

**BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

PUGET SOUND ENERGY, INC.,

Respondent.

Docket No. UE-072300

Docket No. UG-072301

PSE'S REQUEST FOR LEAVE TO REPLY
TO JOINT RESPONSE TO PSE'S
MOTION FOR LEAVE TO FILE
SUPPLEMENTAL TESTIMONY AND
EXHIBITS

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1 Pursuant to WAC 480-07-370(d) and WAC 480-07-375, Puget Sound Energy, Inc. ("PSE" or "the Company") respectfully requests the opportunity to file additional legal briefing in reply to the Joint Response of Public Counsel, the Energy Project and ICNU (the "Joint Response") to PSE's Motion For Leave to File Supplemental Testimony and Exhibits (the "Motion"), should the Commission decide to consider the new legal issues raised for the first time in the Joint Response.

2 In response to PSE's Motion, two responses were filed. Commission Staff filed a response stating that it does not object to the Motion but reserving the right to contest the admissibility of the supplemental testimony and exhibits when they are offered at hearing and to contest the merits of the supplemental testimony and exhibits through Staff's responsive case. Commission Staff also reserves its right to address in its post-hearing brief the issue of whether the Commission has legal authority to allow a rate increase above the increase requested in PSE's tariffs filed in December 2007. A second response,

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filed jointly by Public Counsel, the Energy Project and ICNU, opposes PSE's motion and raises new legal issues that do not need to be decided by the Commission at this point in the case.

3 PSE agrees with the position taken by Commission Staff in its response filing. The issue before the Commission now is *only* whether the Commission should allow PSE to file supplemental testimony and exhibits pursuant to WAC 480-07-460(b). The Commission need not address, at this time, the legal issues newly raised by Public Counsel, the Energy Project and ICNU in their Joint Response. Indeed, as noted by these parties in their Joint Response, the issues they raise may ultimately turn out to be moot. Further, the Joint Response goes beyond the issue of supplemental filing raised in PSE's Motion, and seeks a determination of the ultimate legal issue of whether the Commission can approve rates that are higher than those requested in PSE's original filing. That legal issue has not yet been fully briefed by the parties.

4 PSE does not object to the caveats set forth in Staff's response. Specifically PSE does not object to other parties reserving their rights to later contest admissibility and the merits of the supplemental testimony. PSE likewise reserves its right to advocate for the admissibility and the merits of the supplemental testimony. PSE also reserves the right to present further briefing on the Commission's authority to allow a rate increase above the tariff revisions. PSE agrees with Commission Staff that this issue can be addressed in post-hearing briefs after all evidence is admitted

5 If the Commission rejects the position taken by Commission Staff and PSE and elects to address at this time the new legal issues raised in the Joint Response of Public Counsel, the Energy Project and ICNU, then PSE respectfully requests leave to file a reply so that the Commission can be fully briefed on the legal issues raised in the Joint

Response. As discussed above, the Joint Response addresses legal issues that PSE did not raise, and did not need to raise, in its Motion. If the Commission elects to go beyond the issue raised by PSE—whether to grant leave to supplement testimony—and addresses the further issues raised in the Joint Response regarding the Commission's ability to approve rates in excess of those requested in the initial filing, then all the parties should have an opportunity to brief that legal issue, and PSE should be allowed an opportunity to file a reply addressing the legal issues raised for the first time in the Joint Response.

6 Finally, if the Commission grants the alternative request of Public Counsel, the Energy Project and ICNU to extend for one week (to May 30, 2008) the deadline for intervenors to file testimony, then the Commission should likewise extend PSE's date for filing rebuttal testimony by one week, to June 27, 2008. Given that the hearing date is set for August 25, 2008, there is no prejudice to any party if PSE's deadline for filing rebuttal testimony is also extended.

Respectfully Submitted,

DATED: April 30, 2008

PERKINS COIE LLP



Sheree Strom Carson, WSBA No. 25349

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Attorneys for Puget Sound Energy, Inc.

