

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of

PUGET SOUND ENERGY

Clean Energy Implementation Plan  
Pursuant to WAC 480-100-640

DOCKET UE-210795

ORDER 04

PREHEARING CONFERENCE  
ORDER; NOTICE OF HEARING  
**(Evidentiary Hearing set for  
January 31, 2023 and February 1,  
2023, at 9:30 a.m.)**

- 1 **BACKGROUND.** On December 17, 2021, Puget Sound Energy (PSE or Company) filed with the Washington Utilities and Transportation Commission (Commission) its Final Clean Energy Implementation Plan (CEIP) in Docket UE-210795.<sup>1</sup>
- 2 On January 31, 2022, PSE filed revisions to its currently effective Tariff WN U-60, Tariff G, Electric Service, and its currently effective Tariff WN U-2, Natural Gas. The Company characterizes this filing as a general rate case (GRC). The Commission consolidated Dockets UE-220066 and UG-220067, and it commenced an adjudication in the general rate case proceeding.
- 3 On April 18, 2022, the Commission entered Order 10/01, Denying Motion for Consolidation; Denying Motion for Exemption from WAC 480-100-645(2) (Order 10/01). The Commission denied PSE's motion to consolidate this CEIP proceeding with the Company's pending general rate case. The Commission also denied PSE's request for an exemption from Commission rules, observing that an exemption was not necessary and that the Commission was required to set the Company's CEIP for adjudication.<sup>2</sup>
- 4 On April 19, 2022, the Commission issued a Notice of Prehearing Conference, setting a prehearing conference in the Company's CEIP proceeding for May 9, 2022.

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<sup>1</sup> See generally WAC 480-100-640 (setting forth the requirements for CEIPs filed with the Commission).

<sup>2</sup> The Commission subsequently upheld and largely adopted Order 10/01 on administrative review in Order 15/03.

5 **CONFERENCE.** The Commission convened a prehearing conference at Lacey, Washington on May 9, 2022, before Administrative Law Judge Michael Howard.

6 **APPEARANCES.** Donna L. Barnett and Sheree Strom Carson, of Perkins Coie LLP, Seattle, Washington, represent PSE. Nash Callaghan, Assistant Attorney General, Lacey, Washington, represents Commission staff (Staff).<sup>3</sup> Ann Paisner, Lisa W. Gafken, and Nina Suetake, Assistant Attorneys General, Seattle, Washington, represent the Public Counsel Unit of the Attorney General’s Office (Public Counsel). Brent Coleman, Tyler Pepple, and Sommer J. Moser, of Davison Van Cleve, P.C., Portland, Oregon, represent the Alliance of Western Energy Consumers (AWEC). Yochanan Zakai of Shute, Mihaly & Weinberger LLP and Simon J. ffitich, Attorney at Law, represent The Energy Project. Amanda Goodin and Molly Tack-Hooper, of Earthjustice, represent the NW Energy Coalition (NVEC) and Front and Centered. Max Green, Deputy Director, and Katie Ware, Senior Regulatory and Policy Manager, represent Renewable Northwest. Contact information for the representatives of those granted party status is attached as Appendix A to this Order.

7 **PETITIONS TO INTERVENE.** AWEC, The Energy Project, NVEC, Front and Centered, and Renewable Northwest timely filed petitions to intervene.

8 Absent objections to the petitions to intervene filed by AWEC, The Energy Project, NVEC, Front and Centered, and Renewable Northwest, the Commission finds that these petitioners have established a substantial interest in this proceeding and that their participation will be in the public interest. Accordingly, the Commission grants those petitions.

9 **PROTECTIVE ORDER.** The Commission entered a protective order as Order 02 in this docket on May 12, 2022.

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

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<sup>3</sup> 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.

