

BEFORE THE  
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

PUGET SOUND ENERGY, INC.,

Respondent.

NO. UE-100177

PUGET SOUND ENERGY, INC.'S  
RESPONSE TO THE MOTIONS FOR  
SUMMARY DETERMINATION OF  
COMMISSION STAFF, NW ENERGY  
COALITION, AND PUBLIC COUNSEL

**I. INTRODUCTION**

1. Puget Sound Energy, Inc. ("PSE" or "the Company"), by and through undersigned counsel, hereby submits its Response to the Motions for Summary Determination of Commission Staff, NW Energy Coalition ("NVEC"), and Public Counsel. This Response relies on the documents and evidence on file in this docket, including the Declaration of Eric E. Englert dated April 6, 2010 and the Supplemental Declaration of Eric E. Englert, dated April 19, 2010.
2. The motions for summary determination filed by Commission Staff, Public Counsel and NVEC should be denied. Commission Staff and NVEC completely ignore the fact that PSE identified its ten-year conservation potential based on its Integrated Resource Plan ("IRP") *and* the Conservation Council's plan. PSE's biennial conservation target is consistent with the ten-year conservation potential based on the Conservation Council's plan. Public Counsel's claim that the public participation process was inadequate is not supported by the facts. PSE engaged in a robust public discussion of its conservation potential, and part of that public discussion involved the use of the Conservation Council's plan and calculator to determine PSE's conservation metrics.

## II. ARGUMENT

### A. Public Participation in the Development of PSE's Ten-Year Conservation Potential and Biennial Target Was Sufficient as a Matter of Law

3. Public Counsel's assertion that "*no* public participation occurred with respect to the ten-year conservation potential and the two-year target filed by PSE on January 29, 2009"<sup>1</sup> is incorrect. By Public Counsel's own admission, "PSE did, in fact, engage in a robust public process. PSE's engagement of stakeholders and the public in the development of its conservation programs, potential and targets is well recorded . . . ."<sup>2</sup> As discussed in more detail below, the facts demonstrate that the public participation process included information about the use of the Conservation Council's plan to project PSE's ten-year conservation potential. Public Counsel's failure to attend certain public meetings where the use of the Conservation Council's methodology for determining the ten-year conservation potential was discussed does not render the entire participation process inadequate.

1. The public participation process did not "solely and exclusively" focus on developing conservation metrics using PSE's IRP

4. The basis for Public Counsel's claim that "as a practical matter" no participation occurred is its assertion that the public participation process focused "solely and exclusively" on using PSE's IRP to develop the conservation metrics.<sup>3</sup> This assertion is not supported by the facts. All parties were well aware that PSE could use the Conservation Council's calculator to establish its conservation metrics.<sup>4</sup> Public Counsel acknowledges, as it must, that public participation

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<sup>1</sup> Public Counsel Mot. for Summ. Determination ¶ 3.

<sup>2</sup> Comments of Public Counsel, Docket No. UE-100177, p. 4 (March 5, 2010).

<sup>3</sup> See Public Counsel Mot. for Summ. Determination ¶ 3.

<sup>4</sup> The Declaration of Stefanie Johnson inaccurately states that "PSE's assessment of conservation potential occurs as part of its integrated resource planning (IRP) process." See Declaration of Stefanie Johnson ¶ 3. This statement confuses the process of projecting a ten-year conservation potential for the purpose of setting a binding conservation target pursuant to WAC 480-109-010 and the process of integrating assessments of commercially-available conservation into a lowest-cost mix of potential resources for the purpose of recommending a long-range integrated resource plan pursuant to WAC 480-100-238. Under WAC 480-109-010, a utility may assess its ten-year conservation potential for the purpose of establishing a binding biennial target using *either* its most recent IRP *or* the Conservation Council's current power plan. See WAC 480-109-010(1)–(2). This assessment does not occur "as part of" PSE's IRP process.

included discussion of the Conservation Council power plan as a basis for calculating achievable ten-year conservation potential.<sup>5</sup>

5. On September 3, 2009, for example, PSE and other interested stakeholders participated in a public meeting hosted by the WUTC, at which the Conservation Council presented over 70 slides describing its methodology for calculating conservation potential.<sup>6</sup> Public Counsel was invited to the public meeting but did not attend. The slides discuss the two methodologies for utilities to determine their ten-year conservation potential. Slides 34 through 38 describe the IRP methodology. Slide number 39 specifically states: "Utilities can just use the utility target calculator."<sup>7</sup>

