

**Docket No. UE-210795 - Vol. III**

**In the Matter of Puget Sound Energy's Clean Energy  
Implementation Plan**

**January 31, 2023**



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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of ) DOCKET UE-210795
)
PUGET SOUND ENERGY )
)
Clean Energy Implementation )
Plan Pursuant to WAC )
480-100-640 )
)

VIDEOCONFERENCE EVIDENTIARY HEARING, VOLUME III
Pages 86 - 311
ADMINISTRATIVE LAW JUDGE MICHAEL HOWARD

January 31, 2023

9:30 a.m.

Washington Utilities and Transportation Commission
621 Woodland Square Loop Southeast
Lacey, Washington 98503

REPORTED BY: CRYSTAL R. McAULIFFE, RPR, CCR 2121

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21	RDC-2 Professional Qualifications for Roger D.
	Colton
22	
23	RDC-3 PSE Response to NWEAC and Front and Centered
	Data Request 039
24	RDC-4 PSE Response to NWEAC and Front and Centered
	Data Request 065
25	

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1	EXHIBIT INDEX (Continued)
2	
3	RDC-21X NWEAC and FAC Response to PSE Data Request
	Nos. 003
4	RDC-22X NWEAC and FAC Response to PSE Data Request
	Nos. 004
5	
6	RDC-23X NWEAC and FAC Response to PSE Data Request
	Nos. 007
7	RDC-24X NWEAC and FAC Response to PSE Data Request
	Nos. 008
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9	SR-1T Responsive Testimony (55 pages)
10	SR-2 Professional Qualifications for Scott Reeves
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1 LACEY, WASHINGTON; JANUARY 31, 2023  
 2 9:30 A.M.  
 3 --o0o--  
 4 P R O C E E D I N G S  
 5  
 6 JUDGE HOWARD: Let's be on the record.  
 7 Good morning. It is Tuesday, January 31st,  
 8 and the time is 9:32 a.m. My name is Michael Howard.  
 9 I'm an Administrative Law Judge with the Commission.  
 10 And I see I need to turn my video on.  
 11 And I am presiding in this matter, along  
 12 with the Commissioners who will join us shortly.  
 13 We're here today for an evidentiary hearing  
 14 in Docket UE-210795.  
 15 This case is captioned in the matter Puget  
 16 Sound Energy's Clean Energy Implementation Plans  
 17 pursuant to WAC 480-100-640.  
 18 Let's started by taking appearances,  
 19 beginning with the company.  
 20 MS. BARNETT: Good morning, Your Honor.  
 21 Donna Barnett with Perkins Coie on behalf of Puget Sound  
 22 energy.  
 23 JUDGE HOWARD: All right. Thank you.  
 24 And I'm not sure if it's just on my end.  
 25 But I'm not seeing the video feed from your conference

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1 room at the moment.  
 2 MS. BARNETT: That is intended if that's  
 3 okay. We have every -- all the witnesses and attorney  
 4 and me on our laptop videos, but the audio is going  
 5 through the conference room. So that's why you see the  
 6 conference room but no video.  
 7 JUDGE HOWARD: That's perfectly fine, then.  
 8 Could we have an appearance from staff.  
 9 MR. CALLAGHAN: Thank you, Your Honor.  
 10 Assistant Attorney General Nash Callahan here on behalf  
 11 of commission staff. With me today is Jennifer Snyder  
 12 and Joel Nightingale.  
 13 JUDGE HOWARD: Thank you.  
 14 Do we have an appearance for Public Counsel.  
 15 MS. SUETAKE: Good morning. This is Nina  
 16 Suetake. Here on behalf of Public Counsel Unit.  
 17 JUDGE HOWARD: And could we hear from AWEC?  
 18 MS. MOSER: Good morning, Your Honor.  
 19 Sommer Moser with Davison Van Cleve on behalf of the  
 20 Alliance of Western Energy Consumers.  
 21 JUDGE HOWARD: Thank you.  
 22 Could we have an appearance for NWECC and  
 23 Front and Centered?  
 24 MS. GOODIN: Good morning, Your Honor.  
 25 Amanda Goodin with Earthjustice here on behalf of Front

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1 and Centered and the Northwest Energy Collision and  
 2 my colleague Molly Tack-Hooper is here as well.  
 3 JUDGE HOWARD: Great. Thank you.  
 4 And just to confirm, NWECC and Front and  
 5 Centered will be -- will the two parties be presenting  
 6 jointly today consistent with the testimony filed  
 7 earlier?  
 8 MS. GOODIN: Yes. Correct.  
 9 THE COURT: Okay. And could we have an  
 10 appearance for The Energy Project?  
 11 MR. FFITCH: Good morning. Simon ffitich  
 12 appearing on behalf of the Energy Project.  
 13 JUDGE HOWARD: Thank you.  
 14 And do we have anyone from Renewable  
 15 Northwest appearing today? All right. Hearing none.  
 16 So next I want to give a brief roadmap for  
 17 our plans for the hearing today. We'll begin in a  
 18 moment with admitting evidence and addressing any  
 19 objections to the evidence.  
 20 After the Commissioners join us at about  
 21 9:45 a.m., we will then allow the parties to provide  
 22 brief opening statements limited to ten minutes each.  
 23 We'll then turn to the cross-examination of witnesses  
 24 following the order of presentation that I circulated to  
 25 the parties earlier.

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1 And I wanted to note for the parties that in  
 2 addition to, likely, bench questions for company  
 3 witnesses, we have, likely, bench questions for  
 4 witnesses: McCloy, Colton, Tam, and Snyder.  
 5 And I also wanted to remind the parties that  
 6 if you do plan to -- to raise specifically -- specific  
 7 information has been marked confidential in your  
 8 cross-examination of a witness, please give me a  
 9 heads-up either in advance or when you're beginning your  
 10 cross-examination so we can ensure the hearing room is  
 11 limited only to individuals who have signed the  
 12 protective order/confidentiality agreements.  
 13 So the parties estimate that there will be  
 14 approximately three hours of cross-examination today.  
 15 If we account for opening statements, a brief  
 16 mid-morning break and a lunch break, it is likely that  
 17 our hearing will end by early afternoon.  
 18 And if you are observing, you might want to  
 19 make sure that your line is muted if you're not  
 20 intending to speak.  
 21 I also want to remind the parties again -- I  
 22 was actually just about to say this -- to keep your  
 23 microphones muted unless they are speaking and also only  
 24 to use video for those portions of the hearing when they  
 25 have a speaking role.

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1 If you are having a technical issue or you  
 2 observe that someone has dropped off the call, please  
 3 raise that issue in chat here in the Zoom conference.  
 4 The Zoom chat should be reserved for such technical  
 5 issues and requests for breaks and similar matters.  
 6 Are there any questions, concerns, or  
 7 housekeeping matters before we move on to exhibits?  
 8 MR. CALLAGHAN: Judge Howard, I do have a  
 9 brief preliminary matter.  
 10 So earlier in this proceeding you sent the  
 11 parties an email related to the public comments summary.  
 12 And staff is working with Public Counsel on that. But  
 13 we just want to know whether the Commission wants that  
 14 summary to include comments that were filed before the  
 15 adjudication began in this case or not? And we're ready  
 16 to accommodate either.  
 17 JUDGE HOWARD: Thank you.  
 18 That is a good question.  
 19 My directions on that are going to depend on  
 20 how the exhibits are admitted. If there's objections to  
 21 incorporating earlier written comments, then that's  
 22 going to affect my directions on that issue.  
 23 But I do appreciate Staff and Public Counsel  
 24 working together on that. I recognize that there are a  
 25 large number of comments in the docket. It may take

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1 additional time and I do want to revisit that issue, at  
 2 the very least, at the end of the hearing today.  
 3 MR. CALLAGHAN: That's all I had. Thank  
 4 you.  
 5 MS. BARNETT: Before we move off that  
 6 subject, I wanted to add that Puget Sound Energy has  
 7 received comments from customers that they not  
 8 necessarily be in the -- in the docket.  
 9 I'm happy to work with Public Counsel  
 10 separately on getting those in the record if they are  
 11 intended to be so, but some of them came directly to  
 12 PSE. So I wanted to make sure that we got those in the  
 13 record, if appropriate.  
 14 JUDGE HOWARD: All right. Thank you.  
 15 And just because I'm not seeing the name of  
 16 the speaker, could you identify yourself?  
 17 MS. BARNETT: Sorry. This is Donna Barnett.  
 18 JUDGE HOWARD: All right. Thank you.  
 19 I thought so. I just want to confirm -- if  
 20 the company could work with Public Counsel and staff on  
 21 that, that -- that would be appropriate. Thank you.  
 22 MS. SUETAKE: Your Honor, this is Nina  
 23 Suetake from Public Counsel. Quick question about that.  
 24 If the comments were sent to PSE directly  
 25 and were not also filed as comments with the UTC, would

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1 the inclusion of them in the public comment exhibit  
 2 alone be enough as sort of a -- to prove that they have  
 3 been sent in, if you know what I'm -- I'm -- I'm trying  
 4 to -- I'm being a little confusing, but I'm not quite  
 5 sure how that -- we would authenticate those, really.  
 6 JUDGE HOWARD: Yes. I -- I -- I mean, as --  
 7 in a way, you are asking whether we would need to take  
 8 additional steps or just posting them to the docket or  
 9 something of that nature?  
 10 MS. SUETAKE: Yes.  
 11 JUDGE HOWARD: Okay. I don't expect that  
 12 that would be necessary. I -- I would just encourage  
 13 Public Counsel to follow its -- its normal practice and  
 14 judgment working with the company on that. And  
 15 including them -- from my perspective, including them in  
 16 the public comment exhibit would be sufficient.  
 17 MS. SUETAKE: Okay. Thank you.  
 18 JUDGE HOWARD: With that, let's turn to the  
 19 admissibility of the pre-filed testimony and exhibits.  
 20 In my email to the parties last week, I circulated my  
 21 exhibit list. That included PSE's Clean Energy  
 22 Implementation Plan, CEIP, with attachments and all the  
 23 pre-filed exhibits and testimony up to and including  
 24 cross-exhibits filed on January 24th. And there are  
 25 also errata to cross-exhibits filed by NWEAC and Front

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1 and Centered after that date that I have since reflected  
 2 in the exhibit list.  
 3 I've requested the parties provide any  
 4 evidentiary objections in writing by 5:00 p.m. on Friday  
 5 the 27th. I have not received any objections at this  
 6 point -- although there was an issue raised about  
 7 potential duplication and that was addressed.  
 8 Do the parties at this point stipulate to  
 9 the admissibility of all the pre-filed exhibits and  
 10 testimony? I would turn first to the company.  
 11 MS. BARNETT: Thank you, Your Honor.  
 12 We, PSE -- I apologize for not filing a  
 13 written objection earlier, but we're still reviewing  
 14 the cross-exam exhibits.  
 15 So Puget Sound Energy will stipulate to all  
 16 of the exhibits except for two. And that is Exhibit  
 17 KKD-10X and KKD-44X.  
 18 JUDGE HOWARD: All right. So that was  
 19 KKD-10X and KKD-44X?  
 20 MS. BARNETT: That's right.  
 21 JUDGE HOWARD: Let's give everyone just a  
 22 moment to -- to look through these.  
 23 So it looks like KKD-10X is cross exhibits  
 24 submitted by Public Counsel. And 44X was submitted by  
 25 Front and Centered and NWEAC.



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1 MS. BARNETT: That's right. KKD-10X is  
 2 PSE's "2023 Distributed Solar and Storage Resources,  
 3 Request for Proposals.  
 4 And KKD-44X, that NWECC sponsored is the  
 5 electric draft portfolio results. That's Attachment A  
 6 to the data request response.  
 7 JUDGE HOWARD: All right. And what is the  
 8 basis for your objections?  
 9 MS. BARNETT: They are both foundation and  
 10 relevance for both.  
 11 Regarding KKD-10X, the -- the Distributed  
 12 Solar and Storage Resources was not -- not introduced by  
 13 any party at PSE. It is -- was just, I think, finished  
 14 or created a month ago or so.  
 15 There's no foundation established and -- and  
 16 relevance for the -- I'm not sure how it's intended to  
 17 be used, but since it was just finished, it's not  
 18 relevant to the issues of whether the CEIP that was  
 19 written in 2021 meets CETA or should be approved.  
 20 And the same with -- I don't know if you  
 21 want to take that separately, but I can elaborate on my  
 22 objections to KKD-44X.  
 23 JUDGE HOWARD: Please proceed with that and  
 24 then we will hear from both of the parties.  
 25 MS. BARNETT: Thank you.

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1 It is the same objections, foundation and  
 2 relevance, for electric draft portfolio results. The  
 3 Attachment A to the data request response was -- first  
 4 of all, the witness identified as knowledgeable was not  
 5 the witness it was directed to. So there's a lack of  
 6 foundation for the witness. But also this is a draft  
 7 document that is not finished, it's not been vetted.  
 8 It's still in process of being created and -- and again,  
 9 this is the same relevance argument that has limited  
 10 relevance, if any at all, to the issues in this case  
 11 that is the 2021 CEIP and whether that meets CETA and  
 12 should be approved.  
 13 JUDGE HOWARD: All right. Thank you.  
 14 Could I hear from Public Counsel, their  
 15 response on KKD-10X?  
 16 MS. SUETAKE: Yes. Thank you.  
 17 On further discussion with my witnesses, I  
 18 think we are fine with removing that exhibit from the  
 19 list of exhibits.  
 20 JUDGE HOWARD: Okay. Thank you.  
 21 Can I hear from NWECC and Front and Centered  
 22 on KKD-44X?  
 23 MS. GOODIN: Yes, Your Honor. This exhibit  
 24 underscores Front and Centered and NWECC's argument that  
 25 PSE has not satisfied its obligation to pursue all

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1 cost-effective demand response and that their target is  
 2 out of alignment with the realities driving the need for  
 3 demand response.  
 4 The -- PSE hired E3 to, among other things,  
 5 update the ELCC values to reflect the demand response  
 6 contribution to summer and winter peak and the  
 7 attachment shows that in 2029, PSE will be able to meet  
 8 seven percent of winter peak with demand response and  
 9 nine percent of summer peak, numbers that are about 8 to  
 10 10 times higher than PSE's proposed target for this  
 11 four-year period.  
 12 We believe that the Commission can take --  
 13 you know, can give it the weight it warrants, given that  
 14 it's a draft. And as for foundation, we would be happy  
 15 to put either Kara Durbin or Popoff on the stand to lay  
 16 the foundation.  
 17 It's not clear to me who PSE thinks is the  
 18 more appropriate witness, if necessary. But bottom  
 19 line, we think this is an important piece of evidence  
 20 that underscores our arguments.  
 21 JUDGE HOWARD: All right. Thank you.  
 22 I'm going to reserve a ruling on KKD-44X.  
 23 When it is time for NWECC and Front and  
 24 Centered to cross Witness Durbin, I will allow you to  
 25 explore the issue of the witness' familiarity and the

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1 issue of foundation. And then I will rule on any  
 2 objection at that time.  
 3 So otherwise, was that -- Ms. Barnett, was  
 4 that the end of the company's objections to the  
 5 evidence?  
 6 MS. BARNETT: Yes, we have no other  
 7 objections. Thank you.  
 8 JUDGE HOWARD: All right, then. Thank you.  
 9 Could I turn next to Staff?  
 10 MR. CALLAGHAN: Thank you, Your Honor.  
 11 Staff has no objection and stipulates to the  
 12 admission of all proposed exhibits.  
 13 JUDGE HOWARD: Thank you.  
 14 Could I hear from Public Counsel?  
 15 MS. SUETAKE: Yes. Public Counsel has no  
 16 objections and stipulated to the admission of all  
 17 exhibits.  
 18 JUDGE HOWARD: Thank you.  
 19 Could I hear from AWEC?  
 20 MS. MOSER: Thank you, Your Honor.  
 21 AWEC has no objections and stipulates to the  
 22 admission of all exhibits.  
 23 JUDGE HOWARD: All right. You cut out just  
 24 briefly, but I caught that AWEC stipulates to the  
 25 admissibility of the exhibits?

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1 MS. MOSER: Yes, I apologize.  
 2 Are you all having a hard time hearing me?  
 3 JUDGE HOWARD: No. It was just for a  
 4 moment.  
 5 MS. MOSER: Okay.  
 6 JUDGE HOWARD: I wanted to be sure that if a  
 7 party was saying that they stipulated to something that  
 8 I was very clear that I heard them correctly.  
 9 MS. MOSER: Great. Thank you.  
 10 JUDGE HOWARD: Could I hear from NWEAC and  
 11 Front and Centered?  
 12 MS. GOODWIN: NWEAC and Front and Centered  
 13 have no objection to any exhibit and stipulate to the  
 14 admissibility of all of them.  
 15 JUDGE HOWARD: Thank you.  
 16 Could I hear from The Energy Project?  
 17 MR. FFITCH: Thank you, Your Honor.  
 18 The Energy Project has no objection to any  
 19 of the exhibits and we stipulate to their admission.  
 20 JUDGE HOWARD: All right. Thank you.  
 21 And as I observed earlier, Renewable  
 22 Northwest is not present today, so I'm not hearing any  
 23 objections from them.  
 24 In that case, I am going to deem -- I'm  
 25 going to find and deem that all of the pre-filed

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1 testimony and exhibits are admitted with the exception  
 2 of KKD-10X, which has been withdrawn by Public Counsel  
 3 and KKD-44X on which I am reserving my ruling until the  
 4 cross.  
 5 I will provide a copy of this exhibit list  
 6 to the court reporter so it will be made part of this  
 7 record after this hearing.  
 8 So with that, we are at 9:49 a.m. I would  
 9 like to confirm that we have the Commissioners with us.  
 10 Chair Danner, Commissioner Rendahl, and  
 11 Commissioner Doumit, can you hear me?  
 12 COMMISSIONER RENDAHL: I can. This is  
 13 Commissioner Rendahl.  
 14 JUDGE HOWARD: Thank you.  
 15 COMMISSIONER DOUMIT: I can hear you, Your  
 16 Honor. Can you hear you?  
 17 JUDGE HOWARD: Yes.  
 18 CHAIR DANNER: I can hear you, too, Your  
 19 Honor.  
 20 JUDGE HOWARD: All right. Thank you.  
 21 Could we have brief appearances from the  
 22 parties now that the Commissioners are on the line. I  
 23 would turn, first, to the company.  
 24 MS. BARNETT: Yes, Your Honor. Donna  
 25 Barnett with Perkins Coie on behalf of Puget Sound

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1 Energy.  
 2 JUDGE HOWARD: Thank you. Could we hear  
 3 from Staff?  
 4 MR. CALLAGHAN: Thank you, Your Honor.  
 5 Nash Callaghan, Assistant Attorney General  
 6 on behalf of Commission Staff.  
 7 JUDGE HOWARD: All right. Can we have  
 8 appearance from Public Counsel?  
 9 MS. SUETAKE: Thank you.  
 10 This is Nina Suetake on behalf of Public  
 11 Counsel.  
 12 JUDGE HOWARD: Could we have an appearance  
 13 from AWEC?  
 14 MS. MOSER: This is Sommer Moser on behalf  
 15 of AWEC.  
 16 JUDGE HOWARD: Thank you.  
 17 Could we have an appearance from NWEAC and  
 18 Front and Centered?  
 19 MS. GOODIN: Thank you, Your Honor.  
 20 Amanda Goodwin with Earthjustice on behalf  
 21 of Front and Centered and the Energy Coalition. And my  
 22 colleague Molly Tack-Hooper is with me.  
 23 THE COURT: Thank you.  
 24 Do we have an appearance from The Energy  
 25 Project?

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1 MR. FFITCH: Morning. Simon ffitich  
 2 appearing on behalf of The Energy Project.  
 3 JUDGE HOWARD: Thank you.  
 4 And I have observed that, although Renewable  
 5 Northwest has been granted intervener status, they are  
 6 not present at the hearing today and have not filed any  
 7 testimony.  
 8 So with that, let's turn to opening  
 9 statements. As I indicated in my earlier email to the  
 10 parties, we will allow each party the opportunity for a  
 11 brief opening statement limited to ten minutes,  
 12 preferably. Let's allow PSE to proceed -- proceed first  
 13 with that, if they wish.  
 14 MS. BARNETT: Thank you.  
 15 Thank you, Judge Howard. And good morning,  
 16 Chair Danner, Commissioners Rendahl and Doumit and  
 17 everyone participating today.  
 18 Just over three years ago, the Commission  
 19 adopted rules implementing Washington's Clean Energy  
 20 Transformation Act or "CETA." In the order adopting  
 21 those rules, the Commission reflected on CETA, calling  
 22 it a "novel and complex statute."  
 23 The Commission stated in that order that the  
 24 process of implementing CETA is an iterative process and  
 25 the rules adopted that day represented just the first

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1 step in implementing the statutory requirements of CETA.  
 2 The Commission said it expects additional  
 3 rule-makings to implement the law, modifications, and  
 4 refinements of those rules, and overall improvements in  
 5 the process as all stakeholders gain experience and  
 6 understanding of the law.  
 7 One year after the Commission adopted its  
 8 rules, PSE submitted its first Clean Energy  
 9 Implementation Plan. That CEIP presented in this  
 10 proceeding is PSE's first step in its clean energy  
 11 transformation under CETA. The CEIP represents years of  
 12 preparation; however, it grew out of PSE's Clean Energy  
 13 Action Plan which was part of PSE's 2021 Integrated  
 14 Resource Plan.  
 15 The Integrated Resource Plan, itself, is  
 16 informed by extensive public input, but the CEIP  
 17 involved a whole new level of engagement, collaboration,  
 18 and dialogue with interested parties.  
 19 Throughout the development process, PSE  
 20 convened and consulted with the new Equity Advisory  
 21 Group in addition to PSE's other advisory groups. PSE  
 22 also held numerous meetings with community-based  
 23 organizations, including one specifically for  
 24 Spanish-speaking customers.  
 25 PSE conducted a survey of residential and

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1 business customers and community members, held an open  
 2 house, and reviewed hundreds of comments that helped  
 3 shape the final CEIP. PSE undertook all these  
 4 activities to ensure that this CEIP meets the  
 5 requirements of CETA and lays out a path towards an  
 6 equitable distribution of energy -- of clean energy  
 7 benefits. The plan is ambitious but achievable.  
 8 One important area of focus in the  
 9 development of the CEIP is the purposeful integration of  
 10 equity. PSE began building key new processes designed  
 11 to help place substantive emphasis on key areas where it  
 12 can improve equitable energy outcomes. These include  
 13 identifying vulnerable populations and highly impacted  
 14 communities, developing customer benefits indicators and  
 15 associated metrics, applying benefits and burdens  
 16 considerations to elements of the CEIP, and others.  
 17 Improving equitable energy outcomes is a process and the  
 18 work represented in the first CEIP is a starting point  
 19 that the company plans to continue building upon.  
 20 This CEIP was developed using the best and  
 21 most up-to-date information at the time it was created.  
 22 In fact, PSE made a significant change to its resource  
 23 costs between the Draft and Final CEIP in response to  
 24 feedback from some of the parties in this proceeding.  
 25 And in the time since the CEIP was

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1 initiated, PSE has already gained experience that will  
 2 inform the next generation of the CETA process, this  
 3 year's biennial update.  
 4 For example, as explained in the rebuttal  
 5 testimony of PSE witness Kara Durbin, the results from  
 6 PSE's recent targeted distributed energy resources  
 7 request for proposals indicate that PSE will be able to  
 8 increase the demand response target to at least  
 9 60 megawatts, which is more than double the 23.7  
 10 megawatts proposed in the 2021 CEIP.  
 11 Also, PSE committed in the CEIP to make  
 12 progress in specific areas where it wanted to do more  
 13 but could not in this first CEIP because the data simply  
 14 was not there.  
 15 One example is incorporating the effect of  
 16 climate change in the modeling, something PSE is already  
 17 incorporating into its work. This type -- is the type  
 18 of iterative process we believe the Commission and the  
 19 legislature had in mind. Using the best data from  
 20 reliable sources to establish ambitious targets then  
 21 building on them in each step and incorporating the  
 22 lessons learned along the way.  
 23 PSE has already learned a great deal in this  
 24 process. Although we are not presenting a unified  
 25 settlement for your consideration, we are presenting a

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1 Final CEIP that reflects the comments and concerns of  
 2 hundreds of interested parties and customers. This has  
 3 not been an adversarial process. It has been truly  
 4 collaborative. And with that in mind, PSE looks forward  
 5 to answering your questions today and receiving your  
 6 approval on the Final CEIP so we can quickly move  
 7 forward on the work that has already begun.  
 8 Thank you.  
 9 JUDGE HOWARD: Thank you, Ms. Barnett.  
 10 Would staff like to provide a brief opening  
 11 statement?  
 12 MR. CALLAGHAN: I would, Your Honor.  
 13 Good morning, Commissioners. Good morning,  
 14 Your Honor.  
 15 This is the Commission's first contested  
 16 CEIP. In light of that, I think it's important to  
 17 reflect on what the legislature hoped to achieve with  
 18 CETA.  
 19 If CETA's one and only goal were to change  
 20 the utilities resource mix, the law could have been  
 21 written quite simply. Get out of coal by 2026, be  
 22 greenhouse gas neutral by 2030, and be a hundred percent  
 23 renewable or non-emitting by 2045.  
 24 But as the Commission is well aware, those  
 25 are not CETA's only goals. The law also requires that

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1 utilities achieve this transition equitably and at  
 2 lowest reasonable cost to ratepayers. Those  
 3 requirements are the heart of what remains contested in  
 4 this case.  
 5 Commission Staff is not challenging PSE's  
 6 proposed interim or specific targets, but does raise  
 7 some significant concerns about the plan and recommends  
 8 approving the CEIP with conditions, which are listed in  
 9 Exhibit JES-3. The contested issues before the  
 10 Commission today are essentially over what conditions  
 11 the Commission should place on approval of the CEIP and  
 12 when those conditions should be met.  
 13 With that in mind, Commissioners, Judge  
 14 Howard, as you are making your decision in this case, I  
 15 want to ask -- I want you to ask yourselves three  
 16 questions.  
 17 First, do I have enough information to  
 18 decide; do I have enough information to decide whether  
 19 or not the actions PSE proposes will result in a lowest  
 20 reasonable cost portfolio; do I have enough information  
 21 to decide whether this plan meets CETA's equity  
 22 requirements?  
 23 Second, what additional information do I  
 24 need to decide; what additional information would make  
 25 me confident that PSE's proposals will lead to a lowest

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1 reasonable cost portfolio; what additional information  
 2 would give me confidence that this plan meets CETA's  
 3 equity requirements?  
 4 Third, when do I need this information; how  
 5 long can or should I wait for the information that we  
 6 need; can this wait until October 1, 2025?  
 7 That last question is really the core of the  
 8 contested issues before you today.  
 9 PSE, in its rebuttal testimony, asks that  
 10 besides the commitments it made in chapter eight of the  
 11 CEIP and a few others, any other condition that the  
 12 Commission adds should apply only to the 2025 CEIP.  
 13 So the question is are you comfortable  
 14 waiting that long?  
 15 This is where it's important to step back  
 16 and look at the big picture.  
 17 PSE reported its 2020 baseline that it was  
 18 serving retail load with 33 percent renewable and  
 19 non-emitting resources. The company is asking the  
 20 Commission to approve an interim target of 63 percent in  
 21 2025.  
 22 Now, a simplified way to look at the clean  
 23 energy transition is to consider it in terms of getting  
 24 from where a utility is now to a hundred percent  
 25 renewable and non-emitting. When you think about PSE's

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1 proposal in those terms, the company is planning to  
 2 achieve about 45 percent of its transition by the end of  
 3 this first compliance period.  
 4 I want to be clear that Staff is not  
 5 opposing that interim target. However, if a significant  
 6 portion of the clean energy transition is occurring  
 7 within this four-year period, that places an even  
 8 greater emphasis on the need to ensure that this plan  
 9 complies with CETA's equity and lowest reasonable cost  
 10 requirements.  
 11 If almost half of the transition is  
 12 happening by 2025, the Commission should get the  
 13 information it needs now or as soon as humanly possible,  
 14 not in October 2025. That is why Staff asked the  
 15 Commission to approve the CEIP but with the proposed  
 16 conditions outlined in Exhibit JES-3. The conditions  
 17 Staff recommends are reasonable, achievable, and  
 18 necessary.  
 19 Thank you.  
 20 JUDGE HOWARD: All right. Thank you.  
 21 Could we hear from Public Counsel?  
 22 MS. SUETAKE: I'm sorry. I think I just  
 23 froze. Can you all hear me?  
 24 JUDGE HOWARD: I can hear you, but it does  
 25 look like your video is frozen.

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1 MS. SUETAKE: Okay. How is that? Sorry. I  
 2 apologize. It looks like Zoom just restarted on me.  
 3 JUDGE HOWARD: I think it's working now.  
 4 MS. SUETAKE: Okay. Thank you.  
 5 I apologize.  
 6 Good morning, Chair Danner, Commissioners  
 7 Rendahl and Doumit, and ALJ Howard.  
 8 Public Counsel recognizes that the CEIP  
 9 process will be iterative and evolving. That being  
 10 said, the utilities plans must still meet the statutory  
 11 requirement of the Clean Energy Transformation Act and  
 12 Commission Rules.  
 13 Public Counsel supports PSE's proposed  
 14 interim target of 63 percent renewable electricity by  
 15 2025 but has concerns with other aspects of the plan.  
 16 In keeping with the iterative nature of this  
 17 planning process, Public Counsel has made a number of  
 18 recommendations and proposed conditions to align the  
 19 current CEIP, the 2023 biennial update and the 2025 CEIP  
 20 with statutory requirements.  
 21 Public Counsel included a full list of  
 22 conditions with its filed testimony, so I will only  
 23 touch on a few of the primary conditions.  
 24 First, Public Counsel recommends that the  
 25 UTC require PSE to include customer benefit indicators

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1 and metrics that measure customer energy burden,  
 2 arrearages, and disconnections in this current CEIP.  
 3 Public Counsel also recommends that PSE  
 4 include an updated set of CBIs and metrics in its 2023  
 5 biennial update and also create a publically accessible  
 6 and comprehensive report card on all metrics PSE reports  
 7 to the UTC.  
 8 Second, Public Counsel recommends that the  
 9 UTC require PSE do additional distributional equity  
 10 analysis to ensure the equitable distribution of  
 11 customer benefits, include its findings in the 2023  
 12 biennial update, and incorporate this analysis into its  
 13 2023 CEIP.  
 14 Third, Public Counsel recommends that the  
 15 Commission require PSE to remove its discussion of the  
 16 proposed -- of its included distributed energy resource  
 17 selection process from the current CEIP.  
 18 PSE's process improperly uses CBIs and  
 19 metrics in a manner that results in a portfolio of  
 20 costly projects that do not clearly provide benefits to  
 21 vulnerable and highly impacted communities.  
 22 Although PSE has indicated in testimony that  
 23 the resource selection process is illustrative, the bulk  
 24 of the discussion of the CEIP does not make this clear.  
 25 Public Counsel recommends that the

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1 Commission require PSE to remove the distributed energy  
 2 resource selection process section from the CEIP as well  
 3 as the related appendices.  
 4 Finally, PSE's descriptions of the specific  
 5 actions it intends to meet -- take to meet its proposed  
 6 targets fail to adequately identify how each specific  
 7 action would demonstrate progress towards the target at  
 8 the lowest reasonable cost, equitably distribute  
 9 customer benefits and burdens, and mitigate risks to  
 10 vulnerable communities as required by statute.  
 11 Public Counsel, therefore, recommends the  
 12 Commission require PSE to update the narrative  
 13 description of each specific action to include this  
 14 information in the 2023 biennial update.  
 15 It is important to note that Public Counsel  
 16 would not oppose a faster timeline for any of these  
 17 conditions. And that's all my comments for now.  
 18 JUDGE HOWARD: Thank you.  
 19 Would AWEC like to provide an opening  
 20 statement?  
 21 MS. MOSER: Thank you, Your Honor.  
 22 Can everyone hear me okay? I switched  
 23 headsets.  
 24 JUDGE HOWARD: Yes.  
 25 MS. MOSER: Okay. Great. Yes. Thank you,

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1 Judge Howard.  
 2 Good morning, Chair Danner, Commissioners  
 3 Rendahl and Doumit.  
 4 Sommer Moser on behalf of AWEC, and I have  
 5 just a few brief opening comments to make for you today.  
 6 Consistent with the position set forth in  
 7 AWEC's testimony, AWEC remains concerned that  
 8 PSE's renewable energy targets and renewable energy  
 9 acquisitions deviate from the least costly expressed  
 10 plan identified in its IRP and therefore do not  
 11 represent a cost-effective strategy for achieving CETA  
 12 compliance.  
 13 AWEC's analysis is that this changes -- the  
 14 changes to the renewable energy targets and resource  
 15 acquisitions result in an excess cost to customers of  
 16 \$500 million. This issue, coupled with PSE's treatment  
 17 of the cost cap as a spending target raises concerns  
 18 that customers are facing higher costs than are  
 19 necessary to achieve CETA compliance in this compliance  
 20 period.  
 21 As Mr. Callaghan just pointed out, PSE is  
 22 using this initial compliance period to achieve a  
 23 significant amount of its compliance requirements.  
 24 As justification for this plan, PSE offers  
 25 that its drivers for deviating from the IRP are related

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1 to stakeholder requests. As set forth in AWEC's  
 2 testimony, that rationale is not sufficient  
 3 justification for increased cost to customers who are  
 4 already facing significant cost increases from PSE's  
 5 general rate cases, other dockets, and other policies.  
 6 Therefore, AWEC continues to recommend that PSE utilize  
 7 linear glide path with resources identified in its 2021  
 8 IRP to meet renewable energy targets because that is the  
 9 most cost effective compliance strategy for meeting CETA  
 10 requirements.  
 11 PSE is also asking for guidance on the  
 12 incremental cost cap in two circumstances.  
 13 First, on how to proceed if compliance with  
 14 its CEIP would cause it to exceed the two percent  
 15 incremental cost cap.  
 16 And then, second, if PSE's costs are less  
 17 than the two percent, whether it should continue to  
 18 pursue additional resources through its RFP to spend up  
 19 to the two percent so, essentially, treating the two  
 20 percent as a cost target.  
 21 As set forth in AWEC's testimony, I have  
 22 strong concerns with PSE's requests for guidance at this  
 23 juncture and how this may effect cost recovery and  
 24 future proceedings.  
 25 Fundamentally, AWEC continues to find that

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1 PSE remains responsible for making prudent business  
 2 decisions in achieving CETA compliance and should not be  
 3 insulated from this obligation by any guidance that the  
 4 Commission could provide in response to its request in  
 5 this docket.  
 6       AWEC, therefore, requests that the  
 7 Commission make clear to PSE that if it deviates from  
 8 its approved CEIP based on its calculation of  
 9 incremental cost, it does so at its own risk.  
 10       AWEC also continues to recommend that the  
 11 Commission direct PSE to refrain from further  
 12 accelerating renewable energy targets in the event that  
 13 costs are less than planned and that PSE refrain from  
 14 pursuing its approved targets in the event that doing so  
 15 would require PSE to exceed the two percent incremental  
 16 cost cap.  
 17       Thank you.  
 18       JUDGE HOWARD: Turn next to NWECC and Front  
 19 and Centered.  
 20       MS. GOODIN: Thank you, Your Honor.  
 21       Good morning, Commissioners.  
 22       My name is Amanda Goodin, and I'm  
 23 represented Front and Centered and the Northwest Energy  
 24 Collision.  
 25       Front and Centered advocates for frontline,

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1 low income and black, brown, and indigenous and other  
 2 communities of color working to achieve a just and  
 3 equitable transition to a clean energy future in  
 4 Washington.  
 5       The Northwest Energy Collision is a longtime  
 6 advocate for an energy future that is clean, reliable,  
 7 affordable, and equitable.  
 8       Commissioners, this is the first Clean  
 9 Energy Implementation Plan to come before you for  
 10 adjudication under Washington's Clean Energy  
 11 Transformation Act, or "CETA" for short.  
 12       CETA requires utilities to transform our  
 13 state's electric supply to be a hundred percent clean  
 14 and to ensure that all customers benefit from this  
 15 transition.  
 16       The PSE plan that's before you today commits  
 17 to real progress on clean energy, though there are some  
 18 problems that I'll turn to later. But it's the equity  
 19 provisions of PSE's plan that really fall short. And  
 20 I'll address those shortcomings.  
 21       CETA requires utilities to ensure that  
 22 customers benefit from the clean energy transition; that  
 23 includes ensuring benefits flow to highly impacted  
 24 communities and vulnerable populations, which together  
 25 are named communities.

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1       The evidence will show that PSE's plan does  
 2 not include any concrete commitments to progress on  
 3 equity for named communities.  
 4       And remarkably, there is almost no factual  
 5 dispute about this. PSE has agreed with many of our  
 6 recommendations and testimony. They have even conceded  
 7 that they should be held to a higher standard for the  
 8 equity provisions in their next plan. But a promise to  
 9 do better next time is not enough to fix this plan.  
 10       PSE has framed this plan as a first step.  
 11 But even the first step has to be a meaningful step  
 12 forward. Without equity commitments, PSE's plan looks  
 13 like marching in place.  
 14       Now, in this docket the question the  
 15 Commission has to decide is whether a plan that lacks  
 16 concrete commitments to progress on equity complies with  
 17 CETA.  
 18       In short, it doesn't. The process of  
 19 implementing CETA may be iterative, but that process  
 20 still must start with progress.  
 21       You've already heard from Commission Staff  
 22 this morning that a significant portion of the clean  
 23 energy transition will happen in these next four years.  
 24 We can't afford to miss this window to make concrete  
 25 progress on equity.

