

**EXHIBIT NO. _____ (PMR-1T)
DOCKETS UE-170033/UG-170034
2017 PSE GENERAL RATE CASE
WITNESS: PATRICK M. RISKEN**

**BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,**

Complainant,

v.

PUGET SOUND ENERGY,

Respondent.

**Docket UE-170033
Docket UG-170034**

CROSS-ANSWERING TESTIMONY OF

PATRICK M. RISKEN

ON BEHALF OF THE STATE OF MONTANA

NON-CONFIDENTIAL

August 9, 2017

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I. Introduction

1
2 **Q: What is your name and business address?**

3 A: Patrick M. Risken, 215 N. Sanders, Helena, Montana 59601.

4 **Q: What is your current occupation?**

5 A: I am currently and have been an Assistant Attorney General for the State of Montana since
6 2014, defending Montana and its agencies in constitutional challenges and in general
7 litigation.

8 **Q: What other professional positions have you held?**

9 A: Before I joined the Montana Attorney General's office, I was involved in continuous litigation
10 practice in Spokane, Washington, between 1984 and 2014. My private practice emphasized
11 business and contract issues; the representation of public and private entities in a variety of
12 issues; the defense of claims involving engineering and architectural issues; the representation
13 of business entities in claims involving work site safety, catastrophic injury or death;
14 defending claims made by growers under crop insurance policies; and the representation of
15 public entities in land use, easement and environmental disputes. I also accrued extensive
16 experience in representing real estate owners in land use and zoning presentations and the
17 resolution of land use disputes and have represented governmental entities in administrative
18 proceedings.

19 **Q: What is your educational history?**

20 A: I received a B.A. from the University of Montana in 1981, and I received a J.D., *cum laude*,
21 from Gonzaga University School of Law in 1984.

22 **Q: What professional licenses and admittances do you have?**

23 A: I am admitted to practice in Washington State, beginning November 2, 1984. I am admitted to
24 practice in Idaho, beginning July 16, 2010. I am admitted to practice in Montana in Montana,
25 beginning January 13, 2012. Further, I am admitted to practice in the U.S. District Court for
26 the Eastern District of Washington (1984), the U.S. District Court for the Western District of
27 Washington (2010), the U.S. District Court for the District of Montana (2014), the U.S. Court
28 of Appeals, Ninth Circuit (2001), and the United States Supreme Court (1995).

1 Q: **Have you testified previously in this matter?**

2 A: No.

3 Q: **Why not?**

4 A: When the State of Montana intervened in this proceeding, it did so as a party with a specific
5 interest in the decommissioning and remediation process for Colstrip Units 1 & 2; the
6 treatment of decommissioning and remediation costs are core issues of interest to Montana.
7 Those matters will also be addressed and decided in a Montana forum, under Montana state
8 law and federal law, at a later date. This rate case, therefore, has a significant, but not
9 ultimate, bearing on the core legal issues of interest to Montanans generally and residents of
10 Colstrip and Rosebud County specifically. Consequently, the State of Montana seeks to be
11 respectful of other parties whose interests in the rate case are more immediate and will be
12 determined in this proceeding. The State of Montana does, however, offer this limited cross-
13 answer testimony because it may help clarify and inform the testimony filed to date in this
14 proceeding, and further to protect its interests in issues that are outside the jurisdiction of the
15 Commission in this rate proceeding.

16 This cross-answering testimony places the State of Montana's interests in context
17 when considered among all other intervenors' expressed interests and testimony supporting
18 those interests.

