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August 10, 2016

Steven V. King, Executive Director and Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P. O. Box 47250
Olympia, Washington 98504-7250

RE: *Washington Utilities and Transportation Comm'n v. Puget Sound Energy*
Dockets UE-151871 and UG-151872 (*consolidated*)

Dear Mr. King:

On March 25, 2016, PSE filed its response to Public Counsel Data Request No. 5 (attached). On May 3, 2016, PSE filed its response to Staff Data Request No. 38 (attached). In both of its responses, PSE stated that only 65% of its customer base (both residential and commercial) had credit-worthiness scores that would render them eligible to participate in PSE's proposed leasing service. Now, in response to Bench Request No. 1, we learn that PSE has changed its formula for determining customer eligibility. These changes, made after the parties finished presenting evidence to the Commission, increase the percentage of eligible customers to approximately 84 percent of PSE's residential customers and 87 percent of its commercial customers.

Under the commission's rules, PSE had an obligation to "immediately supplement any response to a data request . . . upon learning that a response was incorrect or incomplete when made or upon learning that a response, correct and complete when made, is no longer correct or complete." WAC 480-07-405(8). PSE failed in its duty to supplement its responses to both Staff and Public Counsel.

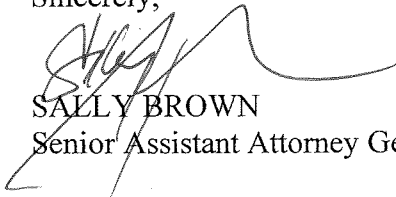
More alarmingly, PSE's response to Bench Request No. 1 raises questions about the fundamental fairness of these proceedings. PSE has, after the adversarial hearing in this matter, changed the evidence on which it asks the Commission to base its decision. By doing so, PSE robs Commission Staff and the intervenors of the chance to review or test the evidence with adversarial testimony or cross-examination. As a consequence, PSE's untested, unsubstantiated, and uncross-examined response to Bench Request No. 1 should not be admitted into the record because admission of this late-filed, post-hearing

Steven V. King
August 10, 2016
Page 2

amendment to the testimony of a key witness in PSE's case, that of Dr. Ahmad Faruqui (Exhibit AF-1T), would unfairly prejudice the parties to this case.

Finally, it is noteworthy that PSE's response represents yet another offer by the company to "update" its proposal "as part of a compliance filing, upon approval of the service." It is evident that PSE has not adequately prepared or presented its case. For this and other reasons that are too numerous to mention here, the Commission should reject PSE's ill-conceived, unformed, perpetually changing proposal.

Sincerely,



SALLY BROWN
Senior Assistant Attorney General

SGB:klg
Enclosures
cc: Parties