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1       We need an order from the Commission that  
 2 makes it crystal clear that these plans have to commit  
 3 to real progress on equity.  
 4       And we need an order from the Commission  
 5 that includes conditions of approval adding equity  
 6 commitments to this plan.  
 7       We have mandatory equity language in CETA.  
 8 We have mandatory language in the Commission's rules, and  
 9 we have recent orders from the Commission in other  
 10 proceedings that underscore the importance of centering  
 11 equity in the clean energy transition. But all of this  
 12 mandatory language may not mean much on the ground  
 13 unless the Commission requires utilities to include  
 14 concrete commitments to progress in their implementation  
 15 plans.  
 16       I'd like to highlight a few of the ways that  
 17 PSE's plan falls short on equity commitments. And,  
 18 again, there's virtually no factual dispute about any of  
 19 these. In fact, some of these issues may not even come  
 20 up today because the record is already so clear.  
 21       For one example, PSE's plan uses customer  
 22 benefit indicators to measure the impact of PSE's  
 23 actions on its customers. These indicators have to  
 24 include impacts like public health benefits, energy  
 25 security, and the equitable distribution of energy and

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1 nonenergy benefits. But PSE hadn't included targets for  
 2 progress on any of these indicators. PSE hasn't offered  
 3 a narrative description of how much progress it hopes to  
 4 make. As the plan is written, providing just one more  
 5 LED light bulb for one more for highly vulnerable  
 6 customer would satisfy PSE's indicators. PSE needs a  
 7 concrete commitment to more than token progress.  
 8 For another example, PSE's plan doesn't  
 9 include any commitments to carve out a portion of its  
 10 distributed energy programs for named communities.  
 11 The evidence shows that some of these  
 12 programs have not be equitably enrolled in the past.  
 13 The evidence also shows that named communities will  
 14 likely experience barriers to accessing these programs.  
 15 But PSE's plan doesn't commit to designate a  
 16 fair portion of these programs specifically for named  
 17 communities.  
 18 Another big problem is that PSE's plan  
 19 doesn't commit to specific actions. Instead, it  
 20 includes a hypothetical portfolio. But PSE can't  
 21 consider how its actions will benefit named communities  
 22 if it hasn't picked the actions yet. Instead, PSE  
 23 outsourced this analysis to bidders in their  
 24 confidential responses to PSE's request for proposals.  
 25 This means the public can't provide meaningful input,

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1 both because PSE hasn't picked the actions yet and  
 2 because the bidder analysis is confidential.  
 3 The hypothetical actions PSE did include in  
 4 the plan also fall short and not just because they are  
 5 only hypothetical. The evidence shows that PSE ignored  
 6 some of the most important impacts that its actions can  
 7 have on its customers, like the decision to disconnect  
 8 customers from their essential electric service. The  
 9 result is a portfolio that is too short on benefits for  
 10 named communities.  
 11 Again, there's no real factual dispute about  
 12 what the plan includes.  
 13 PSE agrees that its plan doesn't commit to  
 14 targets for its customer benefit indicators. PSE agrees  
 15 it doesn't commit to minimum designations for named  
 16 communities for its distributed resources. And PSE  
 17 agrees that its plan doesn't commit to the actual  
 18 resource actions it will take in the next 40 years.  
 19 But PSE promises that all of these pieces  
 20 will be included somewhere else at some other time, in  
 21 future plans or in updates or in other planning  
 22 processes.  
 23 But the Clean Energy Implementation Plan  
 24 itself is where PSE needs to lay out its equity plan and  
 25 commitment to progress. This plan is supposed to be the

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1 overarching document where PSE compares customer  
 2 disparities with actions that reduce those disparities.  
 3 It's where PSE should lay out its commitments in one  
 4 place so the communities can provide input on PSE's  
 5 goals and hold PSE accountable to the progress it  
 6 promises. A piecemeal analysis across dockets, across  
 7 years, and hidden behind confidential designations can't  
 8 provide the same vehicle for public input and  
 9 accountability.  
 10 PSE needs to commit to progress on equity  
 11 and those commitments need to be in this plan.  
 12 I'd like to turn briefly to the clean energy  
 13 provisions of PSE's plan. Here PSE's plan does have  
 14 important commitments to progress. The evidence shows,  
 15 for example, that PSE's interim renewable energy target  
 16 and its DER subtarget are well-founded. But the clean  
 17 energy provisions also fall short in several important  
 18 ways.  
 19 First, PSE's demand response target is far  
 20 too low. Demand response is a priority resource under  
 21 CETA and the evidence shows that PSE should have adopted  
 22 a much higher target than this plan.  
 23 Second, PSE's incremental cost calculation  
 24 is flawed. The evidence shows that PSE attributed cost  
 25 to CETA that PSE would have incurred anyways. This

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1 evidence is unrebutted. PSE's only response is that  
 2 these costs are reasonable. But reasonableness is not  
 3 the test for whether costs are incremental to CETA  
 4 compliance.  
 5 Finally, PSE relied on a flawed methodology  
 6 to incorporate the social cost of greenhouse gas  
 7 emissions into its portfolio models. PSE's flawed  
 8 methodology overvalues its own fossil fuel resources and  
 9 led PSE to select a baseline portfolio that was not  
 10 actually least cost. This flawed methodology didn't  
 11 affect PSE's interim targets or its CETA portfolio in  
 12 this plan, but going forward there is a real risk that  
 13 this flawed methodology will delay the clean energy  
 14 transition.  
 15 Commissioners, this is the first Clean  
 16 Energy Implementation Plan that has come before you for  
 17 adjudication. And it will set an important precedent  
 18 for how utilities approach these plans going forward.  
 19 The evidence shows that with a robust set of  
 20 additional conditions, this plan can set a strong  
 21 precedent that PSE and other utilities should follow.  
 22 We've laid out the conditions that the Commission should  
 23 adopt in Exhibit LCM-8.  
 24 The evidence also shows that without these  
 25 conditions this plan, as currently written, fails to

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1 meet CETA's minimum requirements. Thank you.  
 2 JUDGE HOWARD: All right. Thank you.  
 3 Would The Energy Project like to provide an  
 4 opening statement?  
 5 MR. FFITCH: Yes. Thank you, Your Honor.  
 6 And good morning, Chair Danner and  
 7 Commissioner Rendahl and Doumit.  
 8 I'm Simon ffitch, attorney with The Energy  
 9 Project, and I would like to add a few brief comments to  
 10 those you've already heard this morning. I'm really  
 11 going to echo the opening statements of Staff, Public  
 12 Counsel and NWEAC and Front and Centered. And I'll try  
 13 to abbreviate a little bit to not be redundant. But I  
 14 do want to underline some of the points that have  
 15 already been made.  
 16 CETA implementation under -- under this CEIP  
 17 will certainly have a major impact on hundreds of  
 18 thousands of low income customers, vulnerable  
 19 populations, and highly impacted communities. And  
 20 that's why a central goal of CETA, in addition to  
 21 planning for clean resources is to ensure an equitable  
 22 transition.  
 23 We have been actively involved in the CEIP  
 24 dockets for all three IOUs, and our focus has been on  
 25 the development of specific CBI and metrics that are

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1 tied to the equity goals and the statutory elements of  
 2 CETA, such as energy security, cost reduction, and  
 3 reduction of burdens.  
 4 Our -- our recommended CBIs including, for  
 5 example, tracking arrearages and disconnection, are  
 6 designed to measure the tangible reality of customer  
 7 household experience during the transition to a clean  
 8 energy environment. And to track whether those customer  
 9 households are experiencing benefits from the  
 10 transition.  
 11 The testimony of Lorena Shah, for The Energy  
 12 Project, lists the specific CBIs and metrics that we're  
 13 recommending and provides details supporting discussion  
 14 to explain the basis for the proposals and also to  
 15 address Puget's own proposals and how they match up or  
 16 don't match up. Her testimony provides tables that  
 17 allow you to have a side-by-side comparison of the  
 18 different proposals and how they also fit into the  
 19 framework of the statutory elements. And Ms. Shah is in  
 20 attendance at the hearing today.  
 21 Energy Project's proposals were first  
 22 recommended as a part of a package of a joint advocate  
 23 proposals presented to the company in July 2021. The --  
 24 the authors of the initial set of proposals were all  
 25 members of important commission advisory groups,

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1 including the low income advisory group and the CRAG and  
 2 also Front and Centered as a member of the equity  
 3 advisory group.  
 4 Since then, Energy Project and other party  
 5 recommendations have been brought forward in multiple  
 6 rounds of comments and in testimony in this case. But  
 7 unfortunately, Puget has not been open to adopting any  
 8 condition or modification to the CEIP since it was filed  
 9 in December of 2021.  
 10 And their recommendation in this case, as  
 11 was repeated in their rebuttal testimony, is simply for  
 12 the Commission to approve the CEIP as filed over a year  
 13 ago in December 2021.  
 14 I'd like to just touch on one final point  
 15 that has been raised eloquently by Mr. Callaghan and  
 16 other counsel this morning. Time is a critical element  
 17 for the Commission to consider in this case. There's  
 18 real urgency here.  
 19 CETA was enacted in 2019, now nearly three  
 20 and a half years ago. Puget's final CEIP was filed over  
 21 one year ago, and since then no progress has been made  
 22 on incorporating any of the reasonable recommendations  
 23 of stakeholders and Commission Staff. And Puget's now  
 24 arguing that it's too late to incorporate any of these  
 25 new ideas into the current CEIP and that any action on

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1 new CBIs or metrics will have to wait another two years  
 2 until the 2025 CEIP. That 2025 CEIP cycle is the final  
 3 CEIP cycle before the 2030 deadline.  
 4 By then, over half of the available time for  
 5 action between enactment of CETA and the 2030 deadline  
 6 will have passed. And while all the parties  
 7 understand -- and we've heard it again this morning --  
 8 that this is an iterative process, that's not a  
 9 justification for failure to act now in the current CEIP  
 10 when there are reasonable and feasible CBIs and metrics  
 11 with available data that can be adopted now. Climate  
 12 change is not on hold. The effects of climate change on  
 13 customers is not on hold. It's important to make this  
 14 CEIP the best possible initial plan for the company and  
 15 its customers.  
 16 So we respectfully request that the  
 17 Commission condition approval of the 2021 CEIP upon  
 18 adoption of The Energy Project's recommendations for  
 19 CBIs and metrics. Thank you.  
 20 JUDGE HOWARD: All right. Thank you to all  
 21 the counsel for the parties, that would conclude our  
 22 opening statements.  
 23 And now we are going to turn to  
 24 cross-examination of witnesses. And on the order of  
 25 presentation I circulated earlier, that means our first



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1 witness is PSE witness, Durbin.  
 2 Witness Durbin, can you turn on your video  
 3 feed? Your camera? And can you hear me?  
 4 THE WITNESS: Yes, I can hear you.  
 5 Can you see me?  
 6 JUDGE HOWARD: Yes. I am just flipping back  
 7 and forth here on my Zoom screen to get the right icons  
 8 to pop-up.  
 9 Can you please raise your right hand? And I  
 10 will swear you in.  
 11 THE WITNESS: Yes.  
 12 HOWARD JUDGE: Do you swear or affirm the  
 13 testimony you will give today is the truth, the whole  
 14 truth, and nothing but the truth?  
 15 THE WITNESS: Yes, I do.  
 16 JUDGE HOWARD: All right. Thank you.  
 17 Ms. Barnett, could you please introduce the  
 18 witness and tender the witness for cross-examination.  
 19 MS. BARNETT: Certainly.  
 20  
 21 KARA DURBIN, witness herein, having been first  
 22 duly sworn on oath, was examined  
 23 and testified as follows:  
 24 //  
 25 //

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1 DIRECT EXAMINATION  
 2 BY MS. BARNETT:  
 3 **Q. Ms. Durbin, please state your name and spell**  
 4 **your name for the court reporter?**  
 5 A. Yes, Kara Durbin. D-u-r-b-i-n.  
 6 **Q. What is your role at PSE?**  
 7 A. I'm the Director of Clean Energy Strategy.  
 8 **Q. Thank you.**  
 9 MS. BARNETT: And given that the pre-filed  
 10 exhibits and testimony have already been admitted, Your  
 11 Honor, PSE presents Kara Durbin for cross-examination.  
 12 JUDGE HOWARD: All right. Thank you.  
 13 And Staff indicated cross for this witness.  
 14 Mr. Callaghan, you may proceed.  
 15 MR. CALLAGHAN: Thank you, Your Honor.  
 16 CROSS-EXAMINATION  
 17 BY MR. CALLAGHAN:  
 18 **Q. Good morning, Ms. Durbin.**  
 19 A. Good morning.  
 20 **Q. Do you have a copy of your rebuttal testimony,**  
 21 **Exhibit KKD-60, a copy of the revised CEIP, and**  
 22 **Exhibit JES-3 with you?**  
 23 A. I do. They might be across a couple different  
 24 binders, so if you let me know which one you would like  
 25 to start with, that would be great.