CERTIFICATE OF SERVICE

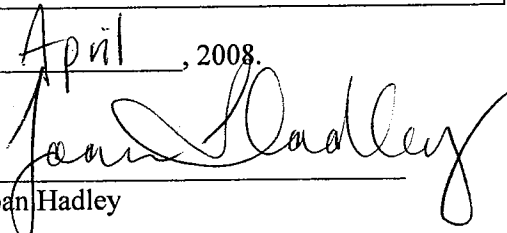
DOCKET NOS. UE-072300 AND UG-072301

I hereby certify that I have this day served the foregoing Response of Puget Sound Energy, Inc. for Leave to Reply to Joint Response to PSE's Motion for Leave to File Supplemental Testimony and Exhibits, in accordance with WAC 480-07-150(6)(b), to the following persons via overnight mail:

<p><u>Commission Staff:</u> Robert D. Cedarbaum, Senior Counsel Jonathan Thompson 1400 S. Evergreen Park Dr. S.W. P.O. Box 40128 Olympia, WA 98504-0128 Phone: (360) 664-1188 Fax: (360) 586-5522 Email: bcedarba@wutc.wa.gov jthompo@utc.wa.gov</p>	<p><u>Public Counsel:</u> Simon J. ffitc Sarah Shifley Public Counsel Section Office of Attorney General 800 Fifth Avenue, Suite 2000 Seattle, WA 98104-3188 Phone: (206) 464-7744 Fax: (206) 389-2058 Email: simonf@atg.wa.gov SarahS5@atg.wa.gov</p>
<p><u>Attorneys for ICNU:</u> S. Bradley Van Cleve Irion Sanger Davison Van Cleve PC 333 SW Taylor, Ste 400 Portland, OR 97204 Phone: (503) 241-7242 Fax: (503) 241-8160 Email: bvc@dvclaw.com ias@dvclaw.com</p>	<p><u>Attorneys for NWIGU:</u> Edward A. Finklea Chad Stokes Cable Huston Benedict Haagenen & Lloyd LLP 1001 SW Fifth Avenue, Suite 2000 Portland, OR 97204-1136 Phone: (503) 224-3092 Fax: (503) 224-3176 Email: efinklea@chbh.com cstokes@chbh.com</p>
<p><u>Attorneys for Seattle Steam:</u> Elaine Spencer Graham & Dunn Pier 70 2801 Alaskan Way, Suite 300 Seattle, WA 98121-1128 Phone: (206) 624-8300 Fax: (206) 340-9599 Email: Espencer@grahamdunn.com</p>	<p><u>Attorneys for Kroger:</u> Mike L. Kurtz Kurt J. Boehm Boehm, Kurtz and Lowry 36 East Seventh St., Suite 1510 Cincinnati, OH 45202 Phone: (513) 421-2255 Fax: (513) 421-2764 Email: Mkurtz@bkllawfirm.com Kboehm@bkllawfirm.com</p>

<p><u>Attorneys for Energy Project:</u> Ronald L. Roseman Attorney at Law 2011 – 14th Avenue East Seattle, WA 98112 Phone: (206) 324-8792 Fax: (206) 568-0138 Email: ronaldroseman@comcast.net</p>	<p><u>Attorneys for Nucor Steel:</u> Damon Xenopolous Shaun Mohler Brickfield Burchette Ritts & Stone 1025 Thomas Jefferson St. NW 8th Floor, West Tower Washington, D.C. 20007 Phone: 202-342-0800 Fax: 202-342-0807 Email: DEX@BBRSLaw.com SCM@BBRSLaw.com</p>
<p><u>Attorneys for FEA:</u> Norman Furuta Scott Johansen Associate Counsel Department of the Navy 1455 Market Street, Suite 1744 San Francisco, CA. 94103-1399 Phone: 414-503-6994 Fax: 414-503-6688 Email: norman.furuta@navy.mil</p>	<p><u>Attorneys for FEA:</u> Scott Johansen Associate Counsel Department of the Navy 1220 Pacific Highway San Diego, CA. 92132 619-532-4081 (Phone) 619-532-1663 (Fax) Email: scott.johansen@navy.mil</p>
<p><u>Interested Party Only</u> <u>Attorneys for Washington and Northern Idaho Council of Laborers:</u> Dmitri Iglitzin Schwerin Campbell Barnard & Iglitzin 18 West Mercer St., Suite 400 Seattle, WA 98119 Phone: 206-285-2828 Fax: 206-378-4132 Email: Iglitzin@workerlaw.com</p>	

Dated at Bellevue, Washington, this 30th day of April, 2008.


Joan Hadley