

U-210542

Sheree S. Carson
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January 7, 2022

VIA WEB PORTAL

Ms. Amanda Maxwell
Executive Director and Secretary
Washington Utilities and Transportation Commission
621 Woodland Square Loop SE
Lacey, Washington 98503

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UTIL. AND TRANSP.
COMMISSION

Re: **Docket U-210542**
In the Matter of the Joint Application of Puget Sound Energy, Ontario Teachers’ Pension Plan Board, and Macquarie Washington Clean Energy Investment, L.P., for an Order Authorizing Proposed Sales of Indirect Interests in Puget Sound Energy

Dear Ms. Maxwell:

Enclosed for filing in the above docket on behalf of Puget Sound Energy, Ontario Teachers’ Pension Plan Board and Macquarie Washington Clean Energy Investment, L.P. (the “Joint Applicants”) please find the following:

1. Revised Stipulated Commitments (and Exhibits A through E thereto);
2. Email correspondence from counsel for interested stakeholders affirming their agreement with the Revised Stipulated Commitments (with the exception of Commitment No. 43(a) for which there remains a dispute over interpretation of the existing commitment) (attached to this letter); and
3. Certificate of Service

These Revised Stipulated Commitments were negotiated over the course of several settlement discussions by the following interested stakeholders: The Joint Applicants, Commission Staff, Public Counsel, AWEC, and The Energy Project. These stakeholders all agree that these revised commitments should be filed in this docket for the Commission’s consideration at the January 27, 2022 Open Meeting.

Please contact me if you have any questions.

Very truly yours,



Ms. Amanda Maxwell
Executive Director and Secretary
Page 2

Sheree Strom Carson

Enclosures

From: [Simon ffitch](#)
To: [Callaghan, Nash \(UTC\)](#); [Carson, Sheree S. \(BEL\)](#); [Gafken, Lisa \(ATG\)](#); [Brent L. Coleman](#)
Cc: [Steele, David S. \(BEL\)](#); steve.secrist@pse.com; [Todd G. Glass \(tglass@wsgr.com\)](mailto:Todd.G.Glass@wsgr.com); [White, Amy \(UTC\)](#); [Bauman, Shay \(ATG\)](#); [Woolridge, J. Randall](#); [Mak, Chanda \(ATG\)](#); [Hartman, Brice C \(ATG\)](#)
Subject: RE: Revised Commitments (PSE Transaction U-210542)
Date: Friday, January 7, 2022 8:00:22 AM
Attachments: [image003.png](#)
[image004.png](#)

Sheree and parties:

The Energy Project has reviewed the draft Revised Commitments provided to parties by PSE on January 6, 2022. The Energy Project has specifically reviewed the modifications to Commitments 39, 41, 42, 46 and 48. The Energy Project agrees that these Revised Commitments are acceptable and represent the parties' agreement. With the exception of Commitment 43, The Energy Project also has no objection to the remaining Revised Commitments. With the noted exception for Commitment 43, The Energy Project therefore agrees with the commitment stipulation as presented.

Please let me know if you have any questions.

Simon J. ffitch

Attorney at Law

321 High School Rd. NE, Suite D3, Box 383

Bainbridge Island, WA 98110

Telephone: (206) 669-8197

Email: simon@ffitchlaw.com

From: Callaghan, Nash (UTC) <nash.callaghan@utc.wa.gov>
Sent: Friday, January 7, 2022 7:17 AM
To: Carson, Sheree S. (Perkins Coie) <SCarson@perkinscoie.com>; Gafken, Lisa (ATG) <lisa.gafken@atg.wa.gov>; Simon ffitch <simon@ffitchlaw.com>; Brent L. Coleman <brc@dvclaw.com>
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Subject: RE: Revised Commitments (PSE Transaction U-210542)

Good Morning Sheree,

Commission Staff has reviewed the draft Revised Commitments submitted by PSE on 1/6/22 for review by all parties in the above docket. With the exception of Commitment 43, the remaining 64 Commitments reflect the negotiated modifications which Staff concurred with, and, when filed in the docket with each of the listed Exhibits mentioned throughout the Commitments, are the Commitments that Staff can support. Please let me know if you have any other questions, thank you.

