

Rob McKenna ATTORNEY GENERAL OF WASHINGTON

800 Fifth Avenue #2000 • Seattle WA 98104-3188

August 25, 2009

VIA ELECTRONIC FILING & ABC/LMI

David Danner
Executive Director and Secretary
Washington Utilities & Transportation Commission
1300 S. Evergreen Pk. Dr. S.W.
P. O. Box 47250
Olympia, WA 98504-7250

Re: Washington Util

Washington Utilities and Transportation Commission v. Puget Sound Energy

Docket Nos. UE-090704 and UG-090705

Dear Mr. Danner:

Enclosed please find the original and sixteen (16) copies of Public Counsel Objection to PSE Customer Notice, for filing in the above-entitled docket.

Simon V. ffitch

Sincerely,

Senior Assistant Attorney General

Public Counsel (206) 389 2055

SJf:mh Enclosures

cc: Service List (First Class Mail & E-mail)

ALJ Dennis J. Moss (by E-mail only)

CERTIFICATE OF SERVICE Docket No. UE-090704 and UG-090705

I hereby certify that a true and correct copy of the Public Counsel Status Report Regarding

PSE Customer Notice was sent to each of the parties of record shown on the attached Service List in
sealed envelopes, via:

First Class Mail and Electronic Mail

DATED: <u>August 25,</u> 2009,

Mary E. Harper Legal Assistant

Docket Nos. UE-090704 & UG-090705 PSE GRC 2009

SERVICE LIST

PSE:

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THE KROGER CO:

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PAULA E PYRON EXECUTIVE DIRECTOR NORTHWEST INDUSTRIAL GAS USERS 4113 WOLFBERRY COURT LAKE OSWEGO OR 97035 1827 **WUTC STAFF:**

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COST MANAGEMENT SERVICES:

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FEDERAL EXECUTIVE **AGENCIES:** NORMAN FURUTA ASSOCIATE COUNSEL DEPARTMENT OF THE NAVY

1455 MARKET STREET #1744

SAN FRANCISCO CA 94103 1399

NUCOR STEEL SEATTLE, INC.

DAMON E XENOPOULOS ESQ SHAWN C MOHLER ESQ PETER G HALLER ESQ BRICKFIELD BURCHETTE RITTS & STONE 1025 THOMAS JEFFERSON ST NW 8TH FLOOR WEST TOWER WASHINGTON DC 20007

BEFORE THE WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,

Complainant,

v.

1.

PUGET SOUND ENERGY, INC.,

Respondent.

DOCKET NO. UE-090704

and

DOCKET NO. UG-090705 (consolidated)

PUBLIC COUNSEL OBJECTION TO PSE CUSTOMER NOTICE

I. INTRODUCTION

Public Counsel files this Objection to the Puget Sound Energy (PSE) proposed customer notice in this case. As stated in the Status Report filed on August 24, 2009, Public Counsel did not reach agreement with PSE and Commission Consumer Protection and Communications (CPC) staff with respect to the notice. The purpose of the filing is to make Public Counsel's concerns a matter of record in the proceeding. Public Counsel does not request relief with respect to the notice, unless the Commission wishes to review the matter on its own motion. Public Counsel has no objection to PSE, CPC, or other parties making filings for the record on this issue.

In summary, Public Counsel objects to the proposed customer notice¹ because it removes two components agreed to by PSE and included in PSE's prior rate case notice:² (1) the separate statement of the amount of the rate increase attributable to the requested increase in return on shareholder investment (return on equity); and (2) removal of the customer comment card. Both components were beneficial for customers. Their removal, with the concurrence of CPC staff, is not adequately justified by PSE and diminishes the quality and effectiveness of the PSE notice.

2.

3.

4.

II. OBJECTION

A. Background

For a number of years, Public Counsel has coordinated with CPC staff and company representatives as a matter of standard practice to provide input on the content and format of regulated company customer notices, including PSE notices. In the majority of cases, good faith productive negotiations have resulted in consensus changes and improvements to the form and content of the notice ultimately issued.

In the PSE 2008 rate case, Public Counsel, PSE, and CPC agreed upon a new format for PSE's customer notice to be included in bills. Public Counsel believes the 2008 notice adopted significant improvements in graphics, readability, and content over earlier forms of the notice. A new feature of the notice was a detachable, customer comment card for customers to use in providing written comments to the Commission. The notice also included a statement of the dollar amount of the gas and electric rate request attributable to the increased return on equity

(206) 464-7744

¹ Public Counsel requested that PSE provide a copy of the form of notice agreed to between CPC and PSE for attachment to the status report. The copy has not yet been made available.

