

**BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

PUGET SOUND ENERGY,

Respondent.

No. UE-151871 and UG-151872
(Consolidated)

**DECLARATION OF DAVID S.
STEELE IN SUPPORT OF PUGET
SOUND ENERGY'S MOTION TO
COMPEL THE WASHINGTON
STATE HEATING, VENTILATION &
AIR CONDITIONING
CONTRACTORS ASSOCIATION TO
RESPOND TO DATA REQUESTS**

I, David S. Steele, declare as follows.

1 I am over the age of 21 and am competent to testify herein.

2 I am an attorney at Perkins Coie LLP and am one of the attorneys representing Puget
Sound Energy ("PSE") in the above-captioned action. Unless otherwise indicated, I have
personal knowledge of the matters described herein, and if called to testify, I could testify
competently thereto.

3 On April 15, 2016, PSE served Data Requests Nos. 001 through 022 on WSHVACCA.
Attached as Exhibit A is a true and accurate copy of the data requests served on
WSHVACCA. Because, as PSE understands it, WSHVACCA's participation in this matter is
to contribute to the consideration of the market for water heating and HVAC equipment and to
determine the effect of the proposed tariff on PSE customers, PSE's data requests on
WSHVACCA were aimed at obtaining from WSHVACCA information that would help
inform this inquiry. PSE also sought information relating to affirmative statements made by
WSHVACCA in its petition to intervene.

4 On April 29, 2016, WSHVACCA responded to each of PSE's data requests using a uniform set of objections for each data request as follows:

WSHVACCA objects to the PSE data request as designed to bully, intimidate, harass, and retaliate.

WSHVACCA also further objects as PSE's request is overly broad, seeks information to which PSE is not entitled, would be unduly burdensome, and could not be complied with prior to the evidentiary hearing.

WSHVACCA also further objects as PSE's request is outside the scope of the duties of the limited intervention granted to WSHVACCA as an intervener.

WSHVACCA further objects to the PSE data request to the extent that the PSE data request requests WSHVACCA to perform research for the benefit of PSE.

Exhibit B is a true and accurate copy of WSHVACCA's responses to PSE's data requests.

5 WSHVACCA's responses did not include any substantive responses to any of PSE's requests. To date, WSHVACCA has not provided any documents in response to PSE's requests.

6 On May 9, 2016, I contacted WSHVACCA representative Mr. James King and arranged a call to discuss with Mr. King PSE's concerns with WSHVACCA's discovery responses.

7 On May 10, 2016, Perkins Coie attorney Sheree Strom Carson and I called Mr. King. During the call, we expressed a willingness to work through PSE's discovery requests with Mr. King to better understand WSHVACCA's objections with the hope that the parties could reach a resolution. Unfortunately, Mr. King refused to discuss PSE's specific requests or how WSHVACCA's objections related to each individual request. Instead, Mr. King raised several unfounded accusations at PSE alleging abuse of the discovery process and other criticisms of PSE and Perkins Coie. During the call, we repeatedly offered to work with Mr. King to attempt to resolve WSHVACCA's concerns and Mr. King expressed no interest in doing so. We also made clear that PSE was not seeking privileged materials and that if WSHVACCA

has concerns over competitive information it should utilize the protections in the Protective Order. In the spirit of compromise, we agreed to narrow the scope of WSHVACCA's responses to only information in the possession of WSHVACCA and not its members and provided WSHVACCA with a one week extension to respond, until May 18, 2016. Exhibit C is a true and accurate copy of the letter I sent Mr. King following our call with him on May 11, 2016.

8 On May 18, 2016, Mr. King sent a letter reiterating WSHVACCA's refusal to produce documents in response to PSE's requests, even as to the narrowed scope proposed by PSE. Exhibit D is a true and accurate copy of Mr. King's letter. On May 19, 2016, I sent an email to Mr. King reiterating PSE's positions but offering again to meet to discuss WSHVACCA's responses with the hope that the parties could reach a resolution. Exhibit E is a true and accurate copy of my email to Mr. King. On May 19, 2016, Mr. King responded by email effectively rejecting PSE's offers to discuss further. Exhibit F is a true and accurate copy of Mr. King's response email to me.

9 On April 18, 2016, WSHVACCA served data requests on PSE. PSE responded to WSHVACCA's data requests on May 2, 2016. To date, WSHVACCA has not contacted PSE to discuss any concerns with PSE's responses to WSHVACCA's data requests.

10 On April 26, 2016, WSHVACCA responded to data requests served by WUTC Staff, many of which were similar to PSE's requests, and sought information relating to WSHVACCA and its members, to which WSHVACCA responded. WSHVACCA did not raise any objection to WUTC Staff's request for information relating to its members. As to PSE, WSHVACCA has refused to produce any documents, either as it relates to WSHVACCA or its members. As to information WSHVACCA produced to WUTC Staff, it

redacted the copy of the response that was provided to counsel for PSE. We requested this information be provided and to date, WSHVACCA has not disclosed this information to me or Ms. Carson, even though we executed the required confidentiality agreements under the Protective Order. Exhibit G is a true and accurate copy of a discovery response provided by WSHVACCA to WUTC Staff where WSHVACCA did not object to WUTC Staff's request for information from its members, provided the requested information to WUTC Staff, yet redacted the information from PSE even though PSE's counsel is authorized to view Confidential or Highly Confidential documents (WSHVACCA does not designate or explain the basis for its redaction).

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Executed this 26th day of May, 2016, at Seattle, Washington.



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