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**BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

AIR LIQUIDE AMERICA
CORPORATION, AIR PRODUCTS AND
CHEMICALS, INC., THE BOEING
COMPANY, CNC CONTAINERS,
EQUILON ENTERPRISES, LLC,
GEORGIA-PACIFIC WEST, INC.,
TESORO NORTHWEST CO., and THE
CITY OF ANACORTES,
WASHINGTON,

Complainants,

v.

PUGET SOUND ENERGY,

Respondent.

DOCKET NO. UE-001952
(consolidated)

DOCKET NO. UE-001959
(consolidated)

In re: Petition of Puget Sound Energy, Inc.
for an Order Reallocating Lost Revenues
Related to any Reduction in the Schedule
48 or G-P Special Contract Rates

**DECLARATION OF STAN
BERMAN FILED IN SUPPORT OF
THE MOTION OF PUGET SOUND
ENERGY, INC. TO COMPEL
DEPOSITIONS**

Stan Berman declares as follows:

1. I am Stan Berman, counsel for Puget Sound Energy, Inc. (PSE) in this proceeding.
2. On December 20, 2000, I caused to be served by fax on Melinda Davison, counsel for Complainants, a Notice of Deposition for the affiants who supported the Amended Complaint as well as any other (“John Doe”) witnesses that Complainants intend to call at the December 29, 2000 hearing. Attached as Exhibit A is a true and correct copy this Notice of Deposition.

- 1 3. After working hours on December 20, 2000, Ms. Davison left a voice mail message for
2 me, advising that she would not make the persons named on PSE's Notice of Deposition
3 available for deposition.
- 4
5 4. At about noon on December 21, 2000, I call Ms. Davison and explained that I wanted to
6 depose the affiants in order to determine the information underlying the statements made
7 in their affidavits so as to prepare an appropriate defense to the contentions in the
8 affidavits prior to the December 29, 2000 hearing. Ms. Davison advised me that she had
9 no intention of making these witnesses available prior to the December 29 hearing. Ms.
10 Davison cited the impending holiday period and the witnesses' travel plans as the
11 primary reason for her unwillingness to make the witnesses available. Ms. Davison also
12 suggested that PSE's Notice of Depositions failed to comply with certain technical
13 requirements of the Washington Administrative Code. Ms. Davison stated in defense of
14 her position that PSE would have the ability to examine the witnesses at the December
15 29 hearing.
- 16 5. Ms. Davison would not confirm for me whether she intended to present each of these
17 witnesses at the December 29 hearing. I asked Ms. Davison who else she might intend
18 to call at the December 29 hearing, and she refused to provide me any such information,
19 saying that would be addressed in a scheduling conference in the following days.
- 20
21 6. I asked Ms. Davison if she was willing to agree to a continuance of the hearing in order
22 accommodate the witnesses' holiday travel plans and to allow time for depositions prior
23 to the hearing. Ms Davison said that she was unwilling to agree to any such delay.
- 24
25 7. I informed Ms. Davison that Puget Sound Energy's ability to defend against the
26 complaint and the contention that there is an emergency justifying some sort of

1 immediate relief was severely prejudiced by her refusal. I told her I would be forced to
2 file a Motion to Compel.

3 I declare under penalty of perjury that the foregoing is true and correct. Executed on
4 the 21st day of December, 2000.
5

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8 _____
9 Stan Berman

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