

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION, Complainant, v. PUGET SOUND ENERGY, Respondent.	DOCKETS UE-220066 and UG- 220067 (<i>Consolidated</i>) ORDER 29
In the Matter of the Petition of PUGET SOUND ENERGY For an Order Authorizing Deferred Accounting Treatment for Puget Sound Energy’s Share of Costs Associated with the Tacoma LNG Facility	DOCKET UG-210918 ORDER 15 PREHEARING CONFERENCE ORDER; NOTICE OF HEARING (Evidentiary Hearing set for January 18, 2024, at 9 a.m.)

- 1 **NATURE OF PROCEEDING.** On December 22, 2022, the Washington Utilities and Transportation Commission (Commission) entered Final Order 24/10, Rejecting Tariff Sheets; Approving Settlements, with Conditions; Authorizing and Requiring Compliance Filing (Final Order 24/10). By this Order, the Commission approved three partial multi-party settlements that, considered together, resolved all of the outstanding issues in the general rate case filed by Puget Sound Energy (PSE or Company). This included the Revenue Requirement Settlement (Revenue Requirement Settlement), which was adopted by the Commission subject to conditions.
- 2 Relevant here, in paragraph 40 of the Revenue Requirement Settlement, the Settling Parties agreed to the following: “PSE agrees to continue its existing credit and collection

processes until the conclusion of the proceeding currently being conducted in Docket U-210800.” The Commission accepted this particular settlement term without condition.¹

3 On August 10, 2023, PSE filed a Petition to Amend Final Order (Petition), requesting the Commission allow the Company to change its credit and collection practices prior to the conclusion of the rulemaking in Docket U-210800.

4 On September 15, 2023, the Commission issued a Notice of Intent to Amend Final Order and Notice of Prehearing Conference.

5 **CONFERENCE.** The Commission convened a prehearing conference virtually, on September 29, 2023, before Administrative Law Judge Michael Howard.

6 **REPRESENTATIVES.** Donna L. Barnett, of Perkins Coie, Seattle, Washington, represents PSE. Jeff Roberson, Assistant Attorney General, Lacey, Washington, represents Commission staff (Staff). Lisa W. Gafken and Ann Paisner, Assistant Attorneys General, Seattle, Washington, represent the Public Counsel Unit of the Attorney General’s Office (Public Counsel). Sommer Moser of Davison Van Cleve, P.C., represents the Alliance of Western Energy Consumers (AWEC). Yochanan Zakai of Shute, Mihaly & Weinberger LLP, represents The Energy Project. Rita Liotta, of the United States Navy, represents the Federal Executive Agencies (FEA). Jan Hasselman, of Earthjustice, represents the Joint Environmental Advocates, comprised of NW Energy Coalition, Sierra Club, and Front and Centered.

7 **PETITIONS FOR INTERVENTION.** No new parties appeared at the conference seeking to intervene.

8 **PROTECTIVE ORDER.** The Commission entered a protective order as Order 02 in this docket on February 10, 2022.

9 **DISCOVERY.** Order 01 provides that discovery will be conducted under the Commission’s discovery rules, WAC 480-07-400 – 425. The Commission urges the parties to work cooperatively together to avoid having to bring discovery matters forward for formal resolution. If the parties are unable to resolve discovery disputes, the presiding administrative law judge encourages the parties to either file appropriate motions or to contact them to arrange for a discovery conference. Because it is difficult to predict when a discovery conference may be needed, if at all, a discovery conference is only identified as a “to be determined” date on the procedural schedule attached in Appendix A.

¹ See Final Order 24/10 ¶¶ 265-68.