WUTC v. PSE, UE-072300, UG-072301 (The case was primarily litigated during 2008 and is here referred to as "2008 rate case"). PSE's notice in its Macquarie sale docket, U-072375, also included a customer "comment card."
 PUBLIC COUNSEL STATEMENT OF OBJECTION 2 ATTORNEY GENERAL OF WASHINGTON Public Counsel
 DOCKET NOS. UE-090704 AND UG-090705
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 BOOKET NOS. UE-090704 AND UG-090705

(termed "return on shareholder investment"). A copy of the customer notice from the PSE 2008 general rate case is attached as Appendix A.

5.

The opportunity to comment on the 2008 PSE rate (and merger) cases received significant media coverage, including television reports, specifically emphasizing the customer comment card option. The customer comment card was used by a large number of PSE customers to comment on the case and a total of over 7200 comments of all types were received.³ This is a significant increase over recent PSE dockets. The volume of comment cards created processing and workload problems for CPC staff, in part due to technical format issues with the card. It is Public Counsel's understanding, however, based on participation in subsequent proceedings and discussions with CPC staff, that the technical format issues were remedied in subsequent comment cards used in other company notices in 2008 and 2009.

6.

At a May 6, 2009, meeting with PSE and other parties to preview the 2009 PSE general rate case filing, Public Counsel informed PSE senior representatives of Public Counsel's expectation that development of the public notice should be straightforward because the agreed format from the 2008 cases could simply be updated to reflect the data from new case. PSE did not initiate discussions regarding the notice or provide a draft until after the prehearing conference.

7.

At the June 22, 2009, Prehearing Conference, PSE opposed the standard practice of setting a status report date for customer notice. In answer to a question from the bench on the matter, Public Counsel indicated that the PSE notice was resolved to our satisfaction in the last case and that disputes were not anticipated.⁴ Judge Moss stated:

³UE-072300, UG-072301 (2008 PSE rate case), Offer of Public Testimonial Exhibit No. 9.

⁴ TR. 23:2- 25:17.

It sounds to me like in this instance, cooperation will be the order of the day, and that you have in the past, particularly with the last case, reached a point where Public Counsel was satisfied, and probably you should follow that as a guide in this case as well so that any disputes can be minimized [.]⁵

- 8. The day after the Prehearing Conference, Public Counsel analyst, Lea Daeschel, initiated contact with PSE and CPC notice staff. PSE staff stated that a draft notice would be forthcoming the week of July 6.
- 9. PSE provided a draft customer notice to CPC and Public Counsel on July 9, 2009. A copy is attached as Appendix B. The notice departed from the agreed format used in the 2008 rate case in the following major respects:
 - Removed a statement of the amount of the request attributable to the increased return on equity ("return on shareholder investment") requested.
 - Removed the customer comment card.
 - Removed or changed specific explanatory, disclaimer and caveat language intended to clarify average bill impact data.
 - Removed the statement that the public is represented by the Public Counsel office, with contact information for the office.
 - Included a new and non-standard way of calculating per unit (kwh or therm) rate information. This new method added the customer charge increase to the actual kwh or therm rate to create a hypothetical volumetric rate that included all charges, both the true volumetric and the flat customer charge.⁶
- 10. The July 9 draft notice was the first time Public Counsel was made aware that PSE was not willing to continue to use the agreed format and content from the 2008 customer notice.

⁵ TR. 25:5-11. PUBLIC COUNSEL STATEMENT OF OBJECTION TO PSE CUSTOMER NOTICE DOCKET NOs. UE-090704 AND UG-090705

11. Subsequently, during July, Public Counsel, PSE, and CPC staff conferred and exchanged comments and drafts regarding the notice. Public Counsel expressed disagreement with the departures from the 2008 consensus notice, including elimination of the comment card. As noted, consensus was not reached by the July 23 status report date. After further negotiations, PSE agreed to reinstate some of the items above, but continues to oppose inclusion of the return on equity information or the customer comment card.

