

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

PUGET SOUND ENERGY,

Respondent.

DOCKET UE-200980

PREHEARING CONFERENCE  
ORDER; NOTICE OF HEARING  
**(Evidentiary Hearing set for April 22  
and 23, 2021, at 9:30 a.m.)**

- 1 **NATURE OF PROCEEDING.** On December 9, 2020, Puget Sound Energy (PSE or Company) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective WN U-60, Tariff G, as listed in the appendix attached to this Order. PSE characterizes its filing as a Power Cost Only Rate Case (PCORC), as authorized by the Settlement Stipulation approved by the Commission in Dockets UE-011570 and UG-011571.
- 2 **CONFERENCE.** The Commission convened a virtual prehearing conference on January 13, 2021, before Administrative Law Judge Michael Howard.
- 3 **APPEARANCES.** Sheree Strom Carson, David Steele, and Jason Kuzma, Perkins Coie, LLP, represent PSE. Joe Dallas and Daniel Teimouri, Assistant Attorneys General, Olympia, Washington, represent Commission staff (Staff).<sup>1</sup> Lisa W. Gafken, Nina Suetake, and Ann Paisner, Assistant Attorneys General, Seattle, Washington, represent the Public Counsel Unit of the Attorney General’s Office (Public Counsel). Simon ffitich, Attorney at Law, represents the Energy Project. Tyler C. Pepple, Brent L. Coleman, and Jesse Gorsuch, Davison Van Cleave, P.C., represent Alliance of Western Energy Consumers (AWEC). Contact information for the parties’ representatives is attached as Appendix A to this Order.

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<sup>1</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.

4 **PETITIONS FOR INTERVENTION.** AWEC timely filed a petition to intervene. The Energy Project filed a petition to intervene two days before the prehearing conference.

5 In the December 24, 2020 Notice of the Prehearing Conference, the Commission required petitions to intervene to be filed at least three business days before the prehearing conference.<sup>2</sup>

6 Absent objections to the petition to intervene, the Commission finds that AWEC and the Energy Project have established a substantial interest in this proceeding and that these parties' participation will be in the public interest.

7 Pursuant to WAC 480-07-110, the Commission may, in response to a request or on its own motion, grant an exemption from its own rules when "consistent with the public interest, the purposes underlying regulation, and applicable statutes." The Commission grants the Energy Project an exemption from the three-day deadline set forth in the December 24, 2020, Notice. The Energy Project is a frequent participant in rate cases before the Commission, and its participation is in the public interest. Accordingly, the Commission grants the petitions to intervene filed by both AWEC and the Energy Project.

8 **PROTECTIVE ORDER.** The Commission entered Order 02, Protective Order with Highly Confidential Provisions in this docket on December 16, 2020.

9 **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.

10 The Commission believes it will aid discovery in this case if all responses to data requests are shared with all parties. No party objects to the Commission making the exchange of data requests and responses with all parties a requirement for discovery in this case. Accordingly, the Commission requires the parties to share every data request and data request response with all parties, subject to any confidentiality limitations contained in Commission rule or the protective order issued in this docket.

11 **PROCEDURAL SCHEDULE.** The parties presented an agreed procedural schedule at the prehearing conference, and no party objected to setting the errata filing deadline for one week prior to the evidentiary hearing. Incorporating the deadlines for errata filings

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<sup>2</sup> See WAC 480-07-355(a).

and notice of the public comment hearing,<sup>3</sup> the Commission adopts the parties' proposed procedural schedule, which is attached to this Order as Appendix B. The parties may modify the date of the settlement conferences by providing written notice to the Commission.

12 The Commission is not bound by the parties' agreed upon six-month timeframe for PCORC proceedings.<sup>4</sup> Although we adopt the parties' proposed schedule, we reserve the right to extend or otherwise modify the procedural timeline if doing so is necessary to afford the Commission adequate time to consider all of the evidence and render its decision.