6. At this same meeting, participants were provided a sample calculation of what PSE's conservation metrics would be using the Sixth Power Plan Calculator.<sup>8</sup> Following the meeting, this sample calculation was distributed to stakeholders via e-mail.<sup>9</sup> Ms. Stefanie Johnson, along with Mary Kimball and Lea Daeschel from Public Counsel, are among the recipients listed on the e-mail.<sup>10</sup> Other listed recipients include Commission Staff and representatives for NVEC, the Conservation Council, the Energy Project, Department of Commerce, Avista, and PacifiCorp.<sup>11</sup>

7. On December 31, 2009 PSE informally shared its identification of ten-year conservation potential with stakeholders via e-mail, providing numbers for the projection based on *both* of the allowed sources—PSE's most recent IRP and the Conservation Council's current (Fifth) power

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<sup>5</sup> See Decl. of Stefanie Johnson ¶ 16. Ms. Johnson's opinion that such discussion was simply "for comparison purposes" belies her position that the use of the Council's plan was never discussed. See *id.* Whether the use of the Conservation Council's plan was discussed "in comparison" or otherwise, the undisputed fact remains that both allowable sources were discussed and identified as bases for PSE's ten-year conservation potential.

<sup>6</sup> Decl. of Eric E. Englert ¶ 7.

<sup>7</sup> *Id.*; Ex. A to the Decl. of Eric E. Englert.

<sup>8</sup> Supp. Decl. of Eric E. Englert ¶ 5. Although this sample calculation utilized the Sixth Plan Calculator to illustrate the Conservation Council's methodology, the Conservation Council had previously acknowledged that the Sixth Plan calculator was "unofficial" and that the "official" calculator was the Fifth Plan Calculator. *Id.*; Ex. A to the Supp. Decl. of Eric E. Englert. Throughout the participation process in the development of PSE's conservation metrics, the Fifth Plan Calculator was publicly available. Supp. Decl. of Eric E. Englert ¶ 5.

<sup>9</sup> *Id.* ¶ 6; Ex. B to the Supp. Decl. of Eric E. Englert.

<sup>10</sup> Ex. A to the Supp. Decl. of Eric E. Englert at p. 1.

<sup>11</sup> *Id.*

plan.<sup>12</sup> While it is true that PSE indicated that it anticipated using its 2009 IRP as the basis of its ten-year conservation potential, PSE did not represent to stakeholders that the identified metrics could not be further refined or that PSE would not further consider which of the two allowed sources to use when finalizing its ten-year projection and biennial target.<sup>13</sup>

8. On January 24, 2010 PSE notified interested parties via e-mail that it was planning on using the previously-identified numbers based on the Council's Fifth Power Plan Calculator for its finalized ten-year conservation potential and biennial target for 2010–2011.<sup>14</sup> In the e-mail, PSE announced that it would hold a public meeting "to present and discuss the ten-year cumulative conservation potential and biennial conservation target" that PSE planned to file by January 29.<sup>15</sup> A call-in number was provided for individuals who could not attend in person.<sup>16</sup>
9. Participants at the public meeting on January 27, 2010 included representatives from the Conservation Council, Northwest Energy Coalition, Northwest Energy Efficiency Alliance, Northwest Energy Efficiency Council, Industrial Customers of Northwest Utilities, The Energy Project, and PacifiCorp.<sup>17</sup> Public Counsel and Commission Staff did not send representatives to the meeting or utilize the toll free call-in number to participate; however, each sent comments to

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<sup>12</sup> See Decl. of Eric E. Englert at ¶ 12; App. G to the Decl. of Stefanie Johnson, Docket No. UE-100177 (April 6, 2010).

<sup>13</sup> See App. G to the Decl. of Stefanie Johnson, Docket No. UE-100177 (April 6, 2010). As discussed in more detail below and in PSE's Motion for Summary Determination, neither the Act nor the implementing rules prohibit a utility from refining and finalizing its ten-year conservation potential between January 1 and January 31, when the report is filed.

