

From: [Kopta, Gregory \(UTC\)](#)
To: [Steele, David S. \(Perkins Coie\)](#)
Cc: [Jim King \(jimkingjr@yahoo.com\)](#); [jgoltz@cascadialaw.com](#); [Cebulko, Bradley \(UTC\)](#); [Brown, Sally \(UTC\)](#); [Casey, Chris \(UTC\)](#); [Carson, Sheree S. \(Perkins Coie\)](#)
Subject: RE: UE-151871 and UG-151872 PSE Motion to Compel WSHVACCA
Date: Thursday, June 02, 2016 8:50:00 AM

Mr. Steele,

My ruling on Data Request No. 22 was to deny PSE's motion to compel a response to that request, but that decision has no effect on my rulings on any of the other data requests. Accordingly, if a document is responsive both to DR No. 22 and to another data request to which WSHVACCA must respond, the Association must provide that document.

Gregory J. Kopta

Director, Administrative Law Division
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Utilities and Transportation Commission

Respect. Professionalism. Integrity. Accountability.

From: Steele, David S. (Perkins Coie) [mailto:DSteele@perkinscoie.com]
Sent: Thursday, June 2, 2016 8:33 AM
To: Kopta, Gregory (UTC) <gkopta@utc.wa.gov>
Cc: Jim King (jimkingjr@yahoo.com) <jimkingjr@yahoo.com>; jgoltz@cascadialaw.com; Cebulko, Bradley (UTC) <bcebulko@utc.wa.gov>; Brown, Sally (UTC) <sbrown@utc.wa.gov>; Casey, Chris (UTC) <ccasey@utc.wa.gov>; Carson, Sheree S. (Perkins Coie) <SCarson@perkinscoie.com>
Subject: UE-151871 and UG-151872 PSE Motion to Compel WSHVACCA

Judge Kopta:

Thank you for your time yesterday in addressing PSE's discovery requests served on WSHVACCA. We had one clarifying question regarding your ruling on Data Request No. 022, which reads:

Provide copies of all postings made on the WSHVACCA website, or any other electronic communication network (email, blog, text, website, twitter, Facebook), and any communications (electronic or otherwise), including communications between WSHVACCA and its individual members, relating in any way to PSE's Equipment Lease Program.

You ruled that WSHVACCA is not required to respond to this request. We are wondering if your ruling means (i) that WSHVACCA is not required to produce any communications between it and its members as relating to PSE's Equipment Lease Program; or (ii) that WSHVACCA is not required to produce any communications as they relate to the WSHVACCA website. We are assuming that the second interpretation is correct, but wanted to clarify this issue with you. For example, your ruling today regarding Data Request No. 001 required WSHVACCA to produce all documents in the possession of WSHVACCA relating to the Lease Program (which would include an email). Emails from WSHVACCA members to WSHVACCA and vice versa could contain analysis of PSE's Lease Program which would be reasonably calculated to lead to admissible evidence, just as would a written, paper memorandum or a similar document. Emails could also contain relevant market information which WSHVACCA is required

to produce (Data Request Nos. 003 and 004), as well as HVAC equipment financing or leasing information (Data Request Nos. 005-010).

PSE respectfully believes that non-privileged communications relating to its Lease Program in the possession of WSHVACCA should be produced.

Thank you for clarifying this issue,

David

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