

BOEHM, KURTZ & LOWRY

ATTORNEYS AT LAW
36 EAST SEVENTH STREET
SUITE 1510
CINCINNATI, OHIO 45202
TELEPHONE (513) 421-2255
TELECOPIER (513) 421-2764

VIA ELECTRONIC MAIL - records@utc.wa.gov
AND OVERNIGHT MAIL

October 8, 2013

Steven V. King, Acting Executive Director and
Commission Secretary
Washington Utilities and Transportation Commission,
P.O. Box 47250
1300 S. Evergreen Park Drive, S.W.
Olympia, Washington 98504-7250

Re: Docket No. UE-130137/UG-130138 and UE-121697/UG-121705

Dear Mr. King:

Enclosed please find two originals and one (1) copy each of the JOINT MOTION TO EXTEND PROCEDURAL SCHEDULE OF THE KROGER CO., COMMISSION STAFF, NORTHWEST INDUSTRIAL GAS USERS, PUGET SOUND ENERGY, INC., NUCOR STEEL SEATTLE, INC., NW ENERGY COALITION and INDUSTRIAL CUSTOMERS OF NORTHWEST UTILITIES e-filed today in the above-referenced matters. I also include an additional sixteen (16) copies for internal distribution at the Commission.

By copy of this letter, all parties listed on the Certificate of Service have been electronically served. Please place this document of file.

Very Truly Yours,

/s/ Kurt J. Boehm, Esq.

Kurt J. Boehm, Esq.

Jody Kyler Cohn, Esq.

BOEHM, KURTZ & LOWRY

MLKkew
Enclosures
cc: Certificate of Service

**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 Electric and Natural Gas
Decoupling Mechanisms and To
Record Accounting Entries
Associated With the Mechanisms

WASHINGTON UTILITIES AND
TRANSPORTATION
COMMISSION,

Complainant,

v.

PUGET SOUND ENERGY, INC.,

Respondent.

DOCKET NOS. UE-121697
and UG-121705

DOCKETS UE-130137 and
UG-130138

**JOINT MOTION TO EXTEND
PROCEDURAL SCHEDULE**

1. Pursuant to WAC 480-07-385, The Kroger Co. (Kroger), Commission Staff, Northwest Industrial Gas Users (NWIGU), Puget Sound Energy, Inc. (Puget), Nucor Steel Seattle, Inc. (Nucor), NW Energy Coalition and Industrial Customers of Northwest Utilities (ICNU) (collectively, Movants) jointly move the Commission to extend the procedural schedule in this docket as described more fully below.¹

¹ All parties to the above-captioned dockets have been notified of the request to extend the procedural schedule. Public Counsel indicated it does not take a position on the motion, and no other non-moving party objected to the motion.

2. The Commission filed and served on June 25, 2013, Order 07, its Final Order in the above-captioned matter. On July 5, 2013, NWIGU, Kroger, and Nucor filed separate petitions for reconsideration of Order 07 and those petitions remain pending.
3. On July 19, 2013, the Commission issued a Notice providing an opportunity for all parties to file answers to the petitions for reconsideration no later than August 30, 2013. The Commission's Notice further indicated the Commission's intent to take final action on the petitions for reconsideration no later than September 20, 2013.
4. The Commission's stated basis for the schedule set forth in the Notice is the Commission's determination that it should "*establish procedures and a schedule to provide an adequate opportunity for the parties to conduct collaborative sessions to explore alternative approaches to achieving the underlying goals and purposes of decoupling for the non-residential class of customers.*"
5. Following issuance of the Commission's Notice, the parties met on two occasions to engage in the dialogue contemplated by the Commission. Although these discussions were productive, parties were not yet able to develop an agreement regarding an alternative approach to achieving the goals of decoupling for non-residential customers. On August 23, 2013 several parties jointly moved the Commission to extend the time to file answers to the petitions for reconsideration to October 14, 2013. The Commission granted the Joint Motion to Extend the Procedural Schedule on August 29, 2013.
6. Since the Commission granted the Motion to Extend on August 29, 2013, the parties have met several times, both in person and via telephone, to discuss non-residential decoupling. As a result of these discussions, substantial progress has been made by some of the parties toward reaching an agreement in principle. However, additional time is needed in order to further develop an agreement and for parties to determine their positions on any agreement.