19 Q: **Are you providing exhibits with this testimony?**

20 A: Yes. See Exhibits PMR-2 through PMR-13, attached.

21 Q: **What is the purpose of your testimony?**

22 A: To address several issues concerning Colstrip Units 1 & 2 that have been addressed by others
23 in their testimony and by Exhibits filed to date. Specifically, I will address: (a) the
24 appropriate forum and venue for evaluating and approving a decommissioning and
25 remediation plan for Colstrip Units 1 & 2 when such a plan is presented; (b) the cost issues
26 attendant to that decommissioning and remediation process; (c) witnesses' apparent belief that
27 PSE is only liable for part of any decommissioning and remediation costs; and (d) to inform
28 this proceeding about a potential commerce clause issue raised by the manner in which the

1 Utilities and Transportation Commission (Commission) is directed, by statute, to require the
2 remediation of a broader range of impacts resulting from the closure of Washington coal-fired
3 generation facilities than in the case of Montana coal powered facilities that are closed.
4 When it allowed the intervention of Montana and others in *Order 03* (Feb. 15, 2017), the
5 Commission instructed the intervenors to “focus their efforts on issues within the
6 Commission’s jurisdiction that are related to the Colstrip facilities.” *Order 03*, ¶ 8. It is
7 important to Montana that this Commission consider only those issues that pertain to Colstrip
8 Units 1 & 2, only those issues pertaining to Colstrip Units 1 & 2 that are within this
9 Commission’s jurisdiction, and that the Commission disregard any attempt by any party or
10 witness seeking, implicitly or otherwise, dispositive findings or conclusions related to Colstrip
11 Units 3 & 4, which are owned by an entirely separate ownership group of entities.

12 13 **II. Forum and Venue Issues**

14 **Q: What is the State of Montana’s position regarding any eventual rulings issued by the**
15 **Commission in this matter as they may relate to decommissioning and remediation costs**
16 **resulting from the closure of Colstrip Units 1 & 2?**

17 **A:** The State of Montana respects the Commission’s authority and responsibility to set rates and
18 determine whether RCW 80.84.010 and .020 allow for recovery of “prudently incurred
19 decommissioning and remediation costs” to be funded out of retirement accounts established
20 under RCW 80.04.350. At the same time, Montana also asserts that regardless of the
21 decommissioning and remediation costs that are considered in this rate case, any
22 representation of the actual costs of those functions are purely hypothetical at this point. The
23 amount of actual costs and ultimate requirements attendant to decommissioning and
24 remediation can only be decided in a Montana forum, under Montana law and federal
25 environmental law, and at the time or nearer to the time the decommissioning and remediation
26 plan is submitted for review to Montana authorities. More plainly, the Commission may not
27 bind the State of Montana, PSE, Talen Industries or any other party or entity to a “cost
28 ceiling” for decommissioning and remediation of Colstrip Units 1 & 2 through this

1 proceeding. Cost uncertainties, at this stage, remain too great, as shown by all other parties’
2 testimony to date. Yet various parties have probed the issue with WUTC Staff, through data
3 requests, apparently attempting to either set a ceiling for those costs or to at least initiate
4 discussion of similar issues regarding Colstrip Units 3 & 4. While those are not subject to this
5 Commission’s jurisdiction, if the Commission addresses such issues, any findings or
6 conclusions could be misused in later proceedings, causing unnecessary disputes over their
7 effect, if any, in other proceedings.

8 **Q: How does the State of Montana view the direct testimony of Dr. Thomas Power**
9 **regarding the need for this proceeding to allow for Puget Sound Energy’s (PSE)**
10 **recovery of costs associated with developing a Community Transition Program and**
11 **related actions to ease the decommissioning and remediation impacts on the**
12 **communities in Montana directly impacted by the closure of Colstrip?**

13 **A:** Very favorably, but this is likely only a first step towards ameliorating the harms to these
14 communities. While Dr. Power does not cite the statutory authority for PSE to be required to
15 engage with these communities in the ways he outlines in his testimony, we believe that his
16 suggestions should be viewed as supporting a conclusion by the Commission that costs
17 associated with such economic development programs in Montana are “prudently” incurred
18 costs related to decommissioning and remediation under RCW 80.84.010 and .020.

