

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

**Docket No. UE-121373
Puget Sound Energy, Inc.'s
Petition for Approval of a Power Purchase Agreement for
Acquisition of Coal Transition Power**

PUBLIC COUNSEL DATA REQUEST NO. 013

PUBLIC COUNSEL DATA REQUEST NO. 013:

RE: Exhibit No. RG-3C.

Will PSE have any ability to curtail receipts of energy delivered pursuant to the Coal Transition PPA or will PSE be required to accept the deliveries shown in Exhibit No. RG-1HCT, Table 1 (p. 9) in all hours regardless of PSE's need in that hour? Cite sections of the PPA that specify the extent of PSE's ability to curtail receipts of energy under the Coal Transition PPA.

Response:

Upon the removal of the conditions contained in Article 17 of the Coal Transition PPA regarding Commission approval, Puget Sound Energy, Inc. ("PSE") will be required to receive the amounts of energy actually delivered by TransAlta Centralia Generation LLC in all hours up to the amounts shown in Exhibit No. ___ (RG-1HCT) at page 9, Table 1 (defined in Section 3.1 of the Coal Transition PPA as "Hourly Contract Quantity"), except to the extent such receipt is prevented by Force Majeure (see Coal Transition PPA Sections 9.1, 9.2 and 9.3).

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PUBLIC COUNSEL DATA REQUEST NO. 072

PUBLIC COUNSEL DATA REQUEST NO. 072:

RE: Exhibit No. RG-3C.

Regarding Section 3.2(b), please state whether PSE has entered into any other power purchase agreement containing a provision the same or substantially similar to Section 3.2 (b), i.e., giving the Seller the right to provide power from any source determined by the Seller, if the output of the primary generation source in the contract is curtailed or reduced for any reason. If the answer is yes, please provide a complete copy of any such power purchase agreement.

Response:

Puget Sound Energy, Inc. ("PSE") objects to Public Counsel Data Request No. 072 to the extent it seeks information that is neither relevant to the issues in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving such objection, and subject thereto, PSE responds as follows:

PSE is unaware of any PSE power purchase agreement currently in effect that has a provision the same or substantially similar to Section 3.2 (b) of the Coal Transition PPA. Standard WSPP power purchase contracts do not contain the concept of a "primary generation source" as referenced in Public Counsel Data Request No. 072. They do identify a point of delivery but are not concerned about the source of generation when the source at the point of delivery is curtailed or reduced for any reason.

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PUBLIC COUNSEL DATA REQUEST NO. 073

PUBLIC COUNSEL DATA REQUEST NO. 073:

RE: Exhibit No. RG-3C.

Regarding Section 3.2(b), please state whether the Seller is subject to any restrictions with respect to the reasons or causes of curtailment or reduction of the output of the CTCF, including but not limited to commercial reasonableness.

Response:

Puget Sound Energy, Inc. ("PSE") objects to Public Counsel Data Request No. 073 as calling for a legal conclusion concerning the interpretation of Section 3.2(b) of the Coal Transition PPA. Without waiving such objection, and subject thereto, PSE responds as follows:

Section 3.2(b) of the Coal Transition PPA states as follows:

Seller will be entitled, at any time that the output of the CTCF is reduced or curtailed *for any reason*, to provide the Hourly Contract Quantity from any source or sources that Seller may determine; provided, however, that any such deliveries will be required to be in accordance with the terms and conditions of this Agreement applicable to the Delivery Point(s) to which such deliveries are being made.

Second Exhibit to the Prefiled Direct Testimony of Mr. Roger Garratt, Exhibit No. ___(RG-3C), at page 17 (emphasis added).