13 **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.
- (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

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<sup>3</sup> WAC 480-90-197 provides that the amount of notice to the public or to customers of public comment hearings will be addressed in the prehearing conference order.

<sup>4</sup> *WUTC v. Puget Sound Energy*, Dockets UE-072300 (consolidated) Order 13 ¶ 42 (January 15, 2009).

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. If parties are unable to email copies, they may furnish electronic copies by delivering them on a flash drive only.

- 14 **EXHIBITS FOR CROSS-EXAMINATION.** Parties are required to file with the Commission and serve all proposed cross-examination exhibits by **5 p.m. on Monday, April 19, 2021.** 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.
- 15 **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 its preliminary exhibit list and circulate it to the parties. 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., Monday, April 19, 2021.**
- 16 **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., Monday, April 19, 2021.**
- 17 **PUBLIC COMMENT HEARING.** At the prehearing conference, Public Counsel requested a public comment hearing, and no party objected to this request. The Commission agrees that conducting a virtual public comment hearing is in the public interest, and will thus convene such a hearing on or before April 22, 2021. PSE customers must receive notice of the date, time, and the methods for participating in the public comment hearing, as well as other information required under WAC 480-100-197, at least 30 days prior to the date of the public comment hearing.
- 18 **NOTICE OF EVIDENTIARY HEARING.** The Commission will hold a virtual evidentiary hearing in this docket via the Microsoft Teams platform on **Thursday, April**

**22, 2021, at approximately 9:30 a.m., immediately following the Commission's regularly scheduled open meeting. The hearing will continue, if necessary, on Friday, April 23, 2021, beginning at 9:30 a.m. To participate by phone, call (253) 372-2181 and enter the Conference ID: 159 818 090#. To participate via the Microsoft Teams application, use the following link: [Join Microsoft Teams Meeting](#).**

19 **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 has limited ability to provide dispute resolution services. If you wish to explore those services, please contact Rayne Pearson, Director, Administrative Law Division (360-664-1136).

20 **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 January 14, 2021.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

APPENDIX A  
PARTIES' REPRESENTATIVES  
DOCKET UE-20098

PARTY	REPRESENTATIVE	PHONE	E-MAIL
Puget Sound Energy	Sheree Strom Carson Perkins Coie, LLP 10885 N.E. Fourth Street Ste. 700 Bellevue, WA 98004-5579	(425) 635-1422	<a href="mailto:scarson@perkinscoie.com">scarson@perkinscoie.com</a>
	Jon Piliaris Puget Sound Energy PO BOX 97034 PSE-08N Bellevue, WA 98009-9734		<a href="mailto:jon.piliaris@pse.com">jon.piliaris@pse.com</a>
	David Steele Perkins Coie, LLP 10885 NE Fourth Street Ste. 4900 Bellevue, WA 98004		<a href="mailto:dsteeler@perkinscoie.com">dsteeler@perkinscoie.com</a>
	Jason Kuzma Perkins Coie, LLP 10885 N.E. Fourth Street Ste. 700 Bellevue, WA 98004-5579		<a href="mailto:JKuzma@perkinscoie.com">JKuzma@perkinscoie.com</a>
	PSE Data Requests		<a href="mailto:psedr@perkinscoie.com">psedr@perkinscoie.com</a>
Commission Staff	Joe Dallas Assistant Attorney General Office of the Attorney General Utilities and Transportation Division P.O. Box 40128 Olympia, WA 98504	(360) 664-1188	<a href="mailto:joe.dallas@utc.wa.gov">joe.dallas@utc.wa.gov</a>
	Daniel Teimouri		<a href="mailto:daniel.teimouri@utc.wa.gov">daniel.teimouri@utc.wa.gov</a>
Public Counsel	Ann N.H. Paisner 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:Ann.Paisner@atg.wa.gov">Ann.Paisner@atg.wa.gov</a>
	Nina Suetake Assistant Attorney General		<a href="mailto:NinaS@atg.wa.gov">NinaS@atg.wa.gov</a>
	Lisa Gafken Assistant Attorney General		<a href="mailto:Lisa.Gafken@atg.wa.gov">Lisa.Gafken@atg.wa.gov</a>
	Stephanie Chase		<a href="mailto:Stephanie.chase@atg.wa.gov">Stephanie.chase@atg.wa.gov</a>
	Thomas Johnson		<a href="mailto:Thomas.Johnson@atg.wa.gov">Thomas.Johnson@atg.wa.gov</a>
	Chanda Mak		<a href="mailto:Chanda.Mak@atg.wa.gov">Chanda.Mak@atg.wa.gov</a>
	Kevin Burdet		<a href="mailto:Kevin.Burdet@atg.wa.gov">Kevin.Burdet@atg.wa.gov</a>
Public Counsel E-Filing	<a href="mailto:PCCSeaEF@atg.wa.gov">PCCSeaEF@atg.wa.gov</a>		