20 **III. Cost of Decommissioning and Remediation**

21 **Q: Do you agree with Dr. Power when he addresses the difficulty of knowing the costs of**
22 **decommissioning and remediation at this stage?**

23 **A:** Yes. The State of Montana believes the actual costs of closing Colstrip Units 1 & 2 can only
24 be ascertained at the time a full decommissioning and remediation plan is submitted in
25 Montana. PSE admits this in its Response to Public Counsel Data Request No. 415 and
26 further in its Response to NWECC Data Request Nos. 005 and 006. See Ex. PMR-2 through 4,
27 respectively.

1 WUTC Staff apparently agrees. See its Response to NWECA Data Request No. 6,
2 wherein Staff's Christopher Hancock acknowledges the possibility of future Commission
3 action should this rate proceeding provide inadequate funding for decommissioning and
4 remediation. Since PSE has yet to submit a decommissioning and remediation plan, those
5 costs cannot be estimated with any certainty in this proceeding. See also PSE Response to
6 NWECA Data Request No. 007 (Ex. PMR-5), and Staff Response to NWECA Data Request No.
7 6.b. (Ex. PMR-6).

8 Yet even without accurate estimates, Montana submits that what PSE is estimating *at*
9 *this time* is grossly inadequate. For example, one obvious shortcoming is that PSE's estimates
10 are based upon the use of non-union wages being paid in Billings, Montana. The International
11 Union of Operating Engineers Local 400 presently has over 580 heavy equipment operators in
12 the Billings, Montana, area. Ex. PMR-7. PSE's contention regarding the Montana labor pool
13 demonstrates how difficult it is to draw reliable conclusions from generalizations.

14
15 **IV. PSE's Liability for Decommissioning and Remediation Costs in Relation to Talen Industries**

16 **Q: Does testimony to date support the position that PSE is only liable for one-half of the**
17 **total cost of decommissioning and remediation per their agreement with Talen**
18 **Industries?**

19 **A:** No. The basis for this assertion is that PSE and Talen Industries have contractually arranged
20 to be severally liable for one half the cost of decommissioning and remediation. PSE
21 Response to Sierra Club Data Request No. 003 (Ex. PMR-8). By this, I mean that some
22 believe those two entities will be liable for their respective halves, *and only their respective*
23 *halves of any decommissioning and remediation costs.* The State of Montana disagrees with
24 testimony that assumes, supports, or concludes this to be the case. Rather, the State of
25 Montana concludes that PSE and Talen Industries are unable to "contract their way around"
26 Montana's laws and other laws that may now, or later, impose joint and several liability for
27 these costs. For example, the Comprehensive Environmental Response, Compensation &
28 Liability Act of 1980 (CERCLA), 42 U.S.C. Section 9607(e), and court decisions interpreting

1 the same, impose joint and several liability in instances such these. Montana's
2 Comprehensive Environmental and Cleanup and Responsibility Act (CECRA), Mont. Code
3 Ann. § 75-10-701 *et seq.*, also requires joint and several liability in instances such as these.
4 The injury to Colstrip is indivisible, requiring joint and several liability, meaning that if for
5 any reason one party is unable to pay their full share, or only part of their full share, of the
6 cost of decommissioning and remediation, then the other party must pay the other liable
7 parties share.

8 **Q: Does joint and several liability matter in this proceeding, and if so, how?**

9 A: Joint and several liability matters in any proceeding where any discussion of the costs and
10 liabilities of decommissioning and remediation owed by two or more parties is asserted. This
11 Commission simply cannot consider any purported side deal between PSE and Talen as the
12 “last word” on the issue (see PSE Response to Sierra Club Data Request No. 003; Ex. PMR-
13 8), which is apparently a finding sought by those entities. Raising this issue now, even though
14 it will ultimately be determined in Montana, is especially important in this rate proceeding.
15 Evidence submitted in this matter causes considerable concern that Talen Industries is not on
16 firm financial footing. *See, e.g., Ralph C. Smith Direct Testimony on behalf of Public Counsel*
17 *at 71-72 (Redacted Version)*. Talen's financial viability will almost certainly be more tenuous
18 when the true costs of decommissioning and remediation are determined in a Montana forum
19 under Montana and federal law several years from now. Notwithstanding PSE's contractual
20 agreement regarding liability separate from Talen, when joint and several liability is imposed
21 under Montana and federal law, the actual costs to PSE of the decommissioning and
22 remediation process could prove to be significantly underestimated at present.