<sup>14</sup> App. H to the Decl. of Stefanie Johnson, Docket No. UE-100177 (April 6, 2010). As discussed in PSE's Motion for Summary Determination and the supporting Declaration of Eric E. Englert, the Company's decision to use the Conservation Council's Fifth Power Plan as the basis for its ten-year conservation potential was driven by four sets of drivers, which have come into sharp focus since December 2009, including: (1) uncertainty about approval of the Company's 2010–2011 projected level of conservation program expenditures; (2) uncertainty about customer tolerance for upward pressure on rates due to higher conservation program expenditures; (3) uncertainty about the Company's ability to recover lost margins from conservation; and (4) uncertainty about the treatment of penalties for failing to achieve the conservation targets. See PSE's Mot. for Summ. Determination ¶¶ 14–16; Decl. of E. Englert ¶¶ 17–20.

<sup>15</sup> App. H to the Decl. of Stefanie Johnson, Docket No. UE-100177 (April 6, 2010).

<sup>16</sup> *Id.*

<sup>17</sup> Decl. of Eric E. Englert at ¶ 14.

PSE via e-mail regarding PSE's anticipated filing.<sup>18</sup> PSE considered these comments, along with the comments received from stakeholders at the public meeting, when finalizing its Report.<sup>19</sup>

10. Public Counsel's claim that there was "no public process" and "no participation" in the development of the projection and target ultimately filed by PSE is thus unsupported in fact. Moreover, Public Counsel's attempt to bolster this inaccurate assertion by emphasizing that it was public participation in the "*development*" of the conservation metrics that was allegedly lacking is misplaced.<sup>20</sup> First, as demonstrated above, PSE did, in fact, involve the public in the development of the conservation metrics it ultimately filed. Second, it should come as no surprise that public participation in the "development" of conservation metrics derived using the Council's calculator may be less intensive than public participation in the "development" of conservation metrics based on a utility's most recent IRP. This is because Council's calculator has already built in most of the "development" process. The Conservation Counsel showed all their work behind the development of the calculator at the September 3, 2009 public meeting. Apart from PSE's decision to use the Council's Fifth Power Plan Calculator—a decision specifically authorized by the Commission's rules<sup>21</sup>—all that remained in the development process was the step of selecting "Puget Sound Energy" from the drop-down menu in the Conservation Council's Fifth Power Plan Calculator.<sup>22</sup> Indeed, any interested party had the ability to independently calculate PSE's conservation metrics using the publicly-available Fifth Power Plan Calculator at any point during the target-setting process.<sup>23</sup>

2. The right to "participate" in a decision-making process does not entail the right to dictate the end-result of the process

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<sup>18</sup> See App. I to the Decl. of Stefanie Johnson, Docket No. UE-100177 (April 6, 2010).

<sup>19</sup> Supp. Decl. of Eric E. Englert ¶ 10.

<sup>20</sup> See Public Counsel Mot. for Summ. Determination ¶¶ 4–6.

<sup>21</sup> WAC 480-109-010(1)(b)(ii) specifically endorses the use of the Conservation Council's power plan to project conservation potential.

<sup>22</sup> See Fifth Plan Conservation Calculator, *available at*

[http://www.nwcouncil.org/energy/UtilityTargetCalc\\_v1\\_7.xls](http://www.nwcouncil.org/energy/UtilityTargetCalc_v1_7.xls); Supp. Decl. of Eric E. Englert ¶ 5.

<sup>23</sup> See *id.*

11. Citing to a criminal case for the proposition that "to participate" means "something more than merely being present," Public Counsel claims that the extensive public involvement described above and in the Declaration of Eric E. Englert did not constitute "participation" within the meaning of WAC 480-109-010(3)(a).<sup>24</sup> This argument is without merit. No one has asserted that the term "participation" in WAC 480-109-010(3)(a) means "merely being present." Further, interested parties had numerous opportunities—and took these opportunities—to "take part in" and "contribute[] . . . to"<sup>25</sup> the development of PSE's conservation metrics by sharing comments and suggestions regarding the process and proposed end result. PSE considered these comments and suggestions when developing its conservation metrics.<sup>26</sup>

12. What Public Counsel is really objecting to is the fact that PSE did not give dispositive weight to stakeholder input regarding whether the IRP-based ten-year projection or the plan-based ten-year projection should be used. Even the definition of "participation" cited by Public Counsel does not include the right to dictate the end-result of a decision-making process. That the Commission did not intend for stakeholders to play such a prescriptive role in the process of setting conservation targets is further evidenced by the Commission's rejection of Public Counsel's repeated requests that the Commission mandate the use of advisory stakeholder panels in developing conservation targets.<sup>27</sup> Furthermore, providing stakeholders "final say" over a

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<sup>24</sup> Public Counsel Mot. for Summ. Determination at pp. 3–4 (unnumbered paragraph).

