

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,  Complainant,  v.  PUGET SOUND ENERGY,  Respondent.	DOCKETS UE-220066 and UG- 220067 ( <i>Consolidated</i> )  ORDER 20
In the Matter of the Petition of  PUGET SOUND ENERGY  For an Order Authorizing Deferred Accounting Treatment for Puget Sound Energy's Share of Costs Associated with the Tacoma LNG Facility	DOCKET UG-210918  ORDER 06  GRANTING PSE'S MOTION TO MODIFY PROCEDURAL SCHEDULE, IN PART; DENYING MOTION IN PART

**BACKGROUND**

- 1 On January 31, 2022, Puget Sound Energy (PSE or Company) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective Tariff WN U-60, Tariff G, Electric Service, and its currently effective Tariff WN U-2, Natural Gas. The Commission initiated an adjudication in consolidated Dockets UE-220066 and UG-220067.
- 2 On February 28, 2022, the Commission convened a virtual prehearing conference before administrative law judge Michael S. Howard.

- 3 On March 3, 2022, the Commission entered Order 03, Prehearing Conference Order and Notice of Hearing, noticing a hearing for October 3-4, 2022 (Order 03). Among other points, the Commission adopted a procedural schedule for this proceeding and noticed an evidentiary hearing for October 3, 2022, and October 4, 2022.
- 4 On May 12, 2022, the Commission entered Order 14/01, Granting Motion to Consolidate. The Commission granted the motion filed by Commission staff (Staff) to consolidate Dockets UE-220066 and UG-220067 with Docket UG-210918, wherein PSE petitioned for an order authorizing deferred accounting treatment for the Company's share of costs associated with the Tacoma Liquefied Natural Gas (LNG) Facility.
- 5 On August 5, 2022, PSE filed a Settlement Stipulation and Agreement with Supporting Testimony. This was a partial settlement concerned primarily with the Company's Green Direct Energy Charge credit.
- 6 On August 12, 2022, counsel for PSE informed the presiding administrative law judge by email that several of the parties had reached additional settlements in principle. Specifically, PSE reached a full multiparty settlement in principle with Staff, Alliance of Western Energy Consumers (AWEC), Walmart, Inc., and The Kroger Co. PSE also reached a partial multiparty settlement in principle with the Federal Executive Agencies and Microsoft Corporation.
- 7 PSE moved that the Commission suspend the procedural schedule and adopt the following modified procedural schedule (Motion):
- Notice to Commission of settlement: August 12
  - Settlement agreement and testimony filed: August 26
  - Response testimony filed: September 16
  - Exhibit lists, issues matrix, etc.: September 26
  - Settlement hearing: October 3 (and 4 if necessary)
  - Suspension date: December 31
- 8 PSE submitted that no party opposed this proposed, modified schedule.
- 9 On August 18, 2022, the Commission convened a status conference in these consolidated Dockets. The presiding administrative law judge requested that the parties provide more time between the filing of response testimony in opposition to the settlements and the October 3-4, 2022, hearing dates. The parties conferred, and counsel for the Public Counsel Unit of the Attorney General's Office (Public Counsel) explained that the parties support filing response testimony as early as September 12, 2022. Public Counsel and other parties noted the difficulties associated with the relatively limited period of time remaining before the October 3-4, 2022, hearing dates.

## DISCUSSION

- 10 Pursuant to WAC 480-07-385(2)(a), “A party may request a continuance by email to the presiding administrative law judge if the party accurately represents that all other parties either join or do not oppose the request. The commission will grant such a request unless it is inconsistent with the public interest or the commission's administrative needs.”
- 11 After extensive discussions, the parties anticipate presenting the Commission with a total of three settlement agreements resolving all issues in the case. The Commission remains concerned, however, that the parties’ proposed schedule does not provide sufficient time for the Commission to prepare for the October 3-4, 2022, hearing. PSE initially proposed a deadline for response testimony of September 16, 2022, which would be 17 calendar days before the hearing. The parties agreed to move this deadline to September 12, 2022, which would be 21 calendar days before the hearing.
- 12 Because of the complexity of general rate cases, the Commission normally expects to have more time between the last round of pre-filed testimony and the evidentiary hearing. This expectation holds true even when the parties propose a full settlement.<sup>1</sup> When this is not possible, the Commission has required parties not joining a settlement to file response testimony in opposition to a settlement within a relatively short timeframe.<sup>2</sup>
- 13 The Commission therefore grants PSE’s Motion in part and denies it in part. The Commission generally adopts PSE’s proposed, modified schedule with the exception of the deadline for response testimony in opposition to the settlements. The deadline for response testimony is instead set for September 9, 2022. These modifications to the procedural schedule are adopted as set forth in Appendix A to this Order.
- 14 While this earlier deadline for response testimony is not supported by the parties, we observe that any parties seeking to oppose the settlements have had several months to prepare and file response testimony based on the Company’s initial filing and to consider and evaluate the settlements as they came to fruition. Any parties opposing the

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<sup>1</sup>See, e.g., *WUTC v. Avista Corporation d/b/a Avista Utilities*, Dockets UE-220053 & UG-220054 (*Consolidated*) Notice Adopting Agreed Procedural Schedule (June 22, 2022) (providing for the last round of pre-filed testimony on August 19, 2022, and a settlement hearing on September 21, 2022).

