

# **EXHIBIT D**

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

PUBLIC COUNSEL,

Complainant,

v.

PUGET SOUND ENERGY,

Respondent.

DOCKETS UE-151871 and UG-151872  
(Consolidated)

**PUGET SOUND ENERGY'S FIRST  
SET OF DATA REQUESTS TO THE  
PUBLIC COUNSEL**

**TO:** Public Counsel

Pursuant to WAC 480-07-405, Puget Sound Energy ("PSE") requests that Public Counsel produce the documents requested below to the offices of Perkins Coie LLP, 10885 N.E. Fourth Street, Suite 700, Bellevue, WA 98004-5579, within ten (10) business days after service. The following definitions and instructions apply to these requests:

**DEFINITIONS**

1. The terms "You," "Your," "Public Counsel," or any similar word or phrase, means the Public Counsel.
2. "Equipment Lease Service" refers to PSE's revisions to WN U-60 Schedule 75 and WN U-2 Schedule 175, to offer an electric and natural gas equipment lease service to its customers, filed on September 18, 2015, and any subsequent amended revisions or filings.
3. "HVAC equipment" means space heating, ventilation, and air conditioning equipment or appliances.
4. "Analysis or analyses" means any reviews, reports, studies, tests, computations, comparisons, calculations, estimates, appraisals, assessments, valuations, inquiries, investigations, evaluations or inquiries undertaken by a person, including any and formal or informal draft or final analyses and all documents related to such analyses.

5. “Identify,” means to:
  - a. Describe with reasonable particularity;
  - b. Identify each person believed to have knowledge with respect to the fact or event; and
  - c. Identify each document that refers or relates to the fact or event.

6. “Identify,” when used with respect to a document, means to describe the document with sufficient particularity so as to provide the basis for a motion to compel production. In lieu of identifying a document in this manner, it will be sufficient to produce copies of the document.

7. “Communication” means any exchange or transmission of words or ideas to another person or entity, whether accomplished person to person, by telephone, in writing, via electronic mail, via social media or through another medium, and shall include, without limitation, discussions, conversations, negotiations, conferences, meetings, speeches, memoranda, letters, correspondence, notes, blogs, postings, and statements or questions.

8. “Document” means, without limitation, all tangible preservations of information, including writings, recordings, and photographs, along with all documents or electronically stored information, information preserved on computers, and any non-identical copies (whether different from the originals because of notes made on such copies, because such copies were sent to different individuals, or for any other reason) and drafts.

9. “Person” means a natural person and, without limitation, firms, partnerships, corporations, associations, unincorporated associations, organizations, businesses, trusts, public entities, parent companies, subsidiaries, divisions, departments or other units thereof, and/or any other type of legal entity.

10. “Concerning,” “reflecting,” “regarding,” and “related to” mean, in whole or in part, reflecting, regarding, related to, relating to, in connection with, involving, supporting, addressing, analyzing, constituting, containing, commenting on, discussing, describing, identifying, referring to, reporting on, stating, dealing with, or in any way pertaining to.

## INSTRUCTIONS

11. You are requested to produce all documents in Your possession, custody, care or control that are described below. In so doing, please furnish documents that are in the possession of Your partners, officers, employees, attorneys, accountants, representatives, or agents, or any other persons that are otherwise subject to Your custody, care or control.

12. Should Public Counsel withhold any document or thing responsive to these requests, Public Counsel is requested to state the basis for withholding the document or thing in a manner sufficient to enable PSE and the Commission to adjudicate the validity of Public Counsel's withholding, including, in the case of any document or thing withheld on the grounds of privilege or work product, the following information for each document or thing:

- a. the title of the document;
- b. the date appearing on the document, and if no date appears thereon, so state and give the date or approximate date on which the document was prepared;
- c. the type or general nature of the document (i.e., whether it is a letter, memorandum, minutes of a meeting, presentation, etc.);
- d. the name, title, and company affiliation of the person who prepared the document;
- e. the name, title and company affiliation of the person who signed the document, if any;
- f. the name, title, and company affiliation of each person to whom the document was disclosed, including the person to whom it was addressed and the person to whom the document, or copies of the document, were sent;
- g. the name, title and company affiliation of the person who maintained custody of the document; and
- h. the general subject matter of the document and the basis for withholding the document, in a manner sufficient for PSE and the Commission to determine the validity of Your claim of privilege and/or work product.

13. All documents that exist in electronic format should be produced in their native format, complete with all metadata. All documents that exist only in paper or other hard-copy format are to be produced in the order and structure as they are kept in the usual course of business.

14. Should Public Counsel find the meaning of any term to be unclear, Public Counsel should assume a reasonable meaning, state what that assumed meaning is, and respond to the request on the basis of that assumed meaning.