<sup>25</sup> *Id.*

<sup>26</sup> Supp. Decl. of Eric E. Englert ¶ 10.

<sup>27</sup> See Gen. Order R-546, Docket UE-061895 ¶ 29 (Nov. 30, 2007); Third Comments of Public Counsel (CR-101), Docket No. UE-061895, pp.2–4 (July 9, 2007). Public Counsel incorrectly suggests that RCW 19.285.040(1)(e) *requires* utilities to use stakeholder groups when setting conservation targets because RCW 19.285.040(1)(e) states that "the commission may rely on its standard practice for review and approval of investor-owned utility conservation targets" and "part of this standard practice is that public processes and stakeholder groups have been involved in the development of conservation programs in Washington." Public Counsel Mot. for Summ. Determination at p. 4 (unnumbered paragraph). Contrary to Public Counsel's assertion, the "standard practice" referred to in RCW 19.285.040(1)(e) is simply the Commission's procedures for reviewing utility filings. The Commission does not have a "standard practice" of mandating stakeholder panels. The public processes and stakeholder groups referred to in General Order R-546 are the result of a settlement agreement in PSE's 2001 General Rate Case. See *WUTC v. Puget Sound Energy, Inc.*, Docket No. UE-001570, *et. al.*, Third Supplemental Order: Approving and Adopting Settlement Stipulation; Dismissing Complaint, Attach. A at Ex. F (Mar. 28, 2002). Regardless, these public processes and stakeholder groups *were*, in fact, involved in the development of PSE's conservation targets, as described in detail above and in PSE's Motion for Summary Determination and the supporting Declaration of Eric E. Englert and Supplemental Declaration of Eric E. Englert.

utility's ultimate decision regarding whether to use its IRP or the Conservation Council's plan as the basis for its ten-year conservation potential is particularly inappropriate given that the Commission's regulations plainly provide that either option is equally acceptable.<sup>28</sup>

13. In sum, PSE provided numerous opportunities for public participation in the development of its conservation metrics. Public participation included opportunities to comment on both the conservation numbers derived from PSE's 2009 IRP and the numbers derived from the Council's Fifth Power Plan Calculator, as well as opportunity to comment on PSE's ultimate decision to use the Fifth Power Plan Calculator rather than the IRP-based numbers.<sup>29</sup> The Commission's rules do not require more. It is also notable that public participation in the development of PSE's conservation metrics was far greater than the public participation afforded to stakeholders by the Department of Commerce's regulations for the development of conservation metrics by consumer-owned utilities ("COUs"). Under these regulations, a COU is required to hold only a single publicly-noticed meeting at which public comment may be presented regarding conservation targets.<sup>30</sup>

**B. PSE Did Not "Substantially Change" Its Ten-Year Conservation Potential Between December 31, 2009 and January 29, 2010**

14. Commission Staff inaccurately states that the conservation metrics shared by PSE with stakeholders in the informal December 31 e-mail "differ substantially" from the conservation metrics filed in the January 31 Report. Based on this erroneous statement of fact, Commission Staff argues that either PSE failed to project its ten-year conservation potential by January 1, 2010 or its biennial target is not "consistent" with its ten-year conservation potential. Neither conclusion is correct.

15. As noted above, the conservation metrics shared with stakeholders in PSE's December 31, 2009 e-mail included numbers based on both PSE's 2009 IRP *and* the Conservation Council's

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<sup>28</sup> See WAC 480-109-010(1)(b).

<sup>29</sup> See Decl. of E. Englert ¶¶ 4–15; Supp. Decl. of E. Englert ¶¶ 10; Report at 3; App. H & App. I to the Decl. of Stefanie Johnson, Docket No. UE-100177 (April 6, 2010).

<sup>30</sup> See WAC 194-37-070(3)(d).

