

**BEFORE THE  
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

PUGET SOUND ENERGY, INC.,

Respondent.

Docket No. UE-111048

Docket No. UG-111049

PUGET SOUND ENERGY, INC.'S  
OBJECTION TO SIERRA CLUB'S LATE-  
FILED PETITION TO INTERVENE

**I. INTRODUCTION**

*I* Pursuant to the Notice of Opportunity to Respond to Petition for Late Intervention issued August 9, 2011, Puget Sound Energy, Inc. ("PSE") hereby files this objection to Sierra Club's Late-Filed Petition to Intervene. On August 2, 2011, Sierra Club filed its Late-Filed Petition to Intervene ("Petition"), and on August 9, 2011, Commission Staff filed its objection to Sierra Club's Petition ("Staff Objection"). PSE concurs with Commission Staff in that Sierra Club has neither shown good cause why it should be allowed to intervene out of time, nor has Sierra Club demonstrated either 1) a substantial interest in this proceeding or 2) that its participation is in the public interest. Further, Sierra Club's Petition is likely to broaden the issues in this proceeding, and this general rate case is not the proper forum for the issues Sierra Club seeks to address.

## II. ARGUMENT

2           WAC 480-07-355(1)(b), states that 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           Additionally, WAC 480-07-355(3) states that the Commission may grant a  
petition to intervene if the petition "discloses a substantial interest in the subject matter of  
the proceeding or if the petitioner's participation is in the public interest . . ." Further, the  
Petition must state "whether the petitioner proposes to broaden the issues in the  
proceeding and, if so, a statement of the proposed issues and an affidavit or declaration  
that clearly and concisely sets forth the facts supporting the petitioner's interest in  
broadening the issues."

### A. **Sierra Club Has Not Demonstrated Good Cause For its Late-Filed Petition**

4           PSE agrees with Commission Staff that Sierra Club has not demonstrated good  
cause for its late intervention.<sup>1</sup> Sierra Club states that it wishes to intervene in order to  
examine issues related to the Lower Snake River Wind Project and the Colstrip electricity  
generating facility.<sup>2</sup> Sierra Club states that before the prehearing conference in this  
matter, it decided to focus its limited resources in PSE's Integrated Resource Plan ("IRP")  
proceeding rather than this proceeding.<sup>3</sup> Sierra Club then claims that it later learned that

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<sup>1</sup> See Staff Objection at 2.

<sup>2</sup> See Petition at 3.

<sup>3</sup> See *id.* at 1.

this general rate case would include the issues of electricity generating resources.<sup>4</sup> As Commission Staff states, Sierra Club knew or should have known that PSE's new electricity resource acquisitions would be examined in this general rate case.<sup>5</sup> Sierra Club made a reasoned decision not to intervene in this docket, and now has belatedly reversed its decision well after the time for intervention has passed. Sierra Club has not made the required showing of good cause to excuse its late filing. The Commission has denied late-filed petitions in the past. *See, e.g., In the Matter of the Joint Application of MidAmerican Energy Holdings Co. and PacifiCorp, d/b/a Pac. Power & Light Co. for an Order Authorizing Proposed Transaction*, Docket No. UE-051090, Order 04 (Aug. 26, 2005) ("Our procedural rules are designed to ensure orderly proceedings and fairness. Parties who appear before the Commission must familiarize themselves with, and follow the requirements of these rules.").

**B. Sierra Club's Intervention Is Likely To Broaden the Issues**

5 Although Sierra Club claims that it will not seek to broaden the issues, in fact the issues Sierra Club seeks to address are likely to broaden the issues in this case. Sierra Club lists several issues for which it advocates, including "environmental, health and economic needs of its customers".<sup>6</sup> PSE agrees with Commission Staff that this vague pursuit has the potential to broaden the issues in this case and burden the record.<sup>7</sup> Sierra

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<sup>4</sup> *See id.* at 2.

<sup>5</sup> *See* Staff Objection at 2.

<sup>6</sup> *Id.*

<sup>7</sup> *See* Staff Objection at 3.

Club lists several other issues, including increased use of renewable generation, development of energy conservation and renewable energy policies, and implementation of robust incentive programs.<sup>8</sup> As to Sierra Club's desire to address energy conservation issues, PSE's conservation tariffs are not suspended in this proceeding. The appropriate forum for participation in the development of energy conservation and incentives is PSE's conservation filings, not this general rate case. Additionally, policy issues regarding increased use of renewable generation and renewable energy policies are more appropriately addressed before the Legislature, in Commission rulemaking, in Commission dockets addressing PSE's compliance with renewable energy targets, or in other energy policy stakeholder groups, rather than a general rate case.

6 Further, Sierra Club states that its members "have a direct and substantial interest in this proceeding because . . . the continued operation of the Colstrip coal-fired electric generation facility will have health and economic consequences for Sierra Club members who are customers of PSE."<sup>9</sup> PSE is not seeking a prudence determination for its ownership interests in the Colstrip plant, which has been determined to be used and useful and included in rates for many years; nor does this case address the issue that Sierra Club apparently wishes to address—whether PSE should continue to operate Colstrip.

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<sup>8</sup> See Petition at 4.

<sup>9</sup> See Petition at 3; *see also* Petition at 4 (stating that members will be directly and substantially affected by . . . the continued operation of [Colstrip])."

7           Raising the foregoing issues in this proceeding will unreasonably broaden the  
issues and burden the record.

**C.    PSE's General Rate Case Is Not the Appropriate Forum for Sierra  
Club's Participation**

8           Sierra Club is already active in PSE's IRP proceeding.  Sierra Club participated in  
the IRP advisory group and filed extensive comments to PSE's 2011 IRP.<sup>10</sup>  The IRP  
proceeding involves many of the same issues that Sierra Club lists in its Petition,  
including examination of new electricity generating resources such as Lower Snake River  
Wind Project and Colstrip.<sup>11</sup>

9           Further, as discussed above, issues relating to PSE's level of renewable generation  
and conservation can be addressed in the Commission dockets that review PSE's  
conservation program and compliance with conservation and renewable energy targets.

10          Moreover, Sierra Club's concerns regarding limiting the use of coal-fired electric  
generation and health concerns associated with such plants are more appropriately  
addressed at the licensing and permitting proceedings for such plants.

**III.   CONCLUSION**

11          For the reasons stated above and in Commission Staff's Objection to Sierra Club's  
Late-Filed Petition to Intervene, the Commission should deny Sierra Club's Petition.

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<sup>10</sup> *See Comments on behalf of the Wash. State Chapter of the Sierra Club*, June 29, 2011, Docket UE-100961.

<sup>11</sup> *See PSE's 2011 Draft IRP, App. D, Docket UE-100961.*

DATED this 16 day of August, 2011.

Respectfully Submitted,

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