23
24 **V. Washington's Disparate Treatment of Montana's Colstrip Facility**

25 **Q: Does the State of Washington treat decommissioning and remediation of in-state, coal-**
26 **powered facilities the same as it treats State of Montana facilities? If the answer is “no”,**
27 **please explain.**

1 A: No. Senate Bill ESSB 6248 was signed into law in 2016 and was specifically designed to
2 address the Montana-based Colstrip facilities. ESSB 6248 is codified at RCW 80.84.010 and
3 .020, and limits the Commission’s authority to providing for “*prudently incurred*
4 *decommissioning and remediation costs*” to be funded out of retirement accounts established
5 under RCW 80.04.350 (emphasis added).

6 In marked contrast, RCW 80.82.010 was passed into law to address a Washington-
7 based coal-fired plant closing and provides owners of Washington coal-fired facilities with
8 significantly greater decommissioning and remediation obligations. Any plan addressing
9 *decommissioning and site restoration* [must also have a] *plan that addresses “restoring*
10 *physical topography, cleanup of all hazardous substances on the site, potential future uses of*
11 *the site following restoration, and coordination with local and community plans for*
12 *economic development in the vicinity of the site.”*

13 **Q: What is the basis of your concern that Washington might treat out-of-state facilities or**
14 **the responsibilities of the owners thereof differently than those that are located entirely**
15 **within Washington?**

16 A. Washington has recognized the validity of concerns involving the decommissioning of certain
17 power generating technologies since at least 2009, when Governor Christine Gregoire issued
18 Executive Order 09-05. Ex. PMR-9. Therein, Washington recited that “it is critical to
19 Washington’s economic future that greenhouse gas reduction strategies be designed and
20 implemented in a manner that minimizes cost impacts to Washington citizens and businesses.”
21 *Id.* at 1. Therefore, the Governor directed the Director of the Department of Ecology to “help
22 design a national greenhouse gas emission reduction program that reflects Washington State
23 priorities. Those priorities include: protecting small businesses and families, particularly
24 those with low incomes, in the transition to a clean energy future; . . . and ensuring the
25 program spurs the creation of green jobs.” *Id.* at 2, Section 1(a).
26 Washington therefore stated its intent to influence greenhouse gas emission reduction beyond
27 its own borders. When PSE and the Sierra Club decided to close Colstrip Units 1 & 2
28

1 (without input from the State of Montana) they were apparently following that or a similar
2 intent.

3 The Commission recognized the need to consider societal impacts in Docket UE-
4 121373, when addressing the eventual decommissioning of TransAlta Centralia Generation
5 LLC-owned coal-fired electric generating plant in Centralia, Washington. Puget Sound
6 Electric sought permission to purchase for a portion of the electricity generated by that plant,
7 which was permitted by the Commission in Order 03. Ex. PMR-10. The Order recognized
8 that TransAlta operated the Centralia coal-fired plant under a Memorandum of Understanding
9 between TransAlta and the Washington Governor (April 26, 2010; Ex. PMR-11) which
10 expressed an intent to “sunset” the Centralia plant no later than December 31, 2025, allowing
11 the development of “Replacement Generation Facilities” by TransAlta. Of particular interest
12 to Montana is the fact that Washington Governor Gregoire also expressed concern that the
13 transition from coal to a different technology “would be structured to protect the residents
14 near Centralia by minimizing the adverse impacts to the local economy and tax base.” Ex.
15 PMR-11 at 1, C Principles (f). The Commission found the MOU, RCW Chapter 80.80 and
16 RCW 80.04.570 to be “intertwined elements that together establish the concept of coal
17 transition power and define the rights and obligations of TransAlta, PSE and, most important,
18 the people of Washington.” Ex. PMR-10, ¶ 92. Specifically, the Commission concluded:

19 The fulfillment of these rights and obligations provides a transition for citizens
20 living in the communities most directly affected by the closure, maintaining family-wage
21 jobs and promoting economic development that will substitute for the loss of the plant,
22 which remains an economic mainstay in Centralia and surrounding suburban and rural
23 communities. Finally, it is by the fulfillment of these rights and obligations that the state
24 has provided for the broader public interest to benefit from the assured closure of a
25 significant source of air pollution on a definite schedule.

26 *Id.* The Commission has therefore previously concluded that the welfare of the
27 citizens directly affected by the closure of a plant such as Colstrip Units 1 & 2 is the
28 obligation of both the plant owners and the jurisdiction regulating its operation.

1 The Commission has also been presented with testimony from Thomas Power, an
2 expert economist for the NWEAC et al. Ex. TMP-1T. Mr. Power also recommends that PSE
3 develop a Community and Worker Transition Program to assist the Colstrip area through the
4 retirement of Colstrip Units 1 & 2. *Powers* at 4-5, 28-47 and specifically at 38, l. 9 through
5 42, l. 4. Mr. Power recognizes economic impact issues to workers, schools, local government
6 and the tax base that are consistent with the concerns expressed in Puget Sound Energy, Inc.
7 *See* Exs. PMR-9 to PMR-11.

8 **Q: Why is it that the record from a different rate case, involving a Washington-based coal-**
9 **fired power plant, is important to Montana in this case?**

10 A: Montana is concerned that certain parties in this rate case are seeking a finding or perhaps
11 even dicta from this Commission that costs beyond so-called “hard costs” of
12 decommissioning and remediation of Colstrip Units 1 & 2 are unattainable if not “awarded” in
13 this proceeding. Montana submits that those costs and other damages will be determined in
14 the appropriate jurisdiction of Montana, in the appropriate forum, under Montana and federal
15 law. This Commission has found in favor of the responsibility of so-called “social costs”
16 within its own jurisdiction. It cannot foreclose those responsibilities in Montana. It is of note
17 that PSE has not denied its responsibility for both hard costs and to minimize the adverse
18 impacts to the local economy and tax base. *See* PSE Response to NWEAC Data Request No.
19 012; Ex. PMR-12.

20 **Q: Does this difference in authority conferred on the Commission by the Washington**
21 **legislature raise any concerns?**

22 A; Yes. To the extent the Commission views the language in RCW 80.84.010 and .020 as
23 prohibiting costs for coordination on local and community plans for economic development in
24 this rate proceeding, it raises the question of whether there is a commerce clause violation.

25
26 **IV. The Limitation of the Commission’s Jurisdictional Reach In This Proceeding.**

27 **Q. Does Montana consider this proceeding to involve, affect or impact the operation of**
28 **Colstrip Units 3 & 4?**

1 A. No. Yet certain of the parties to this rate proceeding are obviously laying the groundwork for
2 later scrutiny of Colstrip Units 3 & 4 by attempting to secure a finding, conclusion or even
3 *dicta* from the Commission for issues not presently before it. A clear example is NWECE's
4 Data Request No. 4 to WUTC Staff (Ex. PMR-6), wherein intervenor NWECE and its cohorts
5 attempt to elicit testimony and recommendations from Staff's Chris McGuire regarding
6 depreciation of Colstrip Units 3 & 4 and his "best estimate" of when Colstrip Units 3 & 4 will
7 "go out of service" or "retire." Mr. McGuire and Staff did not take the bait. This is not an
8 issue for determination, or even consideration, by the Commission at this time. However,
9 having seen certain parties' attempts, Montana must underscore this otherwise clear
10 conclusion in order to ensure that the Commission, when issuing final orders in these
11 consolidated proceedings, is aware of the unintended consequences that could result from
12 inadvertent remarks on issues not properly before it.