Fifth Power Plan Calculator. There is nothing in the Act or implementing regulations specifically precluding a utility from identifying its ten-year conservation potential based on both of the allowed sources prior to January 1, as required by the statute, and then finalizing its ultimate decision as to which allowed source to use for purposes of establishing the biennial conservation target prior to submitting the January 31 report. Indeed, the language of RCW 19.285.040 distinguishes between the biennial conservation target that a utility must "establish and make publicly available" by January 31, and the mere "identification" of the ten-year conservation potential that must occur before January 1.<sup>31</sup> Given this distinction, PSE complied with the statute and Commission rules when it (1) identified its ten-year conservation potential using both allowed methodologies (IRP and Conservation Council's Plan) prior to January 1, 2010, and (2) established and made publicly available its biennial target for 2010–2011, which was a pro rata share of the ten-year conservation potential based on the Conservation Council's Fifth Power Plan. PSE's 219.3 aMW projection of long-term conservation potential based on the Conservation Council's Fifth Power Plan Calculator was timely made prior to January 1, 2010.

16. In asserting that PSE "substantially changed" its ten-year conservation potential between December 31, 2009 and January 29, 2010, Commission Staff ignores the fact that PSE's December 31, 2009 e-mail to stakeholders specifically identified 219.3 aMW of long-term conservation potential based on the Conservation Council's Fifth Power Plan Calculator, in addition to the higher number based on PSE's 2009 IRP. This 219.3 aMW projection is not substantially different from the 213.7 aMW ten-year conservation projection ultimately filed in the Report.<sup>32</sup> Nor, as discussed below, is PSE's biennial target of 42.2 aMW inconsistent with this ten-year conservation projection.<sup>33</sup>

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<sup>31</sup> Compare RCW 19.285.040(1)(a) with RCW 19.285.040(1)(b). Similarly, WAC 480-109-010(1) refers to the "projection" of the ten year potential.

<sup>32</sup> See Supp. Decl. of E. Englert ¶¶ 11–12 (explaining reason for minor change).

<sup>33</sup> As to the first legal issue identified by Commission Staff, PSE does not dispute that the Commission may consider e-mail correspondence that Commission Staff received from PSE on December 31, 2009 (and that Commission Staff unilaterally filed) in determining whether PSE complied with RCW 19.285.040(1) and WAC 480-109-010. However, as stated in PSE's Motion for Summary Determination, neither the statute nor the WAC requires PSE to file its projection by January 1, and the Commission should so rule in order to avoid confusion in 2012. Similarly,



**C. PSE's Biennial Target is Consistent with Its Identification of Ten-Year Achievable Opportunities**

17. NWEC erroneously asserts that PSE's biennial target is inconsistent with PSE's ten-year conservation potential because the two metrics are not "harmonious."<sup>34</sup> To the contrary, PSE's biennial target of 42.2 aMW is fully "harmonious" with its ten-year projection of 213.7 aMW. PSE's ten-year projection of 213.7 aMW was calculated using the Conservation Council's Fifth Power Plan Calculator. PSE's biennial target of 42.2 aMW was calculated in the same manner, using the Fifth Power Plan Calculator for the specific years 2010–2011.<sup>35</sup> There is no inconsistency. NWEC's comparison of PSE's 42.2 aMW plan-based biennial target to a hypothetical IRP-based ten-year potential of 427.9 aMW is irrelevant.<sup>36</sup>
18. NWEC's suggestion that a utility's biennial target must be at least twenty percent of its ten-year projection in order to meet the statutory requirement that a biennial target be no lower than a "pro rata" share of the ten-year potential is similarly misplaced.<sup>37</sup> This is the exact same argument that NWEC made during the rulemaking proceeding,<sup>38</sup> which the Commission rightly rejected.<sup>39</sup> As noted by the Commission in its order adopting permanent rules, the term "pro rata," as defined in WAC 480-109-007(14), "allows utilities flexibility to meet realistic conservation implementation schedules."<sup>40</sup> While PSE's biennial target for 2010–2011 (42.2 aMW) is roughly 20 percent of PSE's ten-year achievable conservation projection (213.7 aMW),

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neither the statute nor the WAC prohibits utilities from refining their projection of ten-year achievable conservation potential after identifying such potential but before filing the January 31 report.

<sup>34</sup> NW Energy Coalition's Mot. for Summ. Determination ¶ 9.