В. Discussion

- *12.* Public Counsel understands, based on PSE statements, that it does not support the comment card because the cards do not yield new information, because the rate case is not a voting process, and because the CPC staff does not support use of the cards.⁷
- *13*. It is Public Counsel's understanding that CPC does not support inclusion of the customer cards because the cards are not required by rule, because they do not add any useful quality information to the record, and because they create workload and processing problems. CPC has also stated a preference for on-line customer comment. Public Counsel is not aware of the basis for CPC's agreement to removal of the shareholder return information.
 - By agreement between company representatives, CPC staff, and Public Counsel, customer comment cards were incorporated in the customer notices in the Avista, PacifiCorp and Northwest Natural Gas general rate cases in 2008, and have been agreed to in the Avista and PacifiCorp 2009 general rate cases

Public Counsel

14.

⁶ Public Counsel raised concerns that (1) this approach was confusing and difficult for customers to use to calculate rate impact accurately, and (2) it was inconsistent with other per unit information provided elsewhere in the notice. PSE agreed to change the presentation of the data.

⁷ PSE has also stated it is concerned about the cost of the card stock paper and that it was burdensome to handle some comment cards sent to PSE by mistake. Public Counsel notes that the cost of the card stock is paid for by customers. There is no evidence it is excessive nor that forwarding misdirected comments is seriously burdensome. ATTORNEY GENERAL OF WASHINGTON

15.

Public Counsel views the customer comment card as an innovative and successful userfriendly effort to improve opportunities for customer input in significant utility cases. Its introduction and use based on consensus between companies, CPC, and Public Counsel has been a positive development in customer notice format. Customer cards are in use by other companies at the present time. It is particularly helpful for the significant portion of customers who do not have access to the internet or email. For many customers, it is convenient even by comparison to use of email or traditional written comments. Public Counsel strongly disagrees with, and, frankly finds concerning, the view that additional customer comment is of no value to the process. This runs contrary to the Commission's interest in facilitating customer input and participation in the regulatory process.

16.

The removal of specific information about the financial impact of increased return on equity previously provided by PSE, appears to be nothing more than an effort to obscure customers' better understanding of the basis of rate request. The Commission rules require "a brief explanation of the reason(s) the company has requested the rate change [.]"8 The significance of the ROE component is recognized in the requirement of WAC 480-07-510(4) that the "summary document" filed with the rate filing specifically identify the increased ROE requested. Public Counsel estimates the requested increase in cost of capital in this case would impact gas and electric rates by approximately \$34.5 million (\$24.1 million for ROE, \$10.4 million for difference in capital structure). This is easily comparable in significance to other components of the request that are listed in the notice. 9 Neither PSE nor CPC staff have

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Furthermore, subsequent formatting changes to the comment card by CPC staff have reduced the misdirection of

⁸ WAC 480-120-194(4)(c) (providing example).

⁹ The proposed 2009 notice (Appendix B) lists the components as "generation capital," "distribution, transmission and other expenses," infrastructure capital investments" and power production expenses."

PUBLIC COUNSEL STATEMENT OF OBJECTION 6 ATTORNEY GEN

TO PSE CUSTOMER NOTICE

explained why this information, provided last year, is now not relevant to customers. Given the change of ownership of PSE, it is arguably of even more relevance and interest to customers than in past years.

III. CONCLUSION

17. For these reasons, Public Counsel does not concur with and objects to the customer notice which PSE is proposing to use in this case. Because these matters are not directly addressed in the Commission's current rules, it may be appropriate at a future time to pursue a rulemaking regarding customer notice issues to provide clarification and guidance to the parties.

Dated this 25th day of August, 2009.

ROBERT M. McKE Attorney General

Simon J ffitch

Senior Assistant Attorney General

Public Cour

NOTICE OF REQUESTED RATE INCREASE

You have an opportunity to comment on PSE's requested rate increase. The Washington Utilities and Transportation Commission will hold three public hearings on this rate request as well as PSE's merger application.

(Please see separate notice for additional merger information)

In December 2007, Puget Sound Energy (PSE) asked the Washington Utilities and Transportation Commission (UTC) for approval to increase its rates by \$174.5 million (9.5 percent overall) for electric customers and \$\overline{7}\$\$ \$56.7 million (5.31 percent overall) for gas customers. The primary purpose of these increases would be to recover PSE's costs, including:

- New plant to provide service to customers—increases of \$25.8 million for electric and \$15.5 million for natural gas.
- Depreciation costs—increases of \$12.8 million for electric and \$18.9 million for natural gas.
- \$55.1 million for increases in electric power cost.
- Return on shareholder investment—increases of \$12.2 million for electric and \$5.0 million for natural gas.
- \$16.6 million increase in costs related to storm damage restoration. This amount is a portion of the

6:30 p.m. Public hearing dates and locations

May 15 Bellevue

Bellevue Community College Room 130 B 3000 Landerholm Circle S.E.

