

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

PUGET SOUND ENERGY,

Respondent.

DOCKETS UE-170033 and UG-170034

MOTION FOR LEAVE TO FILE
SUPPLEMENTAL TESTIMONY AND
EXHIBITS

I. INTRODUCTION

1 Commission Staff of the Washington Utilities and Transportation Commission (Commission) submits this Motion for Leave to File Supplemental Testimony and Exhibits pursuant to WAC 480-07-375(d). On August 2, 2017, Puget Sound Energy, Inc. (PSE or Company) filed a supplemental response to a prior Staff data request. That supplemental response corrected a material error in PSE's original response to Staff. The corrected information substantively changed a portion of the testimony and exhibits of Staff witness Jason L. Ball. Staff now requests the Commission grant Staff the opportunity to testify to the corrected information in the form of supplemental testimony from Mr. Ball. In an attempt to avoid multiple sets of exhibits and work papers, Mr. Ball's supplemental testimony also includes a handful of updates to correct minor errors and incorporate the changes to his exhibits and work papers that Staff acknowledged or supported in discovery.

2 Staff has reached out to the interested parties about Mr. Ball's supplemental testimony and exhibits. Both The Energy Project and Public Counsel do not object to Staff's filing. PSE and NWIGU also do not object to Staff's filing and, provided the Commission grants Staff's motion, have agreed to respond by Tuesday, August 15, 2017. No other parties

to this proceeding testified to issues affected by natural gas special contract customers, and Mr. Ball's supplemental testimony would go to the economic benefit of all non-special contract customers. It is thus highly unlikely that Mr. Ball's supplemental testimony would prejudice any party.

II. RELIEF REQUESTED

3 Commission Staff (Staff) requests that the Commission grant Staff leave to pre-file supplemental testimony and exhibits from Jason L. Ball, and grant other parties, namely PSE and NWIGU, an opportunity to respond to that supplemental testimony on or before August 15, 2017.

III. STATEMENT OF FACTS¹

4 On May 18, 2017, Staff issued data request (DR) 443 to PSE. PSE responded to Staff's request on June 5, 2017. The Company's response indicated that the special contract class of natural gas customers was at or near parity. Relying on PSE's response to DR 443, Staff decided not to file a portion of responsive testimony prepared Mr. Ball that advocated imputing the revenues for the Natural Gas Special Contract Customer Class to shareholders. Mr. Ball's responsive testimony instead advocated for no change to the Company's natural gas special contract customer class because PSE had indicated that customer class was paying at or near its cost of service. On August 2, 2017, PSE served a supplemental response to DR 443. The supplemental response indicated that the parity ratio for the special contract class of natural gas customers is approximately 50 percent. Mr. Ball has analyzed the supplemental response and determined that PSE's supplemental response materially changes his recommendation to the Commission.

¹ This portion of Staff's motion is supported by the Declaration of Jason L. Ball, attached and dated August 7, 2017.

IV. STATEMENT OF ISSUES

5 Whether Staff should be granted leave to file supplemental testimony and interested
parties given until August 15, 2017, to file responsive testimony. Staff’s proposed timeline
maintains the current hearing schedule, allows parties the meaningful opportunity to
respond, and gives Staff an opportunity to include the correct information and
recommendations into the evidentiary record before the Commission.

V. EVIDENCE RELIED UPON

6 Staff relies on the Declaration of Jason L. Ball, which is appended to this motion.
Staff also relies on the pre-filed testimony of Mr. Ball.

VI. ARGUMENT

7 The Commission’s administrative rules specifically provide for evidentiary motions
as “requests to limit or add to the evidentiary record in a proceeding.” WAC 480-07-
375(1)(d). In this case, supplemental testimony and responses thereto are appropriate
because Staff did not have the opportunity to incorporate correct cost of service information
for natural gas special contract customers into responsive testimony. Staff asked for this
information in discovery, and PSE inadvertently provided the incorrect information. To
PSE’s credit, the Company notified Staff after discovering the mistake and supplemented the
response as soon as feasible. Staff now merits an opportunity to present that updated
information and its consequences to the Commission in this case. Likewise, the affected
parties, namely PSE and NWIGU, should have an opportunity to respond to Staff’s
supplemental testimony.

VII. CONCLUSION

8 Staff’s position has changed because the underlying facts, as presented to Staff, were
incorrect. PSE and other intervenors, likely NWIGU, will naturally change or add to their

positions given Staff's updated position. Staff asks that the Commission accommodate a process for the parties to address this issue in pre-filed written testimony prior to the hearing. The Commission should:

- 1) grant Staff's motion for leave to file supplemental testimony and exhibits that incorporate corrected information for PSE's natural gas special contract customers, and
- 2) allow affected Parties an opportunity to respond to Staff's updated position by August 15, 2017.

DATED this 7th day of August 2017.

Respectfully submitted,

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Counsel for Washington Utilities and
Transportation Commission Staff