



Bob Ferguson  
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April 10, 2013

**SENT VIA E-MAIL AND ABC/LMI**

Steven V. King  
Acting Executive Director and Secretary  
Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Dr. SW  
P.O. Box 47250  
Olympia, WA 98504-7250

RE: RE: *Petition of Puget Sound Energy, Inc. for Approval of a Power Purchase Agreement for Acquisition of Coal Transition Power, as Defined in RCW 80.80.010, and the Recovery of Related Acquisition Costs;*  
Docket UE-121373

*In the Matter of the Petition of PUGET SOUND ENERGY, INC. and NW ENERGY COALITION, For an Order Authorizing PSE to Implement Electric and Natural Gas Decoupling Mechanisms and to Record Accounting Entries Associated with the Mechanisms*  
Dockets UE-121697 and UG-121705

*In the Matter of Puget Sound Energy, Inc., WN U-60, Tariff G, Electric Service, Advice No. 213-01 and WN U-2 Natural Gas Service, Advice No. 2013-02*  
Dockets UE-130137 and UG-130138

Dear Mr. King:

Enclosed please find an original and twelve (12) copies of Public Counsel's Motion for Leave to Depose Kenneth Elgin and attachment of Public Counsel's Notice of Deposition of Kenneth Elgin and Certificate of Service.

Sincerely,

Simon J. Ffitch  
Senior Assistant Attorney General  
Public Counsel Division  
(206) 389-2055

SJf:cjb

cc: ALJ Dennis Moss (E-mail)  
Service List (E-mail & U. S. Mail)



1. Pursuant to WAC 480-07-375(1)(c) and WAC 480-07-410(1), the Public Counsel Division of the Washington Attorney General's Office (Public Counsel) files this Motion for Leave to Depose Kenneth Elgin, Special Deputy Director of Regulatory Services. Mr. Elgin has not filed testimony in the above-caption matters. However, based on discovery recently received from Staff, it appears that Mr. Elgin possesses knowledge and information significant to Public Counsel's case in these matters.

**I. RELIEF REQUESTED**

2. Public Counsel respectfully requests leave to depose Mr. Elgin pursuant to the Notice of Deposition dated April 10, 2013,<sup>1</sup> noting Mr. Elgin's deposition on April 17, 2013. Public Counsel further respectfully requests expedited consideration of this motion because it addresses discovery to take place on April 17, 2013, and the hearing is scheduled for May 16, 2013.

**II. STATEMENT OF ISSUES**

3. Whether the Commission should grant Public Counsel leave to depose Kenneth Elgin when Mr. Elgin has not filed testimony in these matters, when Mr. Elgin appears to possess significant knowledge and information regarding these matters, when the Notice of Deposition was timely served, and when the basis for deposing Mr. Elgin did not become apparent until review of recently received discovery was completed.

4. Whether the Commission should consider this motion on an expedited basis to allow Parties to proceed with discovery and prepare for the evidentiary hearing.

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<sup>1</sup> A true and accurate copy of Public Counsel's Notice of Deposition of Kenneth Elgin is attached hereto as Attachment A.

### III. STATEMENT OF FACTS

5. Public Counsel asked certain Data Requests of Commission Staff and received responses to those Data Requests on April 3, 2013. Public Counsel has now completed review of the responses, and as a result, requests leave to depose Mr. Elgin regarding all matters related to the proposals under consideration in the above-captioned-dockets as well as the "Proposal to Resolve Five Dockets," that purports to resolve, among other issues, the above-captioned dockets.

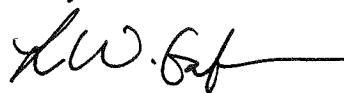
6. The discovery cutoff date has been set for April 10, 2013, in these matters. Public Counsel's Notice of Deposition of Kenneth Elgin is being timely served on April 10, 2013.

### IV. CONCLUSION

7. For the reasons stated above, Public Counsel respectfully requests that the Commission grant leave to depose Kenneth Elgin pursuant to Public Counsel's Notice of Deposition. Public Counsel further requests expedited treatment of this Motion to allow for timely completion of Mr. Elgin's deposition and meaningful opportunity to prepare for hearing.

8. DATED this 10<sup>th</sup> day of April, 2013.

ROBERT W. FERGUSON  
Attorney General



Simon J. ffitch  
Senior Assistant Attorney General  
Public Counsel Division

Lisa W. Gafken  
Assistant Attorney General  
Public Counsel Division





Kenneth Elgin appears to possess information significant to the issues presented in the above-captioned matters.

6 Dated in Seattle, Washington, this 10th day of April, 2013.

Respectfully submitted,

ROBERT W. FERGUSON  
Attorney General



Simon J. ffitch  
Senior Assistant Attorney General  
Public Counsel Division

Lisa W. Gafken  
Assistant Attorney General  
Public Counsel Division

**CERTIFICATE OF SERVICE**

**Dockets UE-121373, UE-121697/UG-121705, UE-130137/UG-130138**

I hereby certify that a true and correct copy of the Public Counsel's Motion for Leave to Depose Kenneth Elgin and the attachment of Public Counsel's Notice of Deposition of Kenneth Elgin sent to each of the parties of record shown below in sealed envelopes, via: U.S. Mail and e-mail.

**SERVICE LIST**

**\*\* = Receive Highly Confidential; \* = Receive Confidential; NC = Receive Non-Confidential**

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DATED: April 10, 2013.

  
CAROL BAKER  
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