

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

)	
In the Matter of the Petition of)	DOCKET UG-151663
)	
PUGET SOUND ENERGY.)	ORDER 01
)	
for (i) Approval of a Special Contract for)	PREHEARING CONFERENCE
Liquefied Natural Gas Fuel Service with)	ORDER
Totem Ocean Trailer Express, Inc. and)	
(ii) a Declaratory Order Approving the)	NOTICE OF PREHEARING
Methodology for Allocating Costs)	CONFERENCE
Between Regulated and Non-regulated)	(Set for October 13, 2015 at 1:30
Liquefied Natural Gas Services)	p.m.)
)	
.....)	

1 **NATURE OF PROCEEDING.** On August 11, 2015, Puget Sound Energy (PSE or the Company) filed with the Washington Utilities and Transportation Commission (Commission) a Petition for Approval of a Special Contract for Liquefied Natural Gas Fuel Service with Totem Ocean Trailer Express, Inc., and a Declaratory Order Approving the Methodology for Allocating Costs between Regulated and Non-regulated Liquefied Natural Gas Services.

2 The Commission gave notice of the Petition on August 13, 2015, as required by RCW 34.05.240 and WAC 480-07-930, and invited interested persons to submit statements of fact and law on the issues.¹ On August 27, 2015, PSE, the Commission’s regulatory staff (Staff), and Northwest Industrial Gas Users (NWIGU), jointly with the Public Counsel Unit of the Washington Attorney General’s Office (Public Counsel), filed statements of fact and law. Staff, NWIGU and Public Counsel recommend that the Commission initiate an adjudicative proceeding to consider PSE’s request for approval of a special contract and ask that the Commission convert the form of PSE’s requested declaratory order proceeding, treating the matter instead as an adjudicative proceeding under part III, subpart A of the Commission’s procedural rules.² Staff, and NWIGU and Public Counsel

¹Notice of Receipt of Petition for Declaratory Order and Opportunity to Submit Statements of Fact and Law, and Notice of Opportunity to File Response to Motion for Amended Protective Order, Docket UE-151663 (August 13, 2015).

² See RCW 34.05.413 and RCW 34.05.240(5)(b); see also WAC 480-07-305 and WAC 480-07-930.

argue there is good cause to extend the period of 90 days provided under RCW 34.05.240(5)(b) for the conduct of a converted proceeding.³.

3 **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in this docket at Olympia, Washington on September 8, 2015, before Administrative Law Judge Dennis J. Moss.

4 **APPEARANCES.** Jason T. Kuzma, Perkins Coie, Bellevue, Washington, represents the Company. Patrick J. Oshie and Brett P. Shearer, Assistant Attorneys General, Olympia, Washington, represent Staff.⁴ Simon J. ffitch and Lisa W. Gafken, Assistant Attorneys General, Seattle, Washington, represent Public Counsel. Chad M. Stokes and Tommy A. Brooks, Cable Huston, Portland, Oregon, represent NWIGU. Contact information for the parties' representatives is attached as Appendix A to this Order.

5 **PETITIONS FOR INTERVENTION.** NWIGU petitioned to intervene, without objection from any party. The Commission finds that NWIGU has a substantial interest in this proceeding and that its participation will be in the public interest. NWIGU's petition to intervene is granted.

6 **DISCOVERY.** Discovery will be conducted pursuant to the Commission's discovery rules, WAC 480-07-400 – 425, and subject to a protective order with highly confidential provisions to be entered today. The Commission urges the parties to work cooperatively together to avoid having to bring discovery matters forward for formal resolution.

7 **PROCEDURAL SCHEDULE.** The parties agreed on a preliminary procedural schedule including technical conferences on September 18 and 21, and October 8, 2015. The parties agreed to reconvene in prehearing to discuss their progress on the afternoon of October 13, 2015. Based on discussions with the parties during the October 13 conference, the Commission will establish such further process and procedural dates as are appropriate to bring this docket to conclusion. The Commission adopts this preliminary procedural schedule, which is attached to this Order as Appendix B.

³ See RCW 34.05.240(6).

⁴ In formal proceedings, such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. See, RCW 34.05.455.

8 **NOTICE OF PREHEARING CONFERENCE.** The Commission will hold a second prehearing conference in this matter on **October 13, at 1:30 p.m.**, Room 139, First Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.