May 20 Bellingham

Bellingham Senior Activity Center 315 Halleck Street

June 4 Olympia

Washington Utilities and Transportation Commission 1300 S. Evergreen Park Dr. S.W.

\$83.6 million total cost of the 2006 Hanukkah Eve storm, as well as a portion of the \$28.5 million from other 2003 through 2007 storms. PSE's request would collect the total storm costs in rates over a period of years.

The UTC has the authority to approve rates that are higher or lower than PSE's request depending on the results of its investigation. The UTC will conduct an investigation to determine if the proposed rates are fair. The UTC staff, PSE, Public Counsel Section of the Attorney General's Office, and other parties will participate. The new rates will become effective upon completion of the UTC's investigation, which may take up to 11 months.

The UTC will hold three public hearings so that customers have an opportunity to tell the UTC commissioners their opinions about the rate increase request.



You are invited to comment to the UTC:

- in person at one of three public hearings (outlined in this notice)
- in writing (see card at right): UTC
 P.O. Box 47250
 Olympia, WA 98504-7250
- by telephone at: 1-800-562-6150
- via UTC web form: http://www.utc.wa.gov/comment
- by email at: comments@utc.wa.gov
- by fax at: 360-664-4291

Please reference docket numbers UE-072300 (electric) and/or UG-072301 (natural gas) in your correspondence.

ustomer Name:	
ddress:	
	Email:
ocket Number: 🔲 UE-072300 (electric)	☐ UG-072301 (natural gas)
omments:	
	none:

APPENDIX A Page 1 of 2

Effects on residential customers

Based on the overall or average Increase (1) shown below, the request will result in increases for the typical residential electric and for the typical natural gas customer as follows:

Electric Service at 1000 kWh per month(2):			
and the second s	Current Bill	Proposed	
Average rate (3) per kwh	8.53¢	9.29¢	
Basic charge per month	\$6.02	\$9.00	
Total	\$91.27	\$101.91	

Natural Gas Service at 68 therms per month ⁽²⁾ :				
Current Bill Proposed				
Average rate (4) per therm	31.248¢	23.719¢		
Basic charge per month	\$8.25	\$18.00		
Total	\$82.08	\$86.68		

Note: The figures shown here are ranges and averages. It is not possible to set out every service or every variation in this brief notice.

Summary of requested rate increases

	_	-
Electric	Overall \$ Increase \$174,482,512	Overall % Increase 9.5%
Type of Service	Electric Schedule(s)	Average Increase ⁽¹⁾
Residential	7	11.8%
Non-Residential	24, 25,	6.4%
Secondary Voltage	26, 29	
Non-Residential Primary	31, 35, 43	9.4%
Campus	40	5.0%
Non-Residential High Voltage	46, 49	9.4%
Non-Residential	440 450	0.40/
Primary/High Voltage	449, 459	9.4%
Lighting	50-59	7.1%

⁽¹⁾ Individual rate schedules will see a greater or lesser increase than the overall or average Increase shown depending on the amount of usage.

Natural Gas	Overall \$ Increase \$56,770,922	Overall % Increase 5.31%
Type of Service	Natural Gas Schedule(s)	Average Increase ⁽¹⁾
Residential	23	5.73%
Commercial & Industrial	31	6.86%
Non-Residential		
High Load Factor	41	0.00%
Non-Residential Interruptible	85	0.00%
Non-Residential Interruptible	86	-1.76%
Non-Residential Interruptible	87	3.64%
Non-Residential Transportation	57	23.89%
Compressed for Vehicles	50	4.05%
Rental Water Heaters/Burners	71-74	5.20%

PSE has proposed to increase the monthly residential natural gas basic charge from \$8.25 to \$18.00, to cancel Schedules 36 and 51 and revise and expand schedules for transportation service and cancel Schedule 57 in 2012.