13 On July 31, 2017, the WUTC received an ex parte communication from a person not
14 involved in this proceeding as either a party or a witness, offering personal comment and
15 providing information regarding the evidence under consideration herein. See *Notice of Ex*
16 *Parte Communication*, August 1, 2017 (Ex. PMR-13). The comments included a broadside
17 involving the entirety of the Colstrip operation. It is clear that the Commission is being called
18 upon to consider more in this case than is within its jurisdiction.

19 **Q: Can Montana identify specific testimony by any party to this case that raises concern**
20 **that the party may be advocating for this Commission to decide or affect, indirectly or**
21 **otherwise, the fate of Colstrip Units 3 & 4?**

22 A: Yes. NWECE et al. expert witness Dr. Power insists that this case force additional planning for
23 the closure of Colstrip Units 3 & 4. *Prefiled Direct Testimony of Thomas Michael Power* (Ex.
24 TMP-1T) at 1-2. His suggestions are "cautionary" based upon his critical analysis of PSE's
25 planning regarding the retirement of Colstrip Units 1 & 2. *Id.* He does, however,
26 acknowledge that his suggestions are hypothetical since the actual retirement of Colstrip Units
27 3 & 4 have not been determined at this time. *Id.* at 2. This, in part, is due to the fact that the
28

1 full ownership of Colstrip Units 3 & 4 is required to decide their fate. PSE Response to
2 NWEC Data Request No. 011 (Ex. TMP-7).

3 Through Dr. Power, the NWEC et al. demand that this Commission force PSE and the
4 other owners of Colstrip Units 3 & 4 (who are not parties to this proceeding) to provide
5 specific planning and periodic reporting regarding the retirement of Colstrip Units 3 & 4,
6 *through this case*. Ex. TMP-1T at 22, l. 19 through 24, l. 23. Dr. Power recommends that this
7 Commission “should” order PSE to take specific affirmative steps regarding Colstrip Units 3
8 & 4, including filing periodic reports with this Commission regarding a variety of issues
9 related to Colstrip Units 3 & 4, including the remarkable demand that PSE report on
10 “potential conflicts among owners of CS 3-4 over retirement dates and the retirement costs
11 that those owners will share at the time of retirement.” *Id.* at 3, ll. 15-18. In fact, NWEC’s Dr.
12 Power insists that this Commission take on actively monitoring of the operation of Colstrip
13 Units 3 & 4 by insisting that PSE report virtually any change in its operation. *Id.* at 27, l. 19
14 through 28, l. 20.

15 This is a prime illustration of Montana’s concern that certain parties to this rate
16 proceeding are seeking findings in this rate proceeding that will then be used as substantive
17 evidence or “binding precedent” regarding the operation of Colstrip Units 3 & 4 in the State
18 of Montana. Whether a Montana forum would recognize such a finding is another matter.
19 The point is that findings, conclusions or even dicta from this proceeding have great potential
20 for misuse in the future, and Montana must protect its interests in this proceeding. And, the
21 Commission has no interest in entertaining those specific requests, let alone making
22 conclusions that could only complicate rather than simplify future proceedings.

23 Another specific example is the Response Testimony of Ezra Hausman, Ph.D. (June
24 30, 2017) on behalf of intervenor Sierra Club. Without any basis therefore, Dr. Hausman
25 provides “a much more reasonable assumption of the end of the useful life of [Colstrip Units 3
26 & 4] is December 31, 2024. *Response Testimony of Ezra Hausman, Ph.D.* (Ex. EDH-1T) at 4,
27
28

