

**BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,**

Complainant,

v.

PUGET SOUND ENERGY,

Respondent.

**DOCKET UE-220066
DOCKET UG-220067**

**PUGET SOUND ENERGY'S MOTION
FOR LEAVE TO RESPOND TO
CENSE'S REQUEST FOR CASE
CERTIFICATION**

1. Pursuant to WAC 480-07-375, Puget Sound Energy ("PSE") hereby requests that the Commission grant it leave to file a response to the Coalition of Eastside Neighbors for Sensible Energy's ("CENSE") request for case certification. While CENSE's request for case certification could be interpreted as a petition pursuant to WAC 480-07-370, thereby obviating the need for this motion pursuant to WAC 480-07-370(4), it is unclear whether CENSE's request is such a pleading and whether PSE is permitted to respond without leave. Accordingly, PSE is filing this motion out of an abundance of caution. PSE submits its proposed response with this motion.

BACKGROUND

2. On February 24, 2022, in Docket U-210595, the Commission entered an order approving a participatory funding agreement between PSE, four investor utilities, and six other parties (the

“Agreement”).¹ The Agreement was entered into pursuant to RCW 80.28.430, which allows a utility to provide financial assistance to certain organizations representing broad customer interests, like “organizations representing low-income, commercial, and industrial customers, vulnerable populations, or highly impacted communities.”²

3. The Agreement as approved by the Commission outlined a process for the distribution of up to \$300,000 from PSE to organizations representing “broad customer interests.”³ The Commission approved the Agreement with minor modifications in Order 01 of Docket U-210595.⁴

4. The Agreement requires parties interested in obtaining funding to support their participation in a proceeding before the Commission to submit a “Request for Case Certification and Notice of Intent” (“Request”) and describe how the request meets the criteria for receiving funding as set out in the Agreement.⁵ To receive funding, the organization must: not be a for-profit or governmental entity, represent broad customer interests, demonstrate it is “able to effectively represent the particular customers it seeks to represent”, and no other certified stakeholder adequately represents those interests.⁶

5. On March 14, 2022, CENSE filed its Request. In the Request CENSE purports it should be eligible for funding pursuant to Section 5.2.1 of the Agreement.⁷ CENSE argues it represents the “broad customer interests who are being asked to pay for the Energize Eastside project” but

¹ Docket U-210595, Order 01 (Feb. 24, 2022).

² RCW 80.28.430 (1).

³ Agreement at pp. 6-7.

⁴ *Id.*

⁵ *Id.* at pp. 6-8.

⁶ *Id.*

⁷ CENSE Request for Case Certification, ¶ 4.

does not identify what those interests are other than opposition to a project that goes through the communities where CENSE members live or work.⁸

6. PSE requests leave from the Commission to file a response and address the claim the CENSE is an eligible organization, representing broad customer interests, and is otherwise eligible under RCW 80.28.430.

ARGUMENT

7. WAC 480-07-370 authorizes the Commission to “allow other pleadings upon written motion[.]”⁹ The Commission should allow a response to the Request submitted by CENSE because PSE has a unique and vested interest in whether CENSE is granted certification. Should CENSE’s request be granted, CENSE would be party to the Funding Agreement and eligible for monetary support from PSE.
8. Allowing a response to the Request offers PSE an opportunity to provide important context and input regarding CENSE’s Request. The Commission must make a determination whether CENSE meets the criteria outlined and compare CENSE’s petition to that of other parties.¹⁰ Briefing on this matter will assist the Commission in making this determination.
9. PSE has an important interest in ensuring the disbursement and qualification of funds. First, the money comes from PSE and its ratepayers.¹¹ Second, the distribution of funds and entering into an agreement is a statutory requirement of PSE, but the statute used particular language to narrowly tailor which types of groups are eligible for monetary support via a funding

⁸ *Id.* at ¶ 4 (b).

⁹ WAC 480-07-370.

¹⁰ Agreement at p. 8.


¹¹ RCW 80.28.430 (1).

agreement.¹² PSE has a substantial interest in ensuring these funds fulfill the statutory purpose. Furthermore, the universe of available funds is a finite number, so if an organization does not meet the criteria in the statute and the Commission Order, but is still allowed to receive funding, other organizations will have a smaller portion of funding.¹³ PSE is only required to enter into an agreement with organizations that represent “broad customer interests” — if an organization does not meet this standard — PSE should not be required to enter into a funding agreement.¹⁴

10. Finally, authorizing a response will not delay the proceedings. Several other parties have requested case certification in this proceeding, and the Commission must consider each of these requests. The information and insight provided by PSE in its response will assist, not hinder, the Commission in considering CENSE’s request.

RESPECTFULLY SUBMITTED this 18th day of March, 2022.

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¹² *Id.* (Noting “organizations representing low-income, commercial, and industrial customers, vulnerable populations, or highly impacted communities” as examples of those representing broad customer interests).

¹³ Docket U-210595, Order 01, Attachment A at p. 4.

¹⁴ RCW 80.28.430 (1).