

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND	)	DOCKET U-110808
TRANSPORTATION COMMISSION,	)	
	)	
Complainant,	)	ORDER 01
	)	
v.	)	
	)	PREHEARING CONFERENCE
PUGET SOUND ENERGY, INC.,	)	ORDER
	)	
Respondent.	)	<b>(Evidentiary Hearing set for</b>
	)	<b>August 21, 2012)</b>
.....	)	

- 1    **NATURE OF PROCEEDING:** On October 26, 2011, the Washington Utilities and Transportation Commission (Commission) by and through its Staff filed a complaint against Puget Sound Energy, Inc. (PSE or Company). The complaint alleges as many as 515 violation of failing to comply with a Commission order.<sup>1</sup> PSE filed an Answer on November 15, 2011.
  
- 2    On November 21, 2011, the Commission issued a Notice of Prehearing Conference and appointed Administrative Law Judge Patricia Clark as presiding officer in this proceeding.
  
- 3    **CONFERENCE.** The Commission convened a prehearing conference in this proceeding, as scheduled, at Olympia, Washington, on December 19, 2011.
  
- 4    **PARTY REPRESENTATIVES:** Sally Brown, Senior Assistant Attorney General, Olympia, Washington, represents the Commission’s regulatory staff (Commission Staff or Staff).<sup>2</sup> Donna L. Barnett, Perkins Coie, Bellevue, Washington, represents PSE. Simon ffitich, Senior Assistant Attorney General, Seattle, Washington,

<sup>1</sup> *WUTC v. PSE*, Docket U-100182, Order 01 (December 28, 2010).

<sup>2</sup> In formal proceedings, such as this, the Commission’s regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners’ policy and accounting advisors do not discuss the merits of the proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

represents the Public Counsel Section of the Washington Office of Attorney General (Public Counsel). Ronald Roseman, attorney, Seattle, Washington, represents The Energy Project. A complete list of party representatives and their contact information is attached to this Order as Appendix A.

5     **PETITIONS FOR INTERVENTION.** The Energy Project orally petitioned to intervene during the prehearing conference. No party objected to the intervention. The Energy Project met the standard in WAC 480-07-355; it has a substantial interest in the outcome of this proceeding and its participation will not unduly delay or broaden the scope of this proceeding. The petition to intervene is granted.

6     **PROCEDURAL SCHEDULE.** During the prehearing conference, the parties presented an agreed-upon procedural schedule. The Commission determines that the parties' proposed procedural schedule is reasonable and should be adopted. Accordingly, the Commission adopts the procedural schedule set forth in Appendix B to this Order.

7     **NOTICE OF HEARING.** The Commission will hold an evidentiary hearing in this matter beginning **Tuesday, August 21, 2012, at 9:30 a.m.**, in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.

8     **DISCOVERY.** The Commission Staff requested that the Commission invoke its discovery rules. This proceeding meets the criteria in WAC 480-07-400(2)(b) and discovery will be conducted pursuant to the Commission's discovery rules in WAC 480-07-400 – 425.

9     **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file the original plus **five (5) copies** of the unredacted versions of all pleadings, motions, briefs, and other prefiled materials. Parties must also file the original and 1 copy of any redacted version(s). These materials must conform to the format and publication guidelines in WAC 480-07-395 and WAC 480-07-460. The Commission prefers that materials be three-hole punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.

