

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

WASHINGTON UTILITIES AND	)	DOCKET UE-100177
TRANSPORTATION COMMISSION,	)	
	)	
Complainant,	)	NOTICE OF PREHEARING
	)	CONFERENCE
v.	)	<b>(Prehearing Conference set for April</b>
	)	<b>1, 2010, at 1:30 p.m.)</b>
PUGET SOUND ENERGY,	)	
	)	NOTICE OF DEADLINE TO FILE
Respondent.	)	LEGAL ISSUES LISTS
	)	<b>(Due Monday, March 29, 2010)</b>
.....	)	

- 1 Puget Sound Energy (PSE) on January 29, 2010, filed with the Washington Utilities and Transportation Commission (Commission) a 10-year achievable conservation potential and biennial conservation target report (Report) in compliance with RCW 19.285 and WAC 480-109. In the report, PSE projects its 10-year achievable conservation potential and biennial conservation target.
- 2 On February 2, 2010, the Commission issued a notice to all interested persons of the opportunity to comment on PSE’s report concerning its 10-year conservation potential and its biennial conservation target. Commission Staff and other interested parties filed comments on March 5, 2010.
- 3 The matter was brought before the Commission at its open meeting on March 11, 2010. Because PSE did not provide sufficient information to determine whether the 10-year achievable conservation potential and biennial conservation target should be approved, the Commission entered an order setting the matter for hearing.<sup>1</sup>
- 4 **STATUTORY AUTHORITY:** The Commission has jurisdiction over this matter under RCW Title 80 and RCW Title 19, and has legal authority to regulate the rates, services, and practices of electric utilities. The statutes that apply to this matter include RCW 80.01, RCW 80.04, RCW 19.285 and RCW 80.28 relating to rates, including but not limited to RCW 80.01.040, RCW 80.04.020 and RCW 80.04.130. The rules that apply to this matter include those within WAC 480-109.

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<sup>1</sup> See Order 01.

- 5 The Commission will hear this matter under the Administrative Procedure Act (APA), particularly Part IV of RCW 34.05 relating to adjudications. The provisions of the APA that relate to this proceeding include, but are not limited to RCW 34.05.413, RCW 34.05.422, RCW 34.05.431, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452. The Commission will also follow its procedural rules in WAC 480-07 in this proceeding.
- 6 The Commission finds there is good cause to hear this matter on shortened notice. *See WAC 480-07-440(1)(a).*
- 7 **THE COMMISSION GIVES NOTICE That it will hold a prehearing conference in this matter at 1:30 p.m., on April 1, 2010, in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.** If you are unable to attend the prehearing conference in person, you may attend via the Commission's teleconference bridge line at **(360) 664-3846**. Please appear on the teleconference bridge no more than five minutes before the conference is scheduled to begin.
- 8 The purpose of the prehearing conference is to consider requests for intervention, resolve scheduling matters including establishing dates for distributing evidence and workpapers, to identify the issues in the proceeding and determine other matters to assist the Commission in resolving the matter, as listed in WAC 480-07-430.
- 9 **INTERVENTION:** Persons who wish to intervene should file a petition to intervene in writing by **March 29, 2010**, three business days before the date of the prehearing conference. *See WAC 480-07-355(a).* The Commission will consider oral petitions to intervene during the conference, but strongly prefers written petitions to intervene. Party representatives must file a notice of appearance with the Commission no later than the business day before the conference. *See WAC 480-07-345(2).* Any party or witness in need of an interpreter or other assistance should fill out the form attached to this notice and return it to the Commission. The Commission will set the time and place for any evidentiary hearings at the prehearing conference, on the record of a later conference or hearing session, or by later written notice.
- 10 From the discussion at the Commission's open meeting on March 11, 2010, it appears that there are several threshold legal issues relating to PSE's Report. The Commission requests the parties and interested persons frame the legal issues by filing a legal issues list prior to the prehearing conference.

11 **LEGAL ISSUES LIST:** All parties and interested persons who file petitions to intervene must file a list of threshold legal issues the Commission should resolve in this proceeding. All parties and interested persons are encouraged to collaborate in the drafting of a joint legal issues list prior to the prehearing conference. By establishing a common legal issues list, the parties and interested persons will assist in the prompt resolution of the case. **Legal issues lists must be filed with the Commission by Monday, March 29, 2010.**

12 The Commission also suggests that the parties consider the following briefing schedule for discussion at the prehearing conference to expedite consideration of the threshold legal issues:

<b>Motions for Summary Determination</b>	<b>Due April 5, 2010</b>
<b>Responses to Motions</b>	<b>Due April 12, 2010</b>

13 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the prehearing conference set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**

14 The names and mailing addresses of all known parties and their known representatives are as follows:

Complainant:	Washington Utilities and Transportation Commission 1300 S. Evergreen Park Drive SW P.O. Box 47250 Olympia, WA 98504-7250
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Representative:	Frona Woods Assistant Attorney General 1400 S. Evergreen Park Drive SW P.O. Box 40128 Olympia, WA 98504-0128 (360) 664-1225 <a href="mailto:fwoods@utc.wa.gov">fwoods@utc.wa.gov</a>
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Respondent:	Puget Sound Energy Tom DeBoer Director – Federal and State Regulatory Affairs P.O. Box 97034 Bellevue, WA 98009-9734
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Representative: Sheree Strom Carson  
Perkins Coie LLP  
10885 NE Fourth Street  
Suite 700  
Bellevue, WA 98004-5579  
(425) 635-1400  
[scarson@perkinscoie.com](mailto:scarson@perkinscoie.com)

Public Counsel: Simon J. ffitch  
Public Counsel Section  
Office of Attorney General  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744  
[simonf@atg.wa.gov](mailto:simonf@atg.wa.gov)

- 15 The Commissioners of the Washington Utilities and Transportation Commission and Administrative Law Judge Marguerite E. Friedlander, from the Commission's Administrative Law Division, will preside during this proceeding.
- 16 The Attorney General has designated Simon J. ffitch of the Office of the Public Counsel to represent the public. You may use the Commission's address, shown below, for contacting Public Counsel, or you may contact Public Counsel directly by writing or calling the address or telephone number listed below.
- 17 The Commission will give parties notice of any other procedural phase of the proceeding in writing or on the record, as appropriate during this proceeding.

DATED at Olympia, Washington, and effective March 16, 2010.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER  
Executive Director and Secretary

Inquiries may be addressed to:

Executive Secretary  
Washington State Utilities and  
Transportation Commission  
Richard Hemstad Building  
1300 S. Evergreen Park Drive S.W.  
P.O. Box 47250  
Olympia, WA 98504-7250  
(360) 664-1160

- or - Public Counsel Section  
Office of the Attorney General  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

**NOTICE**

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

If you need an interpreter, or have other special needs, please fill out this form and return it to Washington State Utilities and Transportation Commission, Attention: David W. Danner, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket : \_\_\_\_\_

Case Name: \_\_\_\_\_

Hearing Date: \_\_\_\_\_ Hearing Location: \_\_\_\_\_

Primary Language: \_\_\_\_\_

Hearing Impaired (Yes) \_\_\_\_\_ (No) \_\_\_\_\_

Do you need a certified sign language interpreter:

Visual \_\_\_\_\_ Tactile \_\_\_\_\_

Other type of assistance needed: \_\_\_\_\_

English-speaking person who can be contacted if there are questions:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: (\_\_\_\_) \_\_\_\_\_