

3 PSE respectfully requests that the Commission reconsider Order No. 11 to approve PSE's proposal to increase residential and gas low income bill assistance.

II. STATEMENT OF FACTS AND ARGUMENT

4. In its initial filing, PSE requested approval to increase the annual level of low-income electric and natural gas bill assistance funding by the corresponding percentage increase to the residential class that would be approved by this Commission. *See* PSE's Initial Brief at ¶ 146. PSE proposed to add this percentage increase to the low income tariff in its next program year. *See* Markell, Exh. No. EMM-1TC 38:9-11. In Order No. 11, the Commission approved an baseline-increase of 5.83 percent for PSE's electric and gas residential schedules and 7.4 percent for gas residential schedules but failed to address PSE's low income proposal. *See* Order No. 11 at ¶¶ 308, 313 and 399.

5. No party to this proceeding provided any testimony or exhibits opposing PSE's proposed increase to low income bill assistance, and PSE was the only party to raise the issue in initial briefs.¹ However, in its reply brief, Commission Staff stated that PSE's low income tariff had not been suspended and recommended that the Commission delay consideration of this increase until PSE files its next low income tariff. *See* Commission Staff's Reply Brief at ¶¶ 24-25. This was PSE's first indication of any opposition to its proposal. Commission Staff raised an entirely new argument against PSE's proposal, and because the argument was raised in a reply brief, PSE had no opportunity to respond to Commission's Staff's argument.

¹ This proceeding involved filing simultaneous initial briefs on February 19, 2010 and reply briefs on March 2, 2010.