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August 11, 2016

Steven V. King, Executive Director and Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P.O. Box 47250
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Comm. V Puget Sound Energy*
Dockets UE-151871 and UG-151872 (*Consolidated*)

Dear Mr. King:

At the evidentiary hearing on Monday, August 1, 2016, Mr. Malcolm McCulloch, witness for Puget Sound Energy, was subject to cross examination regarding his prefiled rebuttal testimony (MBM-7THC) on page 8, lines 3 through 10, and related Exhibit (MBM-11). This testimony, exhibit, and cross examination had nothing to do with the history of the disputes between Puget Sound Energy and the HVAC industry, but instead was about the current relations between the utility and the industry.

The objections raised to portions of Mr. Krecker's testimony related to PSE's assertion that the history was beyond intervener's scope and not relevant to the current adjudication. PSE did not in argument raise any objection to testimony regarding the current relationship between the utility and the industry.

With PSE's response to Bench Request No. 2, specifically the reference to Mr. McCulloch's testimony, it becomes obvious that PSE is attempting to alter the record and remove from consideration current issues regarding PSE's ability to implement its proposal, by 1) having included in its proposal to strike such language as was not related to history, but current matters, on page 2, lines 5 through 7, (all stricken material), page 2 lines 12 and 13 ("The HVAC industry has shown little interest in PSE's proposal"), and page 2, beginning on line 16 with "If the goal" through the end of the stricken material on line 18. Unfortunately, the issue of striking testimony was dealt with at the end of two long and tedious days of evidentiary hearing, and proper and detailed wordsmithing was not pursued.

WSHVACCA will not try and reopen the issue of the history, but the current state of relations between the utility and the industry is a legitimate issue, which impacts the ability of PSE to implement its proposal, to which no objection was raised during cross

examination of Mr. McCulloch nor at any other time. With parts of the discussion of that issue on the record, and other parts stricken, Puget Sound Energy's tactics leave the record confused and incomplete. We need a clear record while preparing post-hearing brief, and believe the stricken parts of Mr. Kreckler's testimony referred to above should be restored to the record, and the reference to Mr. McCulloch's testimony in the PSE response to Bench Request No. 2 should not be allowed into the record.

Sincerely,

James L. King, Jr., Representative
Washington State Heating, Ventilation and Air Conditioning Contractors Association

Cc: Parties