

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

PUGET SOUND ENERGY,

Respondent.

DOCKETS UE-151871 and UG-151872

PETITION TO INTERVENE  
ON BEHALF OF THE WASHINGTON  
STRATRE HEATING,  
VENTILATION, AND AIR  
CONDITIONING CONTRACTORS  
ASSOCIATION

Pursuant to WAC 480-07-355, the Washington State Heating, Ventilation, and Air Conditioning Contractors Association (WSHVACCA) respectfully submits, through and by its undersigned representative, this petition to intervene in the above captioned proceeding.

**I. Interest in the Proceeding**

1. The WSHVACCA is the sole statewide association representing the HVAC industry in the state of Washington, including in its membership contractors, suppliers, and manufacturers, including market participants within both PSE's electrical and natural gas service territories and including contractors participating in PSE's Contractor Alliance Network (PSE's "industry partners"). The members of the WSHVACCA are committed to a robust and competitive free market in the belief that such a market has, in recent decades, been the primary conduit of the growing presence of increased energy efficient appliances. The WSHVACCA also believes that respect for antitrust and consumer protection law is necessary to maintain that robust and competitive free market, and that said robust and competitive free market is in the best interests of the ratepayer and consumer. The WSHVACCA is concerned that approving the PSE proposals for equipment leasing will hinder further improvements in getting energy efficient appliances into homes and businesses, will encourage anti-competitive behavior by PSE, and weaken consumer

protection. Such outcomes would have material and adverse impacts on the interests of the members of the WSHVACCA and on the interests of their customers, and the WSHVACCA is, therefore, opposed to the PSE proposals.

2. The members of the WSHVACCA have a vested interest in a robust and competitive free market as a means of enhancing the use of energy efficient appliances. The members of the WSHVACCA proprietary interests in the outcome of this proceeding will not be adequately represented if it is not granted intervention in the proceeding. The WSHVACCA's admittance as a party will ensure that a full, robust, and accurate record is developed with regards to utility leasing of appliances, and other issues presented by the proposals.

## **II. Position on the Matters in Controversy**

3. The PSE proposals seek approval of a rate methodology and an Equipment Lease Program through which PSE would offer as rate-regulated products to its customers certain appliances that are currently offered by private, non-rate regulated entities in the competitive market. The WSHVACCA opposes regulated monopoly utility entry into an existing unregulated, robust and competitive free market for the reasons stated herein and therefore opposes PSE's proposal. The WSHVACCA is not opposed to utilities participating in non-regulated free markets, but believes utility participation in competitive markets should be limited to utilities' non-rate regulated affiliates. The participation of rate regulated monopoly utilities in competitive markets raises anti-trust concerns and provides utilities unfair competitive advantages over their non-rate regulated private competitors.

4. The WSHVACCA believes the PSE proposals are contrary to law, will threaten private market investment, reduce consumer choice, and is not in the public interest. The WSHVACCA believes that approval of PSE's proposal would provide PSE a Commission-

sanctioned competitive advantage over non-rate regulated companies that offer, and seek to offer, energy efficient appliances. Approving PSE's proposal would negatively impact the pecuniary interests of the members of the WSHVACCA and have a chilling effect on the competitive market in Washington, harming consumers and ratepayers, as well as harming existing efforts that have actually increased the use of energy efficient appliances.. Approval of this proposal would cloak regulated monopoly utility participation in the unregulated, free and competitive market with the regulatory imprimatur of a preferred policy choice, and set a dangerous precedent for future proposals for regulated monopoly utility participation in the unregulated, free and competitive market. The WSHVACCA believes that the Equipment Lease Program would not result in cost effective service to PSE customers because private companies can and do provide the same or similar service at a lower cost than what PSE would likely be able to provide.<sup>3</sup>

### **III. Communications**

6. The WSHVACCA consents to "email only" service and requests that the following individual be added to the service list for UE-151871 and UG-151872 on behalf of the WSHVACCA:

James L. King, Jr.

Washington State Heating, Ventilation, and Air conditioning Contractors Association

120 State Ave NE #199

Olympia, WA 98501

(360) 480-0038

jimkingjr@yahoo.com

### **IV. Conclusion**

7. For the foregoing reasons, the WSHVACCA respectfully requests the

Commission grant its petition to intervene so that the WSHVACCA may participate with full rights as a party in these dockets.

DATED: December 21, 2015

Respectfully submitted,

---

JAMES L. KING, JR.  
Government Affairs Director  
Washington State Heating, Ventilation, and  
Air Conditioning Contractors Association