<sup>35</sup> Report at 2 and Attach. A.

<sup>36</sup> See NW Energy Coalition's Mot. for Summ. Determination ¶ 9.

<sup>37</sup> See *id.*

<sup>38</sup> See Comments of the NW Energy Coalition (NWEC), the Northwest Energy Efficiency Council (NEEC) & the Renewable Northwest Project (RNP), Docket No. UE-061895 (July 9, 2007) (arguing that "flexibility in target setting would be inconsistent with the language and intent of [the Act]" and that "[t]he rules should be clarified to establish the requirement that each biennial performance target will be at a minimum 20% of the 10-year cost effective and achievable conservation potential").

<sup>39</sup> Gen. Order R-546, Docket UE-061895, ¶ 25 (Nov. 30, 2007) (rejecting suggestions by NWEC, NEEC, and RNP to remove flexibility from proposed definition of "pro rata").

<sup>40</sup> *Id.*

it is nonetheless critical that the Commission retain this needed flexibility to meet realistic conservation implementation schedules in the future.<sup>41</sup>

19. Finally, NWEC provides no support or explanation for its assertion that PSE's biennial target is "inconsistent" with PSE's other filings and submittals such as its 2010–2011 conservation program savings target and 2009 IRP.<sup>42</sup> There is no requirement in the Act or implementing regulations that the biennial target be consistent with such filings and submittals. Moreover, NWEC ignores the obvious differences in purpose and consequences of PSE's prior filings and the binding conservation targets to be established under the Act.

20. NWEC further ignores the fact that Commission Staff had opened an investigation into the Company's conservation program filings as a result of questions about the magnitude and feasibility of the Company's proposal.<sup>43</sup> This investigation was ongoing when PSE identified its conservation potential and developed its biennial targets.<sup>44</sup> As stated in the Declaration of Eric E. Englert, Commission Staff's investigation into the Company's proposed conservation expenditures and programs was a key driver of the Company's decision to base its biennial targets on the pro rated ten-year conservation potential identified using the Conservation Council's Fifth Power Plan methodology, rather than the IRP methodology.<sup>45</sup> This scrutiny and investigation of PSE's conservation program filing by Commission Staff, combined with the other drivers discussed in PSE's Motion for Summary Determination, caused the Company to use the Conservation Council's Fifth Power Plan methodology for its ten-year conservation potential and biennial target.<sup>46</sup>

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<sup>41</sup> NWEC's interpretation not only ignores the reality of the marketplace, which is not a linear world, it is also inconsistent with the Conservation Council's methodology for determining "achievable" conservation potential. The Conservation Council does not use straight-line pro rating of the total regional conservation potential. Rather, the Council recognizes that different types of conservation measures are likely to ramp in at different rates. *See* Decl. of E. Englert ¶¶ 13–16 & Ex. C–D.

<sup>42</sup> *See* NW Energy Coalition's Mot. for Summ. Determination ¶ 9.

<sup>43</sup> *See* Docket No. U-091954

<sup>44</sup> *See id.*; Decl. of E. Englert ¶ 18

<sup>45</sup> *See* Decl. of E. Englert ¶¶ 17–19.


<sup>46</sup> In addition, the Commission has not yet acknowledged PSE's 2009 IRP. This is in contrast to past procedure in which the Commission has acknowledged the Company's IRP after it was filed. *See, e.g.*, Docket No. UE-071063, *et. al.*, WUTC Acknowledgement Letter for PSE's 2007 Integrated Resource Plan (Nov. 13, 2007); Docket No. UE-

### III. CONCLUSION

21. PSE's biennial conservation target is consistent with its projection of its ten-year conservation potential. PSE's public participation process, which included discussion of PSE's ten-year conservation potential based on the Conservation Counsel's plan, is sufficient as a matter of law. Accordingly, PSE respectfully requests that the Commission deny the motions for summary determination filed by Commission Staff, Public Counsel and NWECA, and grant PSE's motion for summary determination on these issues.

DATED: April 19, 2010.

PERKINS COIE LLP

By   
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050664, WUTC Acknowledgement Letter for PSE's 2005 Least Cost Plan (Aug. 29, 2005). The parties' arguments that PSE should have based its ten-year conservation potential on the numbers in its 2009 IRP are therefore not well taken.