Energy).¹
- 2 On March 13, 2020, the Commission held a prehearing conference in this matter. On March 23, 2020, the Commission entered Order 02, Prehearing Conference Order, which, among other things, established a procedural schedule.

¹ "NorthWestern Corporation" is the corporation's actual business name. In the Purchase and Sale Agreement, Roberts, Exhibit RJR-6, the corporation is also referred to as "Northwestern." In PSE's Application, the corporation is predominantly referred to as "NorthWestern Energy," but is also referred to as "NorthWestern Energy Corporation." We adopt, for now, the predominant short form of the corporation's name included in PSE's Application (NorthWestern Energy).

3 On July 9, 2020, the Commission issued a Notice Suspending Procedural Schedule until
PSE supplemented its Application with information pertaining to the inclusion of Talen
Montana, LLC, (Talen Montana) in part of the proposed transactions.

4 On August 20, 2020, PSE filed with the Commission its Supplemental Application.

5 On September 8, 2020, the Commission convened a virtual second prehearing conference
in this docket before Administrative Law Judge Andrew J. O’Connell.

6 On September 10, 2020, the Commission issued Order 04, Second Prehearing Conference
Order, which, among other things established a new procedural schedule that included
October 22, 2020, as the deadline for filing rebuttal and cross-answering testimony.

7 On October 19, 2020, PSE filed with the Commission a Motion for Continuance and to
Shorten Time (Motion). PSE requests that the Commission continue the deadline for
filing rebuttal and cross-answering testimony to October 30, 2020; the discovery deadline
to November 13, 2020; and the deadline for cross examination exhibits, witness lists, and
time estimates to November 18, 2020. PSE also proposes that the parties convene a third
settlement conference on October 28, 2020, and that the Commission set a status
conference after that date to discuss any modifications to the procedural schedule that
may be necessary. PSE also anticipates the potential for the Commission to move the
hearing date of November 23, 2020. PSE represents that no party opposes its Motion.²

DISCUSSION AND DECISION

8 Pursuant to WAC 480-07-385(2)(a), the Commission will grant a continuance if the
requesting party demonstrates good cause for the continuance and the continuance will
not prejudice any party or the Commission. A party must file a motion to continue at least
five days prior to the deadline that is the subject of the party’s motion.³ The Commission
has authority, however, to waive or modify the application of its rules during a particular
adjudication when doing so is consistent with due process and the public interest.⁴

² The third settlement conference and PSE’s proposal for a potential status conference are not
included in PSE’s Motion or in its proposed revised procedural schedule.

³ WAC 480-07-385(3)(a).

⁴ WAC 480-07-110(1).

9 We find good cause to grant PSE’s Motion on shortened notice. PSE’s Motion explains that the Company is currently engaged in discussions with NorthWestern Energy and Talen Montana regarding requests arising from the parties’ settlement discussions and responsive testimony, and that the results of those discussions “could materially impact the content of the rebuttal testimony of PSE and the cross-answering testimony of other parties.”⁵ PSE argues that good cause exists to grant its request to continue the testimony filing deadline from October 22, 2020, to October 30, 2020, because the additional time will allow PSE to complete discussions with NorthWestern Energy and Talen Montana and provide sufficient time for the Company and the other parties to incorporate the results of those discussions into testimony.⁶ We agree.⁷ We also find that, given the recency of these events, granting PSE’s Motion is consistent with due process and the public interest in this proceeding.

10 We determine, however, that these modifications will create unreasonable time constraints for the Commission if the November 23, 2020, hearing date is maintained. PSE’s argument that the only material change from its motion would be to the parties’ discovery period is misplaced because it fails to consider that the Commission uses the time between the final testimony filing deadline and the date of the hearing to review the last round of testimony and exhibits (and their impact on all issues presented in the case) in preparation for the hearing.⁸ The Commission has multiple competing priorities, many of which have statutory deadlines and cannot be rescheduled. Because a continuance of the rebuttal and cross-answering testimony deadline to October 30, 2020, coupled with maintaining the current hearing date of November 23, 2020, would likely prejudice the

⁵ Motion at 1, ¶ 1.