15. These data requests are deemed to be continuing in nature, and Public Counsel is requested to amend or supplement its responses as is necessary to maintain the accuracy of Public Counsel's responses. To that end, if Public Counsel obtains additional responsive information at any time between the time for the initial response and the time of hearing, Public Counsel shall promptly provide PSE with the supplemental response.

16. The connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

17. The use of the singular form of any word includes the plural, and the plural form of a word shall be interpreted as singular, whenever appropriate to bring within the scope any documents or information that might otherwise be considered beyond the scope of the request.

18. None of the definitions set forth above or requests below shall be construed as an admission relating to the existence of any evidence, to the relevance or admissibility of any evidence, or to the truth or accuracy of any statement or characterization in the definition of this request.

19. Unless otherwise stated, the relevant time period for which documents should be produced is January 1, 2013, to present.

## **DATA REQUESTS**

### **PSE Data Request No. 001 to Public Counsel:**

Please provide one copy of Public Counsel's responses to all data requests submitted by all other parties in this proceeding, including any electronic versions of such responses. Please provide electronic copies of the responses to all PSE data requests to [psedrs@perkinscoie.com](mailto:psedrs@perkinscoie.com). Please provide hardcopies and any CD-ROMs to the attention of:

Sheree Strom Carson  
David Steele  
Perkins Coie LLP  
10885 NE 4th Street  
Suite 700  
Bellevue, WA 98004-5579  
Email: [scarson@perkinscoie.com](mailto:scarson@perkinscoie.com)  
[dsteele@perkinscoie.com](mailto:dsteele@perkinscoie.com)  
Phone: (425) 635-1422  
Fax: (425) 635-2422

**PSE Data Request No. 002 to Public Counsel:**

Provide all documents or analysis undertaken by or on behalf of Public Counsel, or any documents or analyses relied on by Public Counsel, or any other documents or analysis in Your possession, custody or control, relating to PSE's proposed Equipment Lease Program.

**PSE Data Request No. 003 to Public Counsel:**

Provide all documents or analyses undertaken by or on behalf of Public Counsel, or any documents or analyses relied on by Public Counsel, or any other documents or analysis in Your possession, custody or control, relating to any efforts by the market to provide energy efficient water heating and HVAC equipment options to customers in Western Washington.

**PSE Data Request No. 004 to Public Counsel:**

Provide all documents or analyses undertaken by or on behalf of Public Counsel, or any documents or analysis relied on by Public Counsel, or any other documents or analysis in Your possession, custody or control, relating to the market for water heating and HVAC equipment and services in Washington, including the market for the sale, installation, maintenance, and repair of such equipment, market penetration of the sale, installation, maintenance, and repair of such equipment, any barriers to market entry.

**PSE Data Request No. 005 to Public Counsel:**

Provide all documents or analyses undertaken by or on behalf of Public Counsel, or any documents or analysis relied on by Public Counsel, or any other documents or analysis in Your possession, custody or control, relating to the market for water heating or HVAC equipment and services in Washington, including the market for financing, leasing or renting such equipment, market penetration of equipment financing, leasing or rental services, any barriers to market entry, and the relative market share of any equipment financing, leasing or rental services.

**PSE Data Request No. 006 to Public Counsel:**

Provide all documents or analyses undertaken by or on behalf of Public Counsel, or any documents or analysis relied on by Public Counsel, or any other documents or analysis in Your possession, custody or control, relating to efforts to provide financing options to customers for water heating and HVAC equipment, including but not limited to any of the following:

- a) the total number and percentage of customers who finance their water heating and HVAC equipment installations in PSE's service territory, and any demographic information about such customers;
- b) a breakdown of the types of financing options available to and ultimately selected by customers;
- c) any agreements, contracts or documents demonstrating or relating to any business relationship between any water heater or HVAC contractor and any third-party financing source;
- d) any documents referring or relating to a financing option financed, funded, promoted or provided by any water heater or HVAC contractor, including any marketing or promotional materials; and
- e) a listing of all water heater or HVAC contractors who offer financing options and a listing of the type of financing options financed, funded, promoted or provided by each contractor.

**PSE Data Request No. 007 to Public Counsel:**

Provide all documents relating to the terms of sale, service and financing options offered by any water heater or HVAC contractor to customers for water heating and HVAC equipment, including copies of any sale, service or financing agreements or contracts, the terms and conditions of such agreements or contracts, underwriting processes, qualifying requirements, and interest rate.

**PSE Data Request No. 008 to Public Counsel:**

Provide all documents in Your possession, custody or control relating to financing options available for water heating and HVAC equipment in Western Washington.