- 10 The Parties will continue to adhere to discovery practices outlined in Order 03. These practices facilitate the sharing of all data requests and responses with all Parties as well as the tracking and organizing of those data requests and responses.
- 11 First, the Parties agreed to identify each data request by subject (1) above each data request, (2) in the cover letter, and (3) in the distribution email. Data requests propounded in a single set will be grouped by subject in the cover letter and distribution email. The Parties will cooperate to develop a uniform list of subjects to facilitate discovery tracking. These discovery tracking processes are not intended to limit or restrict discovery in any way.
- 12 Second, the Commission believes it will aid discovery in this case if all responses to data requests are shared with all parties. The Parties will continue the exchange of data request responses with all parties, as a requirement for discovery in this case. Accordingly, the Commission requires the parties to share every data request response with all parties, subject to any confidentiality limitations contained in Commission rules, the protective order issued in this docket, or the conditions placed on CENSE's and the Puyallup Tribe's participation in discovery by Order 03. To be clear, data requests and responses are not shared with the Commissioners, the presiding administrative law judge, or Commission policy advisors, unless those responses are offered as exhibits to be admitted into the record.
- 13 **PROCEDURAL SCHEDULE.** The parties agreed on a procedural schedule during the conference. The Commission adopts this procedural schedule, which is attached to this Order as Appendix A. The Commission notes that the Parties agreed to provide oral summations at the hearing in lieu of post-hearing briefs.
- 14 **INTERVENOR FUNDING.** On February 9, 2023, in Docket U-210595, the Commission issued Order 02, Approving Agreement with Subject to Condition, implementing an extended participatory funding agreement (Agreement) to enhance public participation in the Commission's regulatory processes pursuant to RCW 80.28.430.
- 15 Parties who wish to seek further funding for this docket may file notices of intent to seek funding by October 13, 2023. The deadline for proposed budgets follows 30 days later, on November 13, 2023.
- 16 **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.
- (b) The Commission accepts only electronic versions of documents for formal filing. 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 that 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) The Commission is continuing to suspend requirements for paper filings in this case for all submissions dating after the Company's initial testimony.
- (d) Documents filed with the Commission must conform to the formatting and other requirements in WAC 480-07-395 and WAC 480-07-460. Further, filed documents designated as confidential must comply with the requirements in WAC 480-07-160 and the Protective Order in this docket .
- (e) Parties must electronically serve the other parties and provide courtesy electronic copies of filings to the presiding administrative law judge (michael.howard@utc.wa.gov) by 5 p.m. on the filing deadline unless the Commission orders otherwise. Pursuant to WAC 480-07-365(2)(c), all electronic documents submitted to the Commission must also be delivered to all parties and the presiding administrative law judge "at the same time" that the documents are submitted to the Commission or shortly thereafter. Please note as well that failing to provide a courtesy copy to the presiding administrative law judge may result in a delayed ruling on a motion or other filing. If parties are unable to email copies, they may furnish electronic copies by delivering them on a flash drive only.
- (f) Attorneys, non-attorney representatives, and witnesses are welcome to include their pronouns in filings or oral testimony if they so choose. The Commission does not assume any person's pronouns and will use they/them/theirs for witnesses and representatives who do not provide their pronouns.

17 **EXHIBITS FOR CROSS-EXAMINATION.** Parties are required to file with the Commission and serve all proposed cross-examination exhibits by **5 p.m., January 11, 2024**. The Commission requires electronic copies (in a machine readable .pdf). If any of the exhibits contain information that is designated as confidential or highly confidential, the party must also file one electronic copy (in a machine readable.pdf) and one paper

copy of the redacted version of each such exhibit. The exhibits must be grouped according to the witness the party intends to cross examine with the exhibits.

18 **EXHIBIT LISTS.** With each submission of prefiled testimony and exhibits, the submitting party must include a preliminary exhibit list that identifies each submitted exhibit in the format the Commission uses for the exhibit lists it prepares for evidentiary hearings. PSE will prepare and file its preliminary exhibit list for its initial filing in this docket. 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., January 11, 2024.**

19 **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 presiding administrative law judge (michael.howard@utc.wa.gov) and the other parties by **5 p.m., January 11, 2024.**

20 **PUBLIC COMMENT HEARING.** The Commission will hold a public comment hearing in this docket prior to the hearing on the final disposition of this case. The exact date of the public comment hearing is to be determined. The Commission finds that conducting a virtual public comment hearing is in the public interest and will therefore convene a public comment hearing on or before **February 13, 2024.** PSE customers will receive notice of the date, time, and address of the public comment hearing, as well as other information required under WAC 480-90-197 and WAC 480-100-197, at least 30 days prior to the date of the relevant public comment hearing.

21 **NOTICE OF EVIDENTIARY HEARING.** The Commission will hold a virtual evidentiary hearing in these dockets via Zoom on **January 18, 2024,** beginning at **9:00 am.** To participate by phone, call (253) 215 8782 and enter the Conference ID 886 6628 9268# and use the Passcode: 586057#. To participate via Zoom, use the following link: [Click here to join the meeting.](#)²

22 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. If the Parties reach a settlement in principle and request suspension

² <https://utc-wa-gov.zoom.us/j/88666289268?pwd=xfzvPZCnBM8azDfz2IH4zX9QrCBzst.1>

of the procedural schedule, the Parties should promptly inform the Commission of this agreement.

23 The Commission has limited ability to provide dispute resolution services. If you wish to explore those services, please contact Michael Howard, Acting Director, Administrative Law Division (michael.howard@utc.wa.gov or (360) 664-1139).

24 **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 this Order, in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Lacey, Washington, and effective October 6, 2023.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Michael S. Howard
MICHAEL S. HOWARD
Administrative Law Judge

APPENDIX A
PROCEDURAL SCHEDULE
DOCKETS UE-220066, UG-220067, and UG 210918 (Consolidated)

EVENT	DATE
Modified Discovery Response Deadline ³	September 30, 2023
Settlement Conference (parties only)	October 20, 2023
Company Direct/Settlement Testimony ⁴	November 17, 2023
Staff, Public Counsel and Intervenor Response Testimony and Exhibits/Settlement Opposition Testimony	December 8, 2023
Company Rebuttal Testimony and Exhibits; Cross- Answering Testimony and Exhibits	December 22, 2023
Cross-Examination Exhibits, Witness Lists, and Time Estimates	January 9, 2024
Public Comment Hearing	To be determined
Evidentiary Hearing	January 18, 2024

³ PSE committed to a three-day best effort response time from this date forward.

⁴ Staff indicated that the parties agreed to either file a settlement and supporting testimony on this date, or the Company would submit its direct testimony on this same date.