

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

WASHINGTON UTILITIES AND	)	DOCKET U-061239
TRANSPORTATION COMMISSION,	)	
	)	ORDER 01
Complainant,	)	
	)	PREHEARING CONFERENCE
v.	)	ORDER;
	)	
PUGET SOUND ENERGY, INC.,	)	NOTICE OF HEARING
	)	(Set for Wednesday, December 20,
Respondent.	)	2006, at 9:30 a.m.)
	)	
	)	NOTICE OF PREHEARING
	)	CONFERENCE
	)	(Set for Friday, December 8, 2006, at
	)	1:30 p.m.)
.....	)	

1 **NATURE OF PROCEEDING.** Docket U-061239 involves a complaint by the Washington Utilities and Transportation Commission (Commission) against Puget Sound Energy, Inc. (PSE) alleging violations of WAC 480-90-153 and 480-100-153, involving the improper release of customer information.

2 On October 5, 2006, the Commission served a complaint and notice of prehearing conference for October 25, 2006. On October 5, 2006, the complainant and respondent filed a settlement purporting to resolve all issues, including the assessment of penalties. On October 9, 2006, the complainant and respondent asked that the conference be suspended pending a Commission decision on the process for review of the complaint. The request was granted on October 10, 2006.

3 The Office of Public Counsel, through assistant attorney general Judith Krebs, entered a notice of appearance on October 26, 2006. The Commission served a notice of prehearing conference on October 27, 2006, setting a prehearing conference in the docket for Monday, November 6, 2006, by agreement of the Company, Commission Staff, and Public Counsel.

4 **CONFERENCE.** The Commission convened a prehearing conference in this docket at Olympia, Washington on November 6, 2006, before Administrative Law Judge C. Robert Wallis.

5 **APPEARANCES.** Jennifer Cameron-Rulkowski, Assistant Attorney General, Olympia, Washington, represents the Commission's regulatory staff (Commission Staff or Staff). Sheree Strom Carson, attorney, Bellevue, Washington, represents respondent Puget Sound Energy, Inc. (PSE). Judith Krebs, Assistant Attorney General, Seattle, Washington, represents the Public Counsel Section of the Washington Office of the Attorney General (Public Counsel).

6 Contact information provided at the conference for the parties' representatives is attached as Appendix A to this order.

7 **PETITIONS FOR INTERVENTION.** No party petitioned for intervention in writing and no party appeared at the hearing seeking to intervene.

8 **PROTECTIVE ORDER.** The parties do not anticipate the need for a protective order, and agreed to make best efforts to avoid such an order by seeking ways to provide and obtain information in non-confidential forms. The bench agreed to enter a protective order upon request if necessary to protect the confidentiality of proprietary information.

9 **DISCOVERY.** The parties did ask that the discovery rules be invoked in this docket, under WAC 480-07-400. The matter is one that qualifies for discovery, and the discovery rules WAC 480-07-400 through 425 are invoked. The parties agreed that responses must be filed within seven business days after presentation of the data request, and that no more than two sets of data requests will be presented (i.e., no more than one additional set after answers to the first set have been provided). The discovery cut-off (the final day for presenting a data request) is December 7, 2006.

10 **PROCEDURAL SCHEDULE.** The parties agreed upon the following procedural schedule during the conference. The Commission adopts this procedural schedule, which is set out below and is attached to this Order as Appendix B.

Direct evidence in support of settlement	Previously filed <sup>1</sup>
Last day to propose discovery requests	December 7, 2006
Settlement conference for parties (9:30 a.m.)	December 8, 2006
Prehearing conference (1:30 p.m.)	December 8, 2006
Public counsel evidence	December 12, 2006
Hearing	December 20, 2006
Simultaneous Opening Briefs	January 11, 2007
Simultaneous Answering briefs	January 26, 2007

- 11 **FILING AND SERVICE.** Parties must file with the Commission an original plus **FIVE** paper copies of each document required to be filed or served. Deadlines set out above for filing and service will be satisfied by electronic presentation of documents, provided hard copies are delivered on the following business day, pursuant to WAC 480-07-145(6).
- 12 **NOTICE OF HEARING.** The Commission will hold an evidentiary hearing in this matter beginning **December 20, 2006, at 9:30 a.m** in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S. W., Olympia, Washington.
- 13 The parties requested that a prehearing conference be scheduled to review process options at the conclusion of the discovery phase, and before the hearing. If the result of discovery exchanges leads to requests for additional or modified process, whether a request for additional complaint items or a fully-agreed settlement or any option in between, they may be dealt with at the conference
- 14 **NOTICE OF PREHEARING CONFERENCE:** The Commission will convene a prehearing conference in this matter on **December 8, 2006, at 1:30 p.m.** in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S. W., Olympia, Washington, to review the procedural status of the docket, confirm whether a hearing is needed at all, and address whatever other procedural matters require resolution prior to the hearing.