1 l. 14 through 5, l. 6, at 6, l. 15 through 7, l. 15 and at 36, ll. 3-10.¹ Dr. Hausman’s testimony is
2 filled with unsupported statements regarding the life of Colstrip Units 3 & 4, including “it is
3 exceedingly unlikely that those units will continue operating” through the schedule provided
4 by PSE. Ex. EDH-1T at 9, ll. 11-13. He admits that he did not perform any independent
5 analysis for those conclusions (*Id.* at 24, ll. 17-18) but rather selectively cited the work of
6 others to support those conclusions (*Id.* at 24, l. 17 through 25, l. 2), applying “hindsight.” *Id.*
7 These are the type of bald assertions that concern Montana greatly. Tailing off, Dr. Hausman
8 does admit that he is not “recommending that the Commission pre-judge the retirement of
9 Colstrip Units 3 and 4” (*Id.* at 38, ll. 7-10), in essence because to do so would be based upon
10 “likely” scenarios (guesswork) under a fluid re-evaluation process every five years. *Id.* This
11 admission guts the credibility of his December 31, 2024, retirement date. *Id.* at 40, ll. 3-14.

12 See also Prefiled Response Testimony of Michael H. O’Brien (Ex. MHO-1T), on
13 behalf of NWECC et al. This unsubstantiated testimony seeks to impose burdens upon PSE just
14 to add cost to the operation of Colstrip Units 3 & 4.

15 Therefore, it is of critical importance to Montana that this Commission recognize that
16 those strategies are not supported in this rate proceeding, by specifically finding that issues
17 relating to Colstrip Units 3 & 4, including its actual “retirement,” are not presently before the
18 Commission.

19 Additionally, since all of the ownership entities for Colstrip Units 3 & 4 are not a part
20 of this proceeding, those owners would be significantly prejudiced by any consideration of
21 Colstrip Unit 3 & 4 issues in this proceeding, or by any findings, conclusions or dicta that
22 might be issued by the Commission referencing the future of Colstrip Units 3 & 4.

23 **Q: Does this conclude your testimony?**

24 **A:** Yes.

25
26
27
28 ¹ Dr. Hausman does recognize that PSE’s witness John Spanos testified that Colstrip Units 3 & 4 are scheduled to fully depreciate in 2044 and 2045, respectively. Ex. EDH-1T at 7, l. 17 through 8, l. 1.

Exhibit List

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|----------------|---|
| Exhibit PMR-2 | Puget Sound Energy Response to Public Counsel
Data Request No. 415 (UE-170033 and UG-170034) |
| Exhibit PMR-3 | Puget Sound Energy Response to NWECC et al.
Data Request No. 005 (UE-170033 and UG-170034) |
| Exhibit PMR-4 | Puget Sound Energy Response to NWECC et al.
Data Request No. 006 (UE-170033 and UG-170034) |
| Exhibit PMR-5 | Puget Sound Energy Response to NWECC et al.
Data Request No. 007 (UE-170033 and UG-170034) |
| Exhibit PMR-6 | Commission Staff Response to NWECC et al.
Data Request Nos. 2-9 (UE-170033 and UG-170034) |
| Exhibit PMR-7 | Letter, June 23, 2017 - International Union of Operating
Engineers to Montana AFL-CIO |
| Exhibit PMR-8 | Puget Sound Energy Response to Sierra Club
Data Request No. 003 (UE-170033 and UG-170034) |
| Exhibit PMR-9 | Washington Governor Executive Order 09-05 -
“Washington’s Leadership on Climate Change” |
| Exhibit PMR-10 | Washington Utilities and Transportation Commission
Docket UE-121373, Order 03 (January 9, 2013) |
| Exhibit PMR-11 | Memorandum of Understanding Between The State Of
Washington and TransAlta Centralia Generation LLC
(April 26, 2010) |
| Exhibit PMR-12 | Puget Sound Energy Response to NWECC et al.
Data Request No. 012 (UE-170033 and UG-170034) |
| Exhibit PMR-13 | WUTC “Notice of Ex Parte Communication” - email from
Russell Borgman (July 31, 2017) |