

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

WASHINGTON UTILITIES AND	)	DOCKET UE-060266
TRANSPORTATION COMMISSION,	)	
	)	DOCKET UG-060267
Complainant,	)	
	)	ORDER 04
v.	)	
	)	
PUGET SOUND ENERGY, INC.	)	PREHEARING CONFERENCE
	)	ORDER ( <b>Corrected</b> )
Respondent.	)	
	)	
.....	)	

- 1 **NATURE OF PROCEEDING.** Puget Sound Energy, Inc. (PSE) has filed tariff revisions designed to effect general rate increases in its rates for electric service (Docket No. UE-060266) and gas service (Docket No. UG-060267) in this state. The proposed revisions provide for general rate increases of 9.21 percent for the electric tariffs and 5.34 percent for the gas tariffs.
- 2 **CONFERENCE.** The Washington Utilities and Transportation Commission (commission) convened a prehearing conference in these dockets at Olympia, Washington on March 21, 2006, before Administrative Law Judge C. Robert Wallis.<sup>1</sup>
- 3 **CORRECTION.** This order corrects and replaces Order 02 in this docket. For ease in reference the corrections at paragraphs 11, 12 and 14 and in Appendix B are underlined.
- 4 **APPEARANCES.** Kirsten Dodge and Jason Kuzma, attorneys, Perkins Coie, Bellevue, Washington, represents Puget Sound Energy, the company. Simon ffitich, Assistant Attorney General, Seattle, represents the Public Counsel Section of the Washington Office of the Attorney General. Robert Cedarbaum, Assistant Attorney General, Olympia, represents the Commission’s regulatory staff (“Commission Staff” or “Staff”).<sup>2</sup> Intervenors and their representatives include the following: Industrial

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<sup>1</sup> Judge Wallis presided because of the temporary unavailability of Judge Ann Rendahl, the assigned administrative law judge.

<sup>2</sup> In formal proceedings, such as this, the Commission’s regulatory staff functions as an independent party with the same rights, privileges, and responsibilities as any other party to the proceeding. There is an “ex

Customers of Northwest Utilities (ICNU), by S. Bradley Van Cleve, Matthew W. Perkins, and Irion Sanger, Davison Van Cleve, P.C., Portland, Oregon; Northwest Industrial Gas Users (NWIGU), by Ed Finklea and Chad Stokes, Cable Huston Benedict Haagensen & Lloyd LLP, Portland, Oregon; Federal Executive Agencies, by Norman Furuta and Rita Liotta, attorneys, Daly City, California; Seattle Steam Company, by Elaine L. Spencer, Graham & Dunn PC, Seattle; Cogeneration Coalition, by Michael Alcantar and Donald Brookhyser, Alcantar & Kahl LLP, Portland, Oregon; Northwest Energy Coalition, by Nancy Hirsh and Danielle Dixon, Seattle; and the Kroger Co., by Kurt Boehm and Michael Kurtz, Boehm, Kurtz & Lowry, Cincinnati, Ohio. The Energy Project presented an oral petition for intervention, represented by Ronald Roseman, attorney, Seattle.

5 Contact information for the parties' representatives is attached as Appendix A to this order.

6 **PETITIONS FOR INTERVENTION.** The following parties petitioned in writing for intervention: Industrial Customers of Northwest Utilities (ICNU); Northwest Industrial Gas Users (NWIGU); Federal Executive Agencies; Seattle Steam Co.; Cogeneration Coalition; Northwest Energy Council; and the Kroger Co. The Energy Project presented an oral petition for intervention. No party or petitioner objected to any petition for intervention, and each of the petitions is granted.

7 **PROTECTIVE ORDER.** PSE requests by motion that the Commission enter its standard form of protective order, amended to include provisions concerning the designation of documents as "Highly Confidential." Several parties raised concerns about the "highly confidential" designation. Public Counsel, in particular, voiced general concerns about transparency in administrative proceedings and specific concerns about difficulties for consultants. ICNU and NWIGU supported the statement of concerns.

8 PSE responded that it had reviewed earlier protective orders and, while the order did state an employment restriction, PSE had reduced the strictures on length of time and scope of restricted information. PSE also pointed out that the company continues to be willing to work with others for whom the restrictions prove difficult, to find solutions that will allow adequate information while honoring the protective order.

Parties agreed that the company had been diligent in resolving prior confidentiality concerns.

