

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Request of)	DOCKET NO. UE-031353
)	
Puget Sound Energy,)	ORDER NO. 02
)	
Petitioner,)	
)	
Seeking Exception to the Provisions)	
of WAC 480-107-060(2)(b) Relating)	
to Length of Public Comment)	ORDER GRANTING
Period and Commission Action)	EXCEPTION TO RULE
.....)	

BACKGROUND

- 1 On November 14, 2003, in its First Order in this Docket, the Commission required Puget Sound Energy (PSE, or Company) to file an “all source” request for proposals (RFP) by December 31, 2003. On November 25, 2003, Puget Sound Energy, made a compliance filing of a Draft RFP and Request to Shorten Time for Public Comment. It contained a request for exception to WAC 480-107-060(2)(b).

- 2 WAC 480-107-060(2)(b) requires electric companies to file a draft RFP ninety days before its proposed issuance date and to allow a sixty-day period for written comment.

- 3 PSE stated it believes it to be in the public interest to shorten the comment period so as to allow rapid publication of the RFP. This action would make its process of price discovery more contemporaneous with that of the Wind RFP, which was conditionally approved in the Commission’s First Order in this Docket. PSE asks that the comment period terminate on January 6, 2004, and that Commission action be completed at the open public meeting of January 28, 2004. The resulting written comment period is 27 and the period for Commission action is 22 days.

4 Commission Staff reviewed the request and recommended granting PSE's request for exception. The public interest would be best served with a shortened process period to allow more contemporaneous effect of the "all source" and wind RFPs. Relevant parties were already put on some notice when the Commission addressed the wind RFP and such parties are likely to be both sophisticated and active in this field.

FINDINGS AND CONCLUSIONS

- 5 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the authority to regulate rates, rules, regulations, practices, accounts, securities, and transfers of public service companies, including electric companies. *RCW 80.01.040; Chapter 80.04 RCW and Chapter 80.28 RCW.*
- 6 (2) Puget Sound Energy is engaged in the business of providing electric services within the state of Washington and is a public service company subject to the jurisdiction of the Commission.
- 7 (3) PSE is subject to the provisions of WAC 480-107-060, requiring electric to file a draft RFP ninety days before its proposed issuance date and to allow a sixty-day period for written comment.
- 8 (4) WAC 480-107-170(3) provides that the Commission may grant an exception to the provisions of any rule in Chapter 480-107 WAC as may be appropriate in individual cases.
- 9 (5) This matter was brought before the Commission at its regularly scheduled meeting on December 10, 2003.
- 10 (6) After review of the petition filed in Docket UE-031353 by PSE on

November 25, 2003, and giving due consideration, the Commission finds that the exception is reasonable and should be granted.

ORDER

THE COMMISSION ORDERS:

- 11 (1) After the effective date of this Order, Puget Sound Energy is granted a waiver from WAC 480-107-060(2)(b), requiring a sixty-day period of written comment.
- 12 (2) Notice of Opportunity for written Comment will commence today, December 10, 2003, and terminate January 6, 2004.
- 13 (3) The Commission retains jurisdiction over the subject matter and Puget Sound Energy to effectuate the provisions of this Order.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective this 10th day of December, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary