

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

PUGET SOUND ENERGY

For Penalty Mitigation Associated with
Service Quality Index No. 11-Electric
Safety Response Time Annual
Performance for Period Ending
December 31, 2021

DOCKET UE-220216

ORDER 02

PREHEARING CONFERENCE
ORDER; NOTICE OF HEARING

**(Set for Tuesday, March 22, 2023, at
9:30 a.m.)**

- 1 **NATURE OF PROCEEDING.** On March 29, 2022, Puget Sound Energy (PSE or Company) filed with the Washington Utilities and Transportation Commission (Commission) a Petition for Penalty Mitigation (Petition). The Petition requested that the Commission enter an order waiving the \$613,636 penalty associated with PSE’s Service Quality Index No. 11-Electric Safety Response Time. The penalty resulted from PSE’s failure to meet the 55-minute average benchmark for the arrival of an electric first responder following a customer service call.
- 2 **CONFERENCE.** The Commission convened a virtual prehearing conference on June 21, 2022, before Administrative Law Judge Andrew J. O’Connell.
- 3 **APPEARANCES.** Donna L. Barnett, Perkins Coie LLP, Bellevue, Washington, represents PSE. Jeff Roberson, Assistant Attorney General, Olympia, Washington, represents Commission staff (Staff).¹ Nina Suetake, Ann Paisner, and Lisa Gafken, Assistant Attorneys General, Seattle, Washington, represent the Public Counsel Unit of

¹ In formal proceedings such as this, the Commission’s regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners’ policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

the Attorney General's Office (Public Counsel). Contact information for party representatives is attached to this order as Appendix A.

4 **PROTECTIVE ORDER.** The Commission entered a Protective Order, Order 01, in Docket UE-220216 on June 22, 2022. For information marked as confidential in Docket UE-220216, any parties or witnesses must submit the required agreement found in the appendix to Order 01.

5 **DISCOVERY.** Discovery will be conducted according to this Order, the procedural schedule attached to this Order as Appendix B, the Protective Order, and the Commission's discovery rules, WAC 480-07-400 – 425. The Commission urges the parties to work cooperatively to avoid having to bring discovery matters forward for formal resolution.

6 The Parties are instructed to provide each data request to all Parties at the time it is propounded and each data request response at the time it is served on the requestor. This ensures timely notice to all Parties of all discovery and helps to avoid duplicative discovery.

7 **PROCEDURAL SCHEDULE.** The Parties presented an agreed procedural schedule at the prehearing conference. The Parties agree to an initial settlement conference scheduled for November 9, 2022. Parties are authorized to modify the date of this initial settlement conference by unanimous agreement and notice to the presiding officer. The Commission adopts the Parties' proposed procedural schedule and attaches it to this Order as Appendix B.

8 **DOCUMENT FILING AND SERVICE REQUIREMENTS.** Parties must file and serve all pleadings, motions, briefs, and other prefiled materials in compliance with all of the following requirements:

- (a) Parties must submit electronic copies of all documents by 5 p.m. on the filing deadline established in the procedural schedule (or other deadline as applicable) unless the Commission orders otherwise. Parties must comply with WAC 480-07-140(6) in formatting, organizing, and identifying electronic files. Documents that include information designated as confidential must comply with the requirements in WAC 480-07-160 and the Protective Order in this docket.
- (b) The Commission accepts only electronic versions of documents for formal filing. The Commission requires electronic copies to be in searchable .pdf format (adobe

acrobat or comparable software), or to otherwise comply with WAC 480-07-140(6)(a). Parties must submit documents electronically through the Commission's web portal (www.utc.wa.gov/e-filing). If a party is unable to use the web portal to submit documents for filing, the Commission will accept a submission via email to records@utc.wa.gov provided the email: (1) explains the reason the documents are not being submitted via the web portal, and (2) complies with the requirements in WAC 480-07-140(5)(b).

(c) Documents filed with the Commission must conform to the formatting and other requirements in WAC 480-07-395 and WAC 480-07-460 and must comply with the requirements in WAC 480-07-160 and the Protective Order in this docket for documents that include information designated as confidential.

(d) Parties must electronically serve the other parties **and provide courtesy electronic copies of filings to Judge O'Connell** (andrew.j.oconnell@utc.wa.gov) **by 5 p.m.** on the filing deadline unless the Commission orders otherwise. If parties are unable to email copies, they may furnish electronic copies by delivering them on a flash drive, only.

9 **EXHIBITS FOR CROSS-EXAMINATION.** Parties are required to file with the Commission and serve all proposed cross-examination exhibits by **5 p.m. on March 15, 2023**. The Commission requires electronic copies in searchable .pdf (adobe acrobat or comparable software). The exhibits must be grouped according to the witness the party intends to cross examine with the exhibits.