7. Movants believe that it is in the best interests of the parties and the Commission for the Commission to allow the parties to continue to analyze, discuss and hopefully settle alternative approaches to non-residential decoupling before the Commission considers answers to the petitions for reconsideration in this matter.
8. In order to provide the parties additional time to continue the meaningful dialogue which is ongoing, Movants request that the Commission extend the procedural schedule in this docket by 18 days. As a result of the schedule modification, parties' answers to the petitions for reconsideration would be due no later than November 1, 2013. The Commission could then take action by November 22, 2013, or at such time as the Commission deems appropriate following submittal of the parties' answers.
9. This motion is being presented to the Commission by Kroger; Commission Staff, NWIGU; Puget, Nucor, ICNU,² and NW Energy Coalition have authorized Kroger to submit this motion on their behalf as well.

DATED this 8th day of October, 2013.

Respectfully submitted,



Kurt J. Boehm, Esq.
Jody Kyler Cohn, Esq.
BOEHM, KURTZ & LOWRY
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
Ph: 513-421-2255 Fax: 513-421-2764
E-mail: kboehm@BKLawfirm.com
jkyler@BKLawfirm.com

COUNSEL FOR THE KROGER CO.

² ICNU notes that it supports this extension of time but is unlikely to support any additional extension for responses to the requests for reconsideration.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the parties listed on the Certificate of Service by regular U.S. mail and electronic mail (when available) this 8th day of October, 2013.

/s/ Kurt J. Boehm, Esq.

Kurt J. Boehm, Esq.

Jody Kyler Cohn, Esq.

Amanda Goodin
Earthjustice
705 Second Avenue, Suite 203
Seattle, WA 98104
agoodin@earthjustice.org

Sally Brown
Assistant Attorney General
WUTC
PO Box 40128
Olympia, WA 98504-0128
sbrown@utc.wa.gov

Kurt J Boehm
Boehm, Kurtz & Lowry
36 E. Seventh St. STE 1510
Cincinnati, OH 45202
kboehm@BKLLawfirm.com

Melinda Davison
Davison Van Cleve
333 S.W. Taylor STE 400
Portland, OR 97204
mjd@dvclaw.com

Simon ffitc
Office of the Attorney General
800 Fifth Avenue STE 2000
Seattle, WA 98104-3188
simonf@atg.wa.gov

Ronald L Roseman
Attorney At Law
2011 - 14th Avenue East
Seattle, WA 98112
ronaldroseman@comcast.net

Sheree Carson
Perkins Coie, LLP
10885 N.E. Fourth Street STE 700
Bellevue, WA 98004-5579
scarson@perkinscoie.com

John Carr
Industrial Customers of Northwest Utilities
818 SW 3rd Avenue, #266
Portland, OR 97204
jcarr@icnu.org

Ken Johnson
Director, Rates & Regulatory Affairs
Puget Sound Energy (E012)
PO BOX 97034, PSE-08N
Bellevue, WA 98009-9734
ken.s.johnson@pse.com

Norman Furuta
Associate Counsel
Department of the Navy
1455 Market Street STE 1744
San Francisco, CA 94103-1399
norman.furuta@navy.mil

The Kroger Co.
The Kroger Co.
1014 Vine Street
Cincinnati, OH 45202

Nucor Steel Seattle, Inc.
Nucor Steel
2424 SW Andover
Seattle, WA 98106-1100

Nancy Hirsch
Northwest Energy Coalition
811 First Avenue, Suite 305
Seattle, WA 98104

Damon E. Xenopoulos
Brickfield, Burchette, Ritts & Stone
1025 Thomas Jefferson Street NE
Eighth Floor- West Tower
Washington, DC 20007
dex@bbrslaw.com

Quality Food Centers
10116 NE 8th Street
Bellevue, WA 98004

Rita Liotta
Associate Counsel
Department of the Navy
One Avenue of the Palms, Suite 161
San Francisco, CA 94130

Ed Finklea
Executive Director
Northwest Industrial Gas Users
326 Fifth Street
Lake Oswego, OR 97034
efinklea@nwigu.org

Charles M Eberdt
The Energy Project
3406 Redwood Ave
Bellingham, WA 98225
CHUCK_EBERDT@oppco.org

Fred Meyer Stores, Inc.
3800 SW 2nd Street
Portland, OR 99202

Greg J. Trautman
Assistant Attorney General WUTC
P.O. Box 40128
Olympia, WA 98504-0128