

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of	)	DOCKET UE-082128
	)	
PUGET SOUND ENERGY, INC.,	)	
	)	ORDER 01
For a Determination of Emissions	)	
Compliance and Proposed Accounting	)	PREHEARING CONFERENCE
Treatment For the Mint Farm Energy	)	ORDER
Center; or, Alternatively For an	)	
Accounting Order.	)	
.....	)	

1 **NATURE OF PROCEEDINGS:** Puget Sound Energy, Inc. (PSE), on November 25, 2008, filed with the Washington Utilities and Transportation Commission (Commission) a petition for an order determining that its newly acquired Mint Farm Energy Center ("Mint Farm") complies with the greenhouse gases emissions performance standards in RCW 80.80, Greenhouse Gases Emissions, and approval of proposed deferred accounting pursuant to RCW 80.80.060(6) and WAC 480-100-435. In the alternative, if the Commission determines that Mint Farm is not eligible for deferral accounting under RCW 80.80.060(6), PSE requests that the Commission issue an accounting order under WAC 480-07-370(b) that authorizes the deferred accounting treatment detailed in its Petition related to the fixed and net variable cost components of the Mint Farm facility that will be incurred prior to entry of a final Commission order in the Company's next rate proceeding. The Commission, at its December 23, 2008, open meeting, set the matter for hearing.

2 **CONFERENCE/PRESIDING OFFICERS.** The Commission convened a prehearing conference in this proceeding at Olympia, Washington on February 2, 2009, before Administrative Law Judge Dennis J. Moss, whom the Commission appoints as presiding officer in this proceeding.

3 **PARTY REPRESENTATIVES:** Sheree Strom Carson and Jason Kuzma, Perkins Coie, Bellevue, Washington, represent PSE. Simon ffitich, Assistant Attorney General, Seattle, Washington, represents the Public Counsel Section of the Washington Office of Attorney General (Public Counsel). Robert D. Cedarbaum,

Senior Assistant Attorney General, Olympia, Washington, represents the Commission's regulatory staff (Commission Staff or Staff).<sup>1</sup> Donald T. Trotter, Senior Assistant Attorney General, Olympia, Washington, appeared on Staff's behalf at the prehearing conference. S. Bradley Van Cleve, Davison Van Cleve, Portland, Oregon, represents the Industrial Customers of Northwest Utilities (ICNU).

4 **PETITION FOR INTERVENTION.** ICNU petitioned to intervene on the bases that it has a substantial interest in the outcome of this proceeding and its participation will be in the public interest. ICNU's petition was granted orally from the Bench without objection by any party.

5 **PROTECTIVE ORDER.** The Commission will enter a protective order in this docket under RCW 34.05.446, RCW 80.04.095, WAC 480-07-420 and WAC 480-07-423 to protect the confidentiality of proprietary information.

6 **DISCOVERY.** Discovery will be conducted pursuant to the Commission's discovery rules, WAC 480-07-400 – 425.

7 **PROCEDURAL SCHEDULE.** The parties agreed on a procedural schedule during the conference. The Commission adopts this procedural schedule as set forth below and in Appendix B to this Order.

Prefiled Direct Testimony by PSE	February 13, 2009
Staff, Public Counsel, and Intervenor Response Testimony	March 27, 2009
Company, Rebuttal and Cross- Answering Testimony	April 10, 2009
Settlement Conference	April 14, 2009

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<sup>1</sup> In formal proceedings, such as this, the Commission's regulatory staff functions as an independent party with the same rights, privileges, and responsibilities as other parties to the proceeding. There is an "ex parte wall" separating the Commissioners, the presiding Administrative Law Judge, and the Commissioners' policy and accounting advisors from all parties, including regulatory staff. RCW 34.05.455.

Evidentiary Hearing	May 4-5, 2009
Simultaneous Initial Briefs	May 22, 2009
Reply Briefs	June 9, 2009

