

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

PUGET SOUND ENERGY,

Respondent.

DOCKETS UE-220066 and UG-
220067 (*Consolidated*)

ORDER 13

GRANTING MOTION FOR LEAVE
TO REPLY

BACKGROUND

- 1 On April 25, 2022, CENSE filed a Proposed Budget of CENSE in Support of Fund Grant (Proposed Budget). The Proposed Budget requests an award of \$66,000 in attorney fees, \$3,000 for support staff, and \$12,000 in expert witness and consulting fees from PSE's Customer Representation Sub-Fund. CENSE notes that it will generally investigate and provide evidence on the prudence of PSE's Energize Eastside transmission line, a 16-mile 230 kV transmission line. CENSE describes certain issues it plans to address, such as whether the existing and forecasted peak loads justify the Energy Eastside investment and whether studies submitted in support of the Energize Eastside investment are current and accurate. CENSE submits that the overall cost of the Energize Eastside investment is substantial, impacts all customers, and raises significant policy issues. It does not appear, CENSE notes, that other intervenors will be focusing on the Energize Eastside investment.
- 2 CENSE also raises certain concerns with the Interim Agreement. For instance, CENSE raises a concern with the forms attached to the Interim Agreement, which provide for a 20 percent reduction for expert witness fees.
- 3 On May 2, 2022, the Commission issued Order 11, Granting Leave to Respond. The Commission granted PSE leave to respond to CENSE's Proposed Budget and accepted PSE's proposed response.

- 4 On May 3, 2022, the Commission issued Order 12, Granting Leave to Respond. The Commission granted AWEC leave to respond to CENSE’s Proposed Budget and accepted AWEC’s proposed response.
- 5 On May 4, 2022, CENSE filed a letter indicating that it intended to move for leave to file a reply brief.
- 6 On May 10, 2022, CENSE filed a Motion for Leave to File Reply to AWEC and PSE Responses to CENSE’s Proposed Budget (Motion). CENSE concurrently filed its proposed Reply to AWEC and PSE Responses to CENSE’s Proposed Budget in Support of Fund Grant (Reply).
- 7 In its Motion, CENSE notes that PSE and AWEC raise various arguments as to why intervenor funding for CENSE should be reduced or denied entirely. CENSE argues that its Reply raises important procedural issues and how the Commission may determine the “highest and best use of funds.” CENSE submits that further briefing will assist the Commission in deciding these issues of first impression.

DISCUSSION

- 8 We grant CENSE’s Motion. Pursuant to WAC 480-07-370(5)(a), the Commission may allow a party to file a reply to response based on a showing of good cause. CENSE has established sufficient cause for the Commission to grant leave for a reply to PSE’s and AWEC’s responses. As CENSE observes, these are issues of first impression before the Commission. CENSE, PSE, and AWEC have raised a number of arguments regarding how the Commission should allocate intervenor funding to case-certified parties. CENSE’s Reply is accordingly accepted by the Commission.
- 9 We observe that CENSE did not file its Motion within five business days of PSE’s and AWEC’s responses. Pursuant to WAC 480-07-370(5)(b), a party must request leave to file a reply within five business days of the response at issue. However, we find it appropriate to grant CENSE an exemption from this rule.¹ PSE and AWEC both sought leave from the Commission to file their responses. The Commission did not enter Order 12, granting AWEC leave to respond, until May 3, 2022, and CENSE filed its Motion five business days later. CENSE has therefore filed its Motion in a timely manner under the circumstances, and it is consistent with the public interest to grant CENSE an exemption from WAC 480-07-370(5)(b).

¹ Pursuant to WAC 480-07-110, the Commission may, in response to a request or on its own motion, grant an exemption from its own rules when “consistent with the public interest, the purposes underlying regulation, and applicable statutes.”

ORDER

10 **THE COMMISSION ORDERS:**

11 (1) The Coalition of Eastside Neighbors for Sensible Energy's Motion is GRANTED.

12 (2) The Coalition of Eastside Neighbors for Sensible Energy's Reply is ACCEPTED.

DATED at Lacey, Washington, and effective May 11, 2022.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Michael S. Howard
MICHAEL HOWARD
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.**