

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of

PUGET SOUND ENERGY

For an Order Authorizing the Sale of All
of Puget Sound Energy's Interests in
Colstrip Unit 4 and Certain of Puget
Sound Energy's Interests in the Colstrip
Transmission System

DOCKET UE-200115

ORDER 03

GRANTING LATE-FILED PETITION
TO INTERVENE

BACKGROUND

- 1 On February 19, 2020, Puget Sound Energy (PSE or Company) filed with the Washington Utilities and Transportation Commission (Commission) an Application for an Order Authorizing the Sale of All of PSE's Interests in Colstrip Unit 4 and Certain of PSE's Interests in the Colstrip Transmission System (Application).
- 2 On March 13, 2020, the Commission convened a prehearing conference in this docket.
- 3 On March 23, 2020, the Commission issued Order 02, Prehearing Conference Order, which, among other things, granted the timely petitions to intervene of the Alliance of Western Energy Consumers, the Sierra Club, Natural Resources Defense Council, NW Energy Coalition, Renewable NW, Avista Corp. d/b/a Avista Utilities, PacifiCorp d/b/a Pacific Power & Light Co., and Portland General Electric.
- 4 On April 30, 2020, Microsoft Corp. (Microsoft) filed with the Commission a Late-filed Petition to Intervene (Petition).
- 5 On April 30, 2020, the Commission issued a Notice of Opportunity to Respond to Microsoft's Petition by May 8, 2020. The Commission received no responses objecting to Microsoft's Petition. The only response received by the Commission was from the Public Counsel Unit of the Washington Attorney General's Office, which stated that it did not oppose the Petition.

DISCUSSION

6 We grant Microsoft’s Petition. The Administrative Procedure Act (APA) states that a presiding officer may grant a petition to intervene in an adjudication “upon determining that the petitioner qualifies as an intervenor under any provision of law and that the intervention sought is in the interests of justice and will not impair the orderly and prompt conduct of the proceedings.”¹ Commission rules provide the presiding officer with discretion to grant intervention “[i]f the petition discloses a substantial interest in the subject matter of the hearing or if the petitioner’s participation is in the public interest.”² For late-filed petitions to intervene, the Commission may grant the petition “only on a showing of good cause, including a satisfactory explanation of why the person did not timely file a petition to intervene.”³

7 We agree with Microsoft that it has a substantial interest in this proceeding, summarized in its Petition as follows:

Microsoft takes delivery service from PSE pursuant to a special contract the Commission approved in Docket No. UE-161123. The Commission-approved stipulation in that docket reserves for other proceedings a determination of Microsoft’s potential obligation to contribute to decommissioning and remediation costs associated with PSE’s interest in Colstrip. The Proposed Transactions under review in this proceeding define the scope of PSE’s decommissioning and remediation cost responsibility for Colstrip Unit 4. Accordingly, the Proposed Transactions, if approved, may have a direct and substantial impact on the amount of decommissioning and remediation costs ultimately allocated to Microsoft.⁴

8 Microsoft explains that its petition to intervene was not timely filed because it was not readily apparent whether PSE’s filing presented any implications for Microsoft’s responsibility for decommissioning and remediation costs associated with Colstrip. From

¹ RCW 34.05.443(1).

² WAC 480-07-355(3).

³ WAC 480-07-355(1)(b).

⁴ Internal citations omitted.

our perspective, PSE's Application is clear. As such, we find Microsoft's explanation only somewhat satisfactory. Nevertheless, we grant Microsoft's Petition based on its demonstrated substantial interest in this proceeding, which no other party contests. Accordingly, we find good cause to grant Microsoft's Petition.

ORDER

9 **THE COMMISSION ORDERS** that Microsoft Corp.'s Late-filed Petition to Intervene is GRANTED.

DATED at Lacey, Washington, and effective May 12, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ *Andrew J. O'Connell*

ANDREW J. O'CONNELL
Administrative Law Judge

NOTICE TO PARTIES: This is an Interlocutory Order of the Commission. Administrative review may be available through a petition for review, filed within 10 days of the service of this Order pursuant to WAC 480-07-810.