

EXHIBIT F

From: [Jim King](#)
To: [Steele, David S. \(Perkins Coie\)](#)
Cc: [Carson, Sheree S. \(Perkins Coie\)](#); [Casey Chris \(UTC\)](#); [ffitch Simon \(ATG\)](#); [Jeffrey D. Goltz](#); [Julie Muller-Neff](#)
Subject: Re: WSHVACCA response to letter of May 11, 2016
Date: Thursday, May 19, 2016 9:43:41 PM

Mr. Steele:

It is unfortunate you continue to fail to grasp WSHVACCA's positions. You fail to address our legitimate complaints about your attempted abuse of discovery, not even acknowledging when such complaints have been explained- i.e., your efforts to seek information from our members. I note in your responses you still offer to not seek member's information "at this time" but do not rule out seeking it at a later date.

Your data requests all center not on information relevant to this adjudication, but instead to either information Puget Sound Energy failed to obtain prior to making its appliance leasing proposal, and which could be used for future development of similar proposals, or information about such matters as demand response which were but a gambit in settlement talks but are not a part of the issues at hand. As I have indicated before, it is not WSHVACCA's job to do market research for Puget Sound Energy under the guise of discovery.

You did not wait to see what WSHVACCA's response testimony might be, and what matters we might choose to pursue, before deciding to treat us as an unlimited source for data-mining.

As to your complaint that you cannot understand what WSHVACCA considers a proper data request, you might wish to view things from our point-of-view- whether we call it a "preamble" or a "definitions section", what is not included in this tremendous overreach? We view this section, as it applies to all of your data requests as saying, "Give us everything you have."

To expect WSHVACCA to rewrite your "definitions" and data requests to something we would find acceptable is to ask us to negotiate with ourselves. Given the immense universe of information you have sought, we doubt that a small clod of turf would satisfy.

I will note that you have yet to indicate which, if any, of WSHVACCA's objections you consider to be invalid. Your sole concern is that the same objections were raised to each of your data requests. As your "definitions" apply to each and every one of your data requests, you should not have been surprised at the objections of WSHVACCA also applied to each and everyone of your data requests. As to the supposed responsiveness of SMACNA to your data requests, all I can indicate is that perhaps, SMACNA has greater resources with which to formulate responses that do not actually provide the data-mining information you seek. I saw nothing in SMACNA's responses that actually provide information of use in this adjudication. Even more so, I found your responses to WSHVACCA's data requests to be very non-responsive in providing information that would be useful in this adjudication.

Throughout this process, WSHVACCA has sought to bring market expertise to bear on the many questions raised by Puget Sound Energy's proposal. You have sought to thwart that effort at every turn, yet want to garner information to which PSE is not entitled. Perhaps it is time to let the Commission decide what information WSHVACCA is required to provide.

Sincerely,

James L. King, Jr.

James L. King, Jr. 120 State Ave NE #199 Olympia, WA 98501-8212 Cellular Phone
(360)480-0038

From: "Steele, David S. (Perkins Coie)" <DSteele@perkinscoie.com>
To: Jim King <jimkingjr@yahoo.com>
Cc: "Carson, Sheree S. (Perkins Coie)" <SCarson@perkinscoie.com>; Casey Chris (UTC) <ccasey@utc.wa.gov>; ffitc Simon (ATG) <simonf@atg.wa.gov>; Jeffrey D. Goltz <jgoltz@cascadialaw.com>; Julie Muller-Neff <jmullerneff@smacnaww.org>
Sent: Thursday, May 19, 2016 11:43 AM
Subject: RE: WSHVACCA response to letter of May 11, 2016

Jim:

Thank you for your letter. PSE is disappointed that WSHVACCA continues to take the position that not one of PSE's Data Requests requests information that could lead to relevant information in this adjudication and thus WSHVACCA continues to refuse to substantively respond to PSE's Data Requests.

PSE's Data Requests all center on obtaining information on relevant issues central to this case including documents relating to PSE's Leasing Program (DRs 001, 022), efforts to provide energy efficient HVAC equipment in Western Washington (DR 002), the market for sale, installation, maintenance of HVAC equipment (DR 003, 011, 012, 014), the market for financing HVAC equipment (DRs 004, 005, 006, 007), the market for leasing or renting HVAC equipment (DRs 008, 009, 010, 021), questions about specific, affirmative statements made by WSHVACCA in its petition to intervene (DR 013), the relative age of HVAC equipment in Western Washington (DR 016), efforts to replace aging HVAC equipment in Western Washington (DR 017), and demand response technology (DRs 018, 019, 020). It is inconceivable to PSE, nor is it a reasonable position by WSHVACCA, that none of these requests seek information that would lead to the discovery of relevant information.

If WSHVACCA is concerned about producing competitive information that meets the definition of "Confidential" or "Highly Confidential" as set forth in the Protective Order issued by Judge Kopta, then the appropriate course of action is to designate its responses or any documents produced as either Confidential or Highly Confidential using the mechanisms provided by the Protective Order. Refusing to produce documents based on those concerns is inappropriate. It is commonplace for parties in litigation to be required to share competitive information and this litigation is no different. The entire purpose of the Commission's Protective Order is to protect such information from misuse.

PSE continues to offer and is willing to discuss WSHVACCA's specific concerns with PSE's Requests in an effort to find a reasonable solution. Indeed, as a compromise, PSE has already agreed that your responses to these Requests may be limited to documents that are in the possession or control of WSHVACCA, and that you need not produce individual members documents that are not in WSHVACCA's possession or control. Aside from this, because your responses to PSE's data requests all contain the same, general objections without any specificity, PSE has no way of knowing what WSHVACCA believes is objectionable. PSE is not willing or able to guess what WSHVACCA believes is a proper data request. Your insistence that PSE "narrow [its] data requests to only that information which is relevant to this adjudication" not only reflects a fundamental misunderstanding as to what the standard for discovery is, but provides no guidance whatsoever as to what WSHVACCA believes is

reasonable.

Finally, WSHVACCA's apparent concerns with PSE's "Preamble," which PSE interprets to be its "Definitions" or "Instructions" sections, again, does not provide information to PSE as to what WSHVACCA specifically believes is objectionable. Providing definitions or instructions is entirely permissible and commonplace in litigation. If WSHVACCA has specific concerns with PSE's Definitions or Instructions, again, the proper course is to state those objections in its responses and the parties can discuss at a later date. But categorically not responding to any discovery request is not a reasonable position. PSE notes that SMACNA, who received a similar set of data requests from PSE, both responded to and provided documents in response to PSE's requests. PSE also timely responded to discovery requests propounded by WSHVACCA.

Courts and the Commission strongly encourage parties to work out discovery disputes between themselves and PSE has repeatedly offered to work with WSHVACCA to better understand its concerns and to attempt to find an amenable solution to both parties. So far, WSHVACCA has been unwilling to engage in productive discussions. I am available today to if you would like to discuss in detail WSHVACCA's specific concerns with PSE's Requests. If we do not hear from you today, I will have no choice but to move forward with filing a motion to compel with the Commission.

Regards,

David

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From: Jim King [mailto:jimkingjr@yahoo.com]

Sent: Wednesday, May 18, 2016 4:58 PM

To: Steele, David S. (Perkins Coie)

Cc: Carson, Sheree S. (Perkins Coie); Casey Chris (UTC); ffitich Simon (ATG); Jeffrey D. Goltz; Julie Muller-Neff

Subject: WSHVACCA response to letter of May 11, 2016

Please find response to your letter of May 11, 2016, attached.

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