

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

WASHINGTON UTILITIES AND  
TRANSPORTATION  
COMMISSION,

Complainant,

v.

PUGET SOUND ENERGY, INC.,

Respondent.

DOCKET NO. UG-110723

PUBLIC COUNSEL OBJECTION TO  
SCHEDULE; REQUEST FOR  
CORRECTION

**I. OBJECTION TO SCHEDULE**

1. Public Counsel hereby files its objection to adoption in Order 02 of the Puget Sound Energy, Inc. (PSE) proposed procedural schedule for this proceeding, for the reasons stated on the record at the prehearing conference on August 19, 2011. Order 02 states that the adoption of the PSE schedule is premised on the conclusion that this case involves “primarily, if not exclusively, legal and policy issues, the resolution of which should not require a lengthy procedural schedule.”<sup>1</sup> Public Counsel believes this conclusion is premature, given that PSE has not yet filed its testimony. In addition, preliminary review of the PSE pipeline tracker proposal indicates that it raises a number of material factual issues, as discussed in the Joint Motion to Consolidate of Commission Staff (Staff), Public Counsel and Northwest Industrial Gas Users (NWIGU). Because the schedule in Order 02 appears not intended to allow time for

---

<sup>1</sup> Order 02, ¶ 8.

development of factual issues, it raises due process and Administrative Procedure Act (APA) concerns.

2. Public Counsel reserves the right to request a modification to the schedule after a review of PSE's testimony and exhibits, to be filed on September 2, 2011, and after the Commission's ruling on consolidation.

## II. REQUEST FOR CORRECTION

3. Order 02 states that schedules were proposed by PSE and separately by Staff and NWIGU at the prehearing but that "Public Counsel does not support either proposal and takes the position that any schedule for proceeding on this case in isolation from the rate case is unreasonable and a denial of due process."<sup>2</sup> This does not correctly reflect the position of Public Counsel stated on the record at the prehearing. Public Counsel continues to prefer consolidation and believes the general rate case (GRC) schedule is the most reasonable alternative for development and resolution of the pipeline tracker issues. Public Counsel does not argue, however, that no other schedule is consistent with due process. If consolidation is not granted, the Staff/NWIGU schedule, or some other schedule, may be reasonable, depending on the nature of the testimony filing.

4. Public Counsel raised due process and APA objections specifically with respect to PSE's unduly abbreviated proposed schedule and to the adoption of any schedule without an evidentiary hearing.<sup>3</sup> With respect to the Staff/NWIGU schedule, Public Counsel stated:  
  
"[w]ithout seeing the Company's case, yet to be filed case, we can't make a decision ultimately

---

<sup>2</sup> Order 02, ¶ 7.

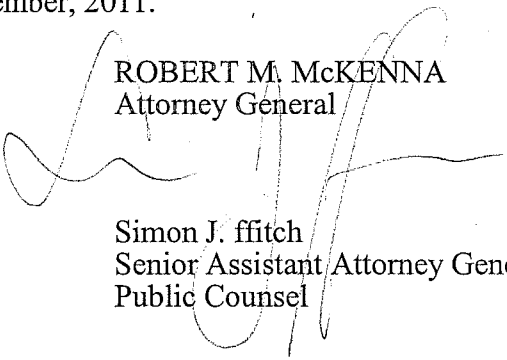
<sup>3</sup> TR. 16:22-17:3.

on whether we would object to a schedule that – to the – you know, to the viability of the Staff’s alternate schedule.”<sup>4</sup> Public Counsel expressly reserved the right to express a position after the PSE testimony was filed.<sup>5</sup>

5. Public Counsel respectfully requests that Order 02 be corrected to reflect Public Counsel’s stated positions at the prehearing conference.

6. DATED this 1<sup>st</sup> day of September, 2011.

ROBERT M. McKENNA  
Attorney General



Simon J. Ffitch  
Senior Assistant Attorney General  
Public Counsel

---

<sup>4</sup> TR. 17:14-22.

<sup>5</sup> *Id.*