- 9 We will enter a protective order in this docket, as requested, pursuant to RCW 34.05.446, RCW 80.04.095 and WAC 480-07-420.
- 10 In the event that difficulties arise from the order's highly confidential provisions that cannot be resolved amicably, parties are free to challenge at that time the application of provisions they perceive to cause harm, or to seek amendment of the order.
- 11 **DISCOVERY.** The parties asked that the discovery rules be invoked in this docket, under WAC 480-07-400. The matter is one that qualifies for discovery, and discovery rules WAC 480-07-400 through 425 are invoked. Discovery responses will be timely if produced within ten days for requests served until July 18, 2006; seven business days for requests served between July 19 and August 22, 2006; and five days for requests served on or after August 23, 2006.
- 12 **PROCEDURAL SCHEDULE.** The Commission adopts the following procedural schedule, to which all parties agreed:

May <u>22-23</u> , 2006	Issue Discussion/Settlement Conference (for parties only)
June 13-14, 2006	Settlement Conference (for parties only)
July 19, 2006	Staff, Public Counsel and Intervenors Response Testimony and Exhibits
August 23, 2006	Company Rebuttal Testimony and Exhibits, <u>and</u> <u>Cross-Answering Testimony and Exhibits</u>
September 18-29, 2006	Hearings
October 31, 2006	Opening Briefs
November 14, 2006	Answering Briefs

- 13 **HEARING SESSION FOR PUBLIC COMMENT.** Public Counsel asks that the commission establish a deadline for the parties to agree (in consultation with Judge Rendahl and the commission's public affairs staff) upon time and place for one or more hearing sessions to receive public comment. Public Counsel requests at least two such hearing sessions. The deadline for establishing the time and place for one or more hearing sessions for public comment is set at April 20, 2006
- 14 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file an original plus sixteen (16) copies of all pleadings, motions, briefs, and other prefiled materials. These materials must conform with the format and publication guidelines set forth in WAC 480-07-395 and 480-07-460, and must 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.
- 15 All filings must be mailed to the Commission Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250, or delivered (by hand or courier) to the Commission's Records Center at the Washington Utilities and Transportation Commission, 1300 S. Evergreen Park Drive, S.W., Olympia, Washington, 98504. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.
- 16 An electronic copy of all filings must be provided 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 3.5-inch IBM-formatted high-density diskette including the filed document(s). The Commission prefers that parties 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 organize and identify electronic files as specified in WAC 480-07-140(5).
- 17 **ELECTRONIC FILING.** Parties may only file documents electronically with the Commission in this proceeding with the permission of the administrative law judge. Under WAC 480-07-145(6), electronic filing of documents provides a one-day extension of the paper-filing requirement. If, at any time during this proceeding, parties are authorized to file documents with the Commission electronically under WAC 480-07-145(6), Parties must submit the document to [records@wutc.wa.gov](mailto:records@wutc.wa.gov), and file an original, plus sixteen (16) copies, of the document with the Commission by the following business day.

- 18 **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.
- 19 **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.**

Dated at Olympia, Washington, and effective March 27, 2006.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