Nash Callaghan
Assistant Attorney General
Utilities and Transportation Division
Email: nash.callaghan@utc.wa.gov
Phone: (360) 915-4521

From: Carson, Sheree S. (Perkins Coie) <SCarson@perkinscoie.com>
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External Email

Lisa,

Our goal is to file the commitments tomorrow, if we have email sign off from all the stakeholders.

Sheree Strom Carson | Perkins Coie LLP

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Sheree –

Thank you for circulating the updated commitments. They accurately reflect my understanding of the consensus reached by all of the stakeholders. Public Counsel is ready to file comments tomorrow that support the consensus, present our view of Commitment 43, and state on the record our discomfort with the level of detail provided in discovery. As we have consistently expressed during the course of our discussions, we remained uncomfortable with the level of detail – and the resulting impact on risk and harm/no-harm analysis – throughout this process, and need to state this on the record. We recognize that the agreed modifications to the commitments are in the public interest and that consensus on the vast majority of the commitments likely negates the need to litigate or take other action on our discomfort. We appreciate the agreements made by the Joint Applicants, including the most recent movement on Commitment 39.

I want to check expectations to see if mine matches yours. I anticipate that the updated commitments will be filed tomorrow (Friday, 1/7). Assuming stakeholders respond to your message, is that what you anticipate as well? I think the modified commitments need to be filed before stakeholders can file comments that discuss them. Nash, Simon, and Brent, please chime in with your thoughts as well.

Best regards,

Lisa W. Gafken

Assistant Attorney General

Public Counsel Unit Chief

Direct: (206) 464-6595

Cell: (206) 714-3551 (no text messaging)

Pronouns: She/Her/Hers

From: Carson, Sheree S. (Perkins Coie) <SCarson@perkinscoie.com>

Sent: Thursday, January 06, 2022 4:28 PM

To: Callaghan, Nash (UTC) <nash.callaghan@utc.wa.gov>; Gafken, Lisa (ATG) <lisa.gafken@atg.wa.gov>; Simon ffitich <simon@ffitchlaw.com>; Brent L. Coleman <brc@dvclaw.com>

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Subject: FW: Revised Commitments

[EXTERNAL]

All,

Attached is an updated version of the commitments for your review. I have highlighted the commitments that we discussed yesterday. Please note that with respect to Commitment 39, the Joint Applicants have agreed to extend the date for community support through 2025. I believe this

leaves only one commitment in dispute, which is No. 43.

The tracked changes reflect revisions from the stipulated commitments in Docket U-180680. On the commitment where we did not reach agreement, the wording remains the same as it was in Docket U-180680 and the corresponding comment reflects there is not agreement amongst all the parties with respect to the commitment.

Please review and let me know if you have any changes or questions. If you agree with the commitment stipulation as presented, please send an email confirming your position. Once we have heard from each stakeholder/counsel we will file with a cover letter explaining the current status of the commitments.

Thanks,
Sheree

Sheree Strom Carson | Perkins Coie LLP

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Subject: Re: Revised Commitments (PSE Transaction U-210542)
Date: Friday, January 7, 2022 11:25:40 AM
Attachments: [image002.png](#)
[image006.png](#)
[Outlook-eiastv0t.png](#)

All,

AWEC is fine with the proposed updated Commitments.

Cheers,
Brent

Brent Coleman | Attorney
Davison Van Cleve PC
1750 SW Harbor Way, Suite 450
Portland, OR 97201
T: 503.241.7242 | C: 720.288.3178
Direct: 971.710.1157
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DAVISON VAN CLEVE

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