BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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| WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,  Complainant,  v.  PUGET SOUND ENERGY, INC.,  Respondent. | DOCKETS UE-111048 and  UG-111049 (*consolidated*)  JOINT MOTION OF COMMISSION STAFF AND PUGET SOUND ENERGY, INC. TO STRIKE SIERRA CLUB’S REPLY TO OBJECTIONS TO ITS LATE FILED PETITION TO INTERVENE |

1. The Staff of the Washington Utilities and Transportation Commission and Puget Sound Energy, Inc. move to strike Sierra Club’s Reply to Objections to Its Late-Filed Petition to Intervene, filed with the Commission on August 16, 2011. There are three reasons for the Commission to grant our motion.
2. First, WAC 480-07-370(d) states expressly that a reply is not permitted without prior approval of the Commission. Sierra Club did not request prior permission from the Commission to reply. Nor did the Commission’s notice of August 9, 2011 permitting answers to Sierra Club’s late-filed petition to intervene, contemplate that Sierra Club could reply to objections to its petition.
3. Second, Sierra Club argues that it had good cause for late intervention because of recent events in the Pacific Northwest:

Significant and recent developments in the Pacific Northwest prompted Sierra Club to reevaluate the need to intervene in this proceeding. Together, these unanticipated changes demonstrated that Sierra Club has good cause to file its late Petition to intervene.[[1]](#footnote-1)

However, these events, which relate to the early retirement of the Centralia coal plant in Washington and the Boardman coal plant in Oregon, and new policies announced by the Bonneville Power Administration regarding wind generation in the Pacific Northwest, all occurred prior to the July 20, 2011 prehearing conference in this proceeding. Given Sierra Club’s extensive experience participating in regulatory proceedings throughout the nation, these events do not provide good cause for late intervention. Rather, they demonstrate that it was inexcusable for Sierra Club to fail to seek intervene on time.

1. Finally, Sierra Club reiterates that it has a substantial interest in this proceeding and that its participation will serve the public interest. However, Sierra Club still does not explain the “environmental, health and economic” interests of its members that it first cited as support for its petition for late intervention. The vagueness of those interests is not clarified by Sierra Club’s sole argument on reply that it will provide valuable expertise to the Commission concerning the transition from coal-fired generation to renewable generation.
2. Sierra Club represents that it will not broaden the scope of the issues in this proceeding. However, given the vagueness of Sierra Club’s alleged interest, its representation not to broaden the issues provides little solace to Staff and PSE who may be required later to move to strike Sierra Club testimony and briefs that exceed the scope of relevant issues. Nor should the Commission find comfort in Sierra Club’s claim since the Commission itself will be the one to consider and decide any such motions.
3. In short, Sierra Club has failed to demonstrate that its intervention will not harm, delay or disadvantage the parties, the Commission or the proceeding. Its Reply to Objections to Late-Filed Petition to Intervene should be stricken, and its Petition for Late Intervention should be denied.

DATED this 18th day of August 2011.

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| 1. WASHINGTON UTILITIES AND 2. TRANSPORTATION COMMISSION 3. ROBERT M. MCKENNA 4. Attorney General   \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  ROBERT D. CEDARBAUM  Assistant Attorney General  Counsel for the Utilities and  Transportation Commission Staff  Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2011 | PUGET SOUND ENERGY, INC.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  SHEREE CARSON  Perkins Coie LLP  Attorney for Puget Sound Energy, Inc.  Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2011 |

1. Reply at 1. [↑](#footnote-ref-1)