

**BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION**

Washington Utilities and Transportation
Commission,

Complainant,

v.

Puget Sound Energy, Inc.

Respondent

Dockets UE-111048 and
UG-111049 (consolidated)

**SIERRA CLUB’S MOTION FOR
PERMISSION TO REPLY**

Pursuant to WAC 480-07-370(1)(d)(ii), Sierra Club requests permission to reply to *Puget Sound Energy, Inc.’s Objection to Sierra Club’s Late-Filed Petition to Intervene*, filed August 16, 2011 (“PSE’s Objection”). Staff also submitted its *Objection of Commission Staff to Sierra Club’s Late-Filed Petition to Intervene* on August 9, 2011 (“Staff’s Objection” and together the “Objections”). Sierra Club submitted its late-filed petition to intervene on August 2, 2011. On August 9, 2011, Administrative Law Judge (“ALJ”) Moss issued a notice that parties wishing to respond to Sierra Club’s petition must do so by August 16, 2011. The Objections by Staff and PSE were the only responses filed. Sierra Club filed *Sierra Club’s Reply to Objection to its Late-Filed Petition to Intervene* on August 16, 2011 (“Reply”), the same day as the deadline set by ALJ Moss.

On August 18, 2011, Staff and PSE filed a motion to strike pointing out that Sierra Club neglected to seek permission of the Commission to file a reply, which action is required by WAC 480-07-370(1)(d)(i). Sierra Club acknowledges this oversight and therefore files the present motion to request that the Commission grant it permission to file a reply. Sierra Club further requests that the Commission treat Sierra Club’s August 16, 2011 Reply as a “proposed reply” in accordance with WAC 480-07-370(1)(d)(ii). This motion is timely pursuant to WAC 480-07-370(1)(d)(ii) because it comes within five days of PSE serving its answer to Sierra Club’s petition.

A reply is necessary to: (1) counter assertions that participation in the IRP proceeding is sufficient to meet Sierra Club’s concerns; (2) respond to assertions that

Sierra Club members do not have a substantial interest in the proceeding; (3) distinguish case law cited by PSE's Objection; and, (4) dispute the factual assertions made by PSE and Staff claiming that Sierra Club's intervention would broaden the scope of this proceeding. In addition, both Objections asserted that Sierra Club's basis for intervention and the intended scope of its participation was vaguely described in its petition to intervene. While Sierra Club disagrees, the Reply provides additional detail for the Commission to consider regarding the circumstances for Sierra Club's good cause for late intervention as well as the basis for Sierra Club members' substantial interest in this proceeding.

For the foregoing reasons and for having shown good cause, Sierra Club asks the Commission to grant it permission to reply to the Objection. Sierra Club further requests that upon granting this motion the Commission treat Sierra Club's August 16, 2011 Reply as a properly filed reply.

August 19, 2011

Respectfully submitted,

/s/ Travis Ritchie _____

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