- 10 All filings must be mailed or delivered to the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W., Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.
- 11 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Electronic versions of all documents must be filed in accordance with WAC 480-07-140(6). Specifically, all documents must be filed in .pdf (Adobe Acrobat) format, supplemented by a separate file in .doc (MS Word, .wpd (WordPerfect), .xls (Excel), or .ppt (Power Point) format.
- 12 A copy of all filings must be provided through the Commission's Web Portal ([www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing)) or by e-mail delivery to <[records@utc.wa.gov](mailto:records@utc.wa.gov)>. Alternatively, parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette or CD including the filed document(s). Parties must furnish electronic copies in MS Word 6.0 (or later) supplemented by a separate file in .pdf (Adobe Acrobat) format. Parties must follow WAC 480-07-140(5) in organizing and identifying electronic files.
- 13 According to WAC 480-07-145(6), the parties may electronically submit documents to the Commission provided the electronic submission is received by 3:00 p.m. on the filing deadline and the Commission receives the original and required number of copies by 12:00 p.m. on the following business day. Parties must submit documents through the Commission's Web Portal ([www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing)) or by e-mail to [records@utc.wa.gov](mailto:records@utc.wa.gov), and file an original, plus **five (5)** paper copies, of the documents with the Commission by the following business day. Parties must provide courtesy copies of their electronic submissions to the presiding administrative law judge at [pclark@utc.wa.gov](mailto:pclark@utc.wa.gov) and to the parties to the proceeding.
- 14 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission does have limited ability to provide dispute resolution services; if you wish to explore those services, please call the Director, Administrative Law Division, at 360-664-1355.

15 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective December 20, 2011.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PATRICIA CLARK  
Administrative Law Judge

<b>APPENDIX A</b>			
<b>PARTIES' REPRESENTATIVES</b>			
<b>DOCKET U-110808</b>			
<b>PARTY</b>	<b>REPRESENTATIVE</b>	<b>PHONE</b>	<b>E-MAIL</b>
<b>Commission Staff</b>	Sally Brown Senior Assistant Attorney General 1400 S. Evergreen Park Dr. SW P.O. Box 40128 Olympia, WA 98504-0128	360-664-1193	<a href="mailto:sbrown@utc.wa.gov">sbrown@utc.wa.gov</a>
	Sharon Wallace		swallace@utc.wa.gov
<b>Puget Sound Energy</b>	Donna L. Barnett Perkins Coie LLP 10885 N.E. Fourth Street, Suite 700 Bellevue, WA 98004-5579	425-635-1400	dbarnett@perkinscoie.com
	Tom DeBoer Director, Federal and State Regulatory Affairs		tom.deboer@pse.com
<b>Public Counsel</b>	Simon J. ffitc Senior Assistant Attorney General Public Counsel Section Office of Attorney General 800 Fifth Avenue, Suite 2000 Seattle, WA 98104-3188	206-389-2055	<a href="mailto:simonf@atg.wa.gov">simonf@atg.wa.gov</a>
	Carol Williams		carolw@atg.wa.gov
<b>The Energy Project</b>	Ronald Roseman 2011 14 <sup>th</sup> Avenue East Seattle, WA 98112	206-324-8792	<a href="mailto:ronaldroseman@comcast.net">ronaldroseman@comcast.net</a>
	Chuck Eberdt		chuck_eberdt@oppco.org

**APPENDIX B  
PROCEDURAL SCHEDULE  
DOCKET U-110808**

<b><u>EVENT</u></b>	<b><u>DATE</u></b>
<b>Puget Sound Energy Initial Prefiled Direct Testimony and Exhibits<sup>3</sup></b>	April 3, 2012
<b>Commission Staff, Public Counsel, and The Energy Project Initial Prefiled Direct Testimony and Exhibits</b>	May 3, 2012
<b>Puget Sound Energy Prefiled Responsive Testimony and Exhibits</b>	June 1, 2012 <sup>4</sup>
<b>Commission Staff, Public Counsel, and The Energy Project Prefiled Rebuttal Testimony and Exhibits</b>	July 6, 2012
<b>Settlement Conference (parties only)</b>	July 18, 2012
<b>Evidentiary Hearing</b>	August 21, 2012
<b>Simultaneous Post-hearing Briefs</b>	TBD

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<sup>3</sup> The Company's initial direct testimony shall not limit the scope of the initial direct testimony of any other party.

<sup>4</sup> After June 1, 2012, responses to discovery requests are due five business days after the request.