Comments: (continued)	 	
,	 	

The public is represented by the Public Counsel Section of the Washington Attorney General's Office. You can contact the office at:

Public Counsel Assistant Attorney General 800 5th Avenue, Suite 2000 Seattle, WA 98104-3188

or by email: utility@atg.wa.gov

To contact Puget Sound Energy, you may reach us in writing at:

Puget Sound Energy Attn.: Customer Service P.O. Box 90868 Bellevue, WA 98009-0868

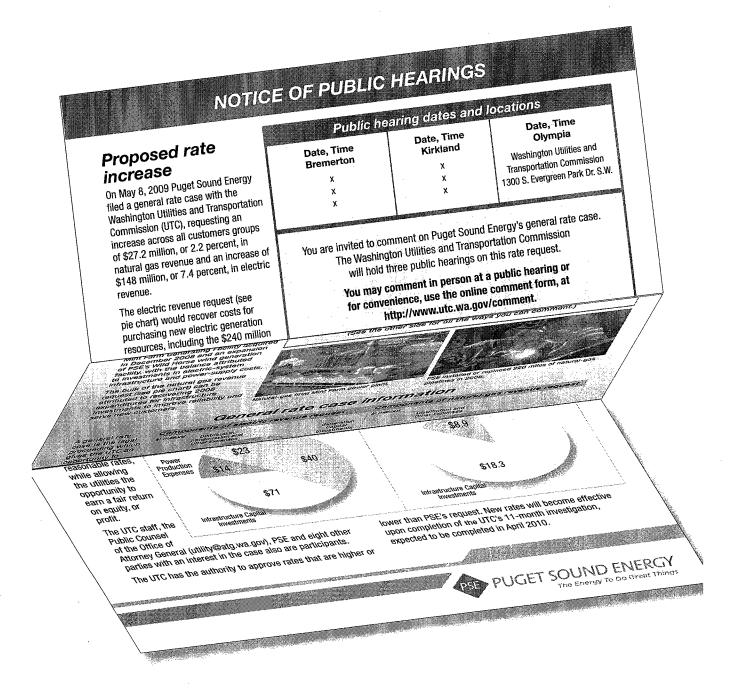
or by e-mail:

generalratecase@pse.com

For more information visit PSE.com or call 1-888-225-5773, press option 4.

⁽¹⁾ Individual rate schedules will see a greater or lesser increase than the overall or average Increase shown depending on the amount of usage.

Most electric and all gas customers are billed monthly. Some electric customers are billed every other month.
 Current and proposed electric rates shown above represent the average cost of energy and other per kwh charges.
 Current and proposed natural gas rates shown above represent per therm charges except for the cost of the gas commodity.



Insert will be z-folded to draw customers' immediate attention to the public hearing information and invitation to comment on the general rate case.

APPENDIX B Page 1 of 3

NOTICE OF PUBLIC HEARINGS

Proposed rate increase

On May 8, 2009 Puget Sound Energy filed a general rate case with the Washington Utilities and Transportation Commission (UTC), requesting an increase across all customers groups of \$27.2 million, or 2.2 percent, in natural gas revenue and an increase of \$148 million, or 7.4 percent, in electric revenue.

The electric revenue request (see pie chart) would recover costs for purchasing new electric generation resources, including the \$240 million Mint Farm Generating Facility acquired in December 2008 and an expansion of PSE's Wild Horse wind generation facility, with the balance attributed to investments in electric-system infrastructure and power-supply costs.

The bulk of the natural gas revenue request (see pie chart) can be attributed to recovering 2008 expenditures for infrastructure investments to improve reliability and serve new customers.

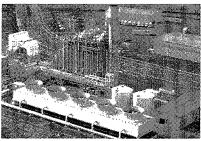
Public he	earing dates and	locations
Date, Time Bremerton	Date, Time Kirkland	Date, Time Olympia
Х	X	Washington Utilities and
x	Х	Transportation Commission
. x	Х	1300 S. Evergreen Park Dr. S.W.

You are invited to comment on Puget Sound Energy's general rate case.

The Washington Utilities and Transportation Commission
will hold three public hearings on this rate request.

You may comment in person at a public hearing or for convenience, use the online comment form, at http://www.utc.wa.gov/comment.

(See the other side for all the ways you can comment.)



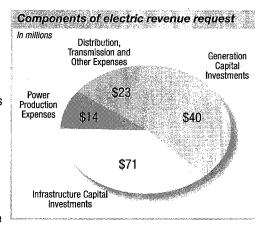


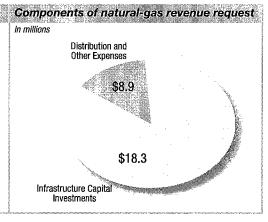


PSE installed or replaced 220 miles of natural-gas pipelines in 2008.

