

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

AIR LIQUIDE AMERICA  
CORPORATION, AIR PRODUCTS AND  
CHEMICALS, INC., THE BOEING  
COMPANY, CNC CONTAINERS,  
EQUILON ENTERPRISES, LLC,  
GEORGIA-PACIFIC WEST, INC., AND  
TESORO NORTHWEST COMPANY

Complainants,

v.

PUGET SOUND ENERGY, INC.

Respondent.

Docket No. UE-001952  
(consolidated)

PUBLIC COUNSEL MOTION TO  
COMPEL RESPONSE TO PUBLIC  
COUNSEL DATA REQUEST NO. 2

IN RE: PETITION OF PUGET SOUND  
ENERGY, INC. FOR AN ORDER  
REALLOCATING LOST REVENUES  
RELATED TO ANY REDUCTION IN  
THE SCHEDULE 48 OR G-P SPECIAL  
CONTRACT RATES

Docket No. UE- 001959  
(consolidated)

Pursuant to WAC 480-09-480(7), Public Counsel moves for an order directing Puget Sound Energy (PSE) to respond to Public Counsel discovery, specifically Public Counsel Data Request No. 2 (PC DR 2). A copy of the data request and the response is attached to this motion.

1. Background

Public Counsel served PC DR 2 on PSE counsel on December 28, 2000. In substance, the request asks PSE to provide results of its corporate financial forecasting model analyzing, *inter alia*, the impact of different treatment of Schedule 48 on the company's future earnings. Response was due, pursuant to the Prehearing Conference Order in this docket, on Friday, January 5, 2001. The attached response was provided on Saturday, January 6.

The undersigned counsel contacted and spoke with both Mr. Glass and Mr. Berman of attorneys for PSE on Saturday and Sunday, communicating the concerns set out in this motion.

They reiterated their understanding that there was no responsive material to produce and stated they would confirm this with PSE personnel. As of the time of filing of this motion, Public Counsel has not had a further response from PSE.

## 2. Argument

The results of the corporate financial forecasting model referred to in PC DR 2 were used to produce Exhibit TS-34 in the Puget/WNG Merger proceeding, UE-951270. The same document was introduced in the Colstrip proceeding by the company as Exhibit C-43. It would seem unlikely that PSE has discontinued such forecasting using this or similar models. Moreover, Public Counsel has reason to believe based on information received from the company in this proceeding that PSE is currently conducting earnings forecasts based on various assumptions. The basis for this belief can be confirmed by Public Counsel witness Jim Lazar on the witness stand at the hearing. In light of the foregoing, PSE's response that "PSE does not have the requested information" seems uncooperative at best, if not patently evasive. It certainly seems to be inconsistent with the directive in the Prehearing Conference Order of December 18, 2000, "parties should cooperate to facilitate discovery and resolve disputes informally."

For the foregoing reasons, Public Counsel respectfully requests that its Motion to Compel be granted and that the Commission order PSE to produce the requested information. In essence what Public Counsel seeks is any estimates which PSE has prepared of expected 2001-2002 earnings under any and all sets of assumptions including hydro conditions, Schedule 48 prices, market power prices, and proposed remedies in this proceeding (Sch. 49 tariffed rates, cap proposals). It is simply not plausible that PSE has done no forecasting analysis of these matters and has no responsive material. The response to this request will be of significant use to the Commission and will be a valuable addition to the record.

Given that the hearing in this matter begins tomorrow morning, Public Counsel further

requests that if the motion is granted, that the Commission order the material to be produced as a response to a Commission Bench Request.

Dated this 7<sup>th</sup> day of January, 2001.

CHRISTINE GREGOIRE  
Attorney General of Washington

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Simon J. ffitch  
Assistant Attorney General  
Public Counsel