

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,	)	DOCKET PG-060215
	)	
Complainant,	)	ORDER 01
	)	
v.	)	PREHEARING CONFERENCE
	)	ORDER; NOTICE OF SECOND
	)	PREHEARING CONFERENCE
PUGET SOUND ENERGY, INC.,	)	(STATUS CONFERENCE)
	)	(Set for September 20, 2007,
Respondent.	)	at 10:00 a.m.)
	)	
.....	)	

1 **NATURE OF PROCEEDING.** Docket PG-060125 involves a complaint brought by the Washington Utilities and Transportation Commission (Commission) Staff on May 23, 2007, alleging that Puget Sound Energy (PSE), through its contractor, Pilchuck Contractors, Inc. (Pilchuck), failed to (1) follow PSE’s operations and maintenance (O&M) manual in conducting follow-up investigations of “phantom” leak inspections, in violation of 49 CFR §192.605(a);<sup>1</sup> (2) maintain accurate leak records in violation of WAC 480-93-187; and (3) retain leak investigation records in violation of WAC 480-93-185.

2 **CONFERENCE.** The Commission convened a prehearing conference in this docket at Olympia, Washington, on June 27 2007, before Administrative Law Judge (ALJ) Adam E. Torem.

3 **APPEARANCES.** Donald T. Trotter, Assistant Attorney General, Olympia, Washington, represents the Commission’s regulatory staff (“Commission Staff” or “Staff”).<sup>2</sup> Sheree Strom Carson, Perkins Coie, Bellevue, Washington, represents PSE.

---

<sup>1</sup> This federal regulation was adopted by WAC 480-93-999 and thereby applicable in Washington State.

<sup>2</sup> In formal proceedings, such as this case, the Commission’s regulatory staff functions as an independent party with the same rights, privileges, and responsibilities as any other party to the proceeding. There is an “*ex parte* wall” separating the Commissioners, the presiding Administrative Law Judge, and the Commissioners’ policy and accounting advisors from all parties, including Staff. *RCW 34.05.455*.

Contact information provided at the conference for the parties' representatives is attached as Appendix A to this order.

- 4     **PETITIONS FOR INTERVENTION.** At the time of the prehearing conference, no petitions to intervene had been filed with the Commission. However, PSE indicated that Pilchuck may wish to intervene in the case. Commission Staff did not object to this possibility and the undersigned ALJ concurred that Pilchuck's interest could potentially meet the requirements set out in WAC 480-07-355. Therefore, the deadline for filing a Petition to Intervene shall be extended for several more weeks. Unless additional petitions are received by 5:00 p.m. on Thursday, July 12, 2007, the case shall proceed with only Commission staff and PSE as parties. Any party wishing to respond to newly filed petitions must file its response no later than 5:00 p.m. on Friday, July 20, 2007.
- 5     **PROTECTIVE ORDER.** A protective order will *not* be entered in this docket at this time. However, the parties reserved their right to ask that the Commission later enter a protective order under RCW 34.05.446, RCW 80.04.095, WAC 480-07-420 and WAC 480-07-423 as necessary to protect the confidentiality of any information identified as proprietary information.
- 6     **DISCOVERY.** The parties jointly requested to invoke the Commission's rule on discovery, WAC 480-07-400(2)(b). The request was granted and discovery will proceed pursuant to the Commission's discovery rules, WAC 480-07-400 – 425.
- 7     PSE requested flexibility on the ten business day response period for data requests as specified in WAC 480-07-405(7)(b); Commission Staff indicated a willingness to voluntarily relax this deadline upon requests from PSE for reasonable extensions. The Commission urges the parties to work cooperatively together to avoid having to bring discovery matters forward for formal resolution.
- 8     **POTENTIAL SETTLEMENT.** The parties, indicating the potential for a settlement of at least a portion of the issues raised in the Complaint, requested that no hearing on the merits be scheduled until an opportunity to exchange documents and hold initial settlement negotiations had occurred.