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1 **Q. Yes. Could you start with your rebuttal**  
 2 **testimony? If you could, turn to page 3 and let me know**  
 3 **when you're there.**  
 4 A. I will. Thank you.  
 5 Could you repeat the page number, please?  
 6 **Q. Page 3.**  
 7 A. I'm there.  
 8 **Q. On lines 5 through 9, you state that, quote:**  
 9 **PSE does not suggest in this rebuttal filing that the**  
 10 **Commission should wholesale reject all of the conditions**  
 11 **offered by the other parties to this proceeding, but**  
 12 **rather be judicious about what conditions apply in the**  
 13 **near term; is that correct?**  
 14 A. That's correct.  
 15 **Q. All right. So to clarify, PSE is not asking the**  
 16 **Commission to limit the conditions of approval to just**  
 17 **the commitments that the company made in Chapter 8 of**  
 18 **the CEIP; is it?**  
 19 A. That's correct. We've -- in my rebuttal  
 20 testimony, we've indicated a few areas where the  
 21 conditions that have been proposed are reasonable and  
 22 acceptable to the company.  
 23 **Q. All right. And, in fact, in your rebuttal -- in**  
 24 **your rebuttal testimony, you identify some of Staff's**  
 25 **proposed conditions that the company either completely**

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1 **or partially agrees with; is that right?**  
 2 A. That's correct.  
 3 **Q. All right. But your rebuttal testimony doesn't**  
 4 **go through all of the conditions proposed by Staff and**  
 5 **state whether or not PSE agrees with them; does it?**  
 6 A. No. We went through, as you noted, several of  
 7 them, but we did not address each and every one. I  
 8 think there were over 30 that Staff identified.  
 9 **Q. Okay. Could you please turn to your copy of**  
 10 **Exhibit JES-3 and let me know when you're there?**  
 11 A. Yes, I will. Thank you.  
 12 All right. I'm there. Thank you.  
 13 **Q. All right. Are you familiar with this exhibit?**  
 14 A. Yes, I am.  
 15 **Q. Is it a list of Staff's recommended conditions**  
 16 **of the approval CEIP?**  
 17 A. Yes, it is.  
 18 **Q. Could you turn to page 2 and let me know when**  
 19 **you are there?**  
 20 A. I'm there. Thank you.  
 21 **Q. If you could please review Staff Conditions 14**  
 22 **through 31 and let me know when you're done.**  
 23 A. Yes, I'm done. I'm familiar with 14 through 31.  
 24 They were included with Chapter 8, commitments by the  
 25 company.

1 **Q. Okay. So you've answered my next question.**  
2 **So Staff Conditions 14 through 31 are basically**  
3 **restatements of the commitments PSE made to -- in**  
4 **Chapter 8?**  
5 A. That's correct.  
6 **Q. And you state that in your rebuttal testimony**  
7 **that PSE supports including those commitments as a**  
8 **condition of approval; is that right?**  
9 A. Yes.  
10 **Q. All right. So given that Staff Conditions 14**  
11 **through 31 are just restatements of those commitments,**  
12 **does PSE support Staff Conditions 14 through 31?**  
13 A. Yes, PSE does.  
14 **Q. All right. So if the Commission were to order**  
15 **PSE to fulfill Staff Conditions 14 through 31, the**  
16 **company could do that?**  
17 A. Yes. All of those conditions are for the  
18 biennial that we made in Chapter 8. And, yes, we could  
19 do that.  
20 **Q. Thank you.**  
21 **Could you please turn to the bottom of page 1,**  
22 **and the top of page 2 in JES-3 and review Conditions 9**  
23 **through 13, and let me know when you're done.**  
24 A. Certainly.  
25 (Reviews document.)

1 **Q. Okay. So there are some conditions that apply**  
2 **to the 2025 CEIP that PSE does not support; correct?**  
3 A. In -- are you speaking specifically to Staff's?  
4 **Q. No, just to any of them.**  
5 A. They are certainly across the record -- across  
6 the parties, there are conditions proposed for the 2025  
7 CEIP that we, at least, have concerns with the -- what  
8 the condition means or how we would be able to  
9 accomplish it.  
10 **Q. Okay. Thank you.**  
11 **And Conditions 9 through 13, again, they apply**  
12 **to the 2025 CEIP; correct?**  
13 A. That's correct.  
14 **Q. What is PSE's position on Staff Condition 9?**  
15 A. On Staff Condition 9, which -- which is  
16 requiring us to file a Draft CEIP for the 2025 on a  
17 timeline that the company deems sufficient, we're  
18 supportive of that condition. And we're also  
19 anticipating for the biennial that we would also produce  
20 a draft. We think the public engagement step is  
21 important. Hearing that feedback and being able to  
22 reflect on it for the final was something we benefitted  
23 from in the 2021 CEIP while the timeline was short. And  
24 we think -- we think that condition is reasonable.  
25 **Q. Okay. What about PSE's position on Staff**

1 Okay. I'm ready. Thank you.  
2 **Q. In your rebuttal testimony, you state that,**  
3 **quote: For any conditions the Commission might add as a**  
4 **condition of approval beyond the commitments in**  
5 **Chapter 8 of the CEIP, PSE urges that the Commission**  
6 **make those conditions as forward-looking requirements**  
7 **for the 2025 CEIP; is that correct?**  
8 A. As a general premise, yes.  
9 **Q. Okay. But to clarify, you aren't stating here**  
10 **that PSE is comfortable with all of the proposed**  
11 **conditions that apply to the 2025 CEIP, are you?**  
12 A. I'm sorry. Could you restate that question? I  
13 got a little lost. Apologies.  
14 **Q. The quote that I just stated from your rebuttal**  
15 **testimony, you're not saying there that PSE is**  
16 **supportive of any of the proposed conditions as long as**  
17 **they apply to the 2025 CEIP; correct?**  
18 A. What I was stating in my testimony is, generally  
19 speaking, we prefer forward-looking conditions for the  
20 2025 CEIP to ensure we have enough time to execute upon  
21 those conditions.  
22 However, there are a few instances in which we  
23 have signaled for the biennial update that there are  
24 actions we can take. And some of them are in the  
25 condition list that Staff provided in this exhibit.

1 **condition 10?**  
2 A. On Condition 10, we -- we agree, generally, with  
3 this condition and certainly, as evidenced in my  
4 testimony, believe that there could be some improvements  
5 made to align planning and procurement processes. And  
6 we agree with the recommendation made by Staff that we  
7 would appreciate Commission guidance on the proper  
8 timing of IRP, RFP, CEIP, and also let's add the  
9 multi-year rate plan in a future rulemaking or policy  
10 statement. I believe that was in Ms. Snyder's  
11 testimony, and we agree that when time allows, that  
12 would be a good conversation to have.  
13 **Q. Okay. Thank you.**  
14 **What about PSE's position on Staff Condition 11?**  
15 A. So on Staff Condition 11, we're reluctant to  
16 agree to this condition to not use the two percent as a  
17 planning constraint or use it as a spending guideline in  
18 developing our targets.  
19 And the reason for that is we really are  
20 reluctant to agree to that condition without receiving  
21 some guidance or direction from the Commission on how we  
22 should go about proposing targets under CETA that  
23 demonstrate progress towards the 2030 and 2045 standards  
24 that incorporate the equity and the CBIs and balance  
25 costs.

1 So, in other words, we just -- we have  
2 conditions with this -- we have concerns with this  
3 condition if it's added without some other direction on  
4 how we should go about this work differently in  
5 determining a lowest reasonable cost portfolio that  
6 demonstrates progress towards the targets. As we set  
7 our own targets, we would be looking for some -- some  
8 different direction on that.

9 **Q. All right. And if the Commission were to  
10 provide additional guidance on the incremental cost  
11 calculation and how it should be used, would PSE be  
12 supportive of Condition 11?**

13 A. I think it would be hard to -- to state right  
14 now, not knowing what that guidance looks like. So  
15 appreciate the question, but I'm not sure I can answer  
16 that in hypothetical.

17 **Q. Okay. So what is PSE's position on Staff  
18 Condition No. 12?**

19 A. So, Condition 12 is really similar to Condition,  
20 I believe, it's five. And we thought about --  
21 Condition 5 just applying to the biennial here shortly  
22 in 2023. We're certainly -- I guess this -- this  
23 condition is written rather generally and it's a little  
24 bit vague as to what refining methods is intended to  
25 mean.

1 Commission lands on that issue, then certainly we -- we  
2 would want to continue to refine our methodology to a  
3 more appropriate one. We would just be hoping to get a  
4 little direction as to what that might look like.

5 **Q. Okay. Thank you.  
6 And what is PSE's position on Staff Condition  
7 13?**

8 A. So for Condition 13, we support this condition,  
9 and that's evidenced in my testimony as well.

10 **Q. Thank you.  
11 All right. Could you review Conditions 6  
12 through 8 on page 1 of Exhibit JES-3.**

13 A. Yes.

14 **Q. All right. For Condition No. 8, in rebuttal  
15 testimony you state that PSE agrees with Staff's  
16 Condition No. 8; correct?**

17 A. Correct.

18 **Q. And what is PSE's position on Staff Condition 6  
19 and 7?**

20 A. So on Staff Condition 6, we can certainly  
21 provide a master file index for the 2021 CEIP. It would  
22 be good to have some conversations to make sure we're  
23 meeting what the expectation is. But we're happy to  
24 provide that -- that index to make it more user friendly  
25 if desired.

1 So I think PSE's position here is we think the  
2 overall methodology that we've used to identify  
3 vulnerable populations is -- is reasonable.

4 So if this is looking to have us change that  
5 methodology, we might have concerns, but we're certainly  
6 open to refining our data and how we sort of think about  
7 that work as well as continue to have conversations with  
8 our Equity Advisory Group and others on, you know,  
9 other -- other ways that we might identify factors of  
10 vulnerability that perhaps we didn't consider in this  
11 first CEIP.

12 So I think, generally speaking, refining -- we  
13 are refining and thinking about our method now, and we  
14 will continue as part of this iterative process.

15 So generally supportive but also a little bit  
16 not sure what -- what's intended by Condition 12.

17 **Q. Okay. So if the Commission does agree with the  
18 concerns that Staff has raised regarding the methods to  
19 identify vulnerable populations that Staff has included  
20 in its testimony, under that circumstance,  
21 hypothetically, would PSE support Condition 12?**

22 A. Yeah, if -- if the Commission agrees with --  
23 agrees with Staff's position and recommendation that  
24 there need to be changes to the methodology for  
25 identifying vulnerable populations, if that's where the

1 And then on Condition 7, we've already agreed to  
2 do this and have been providing the license to Staff  
3 throughout the CEIP process, which has been going on for  
4 a while now, and we're happy to continue that practice  
5 going forward. So no concerns with Condition 7.

6 **Q. Okay. Thank you.  
7 Now, could you review Staff Conditions 1, 2,  
8 and 5 on page JES-3? I'm going to be asking other  
9 witnesses about Conditions 3 and 4.**

10 A. Yes. You said 1, 2, and 5?

11 **Q. Yes.**

12 A. Yes, I've reviewed them. Thank you.

13 **Q. All right. So with respect to Condition 5, we  
14 discussed this already.**

15 **Do you have the same position on Condition 5 as  
16 you did with the previous condition?**

17 A. I do. We would be willing to continue to refine  
18 methods as I described for the biennial update and  
19 provided some narrative on that work in the biennial,  
20 but just note that that's just a few months away now.