General rate case information

A general rate case is the legal proceeding which gives the UTC an opportunity to examine a utility's operations and costs to ensure regulated companies provide safe and reliable service to customers at reasonable rates, while allowing the





utilities the opportunity to earn a fair return on equity, or profit.

The UTC staff, the Public Counsel of the Office of Attorney General (utility@atg.wa.gov), PSE and eight other parties with an interest in the case also are participants.

The UTC has the authority to approve rates that are higher or lower than PSE's request. New rates will become effective upon completion of the UTC's 11-month investigation, expected to be completed in April 2010.

Effects on residential customers

The monthly bill effect of the general rate increase for the typical residential electric and for the typical natural gas customer is shown in this chart:

Electric service at 1,000 kWh per month					
	Current bill	Proposed, effective April 2010			
Average rate per kWh	8.34¢	9.11¢			
Basic charge per month	\$7.00	\$7.59			
Total	\$90.45	\$98.68			

Natural gas service at 68 t		
	Current bill	Proposed, effective April 2010
Average rate per therm	34.93¢	37.39¢
Basic charge per month	\$10.00	\$10.73
Total	\$94.80	\$97.21

Summary of requested rate increases

Natural Gas Schedule	Type of Service	Current Average Rate per Therm	Proposed Average Rate per Therm	Percent Change
23	Residential	\$1.402	\$1.437	2.5%
31	Commercial & Industrial	\$1.303	\$1.332	2.2%
41	Large Volume	\$1.112	\$1.120	0.7%
85	Interruptible	\$0.971	\$0.974	0.4%
86	Limited Interruptible	\$1.086	\$1.086	0.0%
87	Non-exclusive Interruptible	\$0.920	\$0.924	0.5%
41T	Large Volume Transportation	\$0.208	\$0.216	3.9%
85T	Interruptible Transportation	\$0.098	\$0.101	3.7%
87T	Non-exclusive Interruptible Transportation	\$0.043	\$0.046	7.2%
16	Gas Lighting	\$1.670	\$1.725	3.3%
53	Propane	\$3.518	\$3.560	1.2%
61	Standby & Auxiliary Heating	\$0.100	\$0.110	10.0%
	Special Contracts	\$0.047	\$0.048	3.1%
71, 72, 74	Rentals	-		2,2%

Electric Schedule	Type of Service	Current Average Rate per kWh	Proposed Average Rate per kWh	Percent Change
7	Residential	9.062¢	9.897	9.2%
24	Secondary Voltage (50 kW or less)	9.342¢	9.929	6.3%
25	Secondary Voltage (over 50 kW to 350 kW)	8.748¢	9.115	4.2%
26	Secondary Voltage (over 350 kW)	7.878¢	8.537	8.4%
29	Seasonal Irrigation & Drainage Pumping	7.970¢	8.328	4.5%
31	Primary Voltage General	7.870¢	8.364	6.3%
35	Primary Voltage Irrigation	5.517¢	5.863	6.3%
43	Interruptible Total Electric Schools	8.368¢	8.894	6.3%
40	Campus Rate	6.585¢	7.156	8.7%
46	High Voltage Interruptible	5.971¢	6.471	8.4%
49	High Voltage General	6.224¢	6.745	8.4%
50-59	Lighting (Area & Street)	19.846¢	21.091	6.3%
449/459	Choice/Retail Wheeling	0.302¢	0.327	8.3%

Note: The figures above represent the averages of all applicable charges and credits by rate schedule for individual customers groups. Natural gas transportation and electric choice/Wheeling customers have rates that are significantly less than the average rates for other schedules because, in part, these customers receive only delivery, or transportation, services.

Public comment

To comment to the UTC on PSE's requested rate increase:

- in person at one of three public hearings (outlined in this notice)
- via UTC web form: http://www.utc.wa.gov/comment
- · by email at: comments@utc.wa.gov
- by telephone at: 1-800-562-6150
- in writing: UTC

P.O. Box 47250

Olympia, WA 98504-7250

• by fax at: 360-664-4291

Please reference docket numbers: UE-090704 (electric) and/or UG-090703 (natural gas) in your comment. If you have questions about the UTC's process, please contact them.

To contact Puget Sound Energy, you may reach us in writing at:

Puget Sound Energy

Attn.: Customer Service

P.O. Box 90868

Bellevue, WA 98009-0868

or by e-mail: generalratecase@PSE.com

For more information visit PSE.com or call 1-888-225-5773, press option 4.



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