

BEFORE THE STATE OF WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION

In the Matter of the Application of	) DOCKET UE-200115
	)
PUGET SOUND ENERGY	) REPLY ON PETITION
	) FOR INTERLOCUTORY
For an Order Authorizing the Sale of All of	) REVIEW OF DENIAL OF
Puget Sound Energy’s Interests in Colstrip	) LATE FILED PETITION TO
Unit 4 and Certain of Puget Sound Energy’s	) INTERVENE OF JEFF P. JORDAN
Interests in the Colstrip Transmission	)
System.	)
	)

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1. Puget Sound Energy (“PSE”) filed a “Response In Opposition to the Petition for Interlocutory Review of Denial of Late Filed Petition to Intervene of Jeff P. Jordan (“Jordan”). PSE is the only party to oppose interlocutory review. Jordan briefly replies to PSE’s arguments below to show Jordan should be granted interlocutory review and intervention.

2                                   **I. Interlocutory Review is Warranted**

PSE’s Paragraph 2 takes quotes out of context to argue that Interlocutory Review is not warranted. Jordan offers a restatement of PSE’s citation showing his position in full context:

Jordan does not claim that:

- (a) The order terminates (**Jordan’s**) participation in the proceeding, and (**Jordan’s**) inability to participate thereafter could cause (**Jordan**) substantial and irreparable harm;

However, based on information in his Petitions, Jordan suggests that the Commission might reasonably determine that:

- (b) Immediate review is necessary to prevent substantial prejudice to (**one or more parties other than Jordan**) that would not be remediable in the commission’s final order; or

Based on information on the record, the commission might also reasonably determine that

(c) Immediate review could save the commission and the parties substantial effort or expense, **or some other factor is present that outweighs the costs in time and delay of exercising review.**

3 In PSE's Paragraph 3

“While it is true that denying Mr. Jordan intervention would not allow him to participate as a party, the procedural process already provides individual citizens a mechanism to participate directly via written comment or oral comment at the public comment hearings.”

Jordan notes that written comments and oral statements are much less effective representation of interests than are testimony and participation in the process, which are only available to an intervenor.

“Moreover, Public Counsel already represents his interests.”

Jordan notes that Public Counsel has not commented on Jordan's public interest claims and may or may not have the time or the conviction to represent them. If Public Counsel were willing to commit to representing the positions that Jordan has taken in the public interest in his petitions and in this reply, Jordan would not feel required to intervene.

#### 4 **II. Jordan's Intervention in the Public Interest is Warranted**

In PSE's Paragraph 6

‘The “public interest,” in the context of public service laws, is “that only of customers of the utilities which are regulated.” The purpose of this proceeding is to determine whether the Proposed Transactions are consistent with the public interest, which are PSE's customers.’

Jordan has argued that the Commission has determined the rate payers of Avista and Pacific Corp (“utilities which are regulated”) also have an interest in this proceeding, making them part of the public interest here. Jordan has also argued that the ratepayers of all of the utilities regulated by the Commission have an interest in the reserve capacity of the Northwest Power Pool. As a result, the Commission may conclude that the public interest in this proceeding includes all of the ratepayers in Washington including Jordan, not just PSE's customers. In fact, Jordan has consistently argued that the Colstrip Transmission System is the most important consideration in this proceeding because it has the greatest public-interest value, as an essential element in getting clean power capable of replacing retiring coal plants into the Northwest Power Pool in time to prevent winter power shortages in the Northwest. This is the public interest that Jordan has been representing and proposes to continue to represent as an intervenor in these proceedings.

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**III. Jordan's Summary of the Events Leading Up to His Late-Filed Petition Are a "Satisfactory Explanation"**

*PSE's Paragraph 11*

"The Petition contains new alleged reasons for Mr. Jordan's delay. Not only is it inappropriate to provide new evidence on a petition for interlocutory review, but most of Mr. Jordan's reasons can be summarized as he was simply involved in other endeavors and did not realize the proceeding was ongoing."

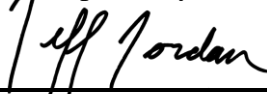
Jordan was clear the facts given were not offered as evidence but only as brief statements of what he believed at any given time for the purpose of determining what did he know and when did he know it. A Petition for Interlocutory Review must necessarily go beyond repeating the arguments that the Presiding Officer found inadequate. Jordan argues PSE's "summarized as he was simply ..." above is a mischaracterization of his Petition for Interlocutory Review and the ground in this section has been well covered in this docket, but Jordan offers this allegory to sum it up: A fellow smells smoke, opens doors, finds flames, runs out and yells "Fi ..." Guard knocks him out, saying, "he had his chance to yell six months ago."

**IV. CONCLUSION**

6. For the reasons set forth above, the Commission should overturn the Presiding Officer's decision and grant the Petitions.

Dated this 30th day of September 2020.

Respectfully submitted,



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Jeff P. Jordan