

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PROOF OF SERVICE

DOCKET NO. UE-001952

KNOW ALL PERSONS BY THESE PRESENTS That the undersigned, an employee of the Washington Utilities and Transportation Commission at Olympia, Washington, hereby certifies that a copy of the document referred to below was served on the parties of record in said proceeding in the following manner:

On the 18TH day of DECEMBER, 2000, a true copy of ORDER CONSOLIDATING PROCEEDINGS; PREHEARING CONFERENCE ORDER AND NOTICE OF HEARING (DECEMBER 29, 2000).

in the above-entitled cause now pending before the Commission was enclosed in an envelope addressed to each of the parties of record as set forth below. Each envelope was addressed to the address shown in the official files attached hereto, sealed with the required first-class postage thereon, and deposited on said date in the United States mail in the City of Olympia, County of Thurston, State of Washington.

PARTIES OF RECORD AND OTHERS RECEIVING NOTICE

Parties of Record on Filing: 001952
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Faxed to parties on 12/18/00
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Parties of Record on Filing: 001959

Kippi Walker

Kippi Walker - Customer Service Specialist 2

TRANSACTION REPORT

P. 01

DEC-18-2000 MON 04:39 PM

BROADCAST

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
DEC-18	03:54 PM	8-5439345032418160	2' 07"	6	SEND	OK	617	
	03:56 PM	8-5439343603844849	2' 11"	6	SEND	OK	617	
	04:38 PM	8-5439342064470849	**' **"	0	SEND	BUSY	617	
	04:00 PM	8-5439342063867500	3' 28"	6	SEND	OK	617	
	04:04 PM	8-5439344253396196	2' 08"	6	SEND	OK	617	
	04:07 PM	8-5439345032412300	2' 08"	6	SEND	OK	617	
	04:10 PM	8-5439342063892058	2' 04"	6	SEND	OK	617	
	04:12 PM	8-5439343602931938	2' 03"	6	SEND	OK	617	
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Washington Utilities & Transportation Commission
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 PO Box 47250
 Olympia, WA 98504-7250

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Docket No. UE-001952

Date: December 18, 2000

Number of pages including cover sheet: 6

NAME:

Melinda Davison (Georgia-Pacific West, Inc.)

Whatcom County PUD #1

Stan Berman (PSE)

FAX NUMBER:

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* DEC-18-2000 MON 04:47 PM *
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* P. 01 *
* TRANSACTION REPORT *
* DEC-18-2000 MON 04:17 PM *
* DATE START RECEIVER TX TIME PAGES TYPE NOTE M# DP *
* DEC-18 04:15 PM 8-5439344254537350 2' 06" 6 SEND OK 618 *
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**NOTICE OF HEARING
UTILITIES**

Date served: 12/18/00

Docket No: UE-001952

Document: ORDER CONSOLIDATING PROCEEDINGS; PREHEARING CONFERENCE
ORDER AND NOTICE OF HEARING (DECEMBER 29, 2000).

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Comm. Gillis
Comm. Hemstad
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Penny Hansen
Paul Curl
Team & Lead (check RMS &
distribution sheet)
Linda Elhardt/Teri Wallace
(AR's & ARP's ONLY)

Vicki Elliott
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assigned -1 copy to ALD
Shirley Burrell
Comm. AAG's (one copy to AG
assigned & one to Jeff Goltz)
Krista Linley
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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Air Liquide America Corporation, Air Products and Chemicals, Inc., The Boeing Company, CNC Containers, Equilon Enterprises, LLC, Georgia-Pacific West, Inc., and Tesoro Northwest Company

Complainants,

v.

Puget Sound Energy, Inc.

Respondent.

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DOCKET NO. UE-001952 (consolidated)

In re: Petition of Puget Sound Energy, Inc. for an Order Reallocating Lost Revenues Related to any Reduction in the Schedule 48 or G-P Special Contract Rates

DOCKET NO. UE-001959 (consolidated)

ORDER CONSOLIDATING PROCEEDINGS; PREHEARING CONFERENCE ORDER and NOTICE OF HEARING (December 29, 2000)

1 PREHEARING CONFERENCE: The Commission convened a prehearing conference in Docket No. UE-001952 in Olympia, Washington, on November 30, 2000, before Chairwoman Marilyn Showalter, Commissioner Richard Hemstad, and Administrative Law Judge Dennis J. Moss. The Complaint in Docket No. UE-001952 asks the Commission to proceed under its authority to conduct emergency adjudicative proceedings. RCW 34.05.479; WAC 480-09-510. Accordingly, the matter was convened on shortened notice.