⁶ Motion at 2-3, ¶ 6.

⁷ PSE also proposes that the parties convene a third settlement conference on October 28, 2020. The Commission supports the informal settlement of matters before it and encourages parties to consider means of resolving disputes informally. The Commission therefore encourages parties to conduct settlement conferences and discussions, as the parties find appropriate, in addition to any settlement conferences set by the Commission. In this case, the Commission finds it unnecessary to require another settlement conference on October 28, 2020. In anticipation of the parties’ voluntary participation, however, the Commission agrees that October 29, 2020, is an appropriate date to hold a status conference, which will be informed by the parties’ discussions up until that time.

⁸ Motion at 3, ¶ 8.

Commission by limiting its ability to adequately prepare for hearing, we find good cause to move the evidentiary hearing to a later date as a result of granting PSE's Motion.⁹

11 In addition, the Commission finds it necessary to hold a virtual status conference on October 29, 2020, in order to determine a new date for the evidentiary hearing in this matter and whether any further modification to the procedural schedule is warranted. The Commission expects the parties to confer in advance of the status conference about the possibility of reaching an agreed proposal for a new hearing date and to discuss the need, if any, for additional modifications to the procedural schedule. Accordingly, the Commission determines that the November 23, 2020, hearing date should be suspended, and the Commission should hold a virtual status conference in this matter using Microsoft Teams on Thursday, October 29, 2020, at 1:30 p.m.

12 **THE COMMISSION GIVES NOTICE That it will hold a virtual status conference in this matter at 1:30 p.m., on October 29, 2020.**

13 To participate using the Microsoft Teams web application, please use the following link: [Join Microsoft Teams Meeting](#)

To listen to the proceeding by telephone, please call 1-253-372-2181 and enter the Conference ID: 711 159 087#. Commission headquarters remain closed to the public due to the ongoing COVID-19 public health crisis.

ORDER

THE COMMISSION ORDERS:

14 (1) Puget Sound Energy's Motion for Continuance and to Shorten Time is GRANTED.

⁹ PSE's Motion implies that its discussions with NorthWestern Energy and Talen Montana may lead to further changes to the proposed transactions, which further supports our decision to grant the Motion, providing more time for rebuttal and cross-answering testimony, and also move the hearing to a later date.

- 15 (2) The procedural schedule in this matter is modified as explained in paragraphs 9-11 and is attached to this order as Appendix A.

DATED at Lacey, Washington, and effective October 20, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ *Andrew J. O'Connell*
ANDREW J. O'CONNELL
Administrative Law Judge

APPENDIX A
PROCEDURAL SCHEDULE
DOCKET UE-200115
Modified 10/20/2020

EVENT	DATE
Applicant's Filing	February 19, 2020; August 20, 2020
Order 04	September 10, 2020¹⁰
Staff, Public Counsel, and Intervenor Response Testimony and Exhibits ¹¹	October 2, 2020
Public Comment Hearing(s)	October 8, 2020
Settlement Conference	October 14, 2020¹²
<u>Status Conference</u>	<u>October 29, 2020</u>
Joint Applicants Rebuttal Testimony and Exhibits; Staff, Public Counsel, and Intervenor Cross-Answering Testimony and Exhibits	October <u>30</u>, 2020
Discovery Deadline – Last Day to Issue Data Requests	November <u>13</u>, 2020
Cross-Examination Exhibits, Witness Lists, and Time Estimates	November <u>18</u>, 2020
Evidentiary Hearing	<u>TBD</u> ¹³

¹⁰ Response time to data requests will be 5 business days.

¹¹ Response time to data requests will be 3 business days.

¹² Parties submitted date of settlement conference to the Commission by September 25, 2020.

¹³ The Commission will determine the date for the evidentiary hearing in this matter after convening with the parties during the October 29, 2020, status conference.