- 9     **NOTICE OF SECOND PREHEARING CONFERENCE.** The Commission will hold a second prehearing conference in this matter, to begin on **Thursday, September 20, 2007, at 10:00 a.m., in Room 108 of the Commission’s headquarters, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**
- 10    The purpose of the second prehearing conference is to allow the undersigned ALJ to rule on any pending petitions for intervention. Further, the parties will discuss the status of their document exchange and other discovery issues, as well as the status of any settlement negotiations. Finally, the parties will be ready to present a proposed procedural schedule for the remainder of the hearing process.
- 11    **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file an original plus ten (10) copies of all pleadings, motions, briefs, and other prefiled materials. 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.
- 12    All filings must be mailed or delivered to the Executive 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.
- 13    An electronic copy of all filings must be provided through the Commission’s Web Portal ([www.wutc.wa.gov/e-filing](http://www.wutc.wa.gov/e-filing)) or by e-mail delivery to [records@wutc.wa.gov](mailto:records@wutc.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.

- 14 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Pursuant to WAC 480-07-145(6), the presiding officer grants a one-day extension of the paper-filing requirement, allowing electronic submission of documents with the Commission on the filing deadline. Parties must submit documents through the Commission's Web Portal ([www.wutc.wa.gov/e-filing](http://www.wutc.wa.gov/e-filing)) or by e-mail to [records@wutc.wa.gov](mailto:records@wutc.wa.gov), and file an original, plus ten (10) paper copies, of the documents with the Commission by noon on the following business day. Parties must provide courtesy copies of their electronic submissions to the presiding administrative law judge and the parties to the proceeding.
- 15 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. Here, Commission Staff and PSE have already indicated their intent to enter into negotiations that may allow at least a partial settlement on some of the issues in this case without the rigors and expenses associated with a hearing on the merits. The Commission does have limited ability to provide dispute resolution services; if you wish to explore those services, please call Ann E. Rendahl, Director, Administrative Law Division, at (360) 664-1144.
- 16 **NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective June 28, 2007.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

ADAM E. TOREM  
Administrative Law Judge

**APPENDIX A**

**PARTIES' REPRESENTATIVES  
DOCKET PG-060215**

<b>PARTY</b>	<b>REPRESENTATIVE</b>	<b>PHONE</b>	<b>FACSIMILE</b>	<b>E-MAIL</b>
<b>COMMISSION STAFF</b>	<b>DONALD T. TROTTER</b> Asst. Attorney General 1400 S Evergreen Park Dr SW P.O. Box 40128 Olympia, WA 98504-0128	360-664-1189	360-586-5522	<a href="mailto:dtrotter@utc.wa.gov">dtrotter@utc.wa.gov</a>
<b>PUGET SOUND ENERGY, INC.</b>	<b>SHEREE STROM CARSON</b> The PSE Building 10885 N.E. Fourth Street Suite 700 Bellevue, WA 98004-5579	425-635-1400	425-635-2400	<a href="mailto:SCarson@perkinscoie.com">SCarson@perkinscoie.com</a>
<b>Admin. Law Judge</b>	<b>ADAM E. TOREM</b> 1300 S Evergreen Park Dr SW P.O. Box 47250 Olympia, WA 98504-7250	360-664-1138	360-664-2654 [ALD fax only – do not use to file]	<a href="mailto:atorem@utc.wa.gov">atorem@utc.wa.gov</a>

**APPENDIX B**  
**PROCEDURAL SCHEDULE**  
**DOCKET PG-060215**

<b>EVENT</b>	<b>DATE</b>	<b>INTERVAL</b>
<b>Prehearing Conference (Initial)</b>	<b>Wednesday, June 27, 2007</b>	—
<b>Deadline for Petitions to Intervene</b>	<b>Thursday, July 12, 2007</b>	<b>15 Days</b>
<b>Deadline for Responses to Petitions to Intervene (if any)</b>	<b>Friday, July 20, 2007</b>	<b>8 Days</b>
<b>Prehearing Conference (Second)</b>	<b>Thursday, September 20, 2007</b>	<b>62 Days</b>
<b>Evidentiary Hearing on the Merits</b>	<b>To be Determined</b>	—