- 11 The Parties agree to certain discovery practices that will 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.
- 12 First, the Parties agree 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.
- 13 Second, response times to data requests will be adjusted as set forth in Appendix B.
- 14 Third, 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 a requirement for discovery in this case. Accordingly, the Commission requires each party to share its data request responses with all other parties, subject to any confidentiality limitations contained in Commission rule and the protective order issued in this docket. To be clear, parties 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.
- 15 **PROCEDURAL SCHEDULE.** PSE and Staff presented different procedural schedules to the presiding administrative law judge at the prehearing conference. The parties indicated that they are at an impasse and request a ruling on this issue.
- 16 Prior to the prehearing conference, the presiding administrative law judge emailed the parties and proposed an evidentiary hearing on January 31, 2023 and February 1, 2023.
- 17 PSE proposes a procedural schedule with an earlier evidentiary hearing. PSE argues that the Company's final CEIP was filed in December 2021, and that timely approval of the CEIP is essential to the Company. PSE therefore proposes a procedural schedule with an evidentiary hearing set for November 9, 2022, and November 10, 2022. PSE supports holding a settlement hearing date at an earlier date, if the parties reach a settlement. AWEC, NWEAC, and Front and Centered support PSE's proposed schedule. Counsel for NWEAC and Front and Centered argue that the Commission should not delay a decision on the Company's CEIP until 2023.

- 18 Staff proposes a procedural schedule based on its review of the existing procedural schedules of general rate cases pending before the Commission and the evidentiary hearing dates proposed by the presiding administrative law judge. Staff is open to a settlement hearing date at an earlier time, in case the parties are able to reach a settlement.
- 19 Public Counsel agrees with Staff's proposed schedule, noting that the parties and the Commission need to account for the workload created by two pending general rate cases and a large telecommunications case.
- 20 Although some of the remaining intervenors support PSE's proposed schedule, the intervenors note that they could proceed under either proposed schedule. For example, the Energy Project have no objection to Staff's proposed deadlines for prefiled testimony. Renewable Northwest could support either proposed schedule.
- 21 After considering all of the circumstances and the parties' comments, we adopt Staff's procedural schedule with certain modifications. As a general matter, we recognize that it is important to avoid unnecessary delay in the review of PSE's CEIP. Pursuant to RCW 80.28.425(9), the Commission should align the timing of its review of the Company's CEIP and multi-year rate plan to the extent practical.<sup>4</sup>
- 22 However, the Commission has observed that "in the beginning the CEIP will involve a new and significant process and document, one that the utilities have never prepared, and that stakeholders, and this Commission have never reviewed."<sup>5</sup> In Order 10/01, the Commission discussed the complexities of reviewing the Company's first CEIP and denied PSE's request to consolidate that CEIP with the Company's pending general rate case. The Commission also rejected the Company's argument that the approval of the CEIP is necessarily connected to the cost recovery sought in the general rate case.<sup>6</sup> Given all of these considerations, we are not persuaded that it is necessary for this proceeding to conclude prior to the entry of the final order in the Company's general rate case.
- 23 Practical considerations also weigh heavily here. Much as Staff and Public Counsel observe, two general rate cases and a large telecommunications case are pending before

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<sup>4</sup> See RCW 80.28.425(9).

<sup>5</sup> *In the Matter of Adopting Rules Relating to Clean Energy Implementation Plans and Compliance with the Clean Energy Transformation Act*, Dockets UE-191023 & UE-190698 (Consolidated), General Order 601 ¶ 25 (General Order 601) (Dec. 28, 2020).

<sup>6</sup> See Order 10/01 ¶¶ 22-24.

the Commission in the fall of 2022. The Commission must use its judgment in managing its adjudicative case load.

