

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION
COMMISSION,

Complainant,

v.

PUGET SOUND ENERGY,

Respondent.

DOCKET NO. UE-100177

COMMENTS OF PUBLIC
COUNSEL

I. INTRODUCTION

1. Public Counsel provides these comments pursuant to the Commission's July 1, 2010, Notice of Opportunity to Comment. The Notice invited parties to file comments concerning whether Puget Sound Energy's re-filed Biennial Conservation Target Report (Re-filed Report) complies with the requirements in the Commission's Order 04. We have reviewed PSE's Re-filed Report and believe that it does meet the requirements in the Commission's Order 04. However, for the reasons set forth below, at this time we do not believe the Re-filed Report should be approved by the Commission for purposes of compliance with RCW 19.285.040. Instead, we believe that a set of conditions should be developed, ideally through a collaborative process with Staff, PSE, Public Counsel, and interested parties.

II. COMMENTS

2. Public Counsel is pleased that PSE's Re-filed Report, filed with the Commission on June 18, 2010, is consistent with the biennial conservation target and ten-year potential it identified on

December 31, 2009. Further, we believe the Re-filed Report meets the requirements in the Commission's Order 04. However, the Commission should not yet approve PSE's Re-filed Report for purposes of compliance with the Energy Independence Act.

3. As set forth in WAC 480-109-010 (4)(c), upon conclusion of the Commission's review of an electric utility's proposed conservation targets, "the Commission will determine whether to approve, approve with conditions, or reject the utility's ten-year achievable conservation potential and biennial conservation target." When the Commission recently approved Avista's ten-year achievable conservation potential and biennial conservation target, the approval was subject to conditions that were developed through a collaborative process.¹ For Avista, the conditions addressed evaluation, measurement, and verification of conservation savings, program design issues, engagement with its Advisory Group, reporting requirements, and other topics. These conditions will greatly assist the Commission and stakeholders in their oversight of Avista's future compliance with I-937 conservation achievement requirements. A set of conditions addressing similar topics is appropriate for PSE as well, we believe.

4. Public Counsel understands that Commission Staff will recommend that the adjudicative proceeding in this docket be concluded, and that the remaining steps for a final determination on PSE's ten-year achievable conservation potential and biennial conservation target be handled through the Commission's Open Meeting process. Public Counsel concurs in that procedural recommendation. We are hopeful that parties can reach agreement on a set of conditions, and recommend that the Commission allow parties a reasonable period of time for negotiations. In

¹ *In re Avista Corp.*, Docket No. UE-100176, Order 01 (May 13, 2010).

the event that consensus agreement does not occur, parties can present proposed conditions to the Commission for review and consideration.

5. DATED this 9th day of July, 2010.

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