

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of

DOCKET UE-200115

PUGET SOUND ENERGY

ORDER 08

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  
WITHDRAW; CLOSING DOCKET

**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).<sup>1</sup>
- 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.

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<sup>1</sup> "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 the supplement to its Application.<sup>2</sup>

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 October 2, 2020, parties filed testimony in response to PSE’s Application.

7 On October 20 and 28, 2020, the Commission issued Orders 06 and 07, respectively,  
granting PSE’s unopposed motions to continue the deadline for filing rebuttal and cross-  
answering testimony.

8 On October 29, 2020, PSE filed with the Commission a Motion to Withdraw  
Applications in this proceeding and close this docket (Motion), attaching agreements with  
both NorthWestern Energy and Talen Montana to terminate all transactions included in  
the Application.<sup>3</sup>

#### **DISCUSSION AND DECISION**

9 Pursuant to WAC 480-07-380(3)(a), a party wishing to withdraw its application after the  
Commission has commenced an adjudicative proceeding may do so only by filing a  
written motion and obtaining the Commission’s permission. The Commission will grant  
such a motion when the requested withdrawal is in the public interest.<sup>4</sup>

10 We grant PSE’s Motion, finding that doing so is in the public interest.

11 PSE has entered into agreements with both NorthWestern Energy and Talen Montana to  
terminate all transactions included in the Application. Those termination agreements  
release all parties from all claims relating to the purchase agreement, thereby preventing  
any of the parties from pursuing any damages, monetary or otherwise, stemming from the  
termination of the agreements.<sup>5</sup>

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<sup>2</sup> Later references to PSE’s Application refer to the Application as supplemented by PSE on August 20, 2020.

<sup>3</sup> Motion, Exhs. A, B, C.

<sup>4</sup> WAC 480-07-380(3)(b).

<sup>5</sup> See Motion, Exh. A at 1-2, ¶ 2(a); Exh. B at 1-2, ¶ 2(a); Exh. C at 1-2, ¶ 2(a).

- 12 PSE explains that after reviewing the opposition to its Application expressed in most of the response testimony filed by the parties to this proceeding, as well as the comments from members of the public who also opposed its Application, it entered into discussions with NorthWestern Energy and Talen Montana regarding potential changes to the transactions in the Application.<sup>6</sup> It is apparent that these discussions led the three parties to agree that they should terminate the transactions in PSE's Application.<sup>7</sup>
- 13 PSE argues that granting its requested withdrawal is in the public interest because the transactions included in its Application have been terminated and PSE no longer seeks the Commission's approval.<sup>8</sup> In addition, PSE explains that continuing the adjudication in light of the transactions' termination would be a waste of the Commission's, the parties', and the public's resources.<sup>9</sup> We agree. Accordingly, the Commission finds it in the public interest to grant PSE's Motion, permit the withdrawal of its Application, and close this docket.

### ORDER

#### THE COMMISSION ORDERS:

- 14 (1) Puget Sound Energy's Motion to Withdraw Applications in Docket UE-200115 is GRANTED.
- 15 (2) Docket UE-200115 is closed.

DATED at Lacey, Washington, and effective November 2, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

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<sup>6</sup> Motion at 4, ¶¶ 11-12.

<sup>7</sup> See Motion at 4-5, ¶¶ 12-14.

<sup>8</sup> Motion at 5, ¶ 15.

<sup>9</sup> See Motion at 5, ¶ 15.