

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

PUGET SOUND ENERGY,

Respondent.

DOCKET UG-230393

ORDER 03

PREHEARING CONFERENCE
ORDER; NOTICE OF HEARING
**(Evidentiary Hearing set for
November 6, 2023, at 9 a.m.)**

- 1 **NATURE OF PROCEEDING.** On May 25, 2023, Puget Sound Energy (PSE or Company) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective natural gas tariff WN U-2. PSE characterizes its filing as establishing a new tariff schedule, Schedule 141LNG – Liquefied Natural Gas Rate Adjustment, made pursuant to the Commission’s final order in Dockets DE-220066 and UG-220067 in PSE’s last general rate case (2022 GRC).
- 2 The effect of the proposed tariff revisions is a revenue requirement increase of \$47.6 million and an average increase of 3.45 percent in overall bills for all customers affected by these tariff changes. A typical residential customer using 64 therms per month would experience an increase of \$3.34 per month, or 3.50 percent.
- 3 The Commission suspended operation of the tariffs on June 8, 2023, by Order 01 entered in this Docket.
- 4 **CONFERENCE.** The Commission convened a virtual prehearing conference on June 26, 2023, before Administrative Law Judge Samantha Doyle.
- 5 **APPEARANCES.** Donna Barnett, Sheree Strom Carson, and Byron Starkey, Perkins Coie, Bellevue, Washington, represent PSE. Jeff Roberson, Assistant Attorney General, Lacey, Washington, represents Commission staff (Staff).¹ Lisa W. Gafken, Assistant

¹ 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

Attorney General, Seattle, Washington, represents the Public Counsel Unit of the Attorney General's Office (Public Counsel). Sommer Moser, Cable Huston LLP, Portland, Oregon, represent the Alliance of Western Energy Consumers (AWEC). Andre Fuller, Ogden Murphy Wallace, PLLC, Tacoma, Washington, and Lisa Anderson, Law Office, Puyallup Tribe of Indians, Tacoma, Washington, represent the Puyallup Tribe of Indians (Puyallup Tribe). Contact information for the representatives of those granted party status is attached as Appendix A to this Order.

6 **PETITIONS FOR INTERVENTION.** AWEC and the Puyallup Tribe timely filed petitions to intervene. No party objected to AWEC's petition, and Public Counsel and Staff support the Puyallup Tribe's petition.

7 PSE does not object to the Puyallup Tribe's petition, but expressed concerns that the Tribe would attempt to relitigate issues previously resolved in the Company's 2022 GRC. PSE requested the Commission clearly define the parameters of this proceeding, which we decline to do. We are satisfied the Puyallup Tribe understands that issues presented are limited in scope and will not attempt to broaden them.

8 Absent objections to the petitions to intervene, the Commission finds that these petitioners have established a substantial interest in this proceeding and that their participation will be in the public interest. Accordingly, the Commission grants the petitions.

9 **PROTECTIVE ORDER.** The Commission entered a protective order as Order 02 in this Docket on July 3, 2023.

10 **DISCOVERY.** Order 01 provides that discovery will be conducted under 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. Response times to data requests will be adjusted as set forth in Appendix B.

11 The Commission believes it will aid discovery in this case if all responses to data requests are shared with all parties. No party objects to the Commission making the exchange of data request responses with all parties a requirement for discovery in this

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.

case. Accordingly, the Commission requires the parties to share every data request response with all parties, subject to any confidentiality limitations contained in Commission rule or the protective order issued in this Docket.

