

**BEFORE THE  
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

PUGET SOUND ENERGY,

Respondent.

DOCKET UE-220066  
DOCKET UG-220067

---

In the Matter of

PUGET SOUND ENERGY

Clean Energy Implementation Plan Pursuant to  
WAC 480-100-640

---

DOCKET UE-210795

PSE'S MOTION TO STRIKE LATE-FILED  
RESPONSE

**I. INTRODUCTION**

1 Pursuant to WAC 480-07-375(d), Puget Sound Energy ("PSE") hereby moves the Washington Utilities and Transportation Commission ("Commission") to strike Public Counsel's Response ("Response") to PSE's Petition for Administrative Review of the interlocutory order denying PSE's Motion for Consolidation of the above-captioned proceedings. PSE objects to the admission of Public Counsel's Response because it was untimely filed and untimely served on the parties to these proceedings.

**II. AUTHORITY**

2. Public Counsel filed its Response pursuant to WAC 480-07-810.<sup>1</sup> That rule allows any party to file a response to a petition for review, but it requires any such response to be filed

---

<sup>1</sup> Public Counsel's Response at ¶ 1.

within ten days after the petitioner files its petition for review.<sup>2</sup> PSE filed and served its petition for review on April 28, 2022, so all responses to PSE's petition were due on May 9, 2022.<sup>3</sup> Public Counsel's Response was filed and served on May 12, 2022.<sup>4</sup>

3 Under WAC 480-07-385, a party may seek to postpone or extend a deadline established by rule through an oral or written motion for continuance.<sup>5</sup> The requesting party must file and serve a written motion at least five business days prior to the deadline the party requests to continue<sup>6</sup> or make an oral request for continuance on the record at least two days prior to the deadline.<sup>7</sup> Public Counsel did neither.

### III. ARGUMENT

4. Public Counsel apparently failed to recognize the deadline established by WAC 480-07-810(3)(b) because Public Counsel did not seek an extension pursuant to WAC 480-07-385 or otherwise request leave to file its late Response. Further, Public Counsel did not even acknowledge the deadline established by the Commission's rule, and it did not attempt to provide any justification for its late filing.

5. Through this Motion, PSE does not intend to impute any ill-intent on Public Counsel's violation of Commission rule, but the Commission should nonetheless strike Public Counsel's Response. The Commission's rules are clear, and Public Counsel is obligated to comply with them. Public Counsel had ample opportunity to either file its Response on time or request leave for a continuance. Public Counsel's unjustified delay highlights the need for order in these proceedings. Allowing Public Counsel's Response to be considered by the Commission and admitted into the record of these proceedings would only reward Public Counsel's tardiness and encourage other parties to disregard Commission rules and orders in these and other proceedings.

---

<sup>2</sup> WAC 480-07-810(3)(b).

<sup>3</sup> WAC 480-07-130.

<sup>4</sup> See Public Counsel's Certificate of Service (May 12, 2022).

<sup>5</sup> WAC 480-07-385(2)(a).

<sup>6</sup> WAC 480-07-385(3)(a).


<sup>7</sup> WAC 480-07-385(3)(b).

**IV. CONCLUSION**

6 For the reasons set forth above, the Commission should strike Public Counsel’s untimely Response to PSE’s Petition for Administrative Review.

Respectfully submitted this 13th day of May, 2022

**PERKINS COIE LLP**

By   
Donna L. Barnett, WSBA #36794  
Sheree Strom Carson, WSBA #25349  
Pamela J. Anderson, WSBA #37272  
David S. Steele, WSBA #45640  
Byron C. Starkey, WSBA #55545  
Attorneys for Puget Sound Energy