

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,)	
)	
Complainant,)	DOCKET NOS. UE-011570 and
)	UG-011571 (consolidated)
v.)	
)	
PUGET SOUND ENERGY, INC.,)	SIXTH SUPPLEMENTAL ORDER:
)	GRANTING LATE-FILED PETITIONS
Respondent.)	TO INTERVENE
.....)	

- 1 **PROCEEDINGS:** This proceeding concerns a general rate case filing by Puget Sound Energy, Inc. (PSE or the Company) by which the Company seeks permanent increases in both electric and gas rates. PSE’s filing also requests an interim rate increase, subject to refund, for its electric rates. The Commission convened a prehearing conference in Olympia, Washington, on December 20, 2001, before Chairwoman Marilyn Showalter, Commissioner Richard Hemstad, Commissioner Patrick J. Oshie, and Administrative Law Judge Dennis J. Moss.
- 2 **LATE-FILED PETITIONS TO INTERVENE:** Following the prehearing conference on December 20, 2001, several late-filed petitions to intervene were filed. The City of Kent, filed its Petition on December 26, 2001. Staff filed a Response stating no objection to Kent’s intervention. PSE also responded, stating that the Company had no objection to Kent’s participation, if limited to Schedule 70 and Schedule 71 (*i.e.*, to issues related to PSE’s proposal to revise its tariff insofar as undergrounding of facilities is concerned). Kent replied to PSE’s response via correspondence on January 9, 2002. Kent stated that during informal discussions with PSE, the parties agreed that PSE would not object to Kent’s intervention on issues related to Schedules 70, 71, and 72 and gas “rules” 7 and 28 (Sheets 19-19F2, and 42 – 42D). Kent’s Petition states that it received late notice of the proceeding as good cause for its failure to file prior to the prehearing conference.
- 3 On January 4, 2002, the Secretary of Defense filed a Petition to Intervene on behalf of the interests of the Federal Executive Agencies (FEA). Staff filed a Response stating no objection to the proposed intervention. PSE also responded, stating that the Company had no objection to the FEA’s participation, if limited to “issues identified

in the Petition.” The FEA’s Petition, however, identifies as issues “the appropriate amount of interest . . . in the event the Commission orders refunds of [interim rate amounts],” and expressly reserves as to “other issues” that may be identified via “the discovery process.” The Federal Executive Agencies cited late receipt of notice as good cause for its Petition not being timely filed.

4 Kroger Company, on behalf of its Fred Meyer Stores and Quality Food Centers, filed its Petition To Intervene on January 8, 2002. Staff responded stating that Staff had no objection to the company’s intervention “under the assumption that Kroger and its affiliates are not members of the Industrial Customers of Northwest Utilities or the Northwest Industrial Gas Users Group,” who already have been granted intervenor status. Staff stated that if its assumption proved incorrect, then the organizations adequately represent Kroger’s interests and intervention might “unnecessarily delay these proceedings.” PSE also responded, stating that the Company has no objection to Kroger’s participation so long as it is limited to “issues identified in the Petition.” Kroger’s Petition identifies as issues that concern the company “the adjustable rate option,” “allocation of the requested electric and natural gas rate increases to the various customers [sic] classes,” and “design of the proposed rate increases within specific rate schedules.” Kroger cited late receipt of notice as good cause for its Petition not being timely filed.

5 **COMMISSION DETERMINATION:** The Commission finds that each petitioner has demonstrated a substantial interest in this proceeding, limited in the cases of the City of Kent and Kroger to the specific issues identified, but not limited in the case of the Federal Executive Agencies by virtue of that party’s reservation of issues that might appear through discovery. There is nothing to indicate that Kroger, or its affiliates are members of ICNU or NWIGU. In any event, the Commission finds that separate participation by Kroger, the only large commercial customer to seek independent representation in this proceeding, is in the public interest. The Commission finds that each petitioner has established good cause for its late filing.

6 The Commission grants these three late-filed petitions to intervene. Participation by the City of Kent and by Kroger is limited to the issues described in the preceding section of this Order. The Federal Executive Agencies’ intervention is granted without limitation as to issues.

DATED at Olympia, Washington, and effective this 17th day of January, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DENNIS J. MOSS,
Administrative Law Judge