

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

IN THE MATTER OF THE JOINT)	DOCKET NO. U-180680
APPLICATION OF)	
PUGET SOUND ENERGY, ALBERTA)	
INVESTMENT MANAGEMENT)	
CORPORATION, BRITISH COLUMBIA)	PETITION FOR ADMINISTRATIVE
INVESTMENT MANAGEMENT)	REVIEW OF AN INTERLOCUTORY
CORPORATION, OMERS)	ORDER DENYING INTERVENTION
ADMINISTRATION CORPORATION, AND))	OF J. RICHARD LAUCKHART
PGGM VERMOGENSBEHEER B.V.)	
FOR AN ORDER AUTHORIZING)	
PROPOSED SALES OF INDIRECT)	
<u>INTERESTS IN PUGET SOUND ENERGY</u>)	

To the Commission:

I. Introduction

1. Pursuant to Washington Administrative Code (“WAC”) 480-07-810, Lauckhart petitions the Washington Utilities and Transportation Commission (the “Commission”) to review the presiding officer’s initial order (“Order 03” - Pre-Hearing Conference Order) denying the J. Richard Lauckhart (“Lauckhart”) petition to intervene. Because Lauckhart’s participation in this proceeding has been terminated by Order 03, interlocutory review is warranted.
2. Under WAC 480-07-355, the Commission grants petitions to intervene, if the intervenor has a substantial interest in the proceeding or if its participation is within the public interest (emphasis added). As discussed below, Lauckhart’s participation is within the public interest.

II. REVIEW OF ORDER 03

1. Legal Standard

3. Under WAC 480-07-810(2) the Commission has discretion to review an interlocutory order if: 1) the ruling terminates a party's participation in the proceeding and the party's inability to participate could cause substantial and irreparable harm; 2) review is necessary to prevent substantial prejudice to a party that would not be remediable by post-hearing review; or 3) review could save the Commission and parties substantial effort or expense, or some other factor is present that outweighs the costs in time and delay of exercising review.
4. Review is warranted under all these provisions including because Order 03 terminates Lauckhart's participation which could cause substantial and irreparable harm to PSE customers.

2. Lauckhart's Participation is Within the Public Interest Because Lauckhart Can Assist the Commission in Developing a Robust Record

5. Lauckhart's participation in this case will benefit the Commission and the public interest because of his unique qualifications and knowledge of abuses that foreign owners have been placing and likely will continue to place of PSE customers if appropriate "conditions" are not placed on this ownership transfer to new Pension Fund manager owners. Lauckhart has already submitted a number of documents in this proceeding that discuss his unique qualifications and his personal experience in the abuses that foreign owners have been promulgating on PSE customers. The documents Lauckhart has filed in this Docket U-180680 are listed below:

Date filed		Description of Document filed
28-Sep-2018		Written comments describing the abuses that foreign owners are promulgating and Conditions needed to stop these abuses in order to protect PSE customers.
30-Oct-2018		Comments in support of Joint Petition with list of questions that need to be addressed in an Adjudicative proceeding.
5-Nov-2018		Oral comments made at Open Meeting pointing out the need for the Commission to take action to stop PSE abuses including PSE the continuing PSE unacceptable behavior in refusing to answer questions and their refusal to be open and transparent in the IRP process.
13-Nov-2018		Lauckhart Petition to Intervene describing his unique qualifications to provide needed testimony in this proceeding and pointing out that it is in the public interest for him to participate in this proceeding in order to educate the Commission on abuses and what they need to do to stop these abuses that arise under foreign ownership of PSE.
14-Nov-2018		Lauckhart response to Joint Applicant's opposition to his motion to intervene in this proceeding. Provides detailed response to the points raised by the Joint Applicants in their opposition. Concludes that in order to protect PSE customers, the Commission needs to address these problems that have arisen under foreign ownership. States that by allowing Lauckhart intervention in this proceeding, the Commission can develop a more robust understanding of the transmission planning problems that have arisen under foreign ownership and can make their decision on how they feel best to address these problems with that robust understanding in hand.

6. While PSE and Commission staff opposed Lauckhart's intervention, Public Counsel did not oppose. Public Counsel pointed out that Under WAC 480-07-355 the Commission grants petitions to intervene if the petitioner's participation is within the public interest. Based on this

WAC rule and their knowledge of the documents Lauckhart has filed in this proceeding, Public Counsel did not oppose Lauckhart's petition to intervene.

7. The Pre-Hearing Conference Order denying the J. Richard Lauckhart petition states that he would have value in this proceeding if he was a witness for some party. Lauckhart has requested that he be an expert witness for Public Counsel, but Public Counsel has stated they do not object to Lauckhart being a party in this proceeding. The Pre-Hearing conference Order denying Lauckhart's petition also states that Public Counsel already represents Lauckhart's interest. But if Public Counsel prefers that Lauckhart's testimony in this proceeding come through his own party status rather than as a witness for Public Counsel, how does Public Counsel represent Lauckhart's interest? The Pre-Hearing Conference Order denying Lauckhart's petition claims that having Lauckhart as a party would not aid the commission. That conclusion is very hard to understand given that the same Order indicates that Mr. Lauckhart's testimony would be of value to the Commission if he were a witness for some other party in this proceeding.
8. It is understandable why PSE would not want Lauckhart to testify to the abuses they have made to the Transmission Planning process and how that hurts PSE customers. But it will be hard for many people to understand why this Commission does not feel an obligation to investigate the matters to see if they should be putting Commitments on the new owners to assure these abuses will be stopped. That needs to be done to protect PSE customers. It is also hard to see another proceeding that this Commission has that will allow it to stop these abuses in the next few years. Protection delayed is protection denied.

III. RELIEF REQUESTED

3. Order 03 harms PSE customers because it precludes an airing of PSE abuses that have been, and likely will continue to be, promulgated on PSE customers. Likewise, Order 03 harms the public interest because it inhibits the development of a robust record on the issue of transmission planning abuses by foreign owners that are harming PSE customers and what can be done to stop them.
4. WHEREFORE, Lauckhart respectfully requests the Commission grant Lauckhart's petition for interlocutory review and grant the relief from Order 03 requested in this pleading.

Dated this 22nd day of November, 2018.

Respectfully submitted,



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