- 24 We therefore find that it is appropriate to hold the evidentiary hearing on January 31, 2023 and February 1, 2023. We adopt Staff’s proposed schedule, which is attached to this Order as Appendix B, with several additions. We provide deadlines following the May 9, 2022, prehearing conference for intervenors who wish to pursue intervenor funding in this proceeding. We also provide deadlines for PSE’s direct testimony, discovery requests, post-hearing briefing, cross-examination exhibits, exhibit lists, and cross-examination time-estimates.
- 25 We also include a deadline for PSE to file a “cross-walk” document reconciling any pertinent Commission findings from the final order in the general rate case with its filings in the CEIP proceeding. The Commission anticipates that the final order in the Company’s general rate case will be issued by the end of calendar year 2022. To the extent that the Commission’s findings in the general rate case require the Company to update its testimony, exhibits, or workpapers in the CEIP proceeding, the Company must file a cross-walk document.
- 26 Finally, we provide for a deadline for errata sheets. Under WAC 480-07-460(1)(b), a deadline for filing errata sheets to exhibits may be established in the prehearing conference order. In the prehearing conference, no party objected to setting the errata filing deadline for one week prior to the evidentiary hearing. The Commission therefore adopts the procedural schedule in Appendix B.
- 27 **INTERVENOR FUNDING.** On February 14, 2022, the Commission entered Order 01, in Docket U-210595, Approving Agreement with Modifications, implementing an interim participatory funding agreement (Agreement) to enhance public participation in the Commission’s regulatory processes pursuant to RCW 80.28.430.
- 28 As noted above, we have provided deadlines following the prehearing conference for parties that wish to seek intervenor funding in this proceeding. These deadlines are set forth in Appendix B to this Order.
- 29 **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](http://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](mailto: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) In light of the COVID-19 pandemic, the Commission is suspending 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, and must comply with the requirements in WAC 480-07-160 and the Protective Order in this docket for documents that include information designated as confidential.
- (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](mailto: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.

- 30 **EXHIBITS FOR CROSS-EXAMINATION.** Parties are required to file with the Commission and serve all proposed cross-examination exhibits by **5 p.m. on January 24, 2023.** The Commission requires electronic copies in searchable PDF (Adobe Acrobat or comparable software). If any of the exhibits contain information designated as confidential, parties must file an electronic copy of the redacted version in searchable PDF (Adobe Acrobat or comparable software) of each such exhibit. The exhibits must be grouped according to the witness the party intends to cross examine with the exhibits.
- 31 **EXHIBIT LISTS.** With each submission of pre-filed 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. The Company will prepare and file its preliminary exhibit list for its direct testimony 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 pre-filed testimony and exhibits, as well as cross-examination exhibits by **5 p.m., January 24, 2023.**
- 32 **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 judge ([michael.howard@utc.wa.gov](mailto:michael.howard@utc.wa.gov)) and the other parties by **5 p.m., January 24, 2023.**
- 33 **PUBLIC COMMENT HEARING.** Consistent with the procedural schedule adopted as Appendix B to this Order, 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 agrees that conducting a virtual public comment hearing is in the public interest and will therefore convene a public comment hearing on or before January 31, 2023. PSE customers will receive notice of the date, time, and address of each 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.
- 34 **NOTICE OF EVIDENTIARY HEARING.** The Commission will hold a virtual evidentiary hearing in these dockets via Zoom on **January 31, 2023, at 9:30 a.m. and, if necessary, continuing on February 1, 2023.** To participate by phone, call (253) 215 8782 and enter the Conference ID: 835 1035 6683 # and use passcode 860103 #. To participate via Zoom, use the following link: [Click here to join the meeting.](#)

