

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

PUGET SOUND ENERGY,

Respondent.

DOCKET UE-220701

ORDER 01

PREHEARING CONFERENCE
ORDER; NOTICE OF HEARING;
**(Evidentiary Hearing set for Tuesday,
March 14, 2023, at 9:30 a.m.)**

- 1 **NATURE OF PROCEEDING.** On September 15, 2022, the Washington Utilities and Transportation Commission (Commission) served on Puget Sound Energy (PSE or Company) the formal complaint (Complaint) of Alexander and Elena Argunov, Thomas and Heidi Johnson, and Chad and Victoria Groesbeck (Complainants). The Complaint alleges that PSE violated several Commission rules contained in Washington Administrative Code (WAC) 480-100.
- 2 **CONFERENCE.** The Commission convened a virtual prehearing conference on October 24, 2022, before Administrative Law Judges Samantha Doyle and Gregory Kopta.
- 3 **APPEARANCES.** Sheree Strom Carson and Byron C. Starkey, Perkins Coie LLP, Bellevue, Washington, represent PSE. Nash Callaghan, Assistant Attorney General, Lacey, Washington, represents Commission staff (Staff).¹ Alexander and Elena Argunov, Heidi Johnson, and Victoria Groesbeck, represent Complainants, *pro se*. Lisa W. Gafken, Assistant Attorney General, Seattle, Washington, represent the Public Counsel Unit of the Attorney General's Office (Public Counsel). Contact information for the parties' representatives is attached as Appendix A to this Order.

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.

4 **DISCOVERY.** 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.

5 Response times to data requests will be adjusted as set forth in Appendix B.

6 The Commission believes it will aid discovery in this case if all responses to data
requests are shared with all parties. No party objected to the Commission making the
exchange of data request responses with all parties as a requirement for discovery in this
case. Accordingly, the Commission requires each party to share its data request responses
with all other parties. Parties, however, must not share data requests and responses 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.

7 **PROCEDURAL SCHEDULE.** The parties agreed on a procedural schedule at the
prehearing conference. The Commission adopts the parties’ proposed procedural
schedule, which is attached to this Order as Appendix B. The parties may modify the date
of the parties-only settlement conference by providing written notice to the Commission.

8 **DOCUMENT FILING AND SERVICE REQUIREMENTS.** Parties must file and
serve all pleadings, motions, briefs, and other pre-filed 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) Documents filed with the Commission must conform to the formatting and
other requirements in WAC 480-07-395 and WAC 480-07-460. Written
testimony filed on the deadlines established in the procedural schedule should
be in question and answer format. Examples of written testimony may be

found in other adjudications (*e.g.*, Docket UE-220066) on the Commission's website.

- (d) Parties must electronically serve the other parties and provide courtesy electronic copies of filings to the presiding administrative law judges (samantha.doyle@utc.wa.gov and Gregory.Kopta@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 Wednesday, March 8, 2022**. Cross-examination exhibits are responses to data requests or other documents a party intends to use in asking questions of an adverse witness during the evidentiary hearing. 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 pre-filed (written) 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. Each party must file and serve a final list of all exhibits the party intends to introduce into the evidentiary record, including all pre-filed testimony and exhibits and cross-examination exhibits, by **5 p.m., Wednesday, March 8, 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 judges (samantha.doyle@utc.wa.gov and Gregory.Kopta@utc.wa.gov) and the other parties by **5 p.m., Monday, February 27, 2023**.

12 **NOTICE OF EVIDENTIARY HEARING.** The Commission will hold an evidentiary hearing in this docket on **Tuesday, March 14, 2023, at 9:30 a.m- 12:30 p.m.** Due to uncertainties surrounding the COVID-19 pandemic, the Commission will determine at a later date whether the hearing will be conducted in-person or virtually. If the hearing is conducted in-person, it will convene in the Commission's Hearing Room, First Floor, Commission Headquarters, 621 Woodland Square Loop S.E., Lacey, Washington.

13 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider 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 and Policy Division (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 this Order, in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this docket, subject to Commission review.**

DATED at Lacey, Washington, and effective November 1, 2022.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Samantha Doyle
SAMANTHA DOYLE
Administrative Law Judge

**APPENDIX A
PARTIES' REPRESENTATIVES
DOCKET UE-220701**

PARTY	REPRESENTATIVE	PHONE	E-MAIL
PSE	Byron Starkey 10885 N. E. Fourth Street Bellevue, WA 98004-5579 ByronStarkey@perkinscoie.com	(425)-635-1458	ByronStarkey@perkinscoie.com
	Sheree Carson		SCarson@perkinscoie.com
Commission Staff	Nash Callaghan Assistant Attorney General Office of the Attorney General Utilities and Transportation Division P.O. Box 40128 Olympia, WA 98504	(360) 664-1186	nash.callaghan@utc.wa.gov
Complainants	Alexander and Elena Argunov	(425)-306-2305	eargunov@gmail.com
	Thomas and Heidi Johnson	(425)-466-3986	h.e.johnson@comcast.net
	Chad and Victoria Groesbeck	(206)-718-6987	victoriamacfarland24@hotmail.com
Public Counsel	Lisa Gafken Assistant Attorney General Washington Attorney General's Office Public Counsel Unit 800 Fifth Avenue, Suite 2000 Seattle, WA 98104-3188	(206) 464-6595	Lisa.Gafken@atg.wa.gov

**APPENDIX B
PROCEDURAL SCHEDULE
DOCKET UE-220701**

EVENT	DATE
Complaint Filed	September 15, 2022
Answer Filed	October 21, 2022
Initial Settlement Conference	December 7, 2022
Direct Testimony	January 10, 2023
Response Testimony	February 9, 2023
Rebuttal Testimony	February 24, 2023
Discovery Deadline ²	December 30, 2022
File Cross Examination Exhibits, Witness Lists, and Errata sheets, and email Cross-Examination Time Estimates to the presiding ALJ	March 8, 2023
Evidentiary Hearing	March 14, 2023 9:30 a.m.- 12:30 p.m.

² Response time to data requests is ten (10) business days and drops to five (5) business days after Direct Testimony.