From: Richard Lauckhart
To: Public Involvement (UTC)
Cc: Cameron-Rulkowski, Jennifer (UTC); Gafken, Lisa (ATG); Dallas, Joe (UTC)
Subject: Re UE-220066....Hearing Examiner final decision on the PSE application for a Conditional Use Permit for Energize Eastside in the City of Newcastle
Date: Friday, April 29, 2022 10:42:58 AM

External Email

Dear WUTC-

I am participating in proceeding UE-220066 as a public commenter. I have considerable information to put on the record in UE-220066 regarding the prudency of Energize Eastside.

This is the eighth set of public comments I am making on the Prudency of the PSE Energize Eastside project.

On April 28, 2022, after a 5-day hearing and extensive briefing, the Hearing Examiner for the City of Newcastle issued his "FINDINGS OF FACT, CONCLUSIONS OF LAW, DECISION AND CONDITIONS OF APPROVAL" on the application submitted by Puget Sound Energy for a Conditional Use Permit in the City of Newcastle for the Energize Eastside transmission project. The Hearing Examiner produced an 81-page document to explain and support his decision.

The Hearing Examiner gave Conditional Approval of the permit for Energize Eastside. He rejected all the testimony of CENSE witnesses including myself, saying that Jens Nedrud had clearly rebutted the expert testimony of all CENSE witnesses including myself. This Hearing Examiner 81-page document has many problems which need to be brought to the attention of the WUTC in proceeding UE-220066. In this public comment I will address some of the problems.

1. The Hearing examiner was not asked to address, and did not address, the Prudency of Energize Eastside. He only ruled on whether or not Energize Eastside fit within the City Code of the City of Newcastle.
2. At the outset of the hearing, the Hearing Examiner was asked to order PSE to produce key documents, including the key load flow files, that were produced when PSE ran their load flow studies that allegedly demonstrated the need for Energize Eastside. PSE objected to having to produce this information. The Hearing Examiner refused to require PSE to produce this information even though myself and others had signed a CEII Non-Disclosure Agreement. That allowed PSE to continue its 8-year effort to refuse to make available the standard vital underlying information that power planners use and expect from others to justify system upgrades.
3. The Hearing Examiner stated that PSE had very recently performed a TPL-001-4 Annual Transmission Plan that continued to show there was a need for Energize Eastside. However, PSE never produced a TPL-001-4 report in that proceeding to support their statement. And PSE took the position that the Stakeholder Process required by TPL-001-4 did not apply to studies they made on Energize Eastside.
4. The Hearing Examiner stated that the PSE TPL-001-4 studies were reviewed and accepted as appropriate through WECC audits, despite the fact that PSE never produced an audit report to support their claim that such an audit was performed. As I stated in my third set of comments to you on April 9, 2022, the information in the link below indicates that neither WECC nor NERC has ever conducted such an audit of PSE TPL-001-4 compliance.

   https://www.nerc.com/pa/comp/Pages/NERC%20Regional%20Audit%20Reports.aspx

> Regional Audit Reports of Registered Entities
>
> One-Stop Shop (Compliance Monitoring & Enforcement Program) Compliance Assurance; Compliance Guidance; Compliance Investigations; Compliance Analysis and Certification
>
> www.nerc.com

5. The Hearing Examiner found, based on the testimony of Jens Nedrud, that Seattle City Light could not be required to let PSE use its transmission line that runs parallel to the Energize Eastside proposed route. This despite the clear evidence that SCL must make its Transmission Line available for use under the FERC Open Access Tarriff reciprocity requirement. And despite the fact that Seattle City Light has officially adopted its own Open Access Transmission Tariff that complies with FERC requirements for such a tariff. And despite the fact that the Hearing Examiner was provided a copy of a letter from Seattle City Light written to Larry Johnson saying that PSE never officially requested to be allowed to use their line and SCL would have entered into discussions with PSE to allow that to happen if PSE ever formally requested us of their line.
6. The Hearing Examiner relies extensively on the report by MaxETA/Synapse for the City of Newcastle. This despite the many problems with this MaxETA/Synapse report that were provided him in the Newcastle CUP hearing. And the Hearing Examiner refused to require that authors of the MaxETA/Synapse report appear in hearing and stand cross examination. There was considerable criticism of the MaxETA/Synapse report brought to the attention of the Hearing Examiner, but he simply ignored that testimony.

The WUTC is clearly more qualified to review these complicated power planning matters than is the Hearing Examiner for Newcastle. In UE-220066, the WUTC needs to examine these and other matters related to the PSE attempt to have the WUTC find that Energize Eastside is a Prudent Investment.

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