

**BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

PUGET SOUND ENERGY

for an Order Amending Protective Order to Add
Provisions Governing Highly Confidential
Information

Docket UE-210795

**PETITION OF PUGET SOUND
ENERGY TO AMEND ORDER 02 TO
ADD PROVISIONS GOVERNING
HIGHLY CONFIDENTIAL
INFORMATION**

I. INTRODUCTION

1. Pursuant to Washington Administrative Code (“WAC”) 480-07-370(3) and WAC 480-07-875, Puget Sound Energy (“PSE”) respectfully petitions the Washington Utilities and Transportation Commission (“Commission”) for an order amending Order 02, Protective Order, issued May 12, 2022 (“Order 02”), in this docket. Consistent with WAC 480-07-870(1), changed conditions and good and sufficient cause warrant amending Order 02 to add provisions that would govern the filing of highly confidential information.
2. The statutes and rules at issue in this Petition include Revised Code of Washington (“RCW”) 19.405, Washington’s Clean Energy Transformation Act (“CETA”), and RCW 34.05.446 and WAC 480-07-160 related to protective orders and providing confidential and other restricted information to the Commission and parties in a proceeding before the Commission.
3. PSE is engaged in the business of providing electric and gas service within the State of Washington as a public service company and is subject to the regulatory authority of the Commission. Its full name and mailing address for the purpose of this Petition are:

**PUGET SOUND ENERGY’S
PETITION TO AMEND ORDER 02 - 1**

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II. SUMMARY OF PETITION

4. PSE requests that the Commission issue an order amending Order 02 to add provisions to the existing protective order that would govern the filing of highly confidential information. At the time the Commission issued Order 02, the Commission found that parties reasonably anticipated that discovery or evidentiary filings would require information designated as confidential pursuant to WAC 480-07-160 be disclosed to parties who would not be authorized to access that information in the absence of a protective order. The protective order in Order 02 was entered and has been used by PSE and the parties to file and share confidential information.
5. PSE is concurrently filing a petition seeking an order amending Order 08 and Order 12 in this docket to adjust its Clean Energy Implementation Plan ("CEIP") annual interim targets for 2024 and 2025 to 48 percent (the "Interim Targets Petition"). In support of the Interim Targets Petition, PSE will be filing analysis that includes highly confidential information as defined in RCW 480-07-160(2)(d). It is therefore consistent with WAC 480-07-870(1), and in the public

interest for the Commission to approve PSE’s request to amend Order 02 to add provisions governing highly confidential information.

III. BACKGROUND

6. CETA, as implemented by WAC 480-100-640(1), requires electric investor-owned utilities such as PSE to develop a CEIP every four years. The CEIP describes a utility’s plan for making progress toward meeting the clean energy transformation standards in CETA, including that all retail sales of electricity be greenhouse gas neutral by 2030,¹ and that by January 1, 2045, 100 percent of all electricity sales to Washington customers are supplied by either non-emitting or renewable electricity generation resources.² Each electric investor-owned utility must also make a biennial CEIP update filing on or before November 1st of each odd-numbered year the utility does not file a CEIP.³ Pursuant to WAC 480-100-640(2), each CEIP and biennial CEIP update must include interim targets in the form of the percent of forecasted retail sales of electricity supplied by non-emitting and renewable resources in four-year periods prior to 2030 and from 2030 through 2045.

7. PSE filed its first CEIP with the Commission on December 17, 2021 (“2021 CEIP”). The Commission approved PSE’s 2021 CEIP subject to conditions on June 6, 2023, in Order 8. PSE timely filed its 2023 biennial CEIP update on November 1, 2023 (“2023 Biennial Update”). The Commission approved PSE’s 2023 Biennial Update on March 25, 2024, in Order 12 with conditions that required PSE to maintain the annual interim targets approved in Order 08 and maintain the methodology of having one interim target for each of the four years in the compliance period.⁴ The Commission also stated in Order 12 regarding interim targets:

¹ RCW 19.405.040(1).

² RCW 19.405.050(1).

³ WAC 480-100-640(11); in accordance with Order 01 in Docket No. UG-240434, the CEIP PSE would have filed in 2025 will be filed in 2027 as part of an Integrated System Plan.

⁴ Order 12 at ¶¶ 16(1) and 28; the existing annual interim targets for 2024 and 2025 are 59 percent and 63 percent, respectively.

If PSE would need to purchase unreasonable costly energy to meet the 2025 Interim Targets, the Commission will consider this in determining whether the Company has complied with the Interim Targets for the first compliance period. (Order 12 at ¶ 28)

8. It is not possible for PSE to ascertain how the Commission will determine what is unreasonably costly clean energy to meet the 2024 and 2025 annual interim targets. This creates substantial risk and uncertainty for PSE and its customers as PSE works to meet its annual interim targets for the remainder of 2024 and 2025. As explained in the Interim Targets Petition, PSE is committed to meeting the 2030 and 2045 long-term CETA standards and is making reasonable progress toward doing so. Nonetheless, the pathway in the near term to meet interim targets has become much more challenging than was expected when CETA was passed and the 2021 CEIP was filed. Therefore, PSE is filing the Interim Targets Petition and proposing revised targets of 48 percent for both 2024 and 2025. Certain information PSE is filing to support the Interim Targets Petition is highly confidential. Thus, Order 02 needs to be amended as described herein.

IV. DISCUSSION

9. Under WAC 480-07-875(1), the Commission may propose, or may act in response to a petition, to alter, amend, or rescind any order the Commission has entered. Any such petition must comply with the requirements in WAC 480-07-870 for a petition for rehearing. A petition for rehearing requires sufficient grounds supported by substantial evidence or an offer of proof consisting of the following:
- (a) Changed conditions since the commission entered the order;
 - (b) Harm to the petitioner resulting from the order that the commission did not consider or anticipate when it entered the order;
 - (c) An effect of the order that the commission or the petitioner did not contemplate or intend; or
 - (d) Any good and sufficient cause that the commission did not consider or determine in the order.
10. In this instance, changed conditions and good and sufficient cause warrant amending Order 02 to add provisions governing highly confidential information. Circumstances have changed since

the Commission issued Order 02 in May of 2022. Until now, the provisions in Order 02 governing confidential information have served PSE and the parties well.

11. At the time of issuance of Order 02, neither the parties nor the Commission knew with certainty that PSE would need to file highly confidential information in this proceeding. Accordingly, Order 02 did not include provisions governing highly confidential information. It is now clear that PSE does need to file highly confidential information to support its Interim Targets Petition. This circumstance represents a changed condition under WAC 480-07-870(a). To account for this changed condition, PSE requests that Order 02 be amended to include provisions governing highly confidential information.

IV. CONCLUSION

12. For the reasons set forth above, PSE respectfully requests that the Commission enter an order amending Order 02 to include provisions governing highly confidential information.

DATED this 27th day of September, 2024.

Respectfully submitted

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