- 35 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. If the Parties reach a settlement in principle and request suspension of the procedural schedule, the Parties should promptly inform the Commission of this agreement. The Commission has indicated discretionary settlement hearing dates on October 24, 2022, and October 25, 2022. If the Commission is presented with a settlement, the Commission may still decline to proceed with the discretionary settlement hearing depending on various factors, such as the timing of the settlement's filing, the number of parties joining the settlement, and other factors. Ideally, settlement among the parties would arise sooner rather than later during these proceedings, thus resulting in a Commission determination at a much earlier stage.
- 36 Parties are also encouraged to consider other means of resolving disputes informally. The Commission has limited ability to provide dispute resolution services. Any party that wishes to explore those services should contact Rayne Pearson, Director, Administrative Law Division (360-664-1136).
- 37 At the prehearing conference, Public Counsel raised concerns regarding confidentiality of settlement negotiations. PSE discussed seeking input from its Equity Advisory Group (EAG) on any proposed settlement in this proceeding, and Public Counsel suggested that this may undermine the confidentiality of settlement negotiations.
- 38 Settlement negotiations are generally between the parties to the proceeding. Pursuant to WAC 480-07-700(6)(b), "[i]nformation exchanged exclusively within the context of settlement negotiations will be treated as confidential and will be privileged against disclosure to the extent permitted by law." The Commission, therefore, will not require that the EAG be involved in settlement discussions before the settlement itself is filed with the Commission. The EAG may participate in those discussions only if all parties agree.
- 39 **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 June 1, 2022.



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

**APPENDIX A**  
**PARTIES' REPRESENTATIVES**  
**DOCKETS UE-220066 and UG-220067 (Consolidated)**

<b>PARTY</b>	<b>REPRESENTATIVE</b>	<b>PHONE</b>	<b>E-MAIL</b>
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	Sheree Strom Carson		<a href="mailto:scarson@perkinscoie.com">scarson@perkinscoie.com</a>
	David Steele		<a href="mailto:dsteeler@perkinscoie.com">dsteeler@perkinscoie.com</a>
	Service email		<a href="mailto:pse@perkinscoie.com">pse@perkinscoie.com</a>
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Public Counsel	Nina Suetake Assistant Attorney General Washington Attorney General's Office Public Counsel Unit 800 Fifth Avenue, Suite 2000 Seattle, WA 98104-3188	(206) 464-6595	<a href="mailto:nina.suetake@atg.wa.gov">nina.suetake@atg.wa.gov</a>
	Lisa Gafken		<a href="mailto:Lisa.gafken@atg.wa.gov">Lisa.gafken@atg.wa.gov</a>
	Corey Dahl		<a href="mailto:Corey.Dahl@atg.wa.gov">Corey.Dahl@atg.wa.gov</a>
	Chanda Mak		<a href="mailto:chanda.mak@atg.wa.gov">chanda.mak@atg.wa.gov</a>
	Aaron Tam		<a href="mailto:Aaron.Tam@atg.wa.gov">Aaron.Tam@atg.wa.gov</a>
	Thomas Johnson		<a href="mailto:Thomas.johnson@atg.wa.gov">Thomas.johnson@atg.wa.gov</a>
	Brice Hartman		<a href="mailto:Brice.hartman@atg.wa.gov">Brice.hartman@atg.wa.gov</a>
	Service email		<a href="mailto:PCCSeaEF@atg.wa.gov">PCCSeaEF@atg.wa.gov</a>
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	Carol Baker		<a href="mailto:Carol@ffitchlaw.com">Carol@ffitchlaw.com</a>
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	Sara Breckenridge	(360) 389-2410	<a href="mailto:breckenridge@smwlaw.com">breckenridge@smwlaw.com</a>

