

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

DOCKET UE-220066 and UG-220067  
(*Consolidated*)

Complainant,

ORDER 30

v.

PUGET SOUND ENERGY,

Respondent.

DOCKET UG- 210918 (*Consolidated*)

In the Matter of the Petition of

PUGET SOUND ENERGY

ORDER 16

For an Order Authorizing Deferred  
Accounting Treatment for Puget Sound  
Energy’s Share of Costs Associated with  
the Tacoma LNG Facility

GRANTING REQUESTS FOR CASE  
CERTIFICATION

**BACKGROUND**

- 1 On January 31, 2022, Puget Sound Energy (PSE or Company) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its Tariff WN U-60, Tariff G, Electric Service, and its Tariff WN U-2, Natural Gas. The Commission initiated an adjudication in consolidated Dockets UE-220066 and UG-220067.
- 2 On March 24, 2022, the Commission issued Order 08, Granting Requests for Case Certification (Order 08).<sup>1</sup> In Order 08, the Commission concluded this proceeding qualified as an “eligible proceeding,” and granted case certification to each of the six parties who had requested it. The Commission determined that these groups adequately demonstrated an ability to effectively represent “broad customer interests,” and had filed

<sup>1</sup> Order 08 Granting Requests for Case Certification (March 24, 2022), ¶ 51.

all necessary paperwork. These groups included The Energy Project (TEP) and the Alliance of Western Energy Consumers (AWEC).

- 3 On December 22, 2023, the Commission issued Order 24/10 Rejecting Tariff Sheets; Approving Settlements, with Conditions; Authorizing and Requiring Compliance Filing (Final Order 24/10); therein the Commission described the procedural posture, resolved pending issues, and retained jurisdiction.
- 4 After the issuance of Final Order 24/10, the certified parties moved for payment in accordance with the budgets, which the Commission had approved earlier in the proceeding pursuant to the Washington Extended Interim Participatory Funding Agreement (Interim Agreement).<sup>2</sup> On April 22, 2023, and March 2, 2023, the Commission issued Orders 27/13 and 28/14, Approving Payments.
- 5 On August 10, 2023, Company filed a Petition to Amend Final Order with the Commission. On August 30, 2023, four parties filed responses to the petition. The merits and substance of these filings will not be discussed further here.
- 6 On September 29, 2023, the Commission convened a virtual prehearing conference before Administrative Law Judge Michael Howard.
- 7 On October 6, 2023, the Commission entered Order 29/15, Prehearing Conference Order and Notice of Hearing (Order 29/15), scheduling an evidentiary hearing for January 18, 2024, at 9:30 a.m. To the extent applicable, the Commission required that any requests for case certification and notices of intent to seek funding be filed by October 13, 2023. The Commission required that any proposed budgets be filed by November 13, 2023.
- 8 On October 11, 2023, AWEC filed a Notice of Intent to Request Funding Grant and Proposed Budget. AWEC intends to request a fund grant from the Customer Representation Sub-Fund for PSE. AWEC submits that it has been certified in this case.<sup>3</sup> AWEC routinely participates in Commission proceedings involving PSE, participating in advisory groups, submitting formal comments to the Commission, and intervening in previous PSE general rate cases.
- 9 On October 13, 2023, TEP filed a Notice of Intent to Request a Fund Grant and Proposed Budget. TEP notes that this proceeding has already been determined to be “eligible” and

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<sup>2</sup> *In the Matter of the Petition of Puget Sound Energy, et al.*, Docket U-210595 Order 02 (February 9, 2023).

<sup>3</sup> Notice of Intent to Request Fund Grant and Proposed Budget, ¶ 6, Docket UE-220066 (10/11/23)

TEP has previously been made a certified party to the case. TEP indicated that it intended to request a fund grant from the Customer Representation Sub-fund of the customer access fund for PSE. TEP submits that this proceeding is an “eligible proceeding” under the Interim Agreement.

## DISCUSSION

- 10 Pursuant to RCW 80.28.430, utilities must enter into funding agreements with organizations that represent broad customer interests. The Commission evaluates and approves such agreements. The Commission determines amount, distribution, and cost recovery of financial assistance. Any other matter necessary to administer such an agreement may be addressed by the Commission.<sup>4</sup>
- 11 On November 19, 2021, the Commission issued a Policy Statement on Participatory Funding for Regulatory Proceedings (Policy Statement).<sup>5</sup> The Commission provided “high-level guidance regarding the amount of financial assistance that may be provided to organizations, the manner in which it is distributed to participants and recovered in the rates of gas or electrical companies, and other matters necessary to administer agreements.”<sup>6</sup>
- 12 On February 24, 2022, the Commission issued Order 01, Approving Agreement with Modifications (Order 01), in Commission Docket U-210595.<sup>7</sup> The Commission approved the Interim Agreement filed by the parties in that Docket on February 23, 2022, subject to certain modifications, and adopted the Interim Agreement as Appendix A to the Order.
- 13 On December 20, 2022, the parties agreed to an extension of the Interim Agreement. On February 9, 2023, the Commission approved it, subject to condition. The parties were required to resubmit the Interim Agreement on February 16, 2023.
- 14 In relevant part, Section 5.2 of the Interim Agreement provides that the Commission will case-certify an organization that: (1) is not a for-profit or governmental entity; which (2) represents “broad customer interests”; (3) demonstrates it is able to “effectively represent the particular customers it seeks to represent”; (4) establishes that it will not unduly delay

