

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND	)	
TRANSPORTATION COMMISSION,	)	
	)	DOCKET NO. UE-031725
Complainant,	)	
	)	
v.	)	ORDER NO. 06
	)	
PUGET SOUND ENERGY, INC.,	)	
	)	GRANTING, IN PART, MOTION
Respondent.	)	FOR CONTINUANCE
.....	)	

**MEMORANDUM**

1 **PROCEEDINGS:** On October 24, 2003, Puget Sound Energy, Inc., (PSE or the Company) filed with the Commission revisions to its currently effective Tariff WN U-60, designated as Twenty Fifth Revised Sheet No. 95, and Original Sheet Nos. 95-a through 95-e. The stated effective date is November 24, 2003. This filing is a proposal to change PSE's rates recovering the cost of power, as a result of its decision to purchase a new generating resource. The filing is authorized by the Settlement Stipulation approved by the Commission in Docket Nos. UE-011570 and UG-011571. The Commission conducted a prehearing conference on November 6, 2003, before Administrative Law Judge Dennis J. Moss.

2 **PARTY REPRESENTATIVES:** Todd G. Glass, Heller Ehrman White & McAuliffe LLP, Seattle, Washington, represents PSE. S. Bradley Van Cleve and Matthew W. Perkins, Davison Van Cleve, Portland, Oregon, represent the Industrial Customers of Northwest Utilities (ICNU). Melinda Davison, Davison Van Cleve, Portland, Oregon, represents Microsoft Corporation. John Cameron, Davis Wright Tremaine, LLP, Portland, Oregon, represents joint intervenors TransCanada Pipelines Limited (TransCanada) and BP West Coast Products

(“BP”). Norman Furuta, Department of the Navy, represents the Federal Executive Agencies (FEA). Simon ffitich, Assistant Attorney General, Seattle, Washington, represents the Public Counsel Section of the Washington Office of Attorney General. Robert C. Cedarbaum, Senior Assistant Attorney General, Olympia, Washington, represents the Commission’s regulatory staff (Commission Staff or Staff).

3 **MOTION FOR CONTINUANCE:** On December 12, 2003, the Industrial Customers of Northwest Utilities (ICNU) and Microsoft Corporation filed a Joint Motion for Continuance. The Motion requests a one-month continuance of the deadline for Intervenors, Public Counsel, and Staff response testimony. This would require a similar extension of all existing procedural dates.

4 Movants argue that a one-month continuance of the procedural schedule is necessary because of:

1) a delay in receiving and assembling the filing, 2) extended response times to discovery requests, 3) the limitation on the number of people who can review “highly confidential” information and 4) the number of issues the Joint Parties have identified in discovery.

5 Movants suggest alternative relief in the form of a proposal to bifurcate the proceeding so that issues related to PSE’s Fredrickson acquisition would be considered first, on the existing schedule, followed by a second phase to consider all other issues on a schedule that would provide an additional month of process for development, presentation, and decision on those issues.

6 **RESPONSES:** Staff and Public Counsel filed responses in support of the Motion. Both state that they prefer the alternative relief requested by Movants— bifurcation of the proceeding with a one-month continuance for all issues except

PSE's Fredrickson acquisition. Staff's argument is that there is no legal impediment to the requested bifurcation and delay, no "apparent harm to the Company," and there are two issues the parties have agreed to litigate in this proceeding instead of in Docket No. UE-031389, where the same issues are pending. Public Counsel's arguments are essentially the same as Staff's.

- 7 PSE opposes the Motion. PSE argues that Movants have failed to establish good cause for a continuance. PSE's Response argues that a continuance would be prejudicial to its interests, particularly its interest in closing its Fredrickson acquisition on a timely basis. PSE incorporates by reference its Motion for Expedited Procedural Schedule, filed October 24, 2003, for a statement of its reasons for requesting an expedited schedule.
- 8 PSE argues that the proposed alternative relief would also prejudice the Company's interests and is "totally unworkable." PSE argues that the two stages of the proceeding would overlap in such a way that it would be required to be simultaneously putting its witnesses on the stand on the Fredrickson acquisition issues and having to prepare rebuttal testimony as to the balance of the issues. PSE also argues that the issues cannot be so neatly bifurcated as Movants suggest because there are "interwoven costs that make up the Power Cost Rate." Thus, PSE argues, the Commission would have less than a satisfactory record upon which to decide the Fredrickson issues.
- 9 PSE argues that a bifurcated proceeding would be inefficient and a waste of administrative resources, burdening the parties and the Commission with duplicate discovery deadlines, filing deadlines, briefing deadlines, and two rounds of hearings.
- 10 **COMMISSION:** The Commission's paramount interest is to have a full and complete record upon which to base its decisions on the issues in this proceeding. In that connection, it appears that ICNU and Microsoft, and

perhaps Public Counsel and Staff, will be able to present more thorough cases if we allow for a brief continuance. We also consider PSE's arguments concerning potential prejudice. We have reviewed the Company's earlier Motion for Expedited Procedural Schedule, as PSE urges us to do in its Response to the Joint Motion for Continuance. According to PSE's earlier submission, the Fredrickson acquisition is scheduled to close on June 17, 2004. PSE further states that it would prefer to have a final order in this proceeding approximately 30 days prior to June 17, 2004. It appears from this that there is room for a brief continuance without causing any prejudice to PSE's interests. Finally, we are concerned with the efficient use of the parties' and the Commission's resources. A single hearing on all issues best promotes that interest.

- 11 We find that we can both accommodate the Movants' request for additional time and meet PSE's asserted needs for expedition. However, it is not possible to grant the full 30 days requested. Based on our review of the arguments and the Commission's calendar, we will grant the Joint Motion, in part, and allow a 21-day continuance. This produces the revised procedural schedule attached to this order as Appendix A.

**ORDER**

- 12 THE COMMISSION ORDERS That ICNU and Microsoft's Joint Motion for Continuance is granted, in part; the revised procedural schedule attached to this Order as Appendix A is adopted.

DATED at Olympia, Washington, and effective this 19<sup>th</sup> day of December 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DENNIS J. MOSS  
Administrative Law Judge

**APPENDIX A**

**PROCEDURAL SCHEDULE**  
**DOCKET NO. UE-031725**

<b>EVENT</b>	<b>DATE</b>	<b>INTERVAL</b>
PSE's Prefiled Direct Testimony	October 24, 2003	
Staff, Public Counsel, and Intervenor Response Testimony	January 30, 2004	98 days
PSE Rebuttal Testimony	February 13, 2004	14 days
Evidentiary Hearing	February 23-27, 2004	10 days
Simultaneous Initial Briefs	March 12, 2004	14 days
Simultaneous Reply Briefs	March 19, 2004	7 days