PARTY	REPRESENTATIVE	PHONE	E-MAIL
AWEC	Tyler C. Pepple Davison Van Cleve, P.C. 1750 SW Harbor Way, Suite 450 Portland, OR 97201	(503) 241-7242	<a href="mailto:tcp@dvclaw.com">tcp@dvclaw.com</a>
	Brent L. Coleman Davison Van Cleve, P.C. 1750 SW Harbor Way, Suite 450 Portland, OR 97201		<a href="mailto:blc@dvclaw.com">blc@dvclaw.com</a>
	Jesse Gorsuch		<a href="mailto:jog@dvclaw.com">jog@dvclaw.com</a>
	Lance D. Kaufman		<a href="mailto:lance@bardwellconsulting.com">lance@bardwellconsulting.com</a>
The Energy Project	Simon ffitc Simon ffitc Attorney at Law 321 High School Rd. NE STE D3 #383 Bainbridge Island, WA 98110	(206) 669-8197	<a href="mailto:simon@ffitchlaw.com">simon@ffitchlaw.com</a>
	Carol Baker		<a href="mailto:carol@ffitchlaw.com">carol@ffitchlaw.com</a>
	Shawn M. Collins		<a href="mailto:shawnc@oppco.org">shawnc@oppco.org</a>

**APPENDIX B  
PROCEDURAL SCHEDULE  
DOCKET UE-200980**

<b>EVENT</b>	<b>DATE</b>
Tariff Filing	<b>December 9, 2020</b>
Tariffs suspended and discovery commenced	<b>December 16, 2021<sup>5</sup></b>
Prehearing Conference	<b>January 13, 2021</b>
Workshop (parties only)	<b>January 26, 2021</b>
PSE Supplemental Filing - Update Power Costs	<b>February 2, 2021</b>
Settlement Conference (parties only)	<b>March 2, 2021</b>
Response Testimony	<b>March 16, 2021</b>
Notices Issued for Public Comment Hearings	<b>30 days prior to Public Comment Hearings</b>
Public Comment Hearing	<b>TBD (Exact date to be determined)</b>
Rebuttal/Cross Answering Testimony	<b>April 5, 2021</b>
Discovery Cutoff	<b>April 12, 2021</b>
File Cross Examination Exhibits, Witness Lists, and Errata sheets, and email Cross-Examination Time Estimates to the presiding ALJ	<b>April 19, 2021</b>
Hearing	<b>April 22 and 23, 2021, at 9:30 a.m.<sup>6</sup></b>
Simultaneous Post-hearing Briefs	<b>May 7, 2021</b>

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<sup>5</sup> As of the effective date of this order, the response time for data requests is five days. The day after responsive testimony is due, the response time for data requests is shortened further to four days.

<sup>6</sup> The hearing will begin following the Commission's open meeting on April 22, 2021.



Simultaneous Reply Briefs	<b>May 14, 2021</b>
Requested Final Order Date	<b>June 16, 2021<sup>7</sup></b>

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<sup>7</sup> As noted above, the Commission reserves the right to extend the procedural schedule or the date of the final order if necessary.