

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,)	
)	DOCKET NOS. UE-011570 and
Complainant,)	UG-011571 (consolidated)
)	
v.)	
)	
PUGET SOUND ENERGY, INC.,)	SECOND SUPPLEMENTAL ORDER:
)	PREHEARING CONFERENCE
Respondent.)	
)	
.....)	

1 **PREHEARING CONFERENCE:** This proceeding concerns a general rate case filing by Puget Sound Energy, Inc. (PSE or the Company) by which the Company seeks permanent increases in both electric and gas rates. PSE’s filing also requests an interim rate increase, subject to refund, for its electric rates. The Commission convened a prehearing conference in Olympia, Washington, on December 20, 2001, before Chairwoman Marilyn Showalter, Commissioner Richard Hemstad, Commissioner Patrick J. Oshie, and Administrative Law Judge Dennis J. Moss.

2 **CONSOLIDATION:** The Commission considers on its own motion whether to consolidate the two pending dockets. The Commission finds that there are sufficient issues of fact and law in common to the proceedings to warrant consolidation. Consolidation will promote administrative efficiency and preserve the resources of the Commission and the parties. Docket Nos. UE-011570 and UG-011571 are consolidated in accordance with WAC 480-09-610.

3 **PETITIONS TO INTERVENE:** The following parties filed petitions to intervene, or petitioned orally at prehearing for intervenor status: 1) AT&T Wireless; 2) Seattle Times Company; 3) Northwest Energy Coalition and Natural Resources Defense Council; 4) Cost Management Services, Inc.; 5) Cities of Auburn, Des Moines, Federal Way, Redmond, Renton, SeaTac, and Tukwila; 6) Multi-Service Center, Opportunity Council, and Energy Project; 7) City of Bremerton; 8) King County; 9) Industrial Customers of Northwest Utilities; 10) Seattle Steam Company; 11)

Northwest Industrial Gas Users; and 12) Cogeneration Coalition of Washington. There was no objection to any of the petitions, and the various petitioners demonstrated by their written or oral petitions both their substantial interest in the proceeding and that their participation would be in the public interest. The petitions are granted.

4 **PARTIES:** Markham Quehrn and Kirstin Dodge, Perkins Coie LLP, Bellevue, Washington, represent Puget Sound Energy, Inc. John A. Cameron and Traci Kirkpatrick, Davis Wright Tremaine, represent AT&T Wireless and the Seattle Times Company. Danielle Dixon, Policy Associate, Northwest Energy Coalition, represents that organization and the Natural Resources Defense Council. Carol S. Arnold, Preston Gates Ellis, Seattle, Washington, represents Cost Management Services, Inc., and the cities of Auburn, Des Moines, Federal Way, Redmond, Renton, SeaTac, and Tukwila. Dini Duclos, CEO, Multi-Service Center, represents that organization, the Opportunity Council, and the Energy Project; Mr. Charles M. Eberdt, Manager, Energy Project also entered his appearance for the Energy Project. Angela L. Olsen, Assistant City Attorney, McGavick Graves, Tacoma, Washington, represents the City of Bremerton. Donald C. Woodworth, Deputy Prosecuting Attorney, Seattle, Washington, represents King County. S. Bradley Van Cleve, Davison Van Cleve, P.C., Portland, Oregon, represents Industrial Customers of Northwest Utilities. Judith A. Endejan and Michael Tobiason, Graham & Dunn, Seattle, Washington, represent Seattle Steam Company. Edward A. Finklea, Energy Advocates, LLP, represents the Northwest Industrial Gas Users. Donald Brookhyser, Alcantar & Kahl, Portland, Oregon, represents the Cogeneration Coalition of Washington. Simon ffitich, Assistant Attorney General, Seattle, Washington, represents the Public Counsel Section, Office of Attorney General. Robert D. Cedarbaum, Senior Assistant Attorney General, and Shannon Smith, Assistant Attorney General, Olympia, Washington, represent the Commission's regulatory staff. A service list is attached to this Order as Appendix One.

5 **DISCOVERY / PROTECTIVE ORDER:** The Commission's discovery rule, WAC 480-09-480, was invoked by prior order. The discovery process ordered in this proceeding deviates from the rule by requiring responses to data requests during the interim phase of these proceedings to be delivered to the propounding party on the third business day following receipt by the responding party, if the requests are transmitted for delivery by 12:00 noon; requests transmitted for delivery after 12:00 noon on a given day must be responded to by the fourth business day following

receipt by the responding party. Requests related to the interim rate phase should be marked with a capital I; requests related to the general rate phase should be marked with a capital G.

