

**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

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WASHINGTON UTILITIES AND
TRANSPORTATION
COMMISSION,

Complainant,

v.

PUGET SOUND ENERGY, INC.,

Respondent.

DOCKETS UE-121697 and
UG-121705

DOCKETS UE-130137 and
UG-130138

PUBLIC COUNSEL MOTION FOR
DISCOVERY

I. MOTION

1. Pursuant to WAC 480-07-375(1)(c) and 480-07-400(2), Public Counsel respectfully moves the Commission for an Order making discovery immediately available to the parties to this proceeding.

II. MEMORANDUM

2. Public Counsel requests that the Commission's discovery rules be made available immediately so that Public Counsel and other parties may promptly begin information gathering and analysis in aid of preparing testimony for the remand phase of this proceeding. On July 29, 2014, Public Counsel asked PSE, through counsel, if PSE would be willing to provide informal discovery for this purpose, in anticipation of the remand proceeding. PSE declined to do so, stating that it preferred to await the establishment of the remand process.
3. WAC 480-07-400(2)(b) provides that the Commission's "methods of discovery" will be available to parties if the Commission finds that an adjudicative proceeding meets one of the criteria in the rule. Public Counsel respectfully submits that the criteria are more than amply present in this case. This proceeding was established as an adjudication on March 14, 2013. Final Order 07, ¶ 16. The Court Order requires that the remand be conducted as an adjudication. Order Granting in Part and Denying in Part Petitions for Judicial Review, at 3. This proceeding involves a change or potential change in rate levels for an electric and natural gas company. WAC 480-07-400(2)(b)(i). A remand to the Commission involving a reversal of a rate setting order and requiring a new cost of capital determination is not common and, therefore, is "potentially precedential in nature." WAC 480-07-400(2)(b)(ii).
4. The needs of the case require use of the "methods of discovery" in the rule, since parties will need to gather information from PSE to assist in developing their positions regarding a fair, just, reasonable, and sufficient level of rates under the Rate Plan, and a correct cost of capital to be used in that calculation. WAC 480-07-400(2)(b)(iv). In addition, on the cost of capital issue, parties will be developing their own expert analyses, and do not need to await PSE testimony on

the issue to begin that process. Immediate availability of discovery is therefore an efficient use of the parties' available time in the proceeding, in advance of the Prehearing Conference on September 19, 2014, and ultimately will benefit the Commission by resulting in a better record for decision.

5. Public Counsel is not aware of any prejudice to Puget Sound Energy, other parties, or to the Commission that will result if discovery is made available at this time.
6. Public Counsel respectfully requests that this Motion be granted and discovery allowed.
7. DATED this 26th day of August, 2014.


ROBERT W. FERGUSON
Attorney General

Simon J. ffitch
Senior Assistant Attorney General
Public Counsel Division