

**BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,**

Complainant,

v.

PUGET SOUND ENERGY,

Respondent.

Docket UG-230393

**PUGET SOUND ENERGY'S MOTION
FOR LEAVE TO FILE REVISED
TESTIMONY**

I. INTRODUCTION

- I.* Pursuant to WAC 480-07-375(1)(d) and 480-07-460(1)(a)(i), Puget Sound Energy ("PSE") hereby requests that the Commission grant it leave to file the revised rebuttal testimony submitted with this motion. The purpose of the revision is to correct and clarify testimony in the Prefiled Rebuttal Testimony of Susan E. Free, Exh. SEF-4T, regarding PSE's internal legal costs prior to 2017. As discussed herein, it is PSE's understanding that costs incurred prior to the decision to build the Tacoma LNG Facility are not within the scope of this proceeding.¹

¹ See Docket UG-230393, Order 04, ¶ 18; *WUTC v. PSE*, Docket UE-220066/UG-220065 et al., Order 24/10 ¶¶ 52, 393 (noting the settlement allows parties to review, in this proceeding, the prudence and reasonableness of costs incurred after the decision to build the plant).

However, because other parties raised these pre-2017 costs in their response testimony, PSE responded to parties' claims in its rebuttal testimony and now seeks to provide more accurate information on the amount and allocation of internal legal costs prior to 2017.

2. The Commission's procedural rules require PSE to seek leave for filing its proposed revisions because they represent a substantive change:

Parties must seek leave from the presiding officer by written motion if they wish to file revised prefiled testimony or exhibits that include substantive changes. A party proposing such changes may submit the proposed revisions with its motion.

WAC 480-07-460(1)(a)(i). PSE therefore files this motion seeking such leave. PSE provides its proposed revisions with this motion.

II. STATEMENT OF FACTS

3. This case addresses the prudence of costs incurred in the construction of the Tacoma LNG Facility after the initial decision to build the plant in late 2016.² During discovery, PSE followed the Commission's direction in the final order in Docket UG-220067 and limited the scope of its responses to costs incurred after the decision to build the Tacoma LNG Facility. In response testimony, parties made claims about PSE's legal costs, both before and after the decision to build the Tacoma LNG Facility was made. In response to this testimony, PSE researched legal costs in more detail, including legal costs that were incurred up to ten years ago, prior to the decision to build the Tacoma LNG Facility, even though these costs were outside the scope of the proceeding. PSE included this information in its rebuttal testimony, but PSE also

² *Id.*

continued to research its internal records to respond to alleged discrepancies in legal costs raised by other parties. After a comprehensive search of PSE's internal records in this proceeding, it came to PSE's attention that the Prefiled Rebuttal Testimony of Susan E. Free, Exh. SEF-4T, did not completely and accurately explain the amount and allocation of pre-2017 internal legal costs related to PSE's Tacoma LNG Facility. Although this proceeding "considers the prudence and reasonableness of the investments and decisions the Company made after September 22, 2016[,]""³ one party has questioned the sufficiency of PSE's internal legal costs to argue for an audit dating back to 2013.⁴ Revising PSE's rebuttal testimony to clarify this issue provides the Commission, and parties, with relevant information regarding the scope and extent of pre-2017 internal legal costs related to the Tacoma LNG Facility, if the Commission finds it necessary, in this proceeding, to consider legal costs incurred prior to the decision to build the Tacoma LNG Facility.

III. LEGAL ISSUES

4. PSE respectfully requests the Commission grant PSE's motion to revise the rebuttal testimony of Susan E. Free, so that the information considered by the Commission is complete and accurate. The Commission has an interest in assuring that the record on which it bases its decision is complete and accurate.⁵ Although the proposed changes to PSE's rebuttal testimony

³ Docket UG-230393, Order 04, ¶ 18.

⁴ See Earle, Exh. RLE-1CT, at 21:9-13; Earle, Exh. RLE-1CT at 27:5-27:17 (requesting an audit of recordkeeping starting in 2013).

⁵ See, e.g., *WUTC v. PSE*, Docket UE-170033/UG-170034, Order 06 (Aug. 14, 2017) (allowing a revision to testimony to "create a more complete and meaningful record for the Commission's consideration.").

are minor and do not impact PSE's revenue requirement or customer rates, allowing PSE to submit the revised rebuttal testimony will correct the record before the hearing, in compliance with Commission rules. Specifically, PSE was able to identify pre-2017 internal legal costs that amounted to less than \$160,000, and to confirm that those costs were properly allocated between PSE and Puget LNG. Accordingly, PSE submits the revised rebuttal testimony to correct the amount and clarify the allocation of pre-2017 internal legal costs. This information is relevant to issues raised by parties and will provide the Commission with a more accurate factual picture of pre-2017 legal costs, if the Commission finds it necessary, in this proceeding, to consider legal costs incurred prior to the decision to build the Tacoma LNG Facility.

IV. EVIDENCE TO BE REVISED

5. PSE requests to update Exh. SEF-4T, on page 16 lines 10-11, and page 21 lines 11-14 to correct the explanation and dollar amount of pre-2017 internal legal costs.

6. Accordingly, PSE seeks leave to submit the following revised evidence in this proceeding: Revised Prefiled Rebuttal Testimony of Susan E. Free, 230393-PSE-Exh. SEF-4Tr-10-06-23, submitted with this motion. The revisions to the testimony are shown in legislative style, with strikeouts and in red to indicate changes, as provided in WAC 480-07-460(1)(a)(iii).

7. PSE is also filing an errata that lists minor corrections to the Prefiled Direct Testimony of William F. Donahue, Exh. WFD-1T, the Prefiled Direct Testimony of Ronald J. Roberts, Exh. RJR-1T, and the Prefiled Rebuttal Testimony of Ronald J. Roberts, Exh. RJR-11T. PSE is

not requesting leave to make those changes because the revisions are minor and non-substantive.⁶

V. CONCLUSION

8. PSE respectfully requests the Commission grant PSE's motion for leave to file revised testimony. PSE seeks to make minor, yet substantive, revisions to its rebuttal testimony to avoid any potential confusion before the hearing, and PSE has sought to prepare and present its revised evidence in a manner that makes it easy for other parties to understand the changes that are required.⁷ Allowing these changes to be made now will reduce the burden on other parties and the Commission that would otherwise result from addressing the need for the changes during the hearing.

9. For the reasons set forth above, PSE respectfully requests that the Commission enter an order granting PSE leave to revise its prefiled evidence in this proceeding and accepting for filing the revised rebuttal testimony submitted with this motion.

RESPECTFULLY SUBMITTED this 31st day of October, 2023.

PERKINS COIE LLP

By s/ Sheree Strom Carson

Sheree Strom Carson, WSBA #25349
Pamela J. Anderson, WSBA #37272
Byron C. Starkey, WSBA #55545
Attorneys for Puget Sound Energy

⁶ See WAC 480-07-460(1)(a)(ii), (6).

⁷ See WAC 480-07-460(1)(a)(iii).