21 **Q. All right. And based on your rebuttal  
22 testimony, does PSE anticipate fulfilling Staff  
23 Condition No. 2?**

24 A. I'm sorry. Could you repeat the opening of that  
25 question about Condition 2?

1 **Q. Yeah. Based on your rebuttal testimony, on**  
 2 **page 10, lines 17 and 18, does PSE anticipate fulfilling**  
 3 **Staff Condition No. 2?**  
 4 A. Yes.  
 5 **Q. Okay. Finally, does PSE oppose the Commission**  
 6 **adding Staff's Condition 1 as a condition of approval?**  
 7 A. No, we do not oppose it.  
 8 **Q. You don't propose -- you don't oppose Condition**  
 9 **No. 1?**  
 10 A. No, we do not oppose Condition No. 1.  
 11 **Q. All right.**  
 12 **So I just have a few more questions for you.**  
 13 **Could you turn to page 31 of your rebuttal**  
 14 **testimony? And let me know when you're there.**  
 15 A. Thirty-one of KKD-60.  
 16 Is that my rebuttal?  
 17 **Q. Yes.**  
 18 A. Correct?  
 19 **Q. That's right.**  
 20 A. I'm there. Thank you.  
 21 **Q. All right. Thank you.**  
 22 **On lines 17 and 18 you state, quote: Instead,**  
 23 **PSE views the incremental cost as an approximate**  
 24 **spending guide that the company used to inform the**  
 25 **development of its interim target, end quote.**

1 **further questions.**  
 2 A. Thank you.  
 3 JUDGE HOWARD: Okay. Do we have any  
 4 redirect from the company, following Staff's cross?  
 5 MS. BARNETT: No, Your Honor.  
 6 JUDGE HOWARD: Okay. In that case, let's  
 7 take our brief mid-morning break at this point. Since  
 8 it's 10:43, let's -- let's just come back on the record  
 9 at 11, if that works for everyone.  
 10 Actually, I -- yeah. Let's just stick with  
 11 11. I'm not going to be more precise and, potentially,  
 12 annoying than that. So we will return at 11. We will  
 13 take a brief mid-morning break. Thank you, all. We are  
 14 off the record for a moment.  
 15 (A break was taken from  
 16 10:44 a.m. to 11:00 a.m.)  
 17 JUDGE HOWARD: All right.  
 18 We're returning after our midmorning break.  
 19 I see we have Witness Durbin and we have Public Counsel,  
 20 and I'm seeing -- if anyone believes someone is missing  
 21 from the call at this point, please feel free to note  
 22 that in the chat.  
 23 Our next -- our next cross-examination would  
 24 be from Public Counsel for Witness Durbin.  
 25 Ms. Suetake, you may proceed.

1 **Is PSE's view consistent with the guidance that**  
 2 **the Commission has provided on incremental costs in the**  
 3 **adoption order of the CEIP rules?**  
 4 A. I -- I believe that it is. Although I will add  
 5 that the Commission certainly signaled that it's neither  
 6 a floor or a cap. And we did take that under advisement  
 7 as we were thinking about the two percent. And as I  
 8 stated in my rebuttal testimony, we -- we viewed it as a  
 9 spending guideline in forming how we might establish our  
 10 targets.  
 11 **Q. Okay. Thank you.**  
 12 **Finally, could you turn to page 26 of your**  
 13 **rebuttal testimony?**  
 14 A. I'm there.  
 15 **Q. All right. So on line 16 through 18, you state**  
 16 **that PSE agrees with eliminating the climate change CBI**  
 17 **for the 2025 CEIP.**  
 18 **Does that mean that PSE opposes eliminating that**  
 19 **CBI now?**  
 20 A. Oh. PSE would be open to removing it for the  
 21 biennial update, if that was the Commission's desire.  
 22 I -- I did write this specific to the 2025 CEIP,  
 23 but that -- but we should not infer that that means we  
 24 oppose it for the biennial.  
 25 **Q. All right. Thank you, Ms. Durbin. I have no**

1 MS. SUETAKE: Thank you.  
 2 I seem to be having a little bit of Zoom  
 3 issues. So please let me know if I'm not coming in  
 4 clearly.  
 5 JUDGE HOWARD: I did hear you break up a  
 6 little bit in the audio there. Maybe let's -- let's see  
 7 how it goes for a minute and then, if necessary, you can  
 8 perhaps, call in on a cell phone.  
 9 MS. SUETAKE: Okay. Apologies. I'm not  
 10 sure what the problem is today.  
 11 CROSS-EXAMINATION  
 12 BY MS. SUETAKE:  
 13 **Q. Good morning. My name is Nina Suetake and I'm**  
 14 **here on behalf of Public Counsel Unit.**  
 15 **Do you have a copy of your rebuttal testimony in**  
 16 **front of you?**  
 17 A. Yes, I do.  
 18 **Q. Could you please turn to page 14 of your**  
 19 **rebuttal testimony?**  
 20 A. Yes, I'm there.  
 21 **Q. And then, is it correct -- I'm looking at**  
 22 **line 9.**  
 23 **Is it correct that PSE generally supports Public**  
 24 **Counsel's condition regarding PSE to clarify that the**  
 25 **DER portfolio would be determined after finalizing its**

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1 **assessment of the DER RFP proposals in the 2023 biennial**  
 2 **update?**  
 3 A. Yes, we generally agree with that.  
 4 **Q. And is it correct that PSE's DER portfolio**  
 5 **selection process included in the current CEIP is**  
 6 **illustrative and not definitive?**  
 7 A. Yes, that's correct. And also stated in my  
 8 testimony.  
 9 **Q. If you can turn to -- do you have a copy of the**  
 10 **corrected CEIP in front of you?**  
 11 A. Yes. Let me just turn to it. Give me a moment.  
 12 I believe -- is there a particular section you would  
 13 like me to turn to?  
 14 **Q. Yes. If you can go to Chapter 2, page 32.**  
 15 A. And just to confirm, you're in the corrected  
 16 version that was published in -- say on February 2nd, on  
 17 the front.  
 18 **Q. Okay.**  
 19 A. Page 32. I'm there.  
 20 **Q. Now, is it correct that PSE's DER portfolio**  
 21 **selection process is described, essentially, on pages 32**  
 22 **through about 42 and Appendix D of this document?**  
 23 A. I'm just flipping through to confirm, but that  
 24 seems correct. The other -- the other appendices you  
 25 mentioned was Appendix --

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1 **Q. Appendix D --**  
 2 A. -- D.  
 3 **Q. -- as in "dog"?**  
 4 A. Yes. That's correct.  
 5 **Q. And then -- so, to be clear, PSE -- is it**  
 6 **correct that PSE considers these ten pages describing**  
 7 **its portfolio selection process as well as Appendix D,**  
 8 **subparts 1 through 5, to be merely illustrative?**  
 9 A. Yes, we do. These pages really gave it an  
 10 indication of what we believed our DER portfolio could  
 11 look like and to give some context for that. And as  
 12 stated in the CEIP, we intended to update the DER  
 13 specific to the results of the targeted DER RFP.  
 14 **Q. Thank you.**  
 15 **If you could turn to page 42 of the CEIP?**  
 16 A. Yes.  
 17 **Q. And if you can turn -- look at that first full**  
 18 **paragraph.**  
 19 **And is it -- where it says "PSE's proposed DER**  
 20 **preferred portfolio is our initial path to meet CEIP**  
 21 **targets."**  
 22 **Do you see that?**  
 23 A. I do.  
 24 **Q. So when it says the "preferred" -- "proposed**  
 25 **preferred portfolio," is it correct, then, that the**

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1 **portfolio that is stated and included in this chapter**  
 2 **actually a proposal by PSE?**  
 3 A. You really have to read both the first sentence  
 4 that you quoted and the next sentence that goes on to  
 5 note that the -- all-source and targeted DERs will  
 6 provide data on available resources in the program.  
 7 So this was our proposed DER preferred  
 8 portfolio. It was more meant to be illustrative than  
 9 definitive on the programs that we would pursue. And  
 10 those updates, as reflected in our commitment in  
 11 Chapter 8, will be done for the biennial.  
 12 **Q. Okay. Is there -- can you point to anywhere in**  
 13 **this chapter in these ten pages where PSE actually**  
 14 **states that this selection process is merely**  
 15 **illustrative?**  
 16 A. If you'll give me a moment. I don't know  
 17 specifically this moment whether the word  
 18 "illustrative," if I did a word search, comes up. But I  
 19 am looking.  
 20 I do think there's also some discussion in  
 21 Chapter 4 that makes this point more clear in the  
 22 specific actions.  
 23 The word "illustrative" may not be in Chapter 2.  
 24 I don't know if you want me to take the time to read  
 25 through it fully. But I do believe that is communicated

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1 in Chapter 4 as we discussed the specific DER actions we  
 2 may take.  
 3 **Q. Okay. Well, that's fine for now then. We don't**  
 4 **have to actually search exactly for the word, then.**  
 5 **I guess, then -- could you clarify -- you've**  
 6 **clarified that the process and the portfolio will be**  
 7 **informed by the all-source and targeted DER RFPs; is**  
 8 **that correct?**  
 9 A. That's correct.  
 10 **Q. Going forward, is PSE using the methodology of**  
 11 **resource selection that it outlines in this CEIP?**  
 12 A. If PSE uses a similar selection process for the  
 13 2025 CEIP, we will certainly make adjustments and  
 14 improvements to the process.  
 15 But, right now, it is a little hard for me to  
 16 speculate exactly what the process will be for the 2025,  
 17 but would note that we would certainly want to make  
 18 improvements. We did receive a lot of comments and  
 19 critiques of the selection process that we used.  
 20 **Q. So between now -- or between the time this was**  
 21 **filed and the 2025 CEIP, what process is PSE using to**  
 22 **craft its DER portfolio?**  
 23 A. That -- if -- to speak more specifically to  
 24 those plans, you may want to ask that question of  
 25 Witness Will Einstein. I can speak generally, but we

1 have plans to do community engagement this year to  
2 inform out the specific programs that we will be  
3 pursuing through the remainder of the implementation  
4 period, informed by the DER RFP results.

5 **Q. So when PSE says that this portfolio is  
6 illustrative, do you mean the results are illustrative  
7 or the methodology used is illustrative?**

8 A. The methodology that we used in -- that's  
9 described in Chapter 2 and the -- and the programs we  
10 provided as -- as illustrative examples of the types of  
11 programs we would pursue to fill the 80 megawatt  
12 subtarget, that's what I'm referring to.

13 **Q. So both the methodology and the results are  
14 illustrative and can change; is that correct?**

15 A. I wouldn't really characterize what's in  
16 Chapter 2 as results. I would think of the results,  
17 when we use the word "results," as being the results  
18 from the RFP. But the proposed types of programs is  
19 certainly more illustrative. And the illustrative  
20 work does, just to clarify, show up on page 115,  
21 footnote 54 in talking about at least some of the time I  
22 used pilot programs. But that's not in Chapter 2.

23 **Q. So one more time, just to clarify.  
24 In the 2023 and 2025 -- well, CEIP -- in the  
25 update and in the 2025 plan, will PSE continue to update**

1 just another important input.

2 **Q. Will the 2020 -- will that progress report be  
3 incorporated into the biennial update or just the 2025  
4 CEIP?**

5 A. It will be incorporated in the biennial and  
6 that's reflected in our commitments in Chapter 8.

7 **Q. Okay. And do you anticipate a significant  
8 change in the expected programs in the -- in the DER  
9 portfolio based on the results of the RFP?**

10 A. It is still a bit too early for me to opine on  
11 that. With respect to demand response, which witness  
12 Archuleta can look to. We're certainly looking at  
13 demand response programs that are -- that touch on  
14 additional customer classes beyond what we saw in the  
15 proposed CEIP. So we're looking at various programs.  
16 And on this distributed energy resource program, we're  
17 also looking at -- we're looking at the concepts that  
18 were proposed in the CEIP, but we're also really going  
19 to be talking to the community and seeing what's  
20 feasible and what's coming out of the DER RFP that we  
21 can move forward with.

22 **Q. So going forward from CEIP to CEIP, will the  
23 process of resource selection be more driven by the RFPs  
24 than -- a theoretical selection process?**

25 A. That's our expectation; is that we certainly

1 **its portfolio selection process as well as the actual  
2 portfolio?**

3 A. I'm hesitating on the term "selection process,"  
4 but we will certainly update our -- our methods. We  
5 will update our cost estimates that we use. We will be  
6 talking to the community about the kinds of programs  
7 they want to see and all of that will inform the  
8 programs you ultimately see in the biennial and in the  
9 next CEIP. Whether we call it selection process or not,  
10 we are certainly going to make improvements in all of  
11 those areas.

12 **Q. And will PSE modify how it uses the CBIs to  
13 select resources or is PSE planning on updates to how it  
14 uses CBIs?**

15 A. I think it is reasonable to assume that we will  
16 also seek to make improvements in how we think about and  
17 apply CBIs for the biennial and even more so for the  
18 2025 CEIP.

19 **Q. Is it correct that the updates that your -- to  
20 the preferred portfolio will be -- the first updates  
21 will be based on the 2022 DER, RFP DER and DR RFP?**

22 A. It's true that the DER DR RFP will be very  
23 informative to how we ultimately update the biennial.  
24 It will also be informed by the electric progress report  
25 results, which will be finalized in April. So that's

1 will have the benefit of those plans being more directly  
2 informed by the RFP process.

3 I think as indicated, briefly in my rebuttal  
4 testimony, we have a timing issue with the rule-required  
5 IRP RFP just because that is triggered by an IRP that  
6 concludes in April and a CEIP that's due under the rules  
7 in final form in October. So RFP results are going to  
8 need to come in earlier in order to really be able to  
9 inform some of our work and -- so that's what I would  
10 offer.