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<sup>4</sup> RCW 80.28.430(2).

<sup>5</sup> *In the Matter of the Commission’s Examination of Participatory Funding Provisions for Regulatory Proceedings*, Docket U-210595 (November 19, 2021).

<sup>6</sup> *Id.* ¶ 3.

<sup>7</sup> *In the Matter of the Petition of Puget Sound Energy, et al.*, Docket U-210595 Order 01 (February 24, 2022).

the proceeding; and, either (5) demonstrates that no other case-certified stakeholder adequately represents these interests, or that the proceeding will benefit from the organization's participation.<sup>8</sup>

15 As explained fully in Order 08, the instant matter is a “regulatory proceeding” within the meaning of the statute, which is appropriate for participatory funding.<sup>9</sup> We continue on to address each Notice of Intent to Seek Funding.

16 **TEP.** In Order 08 the Commission granted TEP's Request for Case Certification, finding TEP met the requirements to be case-certified for funding assistance.<sup>10</sup> The Commission reaffirms those findings today.

17 We note that this is the first time in which a proceeding that used grant funding was subsequently reopened. Additionally, the parties are now operating under a new version of the Interim Agreement. We note further that in the future, the Commission may choose in similar circumstances to treat similar requests as an amendment to the previous budget pursuant to § 6.7. However, in an abundance of caution, the Commission wishes to make clear that for the same reasons stated before: TEP meets the standards to be case certified. We also find that TEP has properly filed a new Notice of Intent to seek funding, stating that the organization intends to seek funds from PSE's Customer Representation Sub-fund.

18 Pursuant to Section 6.5 of the Interim Agreement, the Commission will not address any funding proposals until after the deadline for submitting proposed budgets. However, TEP and the other case-certified parties should be aware that the remaining funds in the Customer Representation Sub-Fund are limited and that the Commission is required by statute to prioritize organizations representing vulnerable populations and highly impacted communities.

19 **AWEC.** In Order 08 the Commission granted AWEC's Request for Case Certification, finding AWEC met the requirements to be case-certified for funding assistance.<sup>11</sup> The Commission reaffirms those findings today.

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<sup>8</sup> Interim Agreement § 5.2.

<sup>9</sup> See Policy Statement ¶ 33 (interpreting the term “regulatory proceeding” broadly). See also Interim Agreement § 1(c) (defining “Eligible Proceeding”).

<sup>10</sup> Order 08, ¶ ¶ 20-23

<sup>11</sup> Order 08, ¶ ¶ 24-26

- 20 Again, we note that this is the first time in which a proceeding that used grant funding was subsequently reopened. Additionally, the parties are now operating under a new version of the Interim Agreement. We note further that in the future, the Commission may choose in similar circumstances to treat similar requests as an amendment to the previous budget pursuant to § 6.7. However, in an abundance of caution, the Commission wishes to make clear that for the same reasons stated before: AWEC meets the standards to be case certified. We also find that AWEC has properly filed a new Notice of Intent to seek funding, stating that the organization intends to seek funds from PSE's Customer Representation Sub-fund.
- 21 Pursuant to Section 6.5 of the Interim Agreement, the Commission will not address any funding proposals until after the deadline for submitting proposed budgets. However, AWEC and the other case-certified parties should be aware that the remaining funds in the Customer Representation Sub-Fund are limited and that the Commission is required by statute to prioritize organizations representing vulnerable populations and highly impacted communities.

### ORDER

#### THE COMMISSION ORDERS:

- 22 (1) The Energy Projects' Request for Case Certification is GRANTED.
- 23 (2) The Alliance of Western Energy Consumers' Request for Case Certification is GRANTED.

Dated at Lacey, Washington, and effective October 30, 2023.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

*/s/ Michael Howard*  
MICHAEL HOWARD  
Administrative Law Judge

**NOTICE TO PARTIES: This is an Interlocutory Order of the Commission. Administrative review may be available through a petition for review, filed within 10 days of the service of this Order pursuant to WAC 480-07-810.**