

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

PUGET SOUND ENERGY

Respondent.

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

In the Matter of

PUGET SOUND ENERGY

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

Docket UE-210795

PUBLIC COUNSEL UNIT
RESPONSE TO PSE MOTION TO
STRIKE

1. Pursuant to Washington Administrative Code (WAC) 480-07-810, the Public Counsel Unit of the Washington State Attorney General’s Office (Public Counsel) hereby responds to Puget Sound Energy’s (PSE or the Company) Motion to Strike¹ Public Counsel’s response to PSE’s Petition for Administrative review of the Washington Utilities and Transportation Commission’s (Commission) Order Denying PSE’s Motion for Consolidation of its Clean Energy Implementation Plan (CEIP) proceeding, Docket UE-210795, with its general rate case

¹ Puget Sound Energy Motion to Strike Late-Filed Response, *Wash. Utils. & Transp. Comm’n v. Puget Sound Energy*, Dockets UE-220066 & UG-220067 (*consol.*); *In re: Puget Sound Energy Clean Energy Implementation Plan Pursuant to WAC 480-100-640*, Docket UE-210795 (filed May 13, 2022) (hereinafter “PSE Motion”).

PUBLIC COUNSEL’S RESPONSE TO
PUGET SOUND ENERGY’S MOTION
TO STRIKE LATE-FILED RESPONSE

DOCKETS UE-220066 and UG-220067
(*Consolidated*);
DOCKET UE-210795;

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ATTORNEY GENERAL OF WASHINGTON
PUBLIC COUNSEL UNIT
800 FIFTH AVENUE, SUITE 2000
SEATTLE, WASHINGTON 98104-3188
(206) 464-7744

(GRC), Dockets UE-220066 and UG-220067 (Consolidated).² Public Counsel respectfully requests the Commission to deny PSE’s Motion to Strike.

2. PSE filed its Petition for Administrative Review on April 28, 2022.³ WAC 480-07-810(3)(b) requires replies to a petition to be filed within 10 days of the submission of the response, establishing a deadline of May 9, 2022. Public Counsel mistakenly calendared the deadline for 10 business days rather than calendar days and submitted its response on May 12, 2022.
3. Under WAC 480-07-110, the Commission has the discretion to modify application of its own rules if that modification is in the public interest and is not inconsistent with the purpose underlying the regulation or applicable statutes.⁴ The submission of Public Counsel’s response three days late will not prejudice or harm any party to this proceeding, particularly given parties are aware of Public Counsel’s views on PSE’s consolidation request through previously filed comments.⁵ PSE fails to state how allowing Public Counsel’s response into the record would injure the Company or is otherwise inconsistent with the public interest or purpose underlying

² Public Counsel Unit Response to Puget Sound Energy Petition for Administrative Review of an Interlocutory Order Denying Motion for Consolidation, *Wash. Utils. & Transp. Comm’n v. Puget Sound Energy*, Dockets UE-220066 & UG-220067 (*consol.*); *In re: Puget Sound Energy Clean Energy Implementation Plan Pursuant to WAC 480-100-640*, Docket UE-210795 (filed May 12, 2022).

³ Petition for Administrative Review of an Interlocutory Order Denying Motion for Consolidation, *Wash. Utils. & Transp. Comm’n v. Puget Sound Energy*, Dockets UE-220066 & UG-220067 (*consol.*); *In re: Puget Sound Energy Clean Energy Implementation Plan Pursuant to WAC 480-100-640*, Docket UE-210795 (filed Apr. 28, 2022) (hereinafter “PSE Petition”).

⁴ WAC 480-07-110(1).

⁵ See Public Counsel Unit Response to Motion to Consolidate Proceedings and Motion for Exemption from WAC 480-100-645(2), *Wash. Utils. & Transp. Comm’n v. Puget Sound Energy*, Dockets UE-220066 & UG-220067 (*consol.*); *In re: Puget Sound Energy Clean Energy Implementation Plan Pursuant to WAC 480-100-640*, Docket UE-210795 (filed Apr. 6, 2022).

the applicable rules. At most, PSE opines that Public Counsel’s calendaring error “highlights the need for order in these proceedings,”⁶ but provides no evidence to suggest that this proceeding has been heretofore chaotic or that Public Counsel has consistently or purposefully missed previous deadlines set in this proceeding. The Commission’s exercise of its discretion to allow a late-filed response into the record would not harm the public interest or encourage other parties to disregard Commission rules and orders, as suggested by PSE.⁷

4. While Public Counsel regrets the late filing, it was a harmless error and no party was prejudiced by the three-day delay. Public Counsel respectfully requests the Commission to exercise its discretion to waive the 10-calendar-day requirement and deny PSE’s Motion to Strike.

Dated this 19th day of May, 2022.

ROBERT W. FERGUSON
Attorney General

/s/ 

NINA M. SUETAKE, WSBA No. 53574
LISA W. GAFKEN, WSBA No. 31549
ANN N.H. PAISNER, WSBA No. 50202
Assistant Attorney General
Public Counsel Unit
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
(206) 389-2055
Nina.Suetake@ATG.WA.GOV
Lisa.Gafken@ATG.WA.GOV
Ann.Paisner@ATG.WA.GOV

⁶ PSE Motion ¶ 5.

⁷ PSE Motion ¶ 5.