11 **Q. Would PSE object to a condition that would  
12 require the company to explain in its 2023 biennial  
13 update how it intends to use the RFP results to craft a  
14 portfolio?**

15 A. Can you elaborate on what that condition would  
16 look like? Do you mean for how it would use the results  
17 for the 2025 CEIP or --

18 **Q. For -- so let me give a little background to my  
19 question. You have -- it's correct that you've stated  
20 that the DER RFPs will inform your process going  
21 forward; is that correct?**

22 A. Certainly, this DER RFP is going to inform our  
23 biennial update. I'm just a little hesitant to project  
24 out to the future exactly how all of that will work, but  
25 yes.

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1 **Q. So right now in your current CEIP, you have a**  
 2 **portfolio selection process that's illustrative;**  
 3 **correct?**  
 4 A. Yes.  
 5 **Q. But that isn't necessarily the process that will**  
 6 **be used going forward; right?**  
 7 A. Correct.  
 8 **Q. So at what point -- will it be possible in the**  
 9 **2023 biennial update to provide the Commission and**  
 10 **parties an update to how PSE is selecting its resources?**  
 11 A. I would expect in the biennial update we'll be  
 12 explaining the engagement activities we're doing this  
 13 year, the review we've done of costs and a justification  
 14 for why the programs we've included we're pursuing and  
 15 to have that -- that explanation in the biennial.  
 16 **Q. Okay. Thank you.**  
 17 **I think that is all of my questions for now.**  
 18 **Thank you.**  
 19 A. Thank you.  
 20 JUDGE HOWARD: Do we have any redirect  
 21 following Public Counsel's cross?  
 22 MS. MOSER: No, Your Honor.  
 23 JUDGE HOWARD: Okay.  
 24 NWEC and Front and Centered also indicated  
 25 cross for this witness.

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1 You may proceed.  
 2 MS. GOODIN: Thank you, Your Honor.  
 3 CROSS-EXAMINATION  
 4 BY MS. GOODIN:  
 5 **Q. Good morning, Ms. Durbin.**  
 6 A. Good morning.  
 7 **Q. I have heard you say that you have your rebuttal**  
 8 **testimony available. Could we go ahead and turn to**  
 9 **page 25 for me, please?**  
 10 **Let me know when you're there.**  
 11 A. You said page 25?  
 12 **Q. Page 25. Correct.**  
 13 A. Yes, I'm there.  
 14 **Q. Great. You've testified that PSE plans to**  
 15 **assess current disparities and burdens faced by named**  
 16 **communities during the implementation period for this**  
 17 **CEIP; is that correct?**  
 18 **I'm sorry. It's lines 13 through 19, if you're**  
 19 **having trouble finding it.**  
 20 A. On lines 13 or 19, in a question that was  
 21 talking about the developing of goals for CBIs; yes, we  
 22 noted the importance of deeply understanding the  
 23 disparities and burdens faced by our customers to ensure  
 24 that we have a baseline to work from for our metrics.  
 25 **Q. Could you go ahead and turn to Exhibit KKD-39X**

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1 **and let me know when you're there?**  
 2 A. Yes. Could I confirm that that is Front and  
 3 Centered's and Northwest Energy Coalition's Data Request  
 4 No. 213?  
 5 Am I on the right one?  
 6 **Q. Yes.**  
 7 A. Okay. I want to make sure my numbering was  
 8 right.  
 9 **Q. There's a lot of numbers.**  
 10 **And you are listed as the person knowledgeable**  
 11 **about that response; correct?**  
 12 A. Let me just take a look.  
 13 Yes. There's a lot of knowledge at PSE. I'm  
 14 not going to claim to be the expert, but I am familiar  
 15 with this data request and its contents.  
 16 **Q. Great. And in this response, you agreed that**  
 17 **PSE needs to do more than just assess existing**  
 18 **disparities, PSE needs to make progress on reducing**  
 19 **existing disparities during this implementation**  
 20 **period; is that correct?**  
 21 A. That's correct.  
 22 **Q. You've identified the first two bullets on**  
 23 **page 64 of the CEIP as the place where PSE discusses its**  
 24 **commitment to making progress on reducing disparities;**  
 25 **is that right?**

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1 A. Yes. Sorry. I see that in the response to  
 2 subpart B, yes.  
 3 **Q. Thanks.**  
 4 **And I heard you mention earlier that you do have**  
 5 **the CEIP available.**  
 6 **Could you go ahead and turn to page 64?**  
 7 A. Yes, just a moment. Multiple binders.  
 8 All right. I'm there. Thank you.  
 9 **Q. All right. Could you go ahead and read the**  
 10 **first bullet along with the sentence immediately before**  
 11 **it?**  
 12 A. Yeah. So the sentence in the CEIP reads: This  
 13 CEIP will use the highly impacted community's  
 14 designation and vulnerable population factors to ensure  
 15 the equitable distribution of benefits by, bullet one,  
 16 identifying the existing disparities and benefits and  
 17 burdens between customers; and the second bullet,  
 18 tracking and measuring process and addressing these  
 19 disparities over time.  
 20 **Q. Thanks.**  
 21 **So that first bullet, "identifying existing**  
 22 **disparities," you'd agree that that's the same as -- or**  
 23 **similar to assessing current disparities that you**  
 24 **mentioned in your testimony; is that right?**  
 25 A. Yes.

1 **Q. And you've agreed that you need to do more than**  
2 **that?**  
3 A. Agree that we -- sorry.  
4 **Q. That you need to do more than just assess; that**  
5 **you need to make progress?**  
6 A. Correct.  
7 **Q. And the second bullet is where you say you'll**  
8 **track and measure progress, but PSE doesn't have any**  
9 **quantitative goals in this CEIP for how much progress it**  
10 **commits to make; correct?**  
11 A. Correct. We did not establish goals in this  
12 first CEIP, although we will be tracking and measuring  
13 progress.  
14 **Q. Thanks.**  
15 **I'd like to turn to a few questions about one of**  
16 **PSE's customer benefit indicators.**  
17 **Would you go ahead and turn to Appendix H,**  
18 **Table H1, and let me know when you're there.**  
19 A. It will take me a moment.  
20 **Q. Yeah. No worries.**  
21 A. Table --  
22 **Q. It should be on the first page there.**  
23 A. Yep. I'm there.  
24 **Q. Great. Is it correct that one of PSE's customer**  
25 **benefit indicators in the CEIP is improved participation**

1 **Q. And to the best of your knowledge, there's no**  
2 **order or rule or other prohibition that would prevent**  
3 **PSE from including arrearages and disconnections in CBIs**  
4 **and metrics in this CEIP; is that correct?**  
5 A. Correct. I'm not aware of anything that would  
6 prohibit us from including that.  
7 **Q. I have a couple questions for you about PSE's**  
8 **evaluation of the customer benefits of specific actions.**  
9 **I believe you've already spoken with Ms. Suetake**  
10 **about this. But you've testified that the DER portfolio**  
11 **in the CEIP is illustrative and not definitive; is that**  
12 **correct?**  
13 A. Correct.  
14 **Q. And PSE plans to clarify that portfolio based on**  
15 **the results of several pending RFPs; correct?**  
16 A. We will be making updates to that portfolio in  
17 the biennial, yes.  
18 **Q. Okay. Could you go ahead and turn to**  
19 **Exhibit KKD-46X?**  
20 A. Yes, I'm there.  
21 **Q. You have said that PSE has asked bidders to**  
22 **provide a customer benefit analysis of their**  
23 **proposals; is that correct?**  
24 A. That's correct. That was part of the all-source  
25 and the DER RFP process.

1 **in clean energy programs from highly impacted**  
2 **communities and vulnerable populations?**  
3 A. Yes, that's correct.  
4 **Q. And one of the metrics for this CBI is increase**  
5 **percentage of participation by named communities in some**  
6 **of PSE's clean energy programs; is that right?**  
7 A. That's correct.  
8 **Q. An increase of just one customer would**  
9 **technically constitute an increase; correct?**  
10 A. I recall that question from one of your data  
11 requests and, hypothetically, sure, one customer would  
12 be an increase. That's what the math would demonstrate.  
13 But I don't -- I just would hesitate to opine that what  
14 would be a notable level of increase. I believe it  
15 would be more than just one, though.  
16 **Q. But there's nothing in the CEIP that commits to**  
17 **the size of the increase and percentage of**  
18 **participation; correct?**  
19 A. Correct.  
20 **Q. I have just a couple questions for you on a**  
21 **myriad of the (audio disruption) exhibits.**  
22 **PSE did not adopt CBIs or metrics in this CEIP**  
23 **that directly track customer arrearages or**  
24 **disconnections for nonpayment; is that correct?**  
25 A. That's correct.

1 **Q. That analysis specifically includes benefits to**  
2 **named communities; is that correct?**  
3 A. Yes. It asks-- it asks the bidders to provide  
4 information across a number of areas related to our  
5 customer benefit indicators and impacts to named  
6 communities.  
7 **Q. PSE hasn't made those analyses public; correct?**  
8 A. The -- the outline of what we're seeking from  
9 the customer benefits plan is all public in the RFP  
10 record. So certainly the parties can see the kinds of  
11 questions we were asking and what we were looking for  
12 from bidders.  
13 But, no, their responses are -- from our  
14 estimation, fall under the mutual confidentiality  
15 agreements that we've executed with the parties  
16 pertaining to the bid information, and that is a subset  
17 of that bid.  
18 **Q. And it's those responses where this benefit**  
19 **analysis will be applied to these specific projects;**  
20 **that's correct?**  
21 A. Sorry. Could you -- could you restate that  
22 question? I wasn't quite following where you were  
23 going.  
24 **Q. Sorry about that. So you had mentioned that**  
25 **some of the information that PSE provided that is public**



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1 is in the request. It includes the information that you  
 2 are asking for.  
 3 But the information that is project specific,  
 4 that would be in those bidder responses that are not  
 5 public; is that correct?  
 6 A. That is correct.  
 7 Q. And PSE is not planning to make those bidder  
 8 analyses public even after the conclusion of the RFP  
 9 process; is that correct?  
 10 A. I actually can't speak to what our plans will be  
 11 once the process is concluded. We're not at that stage  
 12 yet. I would just reiterate that while the process is  
 13 still underway, we would be held to that confidentiality  
 14 agreement. We would have to give more thought to what  
 15 steps we might take at the conclusion. That is not  
 16 customary for us to do, though. We usually put forward  
 17 a summary report at the conclusion and that's -- that is  
 18 the information we generally make public.  
 19 MS. GOODIN: Thank you.  
 20 Your Honor, I think the only issue we have  
 21 left is the contested exhibit, and I would like to turn  
 22 it over to my colleague, Ms. Tack-Hooper for that, if  
 23 that's all right?  
 24 JUDGE HOWARD: Is there any objection from  
 25 PSE to that?

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1 MS. BARNETT: No, Your Honor.  
 2 JUDGE HOWARD: All right. Thank you.  
 3 Please proceed.  
 4 CROSS-EXAMINATION  
 5 BY MS. TACK-HOOPER:  
 6 Q. Okay. Hi, I'm Molly Tack-Hooper. I work at  
 7 Earthjustice. We represent Front and Centered and NVEC  
 8 in this proceeding.  
 9 I have just a few questions that are relevant to  
 10 that contested exhibit, KKD-44X. I would actually like  
 11 to start by asking you to look at KKD-25X is already in  
 12 the record.  
 13 This is -- should be PSE's response to our Data  
 14 Request 155.  
 15 A. Yes, I'm there. Thank you.  
 16 Q. Okay. It says at the bottom, "Witness  
 17 knowledgeable about the response, Kara Durbin"; is that  
 18 correct?  
 19 A. Yes, I do have some familiarity with this  
 20 response.  
 21 Q. Okay. So the second sentence of the request  
 22 says, "Please describe any additional analysis PSE has  
 23 done to evaluate its summer peak needs and the potential  
 24 for demand response programs to reduce summer peak; is  
 25 that correct?"

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1 A. That's correct.  
 2 Q. And the first two sentences of PSE's response  
 3 say, "Puget Sound Energy recently engaged E3 as part of  
 4 its 2023 IRP electric progress report to develop updated  
 5 effective load carrying capacity values (ELCC),  
 6 including demand response, resource contribution to peak  
 7 capacity reduction; is that correct?  
 8 A. That's correct.  
 9 Q. Then it says, "This work was presented to  
 10 stakeholders as part of the August 24, 2022, IRP  
 11 resource adequacy information session. Materials may be  
 12 downloaded from PSE's IRP website"; correct?  
 13 A. Yes.  
 14 Q. Okay. I think we can now look at KKD-44X.  
 15 Let me know when you've got that one?  
 16 A. I'm there.  
 17 Q. Okay. So the first part of the exhibit is PSE's  
 18 response to our data request 218. And at the bottom it  
 19 says, "Person who prepared the response: Kara Durbin  
 20 and Phillip Popoff"; is that correct?  
 21 A. That's correct. I worked with Mr. Popoff on  
 22 this response. He is listed as the witness  
 23 knowledgeable, however.  
 24 Q. Right. And this is a true and correct copy of  
 25 PSE's response to the data request?

