

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In The Matter Of The Joint Application Of
Puget Sound Energy, Alberta Investment
Management Corporation, British
Columbia Investment Management
Corporation, OMERS Administration
Corporation, And PGM
Vermogensbeheer B.V. For An Order
Authorizing Proposed Sales Of Indirect
Interests In Puget Sound Energy

DOCKET U-180680

PUBLIC COUNSEL'S RESPONSE
TO JOINT APPLICANTS'
MOTIONS TO STRIKE
TESTIMONY OF THE
WASHINGTON AND NORTHERN
IDAHO DISTRICT COUNCIL OF
LABORERS AND IBEW LOCAL 77

1. Pursuant to WAC 480-07-375(4), the Office of the Attorney General, Public Counsel Unit (Public Counsel) respectfully files this response to the Joint Applicants' Motion to Strike the Testimony of the Washington and Northern Idaho District Council of Laborers (WNIDCL) and Motion to Strike the Testimony of D. Timothy Arnold filed on Behalf of IBEW Local 77.
2. Public Counsel is a party to the multiparty settlement under consideration by the Utilities and Transportation Commission (Commission). Public Counsel unequivocally supports the multiparty settlement, as described in the testimonies of J. Randall Woolridge (Ex. JRW-1T) and Sarah E. Laycock (Ex. SEL-1T).
3. Public Counsel, however, does not support the motions to strike testimony of the parties opposing the settlement. Public Counsel's opposition does not diminish our support of the multiparty settlement agreement, but we also strongly support the ability of parties to present their perspectives and desired outcomes when they oppose a settlement. The Commission's rules distinguish multiparty settlements from full or partial settlements. Indeed, the Commission's rules explicitly provide parties opposing a settlement with certain rights and obligations. Under WAC 480-07-740(3)(c)(i)-(iv), parties opposing a settlement have the right to cross-examine

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witnesses supporting the settlement, present evidence and argument in opposition of the settlement, and present their position regarding how the Commission should resolve the disputed issues of the proceeding. When presented with a multiparty settlement, the Commission weighs evidence offered in support of the settlement and evidence offered in opposition. The Commission decides contested issues on their merits by considering the full record.¹

4. WNDICL and IBEW have submitted testimony and evidence explaining their opposition to the settlement and their desired resolution of the case. Neither have been regular parties before the Commission, and they present background information in their cases providing context for their positions. From Public Counsel's perspective, we do not believe the opposition testimony should be excluded. Rather, we believe the testimony and evidence should be admitted pursuant to WAC 480-07-740(3)(c), and the Commission will afford it the appropriate weight. In that regard, Public Counsel urges the Commission to deny the Joint Applicants' motions to strike.

5. DATED this 14th day of February, 2019.

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¹ *WUTC v. Puget Sound Energy*, Docket UE-121371, Order 07, Dockets UE-121697 & UG-121705, Order 06, Dockets UE-130137 & UG-130138, Order 06, Order Rejecting Multiparty Settlement ¶ 20 (June 25, 2013).

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JOINT APPLICANTS' MOTIONS TO		PUBLIC COUNSEL
STRIKE TESTIMONY OF WNDICL AND		800 5 TH AVE., SUITE 2000
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