

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

In the Matter of the Petition of:)	DOCKET UE-151592
)	
SIERRA CLUB, CLIMATE)	
SOLUTIONS, and WASHINGTON)	
ENVIRONMENTAL COUNCIL)	PUGET SOUND ENERGY INC.'S
)	MOTION FOR PERMISSION TO
For an Adjudicatory Proceeding)	REPLY AND REPLY TO
Relating to the Prudency of Continued)	PETITIONERS OPPOSITION TO
Investments in Colstrip Plant Units 1 and)	PSE'S MOTION TO DISMISS
2.)	
.....)	

I. MOTION REQUESTING PERMISSION TO REPLY

1 Puget Sound Energy, Inc. (“PSE”) respectfully requests permission to reply to Joint Petitioners’ Opposition to Puget Sound Energy’s Motion to Dismiss (“Opposition”). The Commission’s rules regarding motions, WAC 480-07-375 and WAC 480-07-380, do not address a reply to a motion to dismiss. However, WAC 480-07-370(1)(d) allows for parties to file a motion requesting permission to reply to an answer to a petition within five days after the answer is filed.

2 The following reply provides further authority addressing the Commission’s discretion as to whether to hold an adjudicative proceeding under the circumstances presented here, in response to arguments made by Joint Petitioners in their Opposition. For this reason, the reply should provide helpful authority to the Commission with respect to the Motion To Dismiss and the Petition filed by Joint Petitioners.

II. REPLY

The Commission Is Not Required To Commence an Adjudicative Proceeding

3 Joint Petitioners incorrectly argue that the Commission must commence an
adjudicative proceeding in response to their petition. Washington law does not require
the Commission to commence an adjudicative proceeding whenever a petition requesting
such a proceeding is filed, as Joint Petitioners claim.

4 Washington statutes and the Commission’s procedural rules make clear that the
Commission is not required to commence an adjudicative proceeding in response to Joint
Petitioners request. RCW 34.05.416 states that an agency may decide not to conduct an
adjudicative proceeding in response to an application. Further, RCW 80.04.110(3)
recognizes that the Commission may adopt rules of practice addressing complaints,
including requiring petitioners to use an informal process before filing a complaint. The
Commission has in fact adopted rules governing how requests for adjudicative
proceedings should be addressed. WAC 480-07-305(3) states that the Commission will
not initiate an adjudicative proceeding when the subject raised by the application is not
required to be resolved in an adjudicative proceeding. The Commission’s procedural
rules further require the Commission to make a determination whether to conduct an
adjudicative proceeding within 90 days after a request is filed or a response is filed,
whichever is later. WAC 480-07-305(5).

5 Thus, Joint Petitioners misunderstand the law when they argue that “[o]nce the
Commission receives such a complaint or petition under RCW 80.04.110, it has a non-

discretionary obligation to hold a hearing.”¹ Petitioners are only entitled to such a hearing if the Commission determines it is appropriate to hold an adjudicative proceeding. There is no automatic right to a hearing or an adjudicative proceeding whenever a petition or complaint is filed, as Joint Petitioners argue.


6 The subject matter raised by the Joint Petitioners is not required to be resolved in an adjudicative proceeding for the reasons set forth in PSE’s Motion to Dismiss and the Commission Staff Response Supporting PSE’s Motion to Dismiss. In fact, it is duplicative of other ongoing and scheduled proceedings. The Commission has commenced an investigation that is addressing issues with respect to decommissioning and remediation at Colstrip. The ongoing integrated resource planning proceeding (“IRP”) addresses alternative generation supplies to meet system demand. PSE’s upcoming general rate case, to be filed within the next seven months, will address the prudence of new capital expenditures at Colstrip. Therefore, WAC 480-07-305(3) provides that the Commission will not initiate an adjudicative proceeding in response to the petition filed. An adjudicative proceeding is not necessary, is duplicative, has been rejected by the Commission in the past, and is not required by Washington law.

7 For these reasons, the Petition should be dismissed.

¹ Opposition to Motion To Dismiss at ¶ 12.

Respectfully submitted this 31st day of August, 2015.

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