

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

Washington Utilities and Transportation
Commission

Complainant,

v.

PUGET SOUND ENERGY,

Respondent.

DOCKET UE-190324

ORDER 05

PREHEARING CONFERENCE
ORDER

- 1 **NATURE OF PROCEEDING.** On June 20, 2002, the Utilities and Transportation Commission (Commission) issued the Twelfth Supplemental Order in Dockets UE-011570 and UG-011571 (consolidated) (12th Supp. Order). The 12th Supp. Order approved a settlement that included a Power Cost Adjustment (PCA) mechanism for Puget Sound Energy (PSE or the Company).
- 2 PSE's PCA mechanism accounts for the difference in the Company's modified actual power costs relative to a power cost baseline and provides for a sharing of power costs between the Company and its ratepayers. The PCA cumulative deferral balance must reach \$20 million before triggering either a refund or surcharge under PSE's Schedule 95. The Commission authorized a change in the annual PCA period to calendar years beginning in January 2007.
- 3 On April 30, 2019, PSE filed testimony, exhibits, and supporting documentation related to power costs deferred under the PCA mechanism for the 12-month period beginning January 1, 2018, and ending December 31, 2018.
- 4 On October 24, 2019, the Commission issued Order 01, Complaint and Order Suspending Filing in this docket, which commenced an adjudicative proceeding and set the matter for hearing.
- 5 **CONFERENCE.** The Commission convened a prehearing conference in Lacey, Washington on November 21, 2019, before Administrative Law Judge Andrew J. O'Connell.

6 **APPEARANCES.** Donna L. Barnett, Perkins Coie, Bellevue, Washington, represents Puget Sound Energy. Joe M. Dallas and Daniel J. Teimouri, Assistant Attorneys General, Lacey, Washington, represent Commission staff (Staff).¹ Lisa W. Gafken and Nina Suetake, Assistant Attorneys General, Seattle, Washington, represent the Public Counsel Unit of the Attorney General’s Office (Public Counsel). Tyler Pepple and Brent L. Coleman, Davison Van Cleve, P.C., Portland, Oregon, represent the Alliance of Western Energy Consumers (AWEC). Contact information for the representatives of those granted party status is attached as Appendix A to this Order.

7 **PETITIONS FOR INTERVENTION.** AWEC filed a petition to intervene in this matter. Absent objections to the petition to intervene, the Commission finds that AWEC has established a substantial interest in this proceeding and that its participation will be in the public interest. Accordingly, the Commission grants AWEC’s petition.

8 **DISCOVERY.** Discovery will be conducted according to this Order, the protective order issued in this docket, and the Commission’s discovery rules, WAC 480-07-400 – 425. The Commission urges the parties to work cooperatively together to avoid having to bring discovery matters forward for formal resolution.

9 The Commission believes it will aid discovery in this case if every data request and each response thereto is shared with all parties. No party objects to the Commission making the exchange of data requests and responses with all parties a requirement for discovery in this case. Accordingly, the Commission requires the parties to share every data request and response with all parties, subject to any confidentiality limitations contained in Commission rule or the protective order issued in this docket.

10 **PROCEDURAL SCHEDULE.** The parties presented an agreed procedural schedule at the prehearing conference. The Commission adopts this procedural schedule, which is attached to this Order as Appendix B.

¹ In formal proceedings such as this, the Commission’s regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners’ policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

11 **DOCUMENT FILING AND SERVICE REQUIREMENTS.** Parties must file and serve all pleadings, motions, briefs, and other prefiled materials in compliance with all of the following requirements:

- (a) Parties must submit electronic copies of all documents by 5 p.m. on the filing deadline established in the procedural schedule (or other deadline as applicable) unless the Commission orders otherwise. Parties must comply with WAC 480-07-140(6) in formatting, organizing, and identifying electronic files. Documents that include information designated as confidential must comply with the requirements in WAC 480-07-160 and the Protective Order in this docket.
- (b) The Commission accepts only electronic versions of documents for formal filing. The Commission requires electronic copies to be in searchable .pdf format (adobe acrobat or comparable software), or to otherwise comply with WAC 480-07-140(6)(a). Parties must submit documents electronically through the Commission's web portal (www.utc.wa.gov/e-filing). If a party is unable to use the web portal to submit documents for filing, the Commission will accept a submission via email to records@utc.wa.gov provided the email: (1) explains the reason the documents are not being submitted via the web portal, and (2) complies with the requirements in WAC 480-07-140(5)(b).
- (c) Parties must also file **an original and three (3)** paper copies (with original signatures, if applicable) of the documents with the Commission by 5 p.m. on the next business day following the filing deadline established in the procedural schedule (or other deadline as applicable) unless the Commission orders otherwise. If any of the exhibits contain information designated as confidential or Company-confidential, parties must file an electronic copy of the redacted version in searchable .pdf (adobe acrobat or comparable software) of each such exhibit. All hard copy filings must be mailed or otherwise delivered to the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, Washington 98504-7250.
- (d) Documents filed with the Commission must conform to the formatting and other requirements in WAC 480-07-395 and WAC 480-07-460, and must comply with the requirements in WAC 480-07-160 and the Protective Order in this docket for documents that include information designated as confidential.

(e) Parties must electronically serve the other parties and provide courtesy electronic copies of filings to the presiding administrative law judge (andrew.j.oconnell@utc.wa.gov) by 5 p.m. on the filing deadline unless the Commission orders otherwise. If parties are unable to email copies, they may furnish electronic copies by delivering them on a flash drive only.

12 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission has limited ability to provide dispute resolution services. If you wish to explore those services, please contact Rayne Pearson, Director, Administrative Law Division (rayne.pearson@utc.wa.gov or 360-664-1136).

13 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this docket, subject to Commission review.**

Dated at Lacey, Washington, and effective November 22, 2019.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ *Andrew J. O'Connell*
ANDREW J. O'CONNELL
Administrative Law Judge

**APPENDIX A
PARTIES' REPRESENTATIVES
DOCKET UE-190324**

PARTY	REPRESENTATIVE	PHONE	E-MAIL
Puget Sound Energy	Donna L. Barnett Perkins Coie The PSE Building 10885 NE Fourth Street, Suite 700 Bellevue, WA 98004-5579	(425) 635-1400	dbarnett@perkinscoie.com
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Commission Staff	Joe M. Dallas Assistant Attorney General Office of the Attorney General Utilities and Transportation Division P.O. Box 40128 Olympia, WA 98504	(360) 664-1192	joe.dallas@utc.wa.gov
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	Jesse O. Gorsuch		jog@dvclaw.com

**APPENDIX B
PROCEDURAL SCHEDULE
DOCKET UE-190324**

EVENT	DATE
Puget Sound Energy Petition and Testimony	April 30, 2019
Prehearing Conference	November 21, 2019
Prehearing Conference Order (Order 01)	November 22, 2019
Initial Settlement Conference	April 7, 2020
Status Report on Behalf of the Parties	May 6, 2020