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Jeff Killip
Executive Director and Secretary
Washington Utilities and Transportation Commission
621 Woodland Square Loop SE
Lacey, WA 98503

**Re: *In the Matter of Puget Sound Energy Climate Commitment Act, Tariff Revision,*
Docket No. UG-230470**

Dear Executive Director and Secretary Killip:

Public Counsel is in receipt of the Joint Petition to Compel Compliance with Order 01 and Hear the Petition at the August 29, 2024, Open Meeting (Petition) submitted by The Energy Project (TEP), UTC Staff (Staff), and NW Energy Coalition (NVEC) filed on August 20, 2024. Public Counsel supports the petition and asks that the Commission grant it. Public Counsel agrees that Puget Sound Energy (PSE)'s proposed plan to disenroll customers effective August 31, 2024, violates Order 01 in this Docket.

Public Counsel is also in receipt of the August 23, 2024, letter from PSE in response, asking the Washington Utilities and Transportation Commission (Commission) to set the matter for adjudication and to allow PSE 20 days to respond per WAC 480-07-370(4)(b). Public Counsel notes that PSE's statement that the Petition could have been filed months ago is inaccurate. The petitioning parties and Public Counsel were engaged in discussions in the interim. It was not until August 19, 2024 that PSE notified the petitioning parties via a letter that it would not agree to suspend its plan to disenroll customers. The petitioning parties filed the next day. While it is true that PSE announced its policy several months ago, the petitioning parties only sought Commission intervention when PSE declined to suspend disenrollment without Commission intervention. The petition was timely.



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Public Counsel also disagrees with PSE that there are factual disputes relevant to this petition; PSE intends to disenroll customers who have not formally applied for PSE's bill discount program, but who were auto enrolled pursuant to Order 01. The dispute is whether that action is consistent with Order 01, which is a question of legal interpretation, not factual dispute. The current petition is to compel a party to follow an existing order, which is the kind of action which is appropriate for an open meeting. To the extent that the order needs to be changed, it is PSE's burden to petition for relief from the plain language of the Commission order.

Whether or not the dispute is classified as legal or factual, because PSE proposes to remove over 50,000 customers from its bill discount rate program effective on August 31, 2024,¹ the failure to take action at the August 29th open meeting would cause an immediate harm to the public welfare. That exigency justifies an emergency order to maintain the status quo while the Commission resolves the matter. If PSE voluntarily agrees to suspend its planned disenrollment while the matter is pending, the need for an immediate Commission order would be lifted. But PSE's August 23, 2024, letter confirms that there is a dispute and provides no indication of PSE's willingness to cease pending Commission resolution. Unless PSE agrees to suspend its planned disenrollment, the Commission should issue an order directing PSE to halt disenrollment at the August 29, 2024, open meeting.

Should you have any questions or require further information, please feel free to reach out to the undersigned or to Jean Marie Dreyer at JeanMarie.Dreyer@atg.wa.gov or by phone at (206) 389-3040.

Sincerely,

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Enclosures

cc: Service List (via E-mail)

¹ Joint Petition to Compel at ¶ 1 (filed Aug. 8, 2024).