

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

PUGET SOUND ENERGY, INC.,

Respondent.

DOCKETS UE-111048 and
UG-111049 (*consolidated*)

OBJECTION OF COMMISSION
STAFF TO SIERRA CLUB'S
LATE-FILED PETITION TO
INTERVENE

1 On August 2, 2011, the Sierra Club submitted to the Commission a Late-Filed
Petition to Intervene (Petition) in this general rate proceeding of Puget Sound Energy, Inc.
(PSE). Commission Staff objects to the Petition. The Sierra Club has not shown good cause
why it should be allowed to intervene out of time. Nor has the Sierra Club demonstrated a
substantial interest in this proceeding or that its participation is in the public interest.

I. RELEVANT STANDARDS

2 The Sierra Club's Petition is governed by two provisions of the Commission's
procedural rules. First, under WAC 480-07-355(1)(b), the Commission "will grant a late-
filed petition to intervene only on a showing of good cause, including a satisfactory
explanation of why the person did not timely file a petition."

3 Second, under WAC 480-07-355(3), the Commission may grant a petition to
intervene if the petition "discloses a substantial interest in the subject matter of the
proceeding of if the petitioner's participation is in the public interest . . ."

4 The Petition satisfies neither provision.

II. ARGUMENT AGAINST INTERVENTION BY THE SIERRA CLUB

A. The Sierra Club Has Not Demonstrated Good Cause For Late Intervention

5 The Sierra Club maintains that good cause exists for its late intervention because it learned only recently that this proceeding would involve “important issues related to the long-term electric generating resources [that] PSE relies on, including substantial investments in the Lower Snake River Wind Project.”¹

6 This explanation is insufficient to excuse the Sierra Club from its tardiness. The Sierra Club states that its work includes “intervening in efficiency and renewable energy dockets at public utility commissions nationwide, and submitting comments in numerous state and federal agency energy-related proceedings and rule makings.”² Clearly, the Sierra Club has significant experience in regulatory proceedings that it knew or should have known that PSE’s new electricity resource acquisitions would be examined in this general rate case. A cursory review of the Company’s direct testimony, filed on June 13, 2011 well before the prehearing conference on July 20, 2011 and available on the Commission’s website, would have shown the Sierra Club that those resource acquisitions include the Lower Snake River Wind Project. Therefore, the Sierra Club was as capable as existing parties to intervene on time in order to participate on electricity resource issues.

7 The Sierra Club states that it had initially intended to devote its limited resources to representing its members in the Company’s next integrated resource plan (IRP) proceeding.³ However, the Company’s 2009 IRP⁴ was the relevant resource planning proceeding to examine the Company’s need for capacity and renewable resources as related to the

¹ Petition at 1-2.

² Petition at 4.

³ Petition at 1-2.

⁴ Docket UE-080949.

acquisition of the Lower Snake River Wind Project. To the extent the Sierra Club wishes to examine the Company's resource needs more broadly or the future use of the Lower Snake River Wind Project (if found prudent by the Commission) more specifically, it can still participate in the 2011 IRP docket⁵ without prejudice to the interests of its members.

B. The Sierra Club Has Not Demonstrated Either A Substantial Interest In This Proceeding Or That Its Participation Is In The Public Interest

8 The Sierra Club has also not satisfied the substantive standard for late intervention.

First, the Sierra Club petitions to intervene on behalf of its members in Washington.

However, many of those members are residential customers of PSE.⁶ Therefore, their interests will already be represented adequately by Public Counsel. It would be duplicative, unproductive and inefficient for the Sierra Club to also represent the interests of the same residential customers.

9 Second, the Sierra Club states that it intends to examine issues related to the Lower Snake River Wind Project and the Colstrip electricity generating facility to ensure that PSE is pursuing a strategy that best meets the "environmental, health and economic needs of its customers."⁷ The Sierra Club does not define what it means by this statement. Its vague reference to the "environmental, health and economic needs of its customers" has the potential to broaden the issues in this case and burden the record.

10 Indeed, the Petition may implicate customer needs that are beyond the Commission's jurisdiction to consider. The Commission is authorized to regulate PSE only as allowed by the public service laws⁸ or other statutes the Commission is specifically mandated to

⁵ Docket UE-100961.

⁶ Petition at 3-4.

⁷ Petition at 4.

⁸ The Commission shall "[r]egulate in the public interest, as provided by the public service laws, the rates, services, facilities and practices, of all persons engaging within this state in the business of supplying any utility service or commodity to the public for compensation." RCW 80.01.040(3).

enforce.⁹ The Sierra Club's vague and open-ended statement of interest does not explain how its participation is consistent with these statutory mandates.

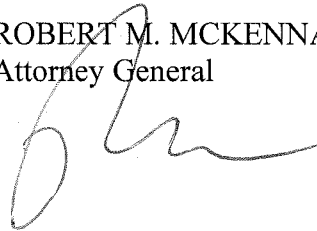
11 Finally, the Sierra Club states that it advocates for the implementation of robust incentive programs that assist its members and utility consumers generally to generate their own renewable energy and increase energy efficiency.¹⁰ However, the Sierra Club does not explain how the interest of its members in developing their own renewable resources or increasing their own energy efficiency are implicated in this proceeding involving the rates, charges and practices of PSE. Again, the issues the Sierra Club wishes to raise may only be addressed, if at all, by unreasonably broadening the issues and burdening the record.

12 For the reasons stated above, the Commission should deny the Sierra Club's Late-Filed Petition to Intervene.

DATED this 9th day of August, 2011.

Respectfully submitted,

ROBERT M. MCKENNA
Attorney General



ROBERT D. CEDARBAUM

⁹ These other statutes include the provisions of RCW 80.80 relating to greenhouse gas emissions and RCW 19.285 related to the acquisition of conservation and renewable resources.

¹⁰ Petition at 4.