- 12 **PROCEDURAL SCHEDULE.** Public Counsel proposed a procedural schedule that includes a November 6, 2023, evidentiary hearing. Staff, AWEC, and the Puyallup Tribe support this proposal. PSE presented an alternative schedule that included a September 23, 2023, evidentiary hearing date and a November 1, 2023, tariff effective date. To ensure adequate due process is afforded to all parties, the Commission adopts a modified version of Public Counsel's proposed schedule that includes the November 6, 2023, evidentiary hearing date. The procedural schedule is attached to this Order as Appendix B.
- 13 WAC 480-07-700(5)(a) requires the Commission to include in the procedural schedule for each adjudicative proceeding the date for at least one settlement conference. Because the parties did not propose a settlement conference date, the Commission selected September 21, 2023. The parties may modify the date of the settlement conference by providing written notice to the Commission.
- 14 **DOCUMENT FILING AND SERVICE REQUIREMENTS.** Parties must file and serve all pleadings, motions, briefs, and other pre-filed materials in compliance with all of the following requirements:
- (a) Parties must submit electronic copies of all documents by 5 p.m. on the filing deadline established in the procedural schedule (or other deadline as applicable) unless the Commission orders otherwise. Parties must comply with WAC 480-07-140(6) in formatting, organizing, and identifying electronic files. Documents that include information designated as confidential must comply with the requirements in WAC 480-07-160 and the Protective Order in these dockets. Parties must submit documents electronically through the Commission's web portal (www.utc.wa.gov/e-filing). If a party is unable to use the web portal to submit documents for filing, the Commission will accept a submission via email to records@utc.wa.gov provided the email: (1) explains the reason the documents are not being submitted via the web portal, and (2) complies with the requirements in WAC 480-07-140(5)(b).
 - (b) The Commission accepts only electronic versions of documents for formal filing. Parties must submit documents electronically through the

Commission's web portal (www.utc.wa.gov/e-filing). If a party is unable to use the web portal to submit documents for filing, the Commission will accept a submission via email to records@utc.wa.gov, provided that the email: (1) explains the reason the documents are not being submitted via the web portal, and (2) complies with the requirements in WAC 480-07-140(5)(b).

- (c) If any of the exhibits contain information designated as confidential, parties must file an electronic copy of the redacted version in searchable PDF (Adobe Acrobat or comparable software) of each such exhibit.
- (d) Parties must electronically serve the other parties and provide courtesy electronic copies of filings to the presiding administrative law judge (samantha.doyle@utc.wa.gov) by 5 p.m. on the filing deadline unless the Commission orders otherwise. If parties are unable to email copies, they may furnish electronic copies by delivering them on a flash drive only.

15 **EXHIBITS FOR CROSS-EXAMINATION.** Parties are required to file with the Commission and serve all proposed cross-examination exhibits by **5 p.m. on October 31, 2023**. The Commission requires electronic copies (in searchable Adobe Acrobat (.pdf)). If any of the exhibits contain information that is designated as confidential or highly confidential, the party must also file one electronic copy (in Adobe Acrobat (.pdf)) of the redacted version of each such exhibit. The exhibits must be grouped according to the witness the party intends to cross examine with the exhibits.

16 **EXHIBIT LISTS.** With each submission of pre-filed testimony and exhibits, the party making the submission must include a preliminary exhibit list that identifies each submitted exhibit in the format the Commission uses for exhibit lists it prepares for evidentiary hearings. The Company will prepare and file its preliminary exhibit list for its initial filing in this docket. Each party must file and serve a final list of all exhibits the party intends to introduce into the evidentiary record, including all pre-filed testimony and exhibits, as well as cross-examination exhibits by **5 p.m., October 31, 2023**.

17 **CROSS-EXAMINATION TIME ESTIMATES.** Each party must provide a list of witnesses the party intends to cross-examine at the evidentiary hearing and an estimate of the time that party anticipates the cross-examination of that witness will take. Parties should not file witness lists or cross-examination time estimates but must provide them to the administrative law judge (samantha.doyle@utc.wa.gov) and the other parties by **5 p.m., October 31, 2023**.

- 18 **PUBLIC COMMENT HEARING.** The Commission will hold a public comment hearing in this docket virtually, prior to the hearing on the final disposition of this case. PSE customers will receive notice of the date, time, and access link to the public comment hearing, as well as other information required under WAC 480-90-197, at least 30 days prior to the date of the public comment hearing.
- 19 **NOTICE OF EVIDENTIARY HEARING.** The Commission will hold a hybrid evidentiary hearing in this Docket on **November 6, 2023, at 9 a.m.** Parties may attend the hearing in person at the Commission’s headquarters or virtually via Zoom. To attend the hearing via Zoom, [click here to join meeting²](#), or call(253) 215-8782 and enter the Conference ID: 883 2774 3630# and use the Passcode: 403767#.
- 20 **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 has limited ability to provide dispute resolution services. If you wish to explore those services, please contact Rayne Pearson, Director, Administrative Law Division (360-664-1136).
- 21 **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 this Order, in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this docket, subject to Commission review.**

Dated at Lacey, Washington, and effective July 3, 2023.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Samantha Doyle
SAMANTHA DOYLE
Administrative Law Judge

² <https://utc-wa-gov.zoom.us/j/88327743630?pwd=VjNpaFdRNzhhc0MzamxHbjBmS3VyQT09>.

