

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of

DOCKET UE-200115

PUGET SOUND ENERGY

ORDER 07

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

GRANTING MOTION TO
CONTINUE ON SHORTENED
NOTICE; CONTINUING STATUS
CONFERENCE

(Set for 1 p.m. on November 13, 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.
- 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.

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).

- 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 20, 2020, the Commission issued Order 06, granting PSE's unopposed motion and continuing the deadline for filing rebuttal and cross-answering testimony from October 22, 2020, to October 30, 2020; continuing the discovery deadline to November 13, 2020; continuing the deadline for cross examination exhibits, witness lists, and time estimates to November 18, 2020; and setting a status conference for 1:30 p.m. on October 29, 2020, to determine a new hearing date and any further modification to the procedural schedule.
- 8 On October 27, 2020, PSE filed with the Commission its Second Motion for Continuance and to Shorten Time (Motion). PSE's Motion requests that the Commission continue the deadline for the filing of rebuttal and cross-answering testimony until November 6, 2020, suspend the procedural schedule after that date, and order a procedural status conference to occur after the rebuttal testimony deadline so a new case schedule can be set. PSE represents that no party opposes its Motion.

DISCUSSION AND DECISION

- 9 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.² 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.³
- 10 We find good cause to grant PSE's Motion on shortened notice. PSE's Motion explains that the Company continues to engage in discussions with NorthWestern Energy and

² WAC 480-07-385(3)(a).

³ WAC 480-07-110(1).

Talen Montana regarding requests arising from the parties' settlement discussions and responsive testimony, and that the results of those discussions "could impact the content of any rebuttal testimony that PSE would file and any cross-answering testimony that other parties may file in this proceeding."⁴ PSE argues that good cause exists to grant its request to again continue the testimony filing deadline from October 30, 2020, to November 6, 2020, because the additional time will benefit all parties and will help facilitate a better outcome in this proceeding.⁵ We agree.⁶ We find that the continuance will not prejudice any party or the Commission as the continuance will aid the Commission's understanding and decision making in this proceeding, as we accept that PSE's discussion with NorthWestern Energy and Talen Montana will benefit the testimony offered by all parties. Granting PSE's Motion is, therefore, consistent with due process and the public interest in this proceeding.

11 In addition, the Commission agrees with PSE that it is appropriate to suspend the procedural schedule subsequent to the deadline for rebuttal and cross-answering testimony and to move the virtual status conference until after that deadline. After the status conference, the Commission will determine a new date for the evidentiary hearing in this matter and any further modifications to the procedural schedule, including setting dates for the discovery deadline and the deadline for filing cross-examination exhibits, cross estimates, and witness lists. The Commission expects the parties to confer in advance of the status conference about the possibility of reaching an agreed proposal for these dates and any other necessary modifications to the procedural schedule. Accordingly, the Commission determines that the October 29, 2020, virtual status conference should be continued until November 13, 2020, at 1 p.m.

12 To participate using the Microsoft Teams web application, please use the following link:
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⁴ Motion at 2, ¶ 5.

⁵ Motion at 2-3, ¶¶ 5-8.

⁶ PSE also proposes that the parties convene a settlement conference after its proposed November 6, 2020, deadline for the filing of rebuttal and cross-answering testimony. 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, but encourages the parties' voluntary participation.

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:

- 13 (1) Puget Sound Energy's Second Motion for Continuance and to Shorten Time is GRANTED.
- 14 (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 28, 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 10/28/2020

EVENT	DATE
Applicant's Filing	February 19, 2020; August 20, 2020
Order 04	September 10, 2020⁷
Staff, Public Counsel, and Intervenor Response Testimony and Exhibits ⁸	October 2, 2020
Public Comment Hearing(s)	October 8, 2020
Settlement Conference	October 14, 2020⁹
Joint Applicants Rebuttal Testimony and Exhibits; Staff, Public Counsel, and Intervenor Cross-Answering Testimony and Exhibits	<u>November 6, 2020</u>
Discovery Deadline – Last Day to Issue Data Requests	<u>TBD</u>¹⁰
Cross-Examination Exhibits, Witness Lists, and Time Estimates	<u>TBD</u>¹¹
Evidentiary Hearing	<u>TBD</u>¹²

⁷ Response time to data requests will be 5 business days.

⁸ Response time to data requests will be 3 business days.

⁹ Parties submitted date of settlement conference to the Commission by September 25, 2020.

¹⁰ The Commission will determine this date after convening with the parties during the November 13, 2020, status conference.

¹¹ The Commission will determine this date after convening with the parties during the November 13, 2020, status conference.

¹² The Commission will determine this date after convening with the parties during the November 13, 2020, status conference.