**PSE Data Request No. 009 to Public Counsel:**

Provide all documents or analyses undertaken by or on behalf of Public Counsel, or any documents or analysis relied on by Public Counsel, or any other documents or analysis in Your possession, custody or control, relating to efforts by any water heater or HVAC contractor to provide leasing or rental options for water heating and HVAC equipment.

- a. Are such leasing or rental options predicated in publically available fixed rates that are fixed throughout the full term of the lease or rental service term?
- b. Do such leasing or rental options require down payment requirements?

- c. Are all non-standard conditions, such as installations which require additional equipment or modifications as required by code; additional man-power or special equipment, such as cranes or lifts; or installations which require structural changes or non-standard prep work, such as adding or removing walls or drywall, or adding, moving or extending electrical wiring, changing the electrical panel, venting, plumbing or Natural Gas lines; included in the publically available fixed rates of such leasing or rental option?
- d. Do such leasing or rental options include scheduled equipment maintenance services, and if so at what frequency?
- e. Do such leasing or rental options include terms and conditions detailing repair, replacement, transfer and termination obligations?

**PSE Data Request No. 010 to Public Counsel:**

Provide all documents sufficient to show which water heater or HVAC contactors offer leasing or rental programs for water heating and HVAC equipment, the terms of those leasing or rental programs, how many of their customers lease or rent their equipment, the percentage of customers that lease or rent their equipment, and any demographic information about such customers.

**PSE Data Request No. 011 to Public Counsel:**

Provide all documents in Your possession, custody or control relating to the leasing or rental of water heating and HVAC equipment in Western Washington.

**PSE Data Request No. 012 to Public Counsel:**

Provide all documents or analyses undertaken by or on behalf of Public Counsel, or any documents or analysis relied on by Public Counsel, or any other documents or analysis in Your possession, custody or control, relating to the relative age of water heating and HVAC equipment currently in use in Western Washington, including the number and percentage of such equipment that is fifteen (15) years old or more.

**PSE Data Request No. 013 to Public Counsel:**

Provide all documents or analyses undertaken by or on behalf of Public Counsel, or any documents or analysis relied on by Public Counsel, or any other documents or analysis in Your possession, custody or control, relating to efforts by the market to replace water heating and HVAC equipment in Washington that is fifteen (15) years old or more, since January 1, 2013.

**PSE Data Request No. 014 to Public Counsel:**

Has Public Counsel conducted an analysis to determine whether or not there is a need for Equipment Lease Service? If so, what does the analysis show in terms of a need within the market?

**PSE Data Request No. 015 to Public Counsel:**



Do you agree with the assessment of the Northwest Energy Efficiency Council on p. 1 of its Comments in this docket, submitted 10/19/2015, that PSE's Equipment Leasing Service may "serve a market component that may take advantage of equipment leasing options that could both increase the penetration of energy efficient equipment installed in their customer's homes and provide both a quality assurance function for its installation and a more rigorous preventive maintenance program than what might be otherwise expected under baseline market conditions?" Why or why not?

**PSE Data Request No. 016 to Public Counsel:**

Do you agree with the assessment of the Northwest Energy Efficiency Council on p. 1 of its Comments in this docket, submitted 10/19/2015, that PSE's "leasing program effort should be judged in its ability to increase the penetration and long term performance of energy efficient equipment in the field and in its ability to do so in a fully collaborative partnership with the private sector?" Why or why not?

**PSE Data Request No. 017 to Public Counsel:**

Provide all documents or analyses undertaken by or on behalf of Public Counsel, or any documents or analysis relied on by Public Counsel, or any other documents or analysis in Your possession, custody, and control, referring in any way to Demand Response technology as it relates to water heaters and HVAC equipment including, relating to the regional maturity of:

- a) Demand Response services;
- b) Customer interest in Demand Response;
- c) Commercial availability of Demand Response equipment and incremental cost of such equipment over standard retail equipment;
- d) Demand Response technology;
- e) Demand Response programs, including pilots; and
- f) Any public benefits of Demand Response.

**PSE Data Request No. 018 to Public Counsel:**

Public Counsel's Comments in this docket, submitted 11/9/2015, at page 2 states that "because PSE is seeking a two-step approval process, without providing specific rate information at this time, it is not possible for stakeholders to fully evaluate the potential cost-effectiveness of the program."

- a. Please provide Public Counsel's definition of "cost-effective" and explain how this applies to the Equipment Lease Service.
- b. What level or measure of cost-effectiveness does Public Counsel believe PSE is required to achieve with its Equipment Lease Service?

c. Please provide all documents or analyses undertaken by or on behalf of Public Counsel, or relied on by Public Counsel, relating to the cost-effectiveness of PSE's proposed Equipment Lease Service.

d. Please provide the laws, rules, or policy documents that establish that PSE's proposed Equipment Lease Service must meet the cost-effective threshold defined above.

