

**BEFORE THE**

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of	)	
	)	
PUGET SOUND ENERGY, INC., and	)	
NW ENERGY COALITION	)	
	)	
For an Order Authorizing PSE to Implement	)	DOCKET NOS. UE-121697/UG-121705
Electric and Natural Gas Decoupling	)	(Consolidated)
Mechanisms and to Record Accounting	)	
Entries Associated with the Mechanisms	)	
	)	
WASHINGTON UTILITY	)	
TRANSPORTATION COMMISSION	)	DOCKET NOS. UE-130137/UG-130138
	)	(Consolidated)
Complainant,	)	
v.	)	
PUGET SOUND ENERGY, INC.	)	REPLY OF ICNU TO THE RESPONSE
	)	OF PSE TO ICNU’S MOTION
Respondent	)	REQUESTING AUTHORIZATION TO
	)	FILE SUPPLEMENTAL TESTIMONY

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1           The Industrial Customers of Northwest Utilities (“ICNU”) submits to the Washington Utilities and Transportation Commission (“WUTC” or the “Commission”) this Reply to Puget Sound Energy’s (“PSE”) Response to ICNU’s Motion Requesting Authorization to File Supplemental Testimony (“Response”). ICNU seeks to respond to misrepresentations of fact made by PSE in its Response.

2           PSE argues that the parties have known for several months that PSE’s Commission Basis Report would be filed at the end of April, and this filing should not be a reason to revise the procedural schedule.<sup>1/</sup> ICNU’s motion, however, does not seek to revise the procedural schedule in these dockets. Despite PSE’s allegation that ICNU

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<sup>1/</sup> Response at ¶3.

ignored the filing date of PSE’s Commission Basis Report, ICNU tried repeatedly to obtain a longer procedural schedule, recognizing, among other things, the likely importance of analyses of PSE’s Commission Basis Report to developing a full and accurate record for the Commission.<sup>2/</sup> PSE has vigorously objected to ICNU’s efforts to lengthen the procedural schedule and now claims undue prejudice as a result of the expedited schedule it has advocated for. PSE should not now be able to claim such prejudice as a result of this tight schedule, when it has consistently objected to efforts to lengthen the timing of this proceeding. PSE also disputes ICNU’s reliance on past Commission precedent for granting motions to file supplemental testimony,<sup>3/</sup> arguing “this case is in a much different procedural posture than the case cited by ICNU.”<sup>4/</sup> PSE’s argument is wholly inapposite, as this is the first Expedited Rate Filing the WUTC has ever considered. As a result, there are obviously no cases with a similar procedural posture.

3 PSE further argues that it will be unduly prejudiced by the introduction of additional evidence at this stage in the proceedings.<sup>5/</sup> PSE does not specifically say how it will be prejudiced, but implies that the shortened schedule will prevent it from accurately reviewing and responding to Mr. Gorman’s analysis of PSE’s own Commission Basis Report. PSE asserts that its witness, Ms. Barnard, was unable to respond fully to Mr. Gorman’s analysis because of the tight filing schedule. PSE,

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<sup>2/</sup> See e.g., Response of ICNU to Public Counsel Objection to Order 02 Schedule at ¶ 4 (April 4, 2013).

<sup>3/</sup> WUTC v. PSE, Docket Nos. UE-072300/UG-072301, Order 08 at ¶¶ 9, 10 (May 5, 2008).

<sup>4/</sup> Response at ¶2.

<sup>5/</sup> Id.

however, made no effort to ask for more time to review the testimony, therefore its claims of prejudice should be discounted at least to the extent that it took no additional measures to respond. Accordingly, PSE faces no more prejudice than ICNU does as a result of the shortened schedule, and its claimed prejudice certainly does not outweigh the Commission's interest in developing a full and accurate record in this proceeding.

4           In addition, the Commission has before it two other motions to file supplemental testimony on behalf of the Energy Project and Northwest Industrial Gas Users. These motions are in support of the joinders of those parties to the Global Settlement, which Joinders were filed by PSE. These two motions seek to introduce testimony supporting recent and substantial changes to the proposed settlement and were filed two days and seven days, respectively, *after* ICNU's motion. It would be fundamentally unfair to grant these motions while rejecting ICNU's more promptly filed motion, given that ICNU has no opportunity whatsoever to respond to this later filed testimony by NWIGU and the Energy Project.

5           Finally, PSE asserts that Mr. Gorman's testimony is not relevant to the Multiparty Settlements in these proceedings.<sup>6/</sup> First, PSE's assertions are incorrect because Mr. Gorman's analysis will supplement and update his previous testimony regarding PSE's financial performance for 2012, an issue which is certainly central in the current proceeding. Additionally, PSE's concerns about relevance at this stage in the proceeding

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<sup>6/</sup> Id. at ¶4.

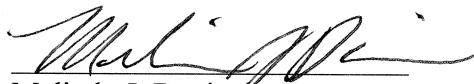
are illusory; ultimately, the Commission will decide the proper weight to give to Mr. Gorman's testimony.

Accordingly, ICNU respectfully asks the Commission to grant ICNU's Expedited Motion Requesting Authorization to File Supplemental Testimony.

Dated in Portland, Oregon, this 15th day of May, 2013.

Respectfully submitted,

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