9 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file an original plus **one** copy of all pleadings, motions, briefs, and other prefiled materials that include all public, confidential, and highly confidential information, and **one** redacted copy of any documents bearing confidential or highly confidential designations. These materials must conform to the format and publication guidelines in WAC 480-07-395 and WAC 480-07-460. The Commission prefers that materials be three-hole punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.

10 All filings must be mailed or delivered to the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.

11 An electronic copy of all filings must be provided through the Commission's Web Portal (www.utc.wa.gov/e-filing) or by e-mail delivery to records@utc.wa.gov. Alternatively, parties may furnish an electronic copy by delivering with each filing a flash drive, DVD, or CD including the filed document(s). Parties must furnish electronic copies in MS Word 6.0 (or later) supplemented by a separate file in .pdf (Adobe Acrobat) format except as otherwise provided in this order or the Commission's procedural rules. Parties must follow WAC 480-07-140(5) in organizing and identifying electronic files.

12 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Parties must submit documents electronically to the Commission on the filing deadline established in the procedural schedule and must file an original, plus required copies of the documents with the Commission by 5:00 p.m. on the first business day following the filing deadline as provided in WAC 480-07-145(6) and in paragraph 10 of this Order. Parties may submit documents electronically through the Commission's Web Portal (www.utc.wa.gov/efiling) or by e-mail to records@utc.wa.gov. Finally, to perfect filing, parties must simultaneously serve the other parties and provide e-mail courtesy copies of filings to the presiding administrative law judge (dmooss@utc.wa.gov).

13 **CONSENT TO ELECTRONIC SERVICE.** All parties have agreed to service electronically. The Commission, therefore, may serve only electronic copies of notices and orders in this docket to the party and representative email addresses on file with the Commission.

- 14 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission does have limited ability to provide dispute resolution services; if you wish to explore those services, please call the Director, Administrative Law Division, at 360-664-1355.
- 15 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective September 9, 2015.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DENNIS J. MOSS
Administrative Law Judge

**APPENDIX A
PARTIES' REPRESENTATIVES
DOCKET UG-151663**

PARTY	REPRESENTATIVE	PHONE	E-MAIL
PSE	Ken Johnson Director - Rates & Regulatory Affairs Puget Sound Energy PO BOX 97034, PSE-08N Bellevue, WA 98009-9734	425-546-2110	ken.s.johnson@pse.com
	Jason Kuzma Perkins Coie, LLP 10885 N.E. Fourth St. Bellevue, WA 98004-5579	425-635-1400	JKuzma@perkinscoie.com
Staff	Patrick Oshie Assistant Attorney General 1400 S. Evergreen Park Dr. SW P.O. Box 40128 Olympia, WA 98504-0128	360-664-1189	poshie@utc.wa.gov
	Brett P. Shearer Assistant Attorney General	360-664-1187	bshearer@utc.wa.gov
Public Counsel	Simon J. ffitc Senior Assistant Attorney General Public Counsel Section Office of Attorney General 800 5 th Avenue, Suite 2000 Seattle, WA 98104-3188	206-389-2055	simonf@atg.wa.gov
	Lisa W. Gafken Assistant Attorney General	206-464-6595	lisaw4@atg.wa.gov
NWIGU	Ed Finklea Executive Director NWIGU 326 Fifth Street Lake Oswego, OR 97034	503-303-4061	efinklea@nwigu.org
	Chad M. Stokes Cable Huston 1001 SW Fifth Avenue, Suite 2000 Portland, OR 97204-1136	503-224-3092	cstokes@cablehuston.com
	Tommy A. Brooks Cable Huston	503-224-3092	tbrooks@cablehuston.com

**APPENDIX B
PROCEDURAL SCHEDULE
DOCKET UG-151663**

EVENT	DATE
PSE Initial Filing, Including Testimony and Exhibits	8/11/2015
Statements of Fact and Law	8/27/2015
Technical Conference	9/18/2015
Technical Conference	9/21/2015
Technical Conference	10/8/2015
Second Prehearing Conference	10/13/2015
Staff, Public Counsel, and Intervenors File Response Testimony and Exhibits	T/B/D
PSE Files Rebuttal and Other Parties File Cross- Answering Testimony and Exhibits	T/B/D
Hearing	T/B/D
Initial Briefs, if necessary	T/B/D
Reply Briefs, if necessary	T/B/D