**APPENDIX A
PARTIES' REPRESENTATIVES
DOCKET UG-230393**

PARTY	REPRESENTATIVE	PHONE	E-MAIL
Puget Sound Energy	Sheree Strom Carson Perkins Coie LLP 10885 N.E. Fourth Street Bellevue, WA 98004-5579	425-635-1422	scarson@perkinscoie.com
	Pamela J. Anderson		pjanderson@perkinscoie.com
	Byron C. Starkey		byronstarkey@perkinscoie.com
Commission Staff	Jeff Roberson Senior Assistant Attorney General Office of the Attorney General Utilities and Transportation Division P.O. Box 40128 Olympia, WA 98504	(360) 664-1186	jeff.roberson@atg.wa.gov
	Cristal Oliver		crystal.oliver@utc.wa.gov
	Jacque Hawkins-Jones		jacque.hawkins-jones@utc.wa.gov
	Jeanne Roth		jeanne.roth@atg.wa.gov
Public Counsel	Lisa Gafken Assistant Attorney General Washington Attorney General's Office Public Counsel Unit 800 Fifth Avenue, Suite 2000 Seattle, WA 98104-3188	(206) 464-6595	Lisa.Gafken@atg.wa.gov
	Nina Suetake	(206) 389-2055	NinaS@atg.wa.gov
	Ann N.H. Paisner	(206) 521-3211	ann.paisner@atg.wa.gov
	Aaron Tam	(206) 464-6215	aaron.tam@atg.wa.gov
	Chanda Mak	(206) 389-3972	chandam@atg.wa.gov
	Roman Doyonnas	(206) 254-0562	roman.doyonnas@atg.wa.gov
	Brice C. Hartman	(206) 342-6425	brice.hartman@atg.wa.gov

PARTY	REPRESENTATIVE	PHONE	E-MAIL
Alliance of Western Energy Consumers	Tyler C. Pepple Davison Van Cleve, P.C. 1750 S Harbor Way, Suite 450 Portland, OR 97201	(503) 241-7242	tcp@dvclaw.com
	Sommer J. Moser Davison Van Cleve, P.C. 1750 S Harbor Way, Suite 450 Portland, OR 97201	(503) 241-7242	sjm@dvclaw.com
The Puyallup Tribe	Lisa Anderson Law Office, Puyallup Tribe of Indians 3009 East Portland Avenue Tacoma, WA 98404	253-573-7852	Lisa.Anderson@PuyallupTribe-nsn.gov
	Sam Stiltner		Sam.Stiltner@PuyallupTribe-nsn.gov
	Andrew Fuller Ogden Murphy Wallace, PLLC 901 5th Avenue, Suite 3500 Seattle, WA 98164	206-447-7000	AFuller@omwlaw.com
	Nicholas Thomas		NThomas@omwlaw.com
	Ashley Austin		AAustin@omwlaw.com

**APPENDIX B
PROCEDURAL SCHEDULE
DOCKET UG-230393**

EVENT	DATE
Initial Filing	Thursday, May 25, 2023
Prehearing Conference	Monday, June 26, 2023
Staff, Public Counsel and Intervenor Response Testimony and Exhibits ¹	Friday, September 8, 2023
Settlement Conference	Thursday, September 21, 2023
Company Rebuttal Testimony and Exhibits; Staff, Public Counsel and Intervenor Cross-Answering Testimony and Exhibits ²	Friday, October 6, 2023
Notice Issued for Public Comment Hearing	30 days prior to Public Comment Hearing
Public Comment Hearing	TBD (Exact date and location to be determined)
Discovery Deadline – Last Day to Issue Data Requests ³	Friday, October 20, 2023
Exhibit List, Cross-Examination Exhibits, Witness Lists, Time Estimates, and Exhibit Errata	Tuesday, October 31, 2023
Evidentiary Hearing	Monday, November 6, 2023
Initial Post-Hearing Briefs	Friday, December 21, 2023
Simultaneous Reply Briefs	Thursday, December 21, 2023
Statutory Suspension Date	April 25, 2023

¹ Response time to data requests relating to this testimony will be 7 business days.

² Response time to data requests relating to this testimony will be 5 business days.

³ Response time to data requests will be 5 business days.