C. ROBERT WALLIS  
Administrative Law Judge

**APPENDIX A**

**PARTIES' REPRESENTATIVES  
DOCKET UE-060266 and UG-060267**

<b>PARTY</b>	<b>REPRESENTATIVE</b>	<b>PHONE</b>	<b>FACSIMILE</b>	<b>E-MAIL</b>
<b>Puget Sound Energy</b>	Kirstin S. Dodge Jason Kuzma Perkins Coie LLP 10885 NE Fourth Street Suite 700 Bellevue, WA 98004-5579	(425) 635-1400	(425) 635-2400	<a href="mailto:kdodge@perkinscoie.com">kdodge@perkinscoie.com</a> <a href="mailto:jkuzma@perkinscoie.com">jkuzma@perkinscoie.com</a>
<b>Public Counsel</b>	Simon J. ffitich Public Counsel Section Office of Attorney General 900 Fourth Avenue, Suite 2000 Seattle, WA 98164-1012	206-464-7744	206-389-2058	<a href="mailto:simonf@atg.wa.gov">simonf@atg.wa.gov</a>
<b>Industrial Customers of Northwest Utilities (ICNU)</b>	S. Bradley Van Cleve Matthew W. Perkins Irion Sanger Davison Van Cleve, P.C. 333 S.W. Taylor, Suite 400 Portland, OR 97204	(503) 241-7242	(503) 241-8160	<a href="mailto:mail@dvclaw.com">mail@dvclaw.com</a>
<b>Northwest Industrial Gas Users (NWIGU)</b>	Edward A. Finklea Chad M. Stokes Cable Huston Benedict Haagensen & Lloyd LLP 1001 SW Fifth Avenue Suite 2000 Portland, OR 97204-1136	(503) 224-3092	(503) 224-3176	<a href="mailto:efinklea@chbh.com">efinklea@chbh.com</a> <a href="mailto:cstokes@chbh.com">cstokes@chbh.com</a>
<b>Federal Executive Agencies (FEA)</b>	Norman Furuta Rita M. Liotta Associate Counsel Department of the Navy 2001 Junipero Serra Blvd. Suite 600 Daly city, CA 94014-3890	(650) 746-7312 (650) 746-7311	(650) 746-7372 (650) 746-7372	<a href="mailto:Norman.furuta@navy.mil">Norman.furuta@navy.mil</a> <a href="mailto:rita.liotta@navy.mil">rita.liotta@navy.mil</a>
<b>Seattle Steam Company</b>	Elaine L. Spencer Graham & Dunn PC Pier 70 2801 Alaskan Way, #300 Seattle, WA 98121	(206) 624-8300		<a href="mailto:espencer@grahamdunn.com">espencer@grahamdunn.com</a>

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<b>PARTY</b>	<b>REPRESENTATIVE</b>	<b>PHONE</b>	<b>FACSIMILE</b>	<b>E-MAIL</b>
<b>Cogeneration Coalition of Washington</b>	Michael P. Alcantar Donald Brookhyser Alcantar & Kahl LLP 1300 S.W. Fifth Suite 1750 Portland, OR 97201	(503) 402-9900	(503) 402-8882	<a href="mailto:mpa@a-klaw.com">mpa@a-klaw.com</a> <a href="mailto:deb@a-klaw.com">deb@a-klaw.com</a>
<b>Northwest Energy Coalition</b>	Nancy Hirsh Danielle Dixon 219 1 <sup>st</sup> Avenue South Suite 100 Seattle, WA 98104	(206) 621-0094	(206) 621-0097	<a href="mailto:nancy@nwenergy.org">nancy@nwenergy.org</a> <a href="mailto:Danielle@nwenergy.org">Danielle@nwenergy.org</a>
<b>The Kroger Co.</b>	Michael L. Kurtz, Esq. Kurt J. Boehm, Esq Boehm, Kurtz & Lowry 36 East Seventh Street Suite 1510 Cincinnati, OH 45202	(513) 421-2255	(513) 421-2764	<a href="mailto:mkurtzlaw@bklawfirm.com">mkurtzlaw@bklawfirm.com</a> <a href="mailto:Kboehmlaw@aol.com">Kboehmlaw@aol.com</a>
<b>The Energy Project</b>	Ronald L. Roseman Attorney At Law 2011 14 <sup>th</sup> Avenue East Seattle, Washington 98112	206-324-8792	206 568-0138	<a href="mailto:ronaldroseman@comcast.net">ronaldroseman@comcast.net</a>
<b>Commission Staff</b>	Robert D. Cedarbaum Senior Counsel 1400 S. Evergreen Park Dr. SW P.O. Box 40128 Olympia, WA 98504-0128	360-664-1188	360-586-5522	<a href="mailto:bcedarba@wutc.wa.gov">bcedarba@wutc.wa.gov</a>

**APPENDIX B  
PROCEDURAL SCHEDULE  
DOCKET UE-060266 and UG-060267**

<b>EVENT</b>	<b>DATE</b>	<b>INTERVAL</b>
<u>Deadline for establishing schedule for public comment hearing(s)</u>	<u>April 20, 2006</u>	
Issue Discussion/Settlement Conference (for parties only)	May <u>22-23</u> , 2006	<u>N/A</u>
Settlement Conference (for parties only)	June 13-14, 2006	26 days
Staff, Public Counsel and Intervenors Response Testimony and Exhibits	July 19, 2006	35 days
Company Rebuttal Testimony and Exhibits, <u>and Cross-Answering Testimony and Exhibits</u>	August 23, 2006	35 days
Hearings	September 18-29, 2006	26 days
Opening Briefs	October 31, 2006	32 days
Answering Briefs	November 14, 2006	14 days