

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

WASHINGTON UTILITIES AND
TRANSPORTATION
COMMISSION,

Complainant,

v.

PUGET SOUND ENERGY, INC.,

Respondent.

DOCKET NO. UG-110723

PUBLIC COUNSEL MOTION FOR
MODIFICATION OF SCHEDULE

I. MOTION

1. Public Counsel hereby files its motion to modify the procedural schedule adopted in Order 02 for this proceeding, pursuant to WAC 480-07-375(1)(b), 480-07-385.¹ A proposed modified schedule is set forth below.

II. MEMORANDUM

A. PSE's Testimony Raises Material Factual Issues.

2. Order 02 states that the adoption of the schedule is premised on the conclusion that this case involves "primarily, if not exclusively, legal and policy issues, the resolution of which should not require a lengthy procedural schedule."² Public Counsel believes this conclusion is incorrect. A review of the testimony filed by Puget Sound Energy, Inc. (PSE) in support of its pipeline tracker proposal (PIP) confirms that the proposal raises a number of material factual

¹ Public Counsel earlier reserved the right to request a modification to the schedule following a review of PSE's testimony and exhibits, filed on September 2, 2011, and the Commission's ruling on consolidation, which was issued September 7, 2011.

² Order 02, ¶ 8.

issues, as discussed in the Joint Motion to Consolidate of Commission Staff (Staff), Public Counsel and Northwest Industrial Gas Users (NWIGU). Although the Commission did not approve consolidation, many of the factual matters outlined in the motion remain at issue in this case. PSE's September 2 testimony raises a broad range of factual issues including, but not limited to: the impact of the PIP on customer rates, the calculation of the revenue deficiency associated with the PIP, the natural gas plant investments to be included in the PIP, the safety of PSE's current system, the alleged safety benefits for customers, the effect of the PIP on O&M spending, and rate of return issues.

3. As Public Counsel has previously argued, the schedule in Order 02 does not allow time for development of these factual issues.

B. The Schedule in Order 02 Raises Serious Practical Difficulties For Public Counsel's Presentation of Expert Testimony In the PIP and the General Rate Case (GRC).

4. The abbreviated schedule in this docket overlaps with the schedule in the rate case, and conflicts with other commitments of Public Counsel's expert witness, Ms. Andrea Crane. Ms. Crane will be out of the country from October 24 through November 1, which will make responses to discovery within three days difficult. In addition, Ms. Crane is scheduled for attendance at hearings in New Jersey on November 14, 16, 18, 2011. Ms. Crane may be able to arrange with the New Jersey Administrative Law Judge (ALJ) to be available for this case on November 18 via telephone if permitted by the Commission. However, under the current schedule, she will not be available to attend in person or assist Public Counsel during the hearing.

5. Ms. Crane is also presenting testimony for Public Counsel in the current PSE GRC.³ Testimony in that case is due on December 7, 2011. The overlap of the two case schedules means that the witness will be finalizing discovery and writing testimony for the GRC during the same November time period in which she will be reviewing the PSE PIP rebuttal, pursuing discovery on that rebuttal, and assisting with hearing preparation and the PIP hearing. As mentioned, Ms. Crane also has previously scheduled case commitments in other states.
6. Finally, the initial settlement conference in the PSE GRC is also scheduled for that same time period, on November 9, the day after the PSE PIP rebuttal testimony filing date. Public Counsel's participation in that conference, or any assistance from Ms. Crane, would occupy one of the six business days in the schedule between the filing of PSE PIP rebuttal and the beginning of the PIP hearing.

III. PROPOSED SCHEDULE MODIFICATION

7. For the foregoing reasons, the existing schedule is prejudicial to Public Counsel's ability to adequately prepare and present its case in this docket. It also negatively impacts Public Counsel's work in the GRC.
8. Accordingly, Public Counsel respectfully requests that the PIP case schedule be modified as follows:

Staff/Public Counsel/Intervenor Testimony	November 8, 2011
(Discovery response time seven business days after 12/14/11)	
PSE Rebuttal, Staff/Public Counsel/Intervenor Cross-Answering	November 22, 2011
(Discovery response time three business days after 1/24/11)	

³ Dockets UE-111048 and UG-111049.
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Evidentiary Hearing

Dec. 20-21, 2011 or Jan. 9, 2012

Post hearing briefs

TBD

9. NWIGU has authorized Public Counsel to report that it does not oppose the proposed schedule modification. Commission Staff has authorized Public Counsel to report that Staff neither supports nor opposes the modification to the schedule.

IV. CONCLUSION

10. Nothing in the PSE PIP testimony or other PSE filings in this case demonstrates any persuasive reason for expedited review of this proposal. The abbreviated schedule substantially impairs Public Counsel's ability to present its case and prevents the development of an adequate record for deciding the important factual, legal and policy issues raised. Public Counsel respectfully requests the Commission consider the alternative schedule presented as a means to protect the procedural rights of all parties while allowing a forum for focused Commission review of this proposal.

11. DATED this 21st day of September, 2011.

ROBERT M. McKENNA
Attorney General

Simon J. ffitch
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Public Counsel