- 8 **NOTICE OF HEARING.** The Commission will hold evidentiary hearings in this matter beginning May 4, 2009, at 9:30 a.m., in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.
- 9 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file the original plus eight copies of the unredacted versions of all pleadings, motions, briefs, and other prefiled materials. Parties must also file the original and one copy of any redacted version(s). These materials must conform to the format and publication guidelines in WAC 480-07-395 and WAC 480-07-460. The Commission prefers that materials be three-hole punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.
- 10 All filings must be mailed or delivered to the Executive Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.
- 11 An electronic copy of all filings must be provided through the Commission's Web Portal ([www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing)) or by e-mail delivery to [records@utc.wa.gov](mailto:records@utc.wa.gov). Alternatively, parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette or CD including the filed document(s). Parties must furnish electronic copies in MS Word 6.0 (or later) supplemented by a separate file in .pdf (Adobe Acrobat) format. Parties must follow WAC 480-07-140(5) in organizing and identifying electronic files.
- 12 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Parties may submit documents electronically to the Commission on the filing deadline to expedite the filing process, but must file an original, plus eight paper copies, of the documents with the Commission by 12:00 noon on the first business day following the filing

deadline established in the procedural schedule. *WAC 480-07-145(6)*. Parties may submit documents electronically through the Commission's Web Portal ([www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing)) or by e-mail to [records@utc.wa.gov](mailto:records@utc.wa.gov). Finally, to perfect filing, parties must simultaneously provide e-mail courtesy copies of filings to the presiding administrative law judge and advisory staff as well as to the parties to the proceeding. A full service list will be provided under separate cover.

- 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 does have limited ability to provide dispute resolution services; if you wish to explore those services, please call the Director, Administrative Law Division, at 360-664-1144.
- 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 the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective February 4, 2009.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DENNIS J. MOSS  
Administrative Law Judge

**APPENDIX A**

**PARTIES' REPRESENTATIVES  
DOCKET UE-082128**

<b>PARTY</b>	<b>REPRESENTATIVE</b>	<b>PHONE</b>	<b>FACSIMILE</b>	<b>E-MAIL</b>
<b>Puget Sound Energy</b>	Sheree Strom Carson Jason Kuzma Perkins Coie LLP 10885 NE Fourth Street Suite 700 Bellevue, WA 98004-5579	425-635-1400	425-635-2400	<a href="mailto:scarson@perkinscoie.com">scarson@perkinscoie.com</a> <a href="mailto:jkuzma@perkinscoie.com">jkuzma@perkinscoie.com</a>
	Donna Barnett			<a href="mailto:dbarnett@perkinscoie.com">dbarnett@perkinscoie.com</a>
	[data request center]			<a href="mailto:psedrs@perkinscoie.com">psedrs@perkinscoie.com</a>
<b>Commission Staff</b>	Robert D. Cedarbaum 1400 S. Evergreen Park Dr. SW P.O. Box 40128 Olympia, WA 98504-0128	360-664-1188 360-664-1225	360-586-5522	<a href="mailto:bcedarba@wutc.wa.gov">bcedarba@wutc.wa.gov</a>
<b>Public Counsel</b>	Simon J. ffitch Public Counsel Section Office of Attorney General 800 Fifth Avenue, Suite 2000 Seattle, WA 98104-3188	206-464-7744	206-389-2058	<a href="mailto:simonf@atg.wa.gov">simonf@atg.wa.gov</a> <a href="mailto:SarahS5@atg.wa.gov">SarahS5@atg.wa.gov</a>
	Carol Williams	Legal Assistant		<a href="mailto:carolw@atg.wa.gov">carolw@atg.wa.gov</a>
	Stefanie Johnson	Regulatory Analyst		<a href="mailto:stefaniej@atg.wa.gov">stefaniej@atg.wa.gov</a>
<b>Industrial Customers of Northwest Utilities (ICNU)</b>	S. Bradley Van Cleve Davison Van Cleve, P.C. 333 S.W. Taylor, Suite 400 Portland, OR 97204	503-241-7242	503-241-8160	<a href="mailto:BVC@DVCLaw.com">BVC@DVCLaw.com</a>

**APPENDIX B**  
**PROCEDURAL SCHEDULE**  
**DOCKET UE-082128**

<b>EVENT</b>	<b>DATE</b>	<b>INTERVAL (Days)</b>
<b>Company Direct Testimony and Exhibits</b>	February 13, 2009	
<b>Staff, Public Counsel and Intervenor Response Testimony and Exhibits</b>	March 27, 2009	42
<b>Company Rebuttal Testimony and Exhibits Staff, Public Counsel and Intervenor Cross-Answering Testimony and Exhibits</b>	April 10, 2009	14
<b>Settlement Conference (parties only)</b>	April 14, 2009	
<b>Evidentiary Hearing</b>	May 4-5, 2009	24
<b>Opening Briefs</b>	May 22, 2009	17
<b>Reply Briefs</b>	June 9, 2009	18