2 CONSOLIDATION: Following notice of the prehearing conference in Docket No. UE-001952, and one day prior to the prehearing conference, Puget Sound Energy filed its Petition in Docket No. UE-001959. Because it appeared from the face of the

7 The Commission considered Complainants request for a shortened response time and the presiding Administrative Law Judge held informal discussions on that question with all parties who elected to participate in person or via teleconference on Friday, December 15, 2000. In view of the expedited schedule established below, and based the informal discussion among the parties, it is determined that parties are required to respond to all discovery requests within five business days. The Parties nevertheless committed to work in good faith to provide answers to data requests as quickly as possible. Parties are required to limit discovery to that necessary to their respective cases, and parties should cooperate to facilitate discovery and resolve informally any disputes. Any discovery dispute referred to the Commission by motion must state what steps the parties have taken to resolve the dispute.

8 **PROTECTIVE ORDER:** The Commission anticipates that certain confidential information may be requested during the discovery process. Accordingly, discovery may be facilitated by a protective order. A protective order consistent in substance with the form typically used in Commission proceedings will be entered to protect the parties' interests in insulating confidential information from public disclosure.

9 **PROCESS AND PROCEDURAL SCHEDULE; NOTICE OF HEARING:** Complainants propose a two-phase proceeding. Complainants propose that the Commission first should convene an evidentiary hearing on December 29, 2000, to determine whether price caps or other emergency rate relief should be implemented for PSE's Schedule 48 customers, and under Georgia-Pacific's special contract with PSE. The Commission determines that it should provide Complainants an opportunity to carry their burden to show that such relief is warranted and legally permissible. **Accordingly, the Commission will convene the requested Phase One hearing on December 29, 2000, beginning at 9:00 a.m., in room 206 at the Commission's offices in Olympia, Washington.**

10 Additional procedural dates and requirements for Phase One may be established by subsequent notice or order. Additional procedural dates and requirements for Phase Two will be established by subsequent notice or order.

11 **LEGAL ISSUES TO BE CONSIDERED:** The legal issues and certain mixed questions of law and fact to be considered in Phase One include, but are not necessarily limited to, the following:


- Is the financial ability of individual ratepayers to pay increased costs for electricity a consideration relevant to determine whether there exists an immediate danger to the public health, safety, or welfare? What indices of proof are required to show an individual ratepayer is financially incapable of paying increased costs for electricity so that

Olympia, Washington 98504-7250, or by hand delivery to the Commission Secretary at the Commission's records center at the Washington Utilities and Transportation Commission, 1300 S. Evergreen Park Drive, S.W., Olympia, Washington, 98504. Both the post office box and street address are required to expedite deliveries by U.S. Postal Service. An original plus nineteen (19) copies of all pleadings, motions, briefs, and other prefiled materials must be filed with the Commission. **A courtesy copy of all filings made via facsimile should be provided to the Presiding Administrative Law Judge at (360) 664-2654.**

- 13 Parties must furnish separately a 3.5 inch IBM formatted high-density diskette including the filed document(s) in .pdf format, MS Word 97 (or later), or WordPerfect 5.1 (or later) format, or may supplement their filing by sending an electronic copy via e-mail attachment to: <records@wutc.wa.gov>.
- 14 **ALTERNATIVE DISPUTE RESOLUTION; SETTLEMENT:** The Parties' attention is directed to WAC 480-09-465, "Alternative dispute resolution," and WAC 480-09-466, "Settlement conferences." The Commission urges all parties to formal adjudications to include alternative methods to bring resolution to contested issues.
- 15 The Commission notes that the Parties have agreed to mediation with the assistance of a Commission appointed mediator. We encourage the Parties to take full advantage of this opportunity to resolve the issues to their mutual benefit with an eye to protecting the broader public interest.
- 16 **NOTICE TO PARTIES:** Any objection to the provisions of this Order must be filed within ten (10) days after the date of mailing of this statement, pursuant to WAC 480-09-460(2). Absent such objections, this prehearing conference order will control further proceedings in this matter, subject to Commission review.

DATED at Olympia, Washington, and effective this 18th day of December, 2000.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION


DENNIS J. MOSS,
Administrative Law Judge