

BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

PUGET SOUND ENERGY, INC.,

Respondent.

NO. UE-100177

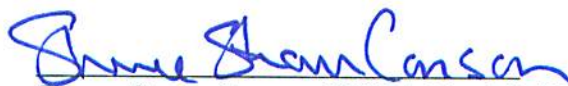
PUGET SOUND ENERGY INC.'S LEGAL
ISSUES LIST

1. Puget Sound Energy, Inc. ("PSE" or "the Company"), submits this Legal Issues List pursuant to the Notice of Prehearing Conference and Notice of Deadline to File Legal Issues List, issued in this docket.
2. PSE provided its proposed Legal Issues List to Commission Staff, Public Counsel and NW Energy Coalition ("NWEC") on Thursday, March 25, 2010. Counsel for PSE and Commission Staff have discussed PSE's Legal Issues List, but agreement on the Legal Issues List has not yet been reached. Accordingly, PSE proposes that the threshold legal issues set forth on Attachment A be resolved by the Commission.

Respectfully Submitted this 29th day of March, 2010.

PERKINS COIE LLP

By



Sheree Strom Carson, WSBA No. 25349
Attorneys for Puget Sound Energy, Inc.

ATTACHMENT A

PSE'S PROPOSED LEGAL ISSUES

DOCKET NO. UE-100177

Ten-Year Conservation Potential

1. Whether WAC 480-109-010(1) allows a utility to project its cumulative ten-year conservation potential using either (1) the most recent IRP, or (2) the utility's proportionate share of the conservation council's current power plan targets for the state, regardless of which source provides the higher projection.

2. Whether WAC 480-109-010(3) requires a utility to explain why it identified the source of its ten-year conservation potential as either (1) the most recent IRP or (2) the utility's proportionate share of the conservation council's current power plan targets for the state.

3. Whether the option in WAC 480-109-010(1)(a)(ii) to derive a ten-year projection from the "conservation council's current power plan" allows a utility to use the plan that is currently in effect as of the date the projection is filed with the WUTC.

4. Whether WAC 480-109-010(1), which states that a utility must project its cumulative ten-year conservation potential by January 1, 2010 and every two years thereafter, requires a utility to file its projection by January 1.

5. Whether WAC 480-109-010 prohibits a utility from developing and finalizing its projected ten-year conservation potential after it makes a projection on January 1st, and before it files its final report with the WUTC by January 31st.

Biennial Conservation Target

1. Whether a utility's biennial conservation target complies with WAC 480-109-010(3)(b) where the utility uses Option 2 of the Conservation Counsel's Target Calculator (target based on utility share of total regional retail sales by a sector) for the years 2010 and 2011.

2. Whether WAC 480-109-010 limits the range that may be used in setting a biennial conservation target.

3. Whether a utility is subject to penalties only if conservation falls below the lower end of an approved biennial conservation target range.

Other Report Requirements

1. Whether the public participation outlined in PSE's report is sufficient to meet the requirements of WAC 480-109-010(3), given that the WAC does not prescribe a specific process for participation, a time limit for participation, or an end product as a result of the participation.

2. Whether a report filed pursuant to WAC 480-109-010(3) must include program detail such as: detailed program descriptions; measures, incentives and eligibility requirements; detailed program budgets; cost-effectiveness standards; projected program cost-effectiveness; evaluation plans; annual and quarterly progress reports; and cost recovery tariffs; despite the fact that none of these are required nor even mentioned in WAC 480-109-010(3).