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<sup>1</sup> Commission Staff and the Company agree that the staff investigative report, the settlement agreement, and accompanying narrative would constitute their prefiled direct evidence.

15 Public Counsel is not at this juncture planning to present witnesses. Instead, it proposes that it will use responses to data requests in aid of cross examination of the witnesses supporting the proposed settlement. No later than December 12, it will provide to other parties and the Commission a list of data responses it proposes to use, and identify of any other documents it proposes to offer as exhibits. Also on December 12, Public counsel will file copies of all proposed exhibits with the Commission and serve on other parties any documents that were not supplied in response to data requests.

16 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file an original plus 5 copies of all pleadings, motions, briefs, and other prefiled materials. These materials must conform to the format and publication guidelines in WAC 480-07-395 and WAC 480-07-460. The Commission requires 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.

17 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.

18 An electronic copy of all filings must be provided through the Commission's Web Portal ([www.wutc.wa.gov/e-filing](http://www.wutc.wa.gov/e-filing)) or by e-mail delivery to <[records@wutc.wa.gov](mailto:records@wutc.wa.gov)>. Alternatively, parties may furnish an electronic copy by delivering with each filing a CD or a 3.5-inch IBM-formatted high-density diskette including the filed document(s). Parties should furnish electronic copies in .pdf (Adobe Acrobat) format, supplemented by a separate file in MS Word 6.0 (or later), or WordPerfect 5.1 (or later) format. Parties are required to follow WAC 480-07-140(5) in organizing and identifying electronic files.

19 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Pursuant to WAC 480-07-145(6) the presiding officer may grant parties a one-day extension of the paper-filing requirement, allowing electronic submission of documents with the Commission on the filing deadline. Parties may only submit documents electronically with the Commission in this proceeding with the permission of the presiding officer. If, at any

time during this proceeding, parties are authorized to submit documents with the Commission electronically under WAC 480-07-145(6), parties must submit the document through the Commission's Web portal ([www.wutc.wa.gov/e-filing](http://www.wutc.wa.gov/e-filing)) or by e-mail to [records@wutc.wa.gov](mailto:records@wutc.wa.gov), and file an original, plus 5 copies, of the document with the Commission by the following business day. Finally to perfect filing, parties must provide courtesy copies of filings to the presiding officer and advisory staff, as well as the parties to the proceeding. **PLEASE NOTE: The one-day extension of the deadline for paper filing is NOT the rule of the case, and is not available in the absence of PRIOR authorization from the presiding officer. Parties should request permission at least 48 hours prior to the stated filing deadline.**

20 **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 360-664-1142.

21 **NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review. Parties must provide courtesy copies of filings to the presiding administrative law judge.**

Dated at Olympia, Washington, and effective November 9, 2006.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

C. ROBERT WALLIS  
Administrative Law Judge

APPENDIX A				
PARTIES' REPRESENTATIVES DOCKET U-061239				
PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
<b>Commission Staff</b>	Jennifer Cameron-Rulkowski Assistant Attorney General 1400 S. Evergreen Park Drive S.W. P.O. Box 40128 Olympia, WA 98504-0128	(360) 664-1186	(360) 586-5522	<a href="mailto:jcameron@wutc.wa.gov">jcameron@wutc.wa.gov</a>
<b>Puget Sound Energy</b>	Sheree Strom Carson Perkins Coie LLP 10885 NE Fourth Street Suite 700 Bellevue, WA 98004-5579	(425) 635-1422	(425) 635-2422	<a href="mailto:scarson@perkinscoie.com">scarson@perkinscoie.com</a>
<b>Public Counsel</b>	Judith Krebs Public Counsel Section Office of Attorney General 800 fifth Avenue Suite 2000 Seattle, WA 98104-3188	(206) 464-6595	(206) 389-2058	<a href="mailto:judyk@atg.wa.gov">judyk@atg.wa.gov</a>
<b>Presiding Officer</b>	C. Robert Wallis (Administrative Law Judge)	(360) 664-1142	(360) 664-2654	<a href="mailto:bwallis@wutc.wa.gov">bwallis@wutc.wa.gov</a>

**APPENDIX B**  
**PROCEDURAL SCHEDULE**  
**DOCKET U-061239**

<b>EVENT</b>	<b>DATE</b>	<b>INTERVAL</b>
Proponents' direct testimony (Company and Commission Staff)	Already filed	
Last day to propose discovery requests	December 7, 2006	N/A
Discovery responses	Due within 7 business days from receipt <sup>2</sup>	N/A
Settlement conference for parties	December 8, 2006, 9:30 a.m. or other time as agreed	1 day
Prehearing conference	December 8, 2006, 1:30 p.m.	0 days
Public counsel evidence	December 12, 2006	4 days
Hearing	December 20, 2006, 9:30 a.m.	8 days
Simultaneous Opening Briefs	January 11, 2007	22 days
Simultaneous Answering Briefs	January 26, 2007	15 days

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<sup>2</sup> Electronic submission of discovery responses with hard copy to follow.