

BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

PUGET SOUND ENERGY,

Respondent.

DOCKETS UE-220066/UG-220067 and
UG-210918 (Consolidated)

PUGET SOUND ENERGY'S MOTION
TO STRIKE CENSE'S COMMENT

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

I. INTRODUCTION

- I.* Puget Sound Energy ("PSE") hereby requests the presiding officer strike the comment filed by the Coalition of Eastside Neighbors for Sensible Energy ("CENSE") as improper pursuant to WAC 480-07-375(1)(d) and 480-07-498(1).

II. BACKGROUND

2. On March 3, 2022, the presiding officer admitted CENSE as a party in this proceeding but limited its participation to the Energize Eastside project.¹ CENSE was admitted in part, because the organization claimed the public comment option was insufficient to address concerns regarding the Energize Eastside project.² CENSE has actively participated in this proceeding, including but not limited to filing three testimonies, 32 exhibits, and seven cross examination exhibits.

3. The Commission is required to receive as a bench exhibit public comments submitted “by nonparties” in connection with the proceeding.³ Despite being granted party status, on September 28, 2022, CENSE submitted a 13-page public comment to the Commission for consideration.⁴ The entirety of the comment was addressed to the Energize Eastside project, the exact issue for which CENSE was admitted as a party in this proceeding.⁵ The comment was submitted by CENSE’s “Executive Board,” in its capacity as representatives for CENSE.⁶ The comment was not served on PSE or any case parties.

¹ Dockets UE-220066/UG-220067/UG-210918, Order 03, Prehearing Conference Order; Notice of Hearing (“Order 03”) at ¶¶ 14, 17 (Mar. 3, 2022).

² *See id.* ¶ 12 (rejecting PSE’s argument CENSE could participate by filing public comments rather than being granted party status).

³ *See* WAC 480-07-498.

⁴ Dockets UE-220066/UG-220067/UG-210918, Comments on Behalf of The Coalition of Eastside Neighborhoods for Sensible Energy, (Sept. 28, 2022).

⁵ *Id.*

⁶ *Id.* at p. 13 (“on behalf of the CENSE Executive Board”).

III. ARGUMENT

4. WAC 480-07-498(1) requires the Commission to receive public comment “submitted by nonparties” in connection with the proceeding.
5. Despite being a party in this case, CENSE submitted comments to the Commission for consideration, in direct violation of the unambiguous language of WAC 480-07-498(1). CENSE did this, having also already submitted three testimonies, 32 exhibits, and seven cross examination exhibits. CENSE’s comment circumvents the discovery, pleading, evidentiary, and hearing processes set forth by the Commission in this case by placing additional documents into evidence outside of those processes and beyond what it has already submitted. Parties should not be permitted to submit substantive comments or testimony in a way that avoids the testimony and exhibit filing requirements in WAC 480-07-460, data request process in WAC 480-07-405, service requirements in WAC 480-07-365, the procedural schedule in Order 20/06, or could otherwise operate outside the conduct requirements in WAC 480-07-345.
6. As a case party, CENSE is expected to follow the rules. As an intervenor, CENSE’s intervention must “not impair the orderly and prompt conduct of the proceedings.”⁷ Unfortunately, CENSE has done just that. CENSE was made aware of the procedural schedule and the deadline to submit testimony and exhibits when it was admitted

⁷ RCW 35.05.443(1).

as a party.⁸ Those deadlines have well passed. This last-minute attempt to add to the record and circumvent the evidentiary process expected to be followed by case parties should be rejected.

IV. CONCLUSION

7. As set forth above, CENSE petitioned to be a party to this case and was granted party status. Public comments are reserved for nonparties. Accordingly, PSE objects and requests those comments filed by CENSE be stricken from the record.

RESPECTFULLY SUBMITTED this 30th day of September, 2022.

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⁸ Dockets UE-220066/UG-220067/UG-210918, Order 03, Appendix B Procedural Schedule (Mar. 3, 2022).