PARTY	REPRESENTATIVE	PHONE	E-MAIL
	Shawn Collins The Energy Project 3406 Redwood Avenue Bellingham, WA 98225		<a href="mailto:shawnC@oppco.org">shawnC@oppco.org</a>
Alliance of Western Energy Consumers	Brent L. Coleman Davison Van Cleve, P.C. 1750 SW Harbor Way, Suite 450 Portland, OR 97201	(503) 241-7242	<a href="mailto:blc@dvclaw.com">blc@dvclaw.com</a>
	Tyler C. Pepple		<a href="mailto:tcp@dvclaw.com">tcp@dvclaw.com</a>
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	Jesse Gorsuch	(503) 954-2852	<a href="mailto:jog@dvclaw.com">jog@dvclaw.com</a>
	Lance Kaufman		<a href="mailto:lance@aegisinsight.com">lance@aegisinsight.com</a>
NW Energy Coalition	Amanda Goodin Earthjustice 705 Second Avenue STE 203 Seattle, WA 98201	(206) 701-7613	<a href="mailto:agoodin@earthjustice.org">agoodin@earthjustice.org</a>
	Molly Tack-Hooper		<a href="mailto:mtackhooper@earthjustice.org">mtackhooper@earthjustice.org</a>
	Morgan Hentrup		<a href="mailto:mhentrup@earthjustice.org">mhentrup@earthjustice.org</a>
	Lauren McCloy NW Energy Coalition 811 First Avenue, Suite 305 Seattle, WA 98104		<a href="mailto:lauren@nwenergy.org">lauren@nwenergy.org</a>
	Amy Wheelless		<a href="mailto:amy@nwenergy.org">amy@nwenergy.org</a>
Front and Centered	Amanda Goodin Earthjustice 705 Second Avenue STE 203 Seattle, WA 98201	(206) 701-7613	<a href="mailto:agoodin@earthjustice.org">agoodin@earthjustice.org</a>
	Molly Tack-Hooper		<a href="mailto:mtackhooper@earthjustice.org">mtackhooper@earthjustice.org</a>
	Mariel Thuraisingham Front and Centered 1501 East Madison Street, Suite 250 Seattle, WA 98122		<a href="mailto:mariel@frontandcentered.org">mariel@frontandcentered.org</a>
	Nico Wedekind		<a href="mailto:wedekind@uw.edu">wedekind@uw.edu</a>
Renewable Northwest	Max Greene Deputy Director Renewable Northwest 421 SW 6th Ave, Suite 1400 Portland, OR 97204	503-223-4544	<a href="mailto:max@renewablenw.org">max@renewablenw.org</a>
	Katie Ware		<a href="mailto:katie@renewablenw.org">katie@renewablenw.org</a>

**APPENDIX B  
PROCEDURAL SCHEDULE  
DOCKETS UE-210795**

EVENT	DATE
Prehearing Conference	<b>May 9, 2022</b>
Intervenor funding Case Certification/Notice of Intent to Seek Funding	<b>June 3, 2022</b>
Intervenor Funding Proposed Budgets	<b>June 22, 2022</b>
First Settlement Conference	<b>June 23, 2022<sup>1</sup></b>
PSE Testimony	<b>July 11, 2022</b>
Second Settlement Conference	<b>August 16, 2022</b>
Staff, Public Counsel, and Intervenor Response Testimony and Exhibits <sup>2</sup>	<b>October 10, 2022</b>
Notice Issued for Public Comment Hearing	<b>To be determined (“TBD”) – at least 30 days before the Public Comment Hearing</b>
Public Comment Hearing	<b>TBD – based on Commissioner availability</b>
Discretionary Settlement Hearing	<b>October 24-25, 2022<sup>3</sup></b>

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<sup>1</sup> *Id.*

<sup>2</sup> Response time to data requests will be seven business days as of this date.

<sup>3</sup> If the Commission is presented with a settlement, the Commission will exercise its discretion in deciding whether to proceed with this October 2022 Settlement Hearing based on various factors, such as the timing of the settlement’s filing, whether the settlement resolves some or all of the issues in the case, and the number of parties joining the settlement.

PSE Rebuttal Testimony and Exhibits; Staff, Public Counsel, and Intervenor Cross-Answering Testimony and Exhibits	<b>December 12, 2023<sup>4</sup></b>
Discovery Deadline - Last Day to Issue Data Requests	<b>January 13, 2023</b>
PSE Files Cross-Walk	<b>January 17, 2023</b>
Exhibit List, Cross-Examination Exhibits, Witness Lists, Time Estimates, Exhibits Errata	<b>January 24, 2023</b>
Evidentiary Hearing	<b>January 31, 2023, beginning at 9:30am, and continuing as necessary to February 1, 2023</b>
Post-hearing briefing	<b>February 22, 2023</b>

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<sup>4</sup> Response time to data requests will be five business days as of this date.