

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

WASHINGTON UTILITIES AND)	
TRANSPORTATION COMMISSION,)	DOCKET UG-110723
)	ORDER 06
Complainant,)	
)	
v.)	ORDER DENYING PUBLIC
)	COUNSEL MOTION FOR
PUGET SOUND ENERGY, INC.,)	MODIFICATION OF SCHEDULE
)	
Respondent.)	
)	
.....)	

BACKGROUND

- 1 On April 26, 2011, June 29, 2011, and July 14, 2011, Puget Sound Energy, Inc., (PSE or Company) filed with the Washington Utilities and Transportation Commission (Commission) revisions to the Company’s currently effective Tariff WN U-2, establishing a Pipeline Integrity Program (PIP). The PIP is a new cost recovery method intended to enhance pipeline safety by providing for the expedited recovery of the Company’s investment in new plant to implement certain reliability, integrity, and safety programs related to PSE’s natural gas delivery system. On July 15, 2011, the Commission entered Order 01, suspending the tariff filings and setting the matter over for hearing.
- 2 On August 24, 2011, the Commission issued Order 02, Prehearing Conference Order (Order 02). The Commission adopted a procedural schedule in that order, including evidentiary hearing dates of November 17-18, 2011.
- 3 On September 22, 2011, the Public Counsel Section of the Washington Attorney General’s Office (Public Counsel) filed a Motion for Modification of Schedule (Motion). Public Counsel requests an extension of the procedural schedule established in Order 02 on the grounds that PSE’s direct testimony raises several material factual issues that cannot adequately be developed within the timeframes of

the current schedule. In addition, Public Counsel states that its expert witness has a scheduling conflict that precludes her from physically attending the hearings on November 17-18 or effectively assisting Public Counsel at, or in preparation for, those hearings. Finally, the initial settlement conference in the PSE general rate case is scheduled for November 9, which Public Counsel contends will interfere with its hearing preparation in this case. Public Counsel represents that the parties other than PSE do not oppose modifying the schedule to extend the remaining testimony filing deadlines and move the hearing dates to December 20-21, 2011, or January 9, 2012.

- 4 On September 28, 2011, PSE filed a response to the Motion opposing Public Counsel's request. The Company takes the position that the current schedule allows Public Counsel and the other parties sufficient time to develop a record on the limited factual issues presented and to prepare for the evidentiary hearings. PSE also states that it is willing to have Public Counsel's witness appear telephonically and that the extended schedule Public Counsel proposes is unnecessary and unworkable for the Company.

DISCUSSION AND DECISION

- 5 The Commission finds that Public Counsel has not stated adequate grounds to modify the procedural schedule established in Order 02. Public Counsel repeats the same arguments it made (1) at the prehearing conference, (2) in its objection to Order 02, and (3) in the Joint Motion to Consolidate this proceeding with the PSE rate case. The Commission has already considered those arguments and found them unpersuasive.¹ Public Counsel does not offer any new information or identify any changed circumstances that have arisen since the Commission issued its last determination that would warrant modifying the procedural schedule.
- 6 Public Counsel's practical difficulties with the existing schedule also do not support the requested relief. The Commission attempts to accommodate party constraints of which it is made aware when establishing a procedural schedule, but neither at the prehearing conference nor in its objection to Order 02 did Public Counsel raise any of the conflicts it identifies in the Motion. Those conflicts, moreover, are not insurmountable. All of the parties in this docket are also parties in the PSE rate case and face the same or comparable scheduling and work load issues. In addition, PSE

¹ Order 02 ¶ 8; Order 03 ¶ 8.

does not object to Public Counsel's expert witness appearing at the hearings by telephone, and the Commission is willing to make this accommodation. None of Public Counsel's practical difficulties necessitate modifying the existing procedural schedule.

ORDER

- 7 THE COMMISSION ORDERS that Public Counsel's Motion for Modification of Schedule is DENIED.

Dated at Olympia, Washington, and effective September 29, 2011.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

GREGORY J. KOPTA
Administrative Law Judge

NOTICE TO PARTIES: This is an Interlocutory Order of the Commission. Administrative review may be available through a petition for review, filed within 10 days of the service of this Order pursuant to WAC 480-07-810.