10 **EXHIBIT LISTS.** With each submission of prefiled testimony and exhibits, the party making the submission must include a preliminary exhibit list that identifies each submitted exhibit in the format the Commission uses for exhibit lists it prepares for evidentiary hearings. The Company will prepare and file its preliminary exhibit list for their initial filing in these dockets. Each party must file and serve a final list of all exhibits the party intends to introduce into the evidentiary record, including all prefiled testimony and exhibits, as well as cross-examination exhibits by **5 p.m. on March 15, 2023**.

11 **CROSS-EXAMINATION TIME ESTIMATES.** Each party must provide a list of witnesses the party intends to cross-examine at the evidentiary hearing and an estimate of the time that party anticipates the cross-examination of that witness will take. Parties should not file witness lists or cross-examination time estimates but must provide them to

the administrative law judge (andrew.j.oconnell@utc.wa.gov) and the other parties by **5 p.m. on March 15, 2023.**

- 12 **NOTICE OF EVIDENTIARY HEARING.** The Commission will hold a virtual evidentiary hearing in this docket via Zoom beginning on **March 22, 2023, at 9:30 a.m.** To participate by phone, call (253) 215 8782 and enter the Conference ID: 869 5669 4367# and use passcode 229939#. To participate via Zoom, use the following link: [Click here to join the meeting.](#)
- 13 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider other means of resolving disputes informally. The Commission has limited ability to provide dispute resolution services. If you wish to explore those services, please contact Rayne Pearson, Director, Administrative Law Division (rayne.pearson@utc.wa.gov or 360-664-1136).
- 14 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in these dockets, subject to Commission review.**

DATED at Lacey, Washington, and effective June 22, 2022.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ *Andrew J. O'Connell*
ANDREW J. O'CONNELL
Administrative Law Judge

**APPENDIX A
PARTIES' REPRESENTATIVES
DOCKET UE-220216**

PARTY	REPRESENTATIVE	PHONE	E-MAIL
Puget Sound Energy	Donna L. Barnett Perkins Coie LLP 10885 N.E. Fourth Street Bellevue, WA 98004-5579	(425) 635-1419	dbarnett@perkinscoie.com
	Jon Piliaris		Jon.piliaris@pse.com
Commission Staff	Jeff Roberson Assistant Attorney General Office of the Attorney General Utilities and Transportation Division P.O. Box 40128 Olympia, WA 98504-0128	(360) 664-1188	Jeff.roberson@utc.wa.gov
	Andrew Roberts		andrew.roberts@utc.wa.gov
	Jeanne Roth		jeanne.roth@utc.wa.gov
	Betsy DeMarco		betsy.demarco@utc.wa.gov
Public Counsel	Nina M. Suetake Assistant Attorney General Washington Attorney General's Office Public Counsel Unit 800 Fifth Avenue, Suite 2000 Seattle, WA 98104-3188	(206) 389-2055	nina.suetake@atg.wa.gov
	Lisa W. Gafken	(206) 464-6595	lisa.gafken@atg.wa.gov
	Ann N.H. Paisner	(206) 521-3211	ann.paisner@atg.wa.gov
	Corey Dahl		corey.dahl@atg.wa.gov
	Thomas Johnson		thomas.johnson@atg.wa.gov
	Brice Hartman		brice.hartman@atg.wa.gov
	Chanda Mak		chanda.mak@atg.wa.gov
	Public Counsel E-Filing		PCCSeaEF@atg.wa.gov

PARTY	REPRESENTATIVE	PHONE	E-MAIL
All Email Addresses	dbarnett@perkinscoie.com ; Jon.piliaris@pse.com ; Jeff.roberson@utc.wa.gov ; andrew.roberts@utc.wa.gov ; jeanne.roth@utc.wa.gov ; betsy.demarco@utc.wa.gov ; nina.suetake@atg.wa.gov ; lisa.gafken@atg.wa.gov ; ann.paisner@atg.wa.gov ; corey.dahl@atg.wa.gov ; thomas.johnson@atg.wa.gov ; brice.hartman@atg.wa.gov ; chanda.mak@atg.wa.gov ; PCCSeaEF@atg.wa.gov		

**APPENDIX B
PROCEDURAL SCHEDULE
DOCKET UE-220216**

EVENT	DATE
PSE's Petition for Mitigation	March 29, 2022
Prehearing Conference	June 21, 2022
PSE's Initial Testimony and Exhibits	August 19, 2022
Initial Settlement Conference	November 9, 2022
Staff and Public Counsel Response Testimony and Exhibits	December 2, 2022
PSE Rebuttal Testimony and Exhibits; Staff and Public Counsel Cross-Answering Testimony and Exhibits	February 17, 2023
Discovery Deadline – Last Day to Issue Data Requests	March 5, 2023
Exhibits List, Cross-Examination Exhibits, Witnesses List, Time Estimates, Exhibits Errata	March 15, 2023
Evidentiary Hearing	March 22, 2023
Initial Post-Hearing Briefs	May 24, 2023
Reply Briefs	June 14, 2023