- 6 Parties should submit discovery requests to each other, and respond to discovery requests whenever possible, using electronic media, including e-mail and facsimile, to expedite the exchange of information. A discovery contact list reflecting e-mail and facsimile addresses for all parties is attached to this Order as Appendix Two.
- 7 All parties are expected to work cooperatively in the discovery process. If a party objects to a discovery request, that objection should be communicated to the requesting party within 24 hours after the discovery request is received by the intended respondent. The parties should work together to resolve any dispute. If they cannot resolve their dispute, the parties should request a discovery conference with the presiding Administrative Law Judge. Such conferences may be conducted via telephone, or in person, and may be recorded by audio tape without an official court reporter. Notice of discovery conferences will be made to all parties via e-mail; such conferences may be conducted on short notice.
- 8 PSE requested that the Protective Order previously entered in this proceeding be amended consistent with the 4th Supplemental Order in Commission Docket No. UE-011163 (WUTC v. PSE). There was no objection and PSE's request will be granted by separate order.
- 9 **PROCESS AND PROCEDURAL SCHEDULE:** The procedural schedule for both the interim rate phase and the general rate phase is attached to this Order as Appendix Three and is incorporated into the body of this Order by reference.
- 10 **FILING; COPIES OF MATERIALS:** Electronic filing and service, supplemented by hard copy, will be permitted to promote efficiency in this proceeding during the interim phase.¹ Electronic filings may be transmitted via e-mail attachment to: records@wutc.wa.gov. The subject line of the e-mail must include reference to Docket No. UE-011570/UG-011571.

¹ Parties may elect to waive receipt of hard copy service, in favor of electronic service only. Parties that elect to waive such service should communicate that fact to all other parties and to the Administrative Law Judge by written communication.

- 11 Electronic filing and service must be completed by 2:00 p.m. on the indicated deadline. Parties that file electronically are required to supplement their filing with an original and four (4) paper copies of the filed document to be delivered on the morning following the electronic filing. If supplemental materials cannot be transmitted electronically they should be indexed on an appendix to the electronic filing and 19 paper copies of the supplemental material must be submitted for delivery on the morning following the electronic filing.
- 12 Parties that do not file electronically must submit an original and 19 copies of the filed document by 4:00 p.m. on the indicated deadline. Hard copy filings must be supplemented within 24 hours by an electronic version of the filed document, submitted by e-mail to records@wutc.wa.gov, or by submitting to the Commission's Records Center a 3.5 inch diskette containing the electronic version of the filed document.
- 13 All paper copy filings and supplemental materials should be directed 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 by hand delivery to the Commission Secretary at 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 U.S. Postal Service.
- 14 **All paper copies of testimony, exhibits, and briefs are required to conform to the publication guidelines attached to this Order as Appendix Four. Any filing that fails to conform to these standards may be required to be refiled.**
- 15 **NOTICE TO PARTIES:** Any objection to the provisions of this Order must be filed within ten (10) days after the date of mailing of this statement, pursuant to WAC 480-09-460(2). Absent such objections, this prehearing conference order will control further proceedings in this matter, subject to Commission review.

DATED at Olympia, Washington, and effective this 28th day of December 2001.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DENNIS J. MOSS,
Administrative Law Judge

APPENDIX ONE**SERVICE LIST CONTACT INFORMATION****Puget Sound Energy**

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and
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Federal Way, Redmond, Renton,
SeaTac, and Tukwila**

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**Multi-Service Center, Opportunity
Council, Energy Project**

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APPENDIX TWO**ELECTRONIC DISCOVERY PROCESS**
SERVICE LIST

Puget Sound Energy e-mail : quehm@perkinscoie.com dodgi@perkinscoie.com psedrs@perkinscoie.com fax : 425-453-7350 (Perkins Coie) 425-462-3414 (Secrist-PSE)		
Northwest Energy Coalition and Natural Resources Defense Council e-mail: Danielle@nwenergy.org fax : 206-621-0097		Northwest Industrial Gas Users e-mail: efinklea@energyadvocates.com fax : 503-721-9121
Cogeneration Coalition of Washington e-mail: deb@a-klaw.com egw@a-klaw.com Fax : 503-402-8882		Seattle Steam Company e-mail: jendejan@grahamdunn.com mtobiason@grahamdunn.com Fax: 206-340-9599
Industrial Customers Northwest Utilities e-mail: mail@dvclaw.com Fax : 503-241-8160		AT&T Wireless and Seattle Times Co. e-mail: johncameron@dwt.com Fax : 503 778-5299