<sup>2</sup> See *WUTC v. Puget Sound Energy*, Docket UE-170033 & UG-170034 (*Consolidated*), Notice of Hearing and Notice of Deadline for Filing Testimony in Support of Proposed Settlement Stipulation (September 15, 2017) (requiring Public Counsel to file response testimony in opposition to a partial multiparty settlement within seven days).

settlements may refer to their earlier responsive testimony, file additional response testimony in opposition to the settlement, cross-examine witnesses at the hearing, and provide argument from counsel. These parties have ample opportunities to advance their positions even with a shortened deadline for response testimony.

**ORDER**

15 **THE COMMISSION ORDERS:**

- 16 (1) Puget Sound Energy's Motion is granted in part and denied in part.
- 17 (2) The Puget Sound Energy's proposed, modified procedural schedule is adopted as Appendix A to this Order with the exception of the deadline for response testimony, which is due on Friday, September 9, 2022, by 5 p.m.

DATED at Lacey, Washington, and effective August 22, 2022.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

*/s/ Michael S. Howard*  
MICHAEL HOWARD  
Administrative Law Judge

**NOTICE TO PARTIES: This is an Interlocutory Order of the Commission. Administrative review may be available through a petition for review, filed within 10 days of the service of this Order pursuant to WAC 480-07-810.**

**APPENDIX A  
PROCEDURAL SCHEDULE  
DOCKETS UE-220066, UG-220067, and UG-210918 (*Consolidated*)**

EVENT	DATE
General Rate Case Filing	<b>January 31, 2022</b>
Complaint and Suspension Order; Commencement of Discovery	<b>February 10, 2022</b>
Prehearing Conference	<b>February 28, 2022</b>
Intervenor funding Case Certification/Notice of Intent to Seek Funding	<b>March 14, 2022</b>
Intervenor Funding Proposed Budgets	<b>April 13, 2022</b>
Green Direct Settlement Conference <sup>3</sup>	<b>Week of April 11, 2022 or the week of April 18, 2022</b>
Initial Settlement Conference	<b>June 13-14, 2022<sup>4</sup></b>
Staff, Public Counsel, and Intervenor Response Testimony and Exhibits <sup>5</sup>	<b>July 28, 2022</b>
PSE Circulates Joint Issues Matrix	<b>August 2, 2022</b>
Settlement Conference	<b>August 10, 2022</b>
Notice to Commission of Settlements in Principle	<b>August 12, 2022</b>
Notice Suspending Procedural Schedule	<b>August 17, 2022</b>

<sup>3</sup> See WAC 480-07-700(5)(a) (“Parties may reschedule a settlement conference included in the procedural schedule without seeking to modify the schedule if all parties agree, but the parties must provide notice to the presiding officer of the rescheduled date.”)

<sup>4</sup> *Id.*

<sup>5</sup> Response time to data requests will be seven business days as of this date.

Status Conference	<b>August 18, 2022</b>
Settlement Agreements and Supporting Testimony	<b>August 26, 2022</b>
Response Testimony in Opposition to Settlements	<b>September 9, 2022</b>
Notice Issued for Public Comment Hearing	<b>To be determined (“TBD”) – at least 30 days before the Public Comment Hearing</b>
Discovery Deadline - Last Day to Issue Data Requests	<b>September 16, 2022</b>
PSE files Joint Issues Matrix	<b>September 26, 2022</b>
Exhibit List, Cross-Examination Exhibits, Witness Lists, Time Estimates, Exhibits Errata	<b>September 26, 2022</b>
Public Comment Hearing	<b>September 28, 2022</b>
Settlement Hearing	<b>October 3, 2022 beginning at 9:00am, continuing as needed through October 4, 2022<sup>6</sup></b>
Post-hearing Briefing and Updated Joint Issues Matrix	<b>October 31, 2022</b>
Compliance Filing	<b>TBD<sup>7</sup></b>
Suspension Date	<b>December 31, 2022</b>

<sup>6</sup> TEP raised a concern that the Yom Kippur holiday begins the evening of October 4, 2022. If any party is concerned with religious accommodations around this holiday, please contact the presiding administrative law judge.

<sup>7</sup> Pursuant to WAC 480-07-880, Staff has five business days to review the Company’s compliance filing prior to rates going into effect.