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July 30, 2009

David W. Danner, Executive Director and Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P. O. Box 47250
Olympia, Washington 98504-7250

RE: *WUTC v. Puget Sound Energy, Inc. (2009 General Rate Case)*
Dockets UE-090704/UG-090705

Dear Mr. Danner:

Enclosed for filing in the above-referenced docket are the original and 16 copies of Response of Commission Staff in Opposition to Nucor Late-Filed Petition to Intervene, and Certificate of Service.

Sincerely,

ROBERT D. CEDARBAUM
Assistant Attorney General

RDC:klg
Enclosures
cc: Parties



BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

PUGET SOUND ENERGY, INC.,

Respondent.

DOCKETS UE-090704
and UG-090705 (consolidated)

RESPONSE OF COMMISSION
STAFF IN OPPOSITION TO
NUCOR LATE-FILED PETITION
TO INTERVENE

1 On July 23, 2009, Nucor Steel Seattle, Inc. (Nucor) filed with the Commission a late-filed petition to intervene in these dockets, which involve a request by Puget Sound Energy, Inc. (PSE) to increase rates for electricity and natural gas service. Nucor's petition ignored WAC 480-07-355(1)(b) because it did not explain why Nucor did not timely seek intervention and because Nucor did not attempt to provide good cause to justify late intervention. Thus, Staff opposed intervention. In the alternative, Staff asked the Commission to require Nucor to comply with WAC 480-07-355(1)(b), with opportunity for other parties to respond to any new information.

2 Nucor responded to Staff's alternative proposal with the following information:

At the time of the aforementioned prehearing conference of June 22, 2009, Nucor's representatives were engaged in the process of evaluating PSE's filing to determine whether Nucor had a substantial interest in the proceeding that warranted Nucor's participation. In fact, PSE scheduled an information meeting about this proceeding for "Major Accounts" on June 22, 2009. As of June 22, 2009, Nucor had not authorized the filing of a petition to intervene.¹

Nucor's explanation is insufficient.

¹ Nucor Steel Seattle, Inc. Response to Commission Staff at ¶ 5.

3 First, Nucor is not a stranger to Commission proceedings. It intervened on a timely
basis in the last PSE general rate case.² Nucor should be held to the same standard now.

4 Second, any party seeking to intervene in a Commission proceeding has the
independent responsibility to assess in a timely manner the ramifications of the case on its
interests. Nucor provides no explanation why it did not and could not make that assessment
in the 45 day period that elapsed between PSE's initial filing on May 8, 2009, and the
June 22, 2009, prehearing conference.³ It is insufficient for Nucor to rely on a meeting
scheduled by PSE on the same day as the prehearing conference to escape its own
responsibility to meet Commission deadlines.

5 Third, Nucor had a way out of the dilemma it believed it faced. It could have filed a
timely petition to intervene, completed its internal rate impact assessment, and then made a
decision whether or not to stay in the case or seek leave to withdraw. Its failure to take that
course of action should not be excused.

6 Finally, Staff does not oppose intervention by Nucor merely as a mechanical
application of Commission procedural rules. Timely intervention is important to the
efficient litigation and potential negotiation of a complex proceeding such as the one now
before the Commission. Late intervention, such as that proposed by Nucor, may undermine
such efforts and should not be excused absent good cause and sufficient explanation. Those
standards have not been met here.

² *WUTC v. Puget Sound Energy, Inc.*, Dockets UE-072300 and UG-072301, Order 03 at ¶¶ 6 and 8
(January 17, 2008).

³ Indeed, another 30 days elapsed after the PSE meeting before Nucor sought intervention. No explanation is
offered for that further delay.

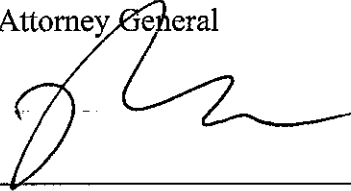
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For these reasons, the Commission should deny Nucor's petition for late-filed intervention.

DATED this 30th day of July, 2009.

Respectfully submitted,

ROBERT M. MCKENNA
Attorney General

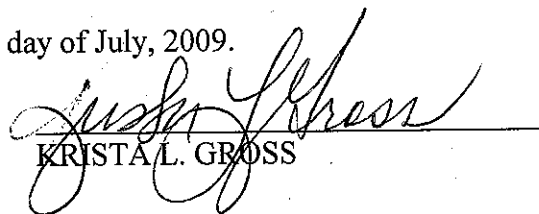


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Transportation Commission Staff

Dockets UE-090704/UG-090705
CERTIFICATE OF SERVICE

I hereby certify that I have this day served the attached document upon the persons and entities listed on the Service List below via e-mail and by depositing a copy of said document in the United States mail, addressed as shown on said Service List, with first class postage prepaid.

DATED at Olympia, Washington this 30th day of July, 2009.


KRISTA L. GROSS

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