<p>Cost Management Services, Inc. and Cities of Auburn, Des Moines, Federal Way, Redmond, Renton, SeaTac, and Tukwila</p> <p>e-mail: carnold@prestongates.com</p> <p>Fax : 206 623-7022</p>		<p>Multi-Service Center, Opportunity Council, Energy Project</p> <p>e-mail: dinid@skcmssc.com</p> <p>Fax : 253-835-7511</p>
<p>City of Bremerton</p> <p>e-mail: alo@mcgavic.com</p> <p>Fax : 253-627-2247</p>		<p>King County</p> <p>e-mail: PSEDATA.PAO@metrokc.gov</p> <p>Fax : 206-296-0415</p>
<p>Commission Staff:</p> <p>e-mail: rcedarba@wutc.wa.gov</p> <p>ssmith@wutc.wa.gov</p> <p>Fax : 360-586-5522</p>		<p>Public Counsel:</p> <p>e-mail: SimonF@ATG.WA.GOV</p> <p>mattsl@atg.wa.gov</p> <p>Fax : 206-389-2058</p>

APPENDIX THREE**PROCEDURAL SCHEDULE**

<u>EVENT</u>	<u>INTERIM RATES</u>	<u>GENERAL RATES</u>
PSE Prefiled Direct	November 26, 2001	November 26, 2001
Staff and Intervenor Prefiled Response	January 30, 2002	
PSE Prefiled Rebuttal	February 11, 2002	
Public Comment Hearing	T/B/D	
Prehearing Conference	February 15, 2002	
Evidentiary Hearing	February 18-22, 2002	
Simultaneous Briefs	March 1, 2002	
Prehearing Conference		April 1, 2002
Evidentiary Hearing re PSE Direct		April 2-5, 2002 ²
Staff and Intervenor Prefiled Response		June 17, 2002
PSE Rebuttal and Parties' Cross-Rebuttal		July 15, 2002
Public Comment Hearing in Various Locations		T/B/D
Prehearing Conference		August 1, 2002
Evidentiary Hearing on Staff and Intervenor Response and PSE Rebuttal		August 5-16, 2002 ^{3 4}
Simultaneous Initial Briefs		September 20, 2002
Simultaneous Response Briefs		September 27, 2002
SUSPENSION DATE		October 27, 2002

² Parties should hold themselves available for continued hearing proceedings April 8-12, 2002, if needed.

³ Open Meeting August 14, 2002.

⁴ Parties should hold themselves available for continued hearing proceedings August 19-23, 2002, if needed.

APPENDIX FOUR**PUBLICATION GUIDELINES****I. Requirements for ALL paper copies of testimony, exhibits, and briefs**

The following requirements are restated from and clarify the Commission's rules relating to adjudications.

A. All paper copies of briefs, prefiled testimony, and original text in exhibits must be

- On 8-1/2 x 11 paper, punched for insertion in a 3-ring binder,
- Punched with OVERSIZED HOLES to allow easy handling.
- Double-spaced
- 12-point or larger text and footnotes, Times New Roman or equivalent serif font.
- Minimum one-inch margins from all edges.

Other exhibit materials need not be double-spaced or 12-point type, but must be printed or copied for optimum legibility.

B. All electronic and paper copies must be

- SEQUENTIALLY NUMBERED (all pages). **THIS INCLUDES EXHIBITS.** It is not reasonable to expect other counsel or the bench to keep track of where we are among several hundred (or sometimes even just several) unnumbered pages.
- DATED ON THE FIRST PAGE OF EACH ITEM and on the label of every diskette. If the item is a revision of a document previously submitted, it must be clearly labeled (REVISED), with the same title, and with the date it is filed clearly shown. Electronic files must be designated R for revision, when applicable, with an ordinal number showing the revision number.

II. Identifying exhibit numbers; Exhibits on cross examination.

A. Identifying exhibits. It is essential to mark documents so you, opposing counsel, and the Commission can find them. We ask you to comply with this clarification of prior practice, based on recent experience:

- **Use the witness's initials and add an ordinal number for each exhibit.** Identify testimony with a T and confidential exhibits with a C. Example: Witness Jane Quintessentia Public. Her original testimony would be JQP-1T or JQP-1TC, her first attached exhibit would be JQP-2, etc. NEVER identify the attachments merely with a single ordinal number, as that will provide the maximum confusion to everyone, including your witness.

B. Exhibit Lists: Prepare a list of your exhibits with their title and designation (*e.g.*, JQP-1T: Prefiled Direct Testimony by Jane Quintessentia Public) in digital form and in a format specified by the Commission. Send it to the presiding officer before the appropriate prehearing conference. That will simplify identification and ease administrative burdens.

NOTE: Be prepared to submit all of your possible exhibits on cross examination several days prior to the hearing. We will schedule a prehearing conference to mark and exchange the exhibits as close as possible to the hearing itself, but we have administrative needs that require pre-submission.