**PSE Data Request No. 019 to Public Counsel:**

Public Counsel's Comments in this docket, submitted 11/9/2015, at page 2 states that "the company states that the program will promote greater penetration of energy efficient equipment and will reduce overall energy demand and customer energy bills. Public Counsel has not seen compelling evidence to support this claim."

a. Please provide Public Counsel's definition of "compelling evidence."

b. How does Public Counsel propose to measure the "public benefit" of PSE's proposed Equipment Lease Service?

c. Please provide the laws, rules, or policy documents that establish that PSE's proposed Equipment Lease Service must demonstrate "compelling evidence" as defined above.

d. Please provide all documents or analyses undertaken by or on behalf of Public Counsel, or relied on by Public Counsel, relating to the public benefit of PSE's Equipment Lease Service.

e. Does Public Counsel believe that the "benefit streams" detailed on page 2 of the Prefiled Direct testimony of Ahmad Faruqui, Ph.D. present "compelling evidence" in support of these proposed schedules? Why or why not?

**PSE Data Request No. 020 to Public Counsel:**

Public Counsel's Comments in this docket, submitted 11/9/2015, at page 2, posed the question, "Should a leasing program be offered as a regulated service?," however did not state a formal position on this matter.

Please state whether Public Counsel believes PSE should offer its Equipment Lease Service as a regulated service.

Please also provide all documents or analyses undertaken by or on behalf of Public Counsel, or relied on by Public Counsel, relating to PSE's proposed Equipment Lease Service being offered through a regulated as opposed to an unregulated entity.

**PSE Data Request No. 021 to Public Counsel:**

Public Counsel's Comments in this docket, submitted 11/9/2015, at page 2, states that "some of the measures included in the original leasing tariff filing are not included in PSE's recently filed Biennial Conservation Plan."

Please provide the laws, rules, or policy documents that establish that any equipment offered under the proposed tariff schedules must meet specific energy efficiency product specifications, including being included in PSE's Biennial Conservation Plan.

**PSE Data Request No. 022 to Public Counsel:**

Provide all documents in Your possession, custody or control relating to the leasing or rental of water heating and HVAC equipment by regulated utilities, including any advantages or disadvantages of offering such lease or rental services as a regulated rather than an unregulated service.

**PSE Data Request No. 023 to Public Counsel:**

Is it Public Counsel's position that PSE's proposed Equipment Lease Service should be treated as a conservation program? Please explain Your answer, with justification and supporting data.

**PSE Data Request No. 024 to Public Counsel:**

Provide all documents in Your possession, custody or control relating to any consumer protection violations by water heating and HVAC contractors in Western Washington.

**PSE Data Request No. 025 to Public Counsel:**

Public Counsel's Comments in this docket, submitted 11/9/2015, at page 2, states that "it appears that several credit unions and banks are now offering a variety of financing options, including loans for energy efficient equipment and upgrades" and that "retailers also offer a range of financing options to customers."

Has Public Counsel undertaken an analysis as to the availability of each of the means set forth below? Provide all documents in Your possession, custody or control relating customer access to capital through the below means:

- a. Retailers
- b. Banks and credit unions
- c. Trade allies and contractors

**PSE Data Request No. 026 to Public Counsel:**

Do you agree with the assessment of The Energy Project on p. 2 of its Comments in this docket, submitted 11/9/2015, that states "Households not eligible for LiWx [Low Income Weatherization] services in addition to not qualifying for traditional financing through a banking institution may benefit from the proposed leasing program"? Why or why not?

**PSE Data Request No. 027 to Public Counsel**

Public Counsel's Comments in this docket, submitted 11/9/2015, at page 2 states that "it appears that several credit unions and banks are now offering a variety of financing options ... often at rates lower than PSE's weighted average cost of capital."

Please identify whether its Public Counsel's position that PSE's proposed lease schedule should not be allowed to provide equipment lease services to customers using PSE's weighted average cost of capital to finance leased equipment, and what laws, rules, or policy documents inform this position?

**PSE Data Request No. 028 to Public Counsel**

Provide all documents or analysis undertaken by or on behalf of Public Counsel, or any documents or analyses relied on by Public Counsel, or any other documents or analysis in Your possession, custody or control, relating to Public Counsel's comments in this docket, submitted 11/9/2015, at page 2, which states that the proposed schedule is "somewhat unique due to the equipment maintenance component and payment through the utility bill."