

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

PUGET SOUND ENERGY, INC.,

Respondent.

DOCKET NOS. UE-011570 AND
UG-011571 (CONSOLIDATED)

PUBLIC COUNSEL'S MOTION FOR
RECONSIDERATION OF FIFTH
SUPPLEMENTAL ORDER AND
FOR CONTINUANCE OF PUBLIC
HEARINGS

Public Counsel respectfully requests that the Commission reconsider its Fifth Supplemental Order in this docket with regard to the number and timing of the public comment hearings in the general rate case phase of this matter, for the reasons set forth below.

I. MOTION FOR RECONSIDERATION AND FOR CONTINUANCE OF HEARINGS

1. Public Counsel moves for reconsideration as to the number and location of public comment hearings in this matter.
2. Public Counsel moves for a continuance of the hearings to a date following the filing of Staff, Public Counsel, and intervenor testimony.

II. ARGUMENT

PSE is by far the largest investor-owned energy utility in Washington, serving over 900,000 residential, commercial, and industrial customers with electricity and approximately half a million gas customers in extensive areas of western Washington, as well as Kittitas County. This is no ordinary rate case for PSE. Not only is the requested increase significant – over \$300 million, but the company proposes to dramatically restructure its method of charging for electricity, shifting to market-based, and time-of-use mechanisms never before employed. Finally, PSE has not had a general rate case for over a decade. The level of media interest and customer comment to date already gives an indication of strong public interest in this

proceeding. Given the nature of this case, it is particularly important that customers have a reasonable opportunity to participate in the Commission proceedings and express their opinion and reactions to the PSE proposals.

1. The Number of Public Hearings Is Inadequate.

Establishing only two hearings, one in Bellingham and one in Federal Way, is insufficient to provide PSE customers an opportunity to participate in the rate case by providing oral comments to the Commission. In PSE's last rate case, three public hearings were held (Bellingham, Renton, Olympia). *WUTC v. Puget Sound Power & Light*, Docket Nos. UE-920433, UE-920499, UE-921262, Eleventh Supplemental Order at 97. Seven public hearings were held in the U S West's 1995 general rate case. *WUTC v. U S West Communications, Inc.*, UT-950200, Fifteenth Supplemental Order at 14. Given driving distances and geography, the limited number and location of the proposed hearings will effectively preclude participation by many customers, particularly those in South Sound and communities west of Puget Sound such as Bremerton. The provision for an Olympia hearing in the interim case does not ameliorate the problem, since the issues in the interim case are quite different from the general.

Public Counsel and other intervenors had requested five hearings to provide reasonable coverage for the company service territory. While Public Counsel is aware of the Commission's time and resource limitations, we would request that the Commission add at least one, and preferably two more hearings to make it possible for more PSE customers to attend. We would recommend adding, for example, a Bremerton hearing for west Sound residents, and a second Olympia hearing. If the Olympia hearing is added, we would recommend moving the Federal Way hearing north, for example, to Renton, Kent, Burien, or Tukwila to make attendance easier for Seattle metro area customers.

2. Hearings Should Be Rescheduled to Occur After Staff, Public Counsel, and Intervenor Testimony Has Been Filed.

The two public hearings established are currently set to occur prior to filing of any testimony by Staff, Public Counsel, or other intervenors. This is a major concern. The Commission has ordinarily held public hearings after responsive testimony is filed. This timing serves the important purpose of allowing customers in attendance at the hearing to be advised through oral presentations and handouts of the positions of the various parties to the case. Customers thus have an opportunity to get a more complete understanding of the issues. In addition, if they choose, they are able to comment, not only upon the Company proposal, but on that of other parties. Absent this opportunity, customers attending the hearings have essentially heard only “one side of the story.” The local media coverage which typically occurs at the time of public hearings will also be less complete. Customer comment is of greater value to the Commission, as well as other parties, if it is better informed. Under the current schedule, to learn of parties’ responses, customers will have to later request copies of written testimony and review it, a more cumbersome process unlikely to be undertaken by many customers.

At a minimum, therefore, whether or not additional hearings are scheduled, Public Counsel respectfully requests that any hearings be held after the filing of Staff, Public Counsel and intervenor testimony. Setting hearings in September prior to the conclusion of the briefing schedule would be a reasonable alternative to the current schedule.

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III. CONCLUSION

For the foregoing reasons, Public Counsel requests that the Commission reconsider its Fifth Supplemental Order, establish additional hearings, and reset the hearings so that they take place following the filing of testimony by Staff, Public Counsel, and intervenors.

DATED this _____ day of January, 2002.

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