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1 A. Yes, I believe so.  
 2 Q. Okay. And what it says is: "Please provide the  
 3 presentation from December 12th, 2022, Electric IRP  
 4 progress report meeting. Please identify the amount of  
 5 winter and summer peak need that PSE estimates will be  
 6 met with demand response in 2029 on pages 32 and 33 of  
 7 the presentation." And then there's a URL.  
 8 Did I read that correctly?  
 9 A. Yes, you did.  
 10 Q. And PSE's response is attached as Attachment A  
 11 to PSE Response, et cetera. Please find the  
 12 presentation from the December 12, 2022, electric  
 13 Integrated Resource Plan Progress Report Meeting. The  
 14 winter peak need that PSE estimates will be met with  
 15 demand response in 2029 is 185 megawatts. The summer  
 16 peak need that PSE estimates will be met with demand  
 17 response in 2029 is 249 megawatts; correct?  
 18 A. Correct. That is our response.  
 19 Q. Okay. And the attachment appears to be a  
 20 presentation titled Electric Draft Portfolio Results  
 21 2023, Electric Progress Report dated December 12th.  
 22 Is this a true and correct copy of the  
 23 presentation from the December 12th Electric Integrated  
 24 Resource Plan Progress Report Meeting?  
 25 A. Yes. These were the draft portfolio results

1 presented to stakeholders on December 12th.  
 2 **Q. And are you familiar with this document?**  
 3 A. I am generally familiar. Although, I did not  
 4 conduct the analysis provided.  
 5 **Q. Fair enough.**  
 6 **Can you confirm that the slide deck shows the**  
 7 **results of analysis performed after updates made by PSE**  
 8 **and E3, including updated ELCC values for ER to reflect**  
 9 **DR contribution and peak capacity reduction?**  
 10 A. That is probably as far as my expertise can go,  
 11 so I wouldn't encourage you to ask me questions about  
 12 the numbers in here because I didn't perform the  
 13 analysis.  
 14 But, yes, this looks like the presentation that  
 15 was provided then.  
 16 MS. TACK-HOOPER: Okay. Your Honor, may I  
 17 have just one moment to confer with a colleague?  
 18 JUDGE HOWARD: Please go ahead.  
 19 MS. TACK-HOOPER: Thank you.  
 20 Okay. We have no other questions for  
 21 Witness Durbin about this exhibit.  
 22 At this time we would like to move for its  
 23 admission. We think we've laid a sufficient foundation  
 24 and the parties can argue in post-hearing briefing about  
 25 what weight it should be afforded.

1 Is there any redirect following this cross?  
 2 MS. BARNETT: Yes, just one question.  
 3 REDIRECT EXAMINATION  
 4 BY MS. BARNETT:  
 5 **Q. Ms. Durbin, Ms. Goodin asked you in regard to**  
 6 **page 64 of the corrected CEIP, when you were discussing**  
 7 **disparities related to vulnerable populations and highly**  
 8 **impacted communities.**  
 9 **You stated that PSE did not set specific goals**  
 10 **related to those named communities in the CEIP.**  
 11 **Could you explain why PSE did not set specific**  
 12 **goals related to highly impacted communities and**  
 13 **vulnerable populations?**  
 14 A. Yes. We felt that -- that the assessment of the  
 15 existing disparities and really understanding the -- our  
 16 named communities better and the barriers they may face  
 17 to participating in programs was a really important and  
 18 meaningful first step to inform us in how we might move  
 19 forward in establishing any goals.  
 20 So I believe that demonstrating progress is  
 21 important, and we're committed to doing that. And we'd  
 22 really just like to have a better foundation for the  
 23 existing disparities our customers face and we have that  
 24 work ongoing now in looking at our existing programs and  
 25 challenging where looking at participation rates and

1 JUDGE HOWARD: Is there any objection from  
 2 PSE?  
 3 MS. BARNETT: Yes, Your Honor. I don't  
 4 believe the -- the foundation was laid that Ms. Durbin  
 5 has anything more than knowledge on this. That was,  
 6 that it was attached to a data request response and that  
 7 it was what it said on the cover of the page. And that  
 8 is much more tenuous than I think Ms. Tack-Hooper was --  
 9 we need for foundation.  
 10 As you know, the standard for responding to  
 11 a discovery request is different and much lower than the  
 12 standard for admissibility of an exhibit.  
 13 And I, again, renew my objection. I don't  
 14 believe that has been met here.  
 15 JUDGE HOWARD: I'm going to deem this  
 16 exhibit admitted into the record.  
 17 I, of course, would be mindful of any  
 18 further questioning that would -- that would appear to  
 19 go beyond the scope of this particular witness'  
 20 knowledge. But it -- that is not my primary concern at  
 21 this point. I'm deeming it admitted, and I believe a  
 22 sufficient foundation and relevance has been laid.  
 23 MS. TACK-HOOPER: Great. Thank you, Your  
 24 Honor. We don't have anything else for Ms. Durbin.  
 25 JUDGE HOWARD: All right. Thank you.

1 looking at how we've defined vulnerable populations and  
 2 highly impacted communities and really trying to better  
 3 understand that as a -- foundational steps. Then being  
 4 able to say, okay, this is where we're at, what would  
 5 be -- what should the goal look like for -- for moving  
 6 forward? And baseline -- capturing baseline data is  
 7 important part of that too.  
 8 MS. BARNETT: I have no further questions,  
 9 Your Honor.  
 10 JUDGE HOWARD: All right. Thank you.  
 11 The Energy Project indicated it may cross  
 12 this witness.  
 13 MR. FFITCH: Yes, Your Honor. Thank you.  
 14 Just a few -- just a few questions.  
 15 CROSS-EXAMINATION  
 16 BY MR. FFITCH:  
 17 **Q. Good morning. Good morning, Ms. Durbin.**  
 18 A. Good morning.  
 19 **Q. I -- I expect you still have in front of you**  
 20 **your rebuttal testimony; correct?**  
 21 A. Yes, I do. I'm just flipping to it now.  
 22 **Q. Great. Could you turn to page 22 of your**  
 23 **testimony, please?**  
 24 **I'd like to come back to this question about**  
 25 **CBIs related to arrearages and disconnections and energy**

1 matters.  
 2 **Do we have that -- do you have that page?**  
 3 COMMISSIONER RENDAHL: Mr. ffitc, what page  
 4 and exhibit are we on?  
 5 MR. FFITCH: We are on Exhibit KKD-60,  
 6 Ms. Durbin's rebuttal testimony, on page 22 beginning at  
 7 line 8. I apologize for not setting that up better.  
 8 COMMISSIONER RENDAHL: Nope. Thank you.  
 9 BY MR. FFITCH:  
 10 **Q. Are you there, Ms. Durbin?**  
 11 A. I am.  
 12 **Q. And here you are addressing the recommendations**  
 13 **in this case from several parties regarding**  
 14 **energy-assistance topics, including CBIs for arrearages**  
 15 **and disconnections; is that correct?**  
 16 A. I don't see that discussion on page 23. I do  
 17 see some on page 22. Just making sure I'm in the right  
 18 place.  
 19 **Q. Yes. Page 23 is what I'm intending to refer to.**  
 20 A. Page 22?  
 21 **Q. Page 22 with question at line 8.**  
 22 A. Okay. Page 22, line 8. I'm there. Okay.  
 23 Sorry, I was on page 23.  
 24 **Q. Okay. So, again, this is where you're**  
 25 **addressing the recommendations by multiple parties, in**

1 **Q. I want to explore this just a little bit more.**  
 2 **In that same answer you acknowledge in your**  
 3 **testimony that Puget has proposed a CBI regarding**  
 4 **improved affordability; is that -- is that a correct**  
 5 **statement?**  
 6 A. Yes, that's one of -- that's one of the  
 7 categories for CBIs and we do have a CBI metric in our  
 8 CEIP.  
 9 **Q. Okay. And the metric that you've proposed for**  
 10 **that is improved -- excuse me, a median electric -- a**  
 11 **median -- reduction in median electric bill as a**  
 12 **percentage of household income?**  
 13 A. Correct. That's the customer benefit indicator  
 14 we proposed. And I believe we have ten metrics  
 15 associated with that CBI that we'll be tracking.  
 16 **Q. Okay. That -- you say that that relates to the**  
 17 **CETA statutory elements, the cost reduction, and burden**  
 18 **reduction; correct?**  
 19 A. Correct.  
 20 **Q. But you would agree, would you not, that a**  
 21 **customer's unpaid balance or her arrearage is also a**  
 22 **reflection of the affordability of energy, would you**  
 23 **not?**  
 24 A. It's -- it's -- it's an input for consideration,  
 25 yes.

1 **this case, Staff --**  
 2 A. Yes.  
 3 **Q. -- Energy Project, Public Counsel, Northwest**  
 4 **Energy Coalition, and Front and Centered for CBIs**  
 5 **related to arrearages, disconnections, and other energy**  
 6 **assistance topics; correct?**  
 7 A. Yes. That's -- we addressed some of those  
 8 issues in this question.  
 9 **Q. Okay. And it's -- it's Puget Sound Energy's**  
 10 **position, as you state here, that CBIs in this area**  
 11 **don't really belong in a CEIP because they're not**  
 12 **resource related and the CEIP is a resource planning**  
 13 **document.**  
 14 **That's your position; correct?**  
 15 A. That is certainly our position with respect to  
 16 metrics around disconnections and arrearages, that those  
 17 are better handled in a different proceeding and many of  
 18 those are tracked, for example, in our general rate  
 19 case.  
 20 **Q. Okay. But you've already testified earlier this**  
 21 **morning that there's no prohibition in rule or order or**  
 22 **otherwise for the Commission to adopt those metrics for**  
 23 **arrears and disconnections in a CBI in a CEIP;**  
 24 **correct?**  
 25 A. That's correct.

1 **Q. Okay. And wouldn't you also agree that the**  
 2 **level of disconnection or the fact of disconnection for**  
 3 **a customer household is a reflection of the**  
 4 **affordability of that energy that it's purchasing?**  
 5 A. That may be one element that -- of influence,  
 6 yes.  
 7 **Q. Okay. Thank you.**  
 8 **Could you please turn to page 20 of your**  
 9 **rebuttal testimony? And that's lines 1 and 2.**  
 10 A. Yes.  
 11 **Q. In there you state that in proposing CBIs and**  
 12 **establishing metrics, Puget sought metrics it could**  
 13 **reasonably track given the data available; correct?**  
 14 A. Yes, that's a general premise that -- that still  
 15 remains true.  
 16 **Q. And wouldn't you agree that Puget is currently**  
 17 **tracking data with regard to arrearages and**  
 18 **disconnections and reporting that to the Commission at**  
 19 **the present time?**  
 20 A. Yes. It has not been part of a Clean Energy  
 21 Implementation Plan, but we are tracking that  
 22 information in other proceedings, appropriately so, and  
 23 having conversations with our low income advisory group  
 24 about -- about those metrics.  
 25 **Q. Okay. So this criterion is met for arrearages**

1 **and disconnection data, is it not? That data is clearly**  
 2 **available to the company right now?**  
 3 A. Yes. That's correct.  
 4 **Q. Is -- is it Puget's position that if data is**  
 5 **available and reported already to the Commission,**  
 6 **perhaps in another docket or another -- another type of**  
 7 **context or proceeding, that it's -- cannot be included**  
 8 **in the CEIP or should not be included in the CEIP**  
 9 **metrics?**  
 10 A. No, that -- that's not our position. Our  
 11 position is that the CEIP should have a manageable  
 12 number of customer benefit indicators that it tracks  
 13 over time and ones that are meaningful that we can --  
 14 that we can influence. That's our goal. We understand  
 15 that these metrics certainly are informative to our work  
 16 as a company.  
 17 **Q. Okay. Thank you, Ms. Durbin.**  
 18 MR. FFITCH: Your Honor, that's all the  
 19 questioning I have for this witness.  
 20 JUDGE HOWARD: All right. Thank you.  
 21 Do we have any redirect.  
 22 MS. BARNETT: No, Your Honor.  
 23 JUDGE HOWARD: Are there any questions from  
 24 the bench for Witness Durbin?  
 25 COMMISSIONER DOUMIT: I have a few questions

1 So, you know, at this time we are still -- we're  
 2 still evaluating the proposals and the targeted DER and  
 3 DER RFP, so we could certainly, in a compliance filing,  
 4 make an update to, at least, the 60 megawatts that I  
 5 signaled in my rebuttal testimony and we'd be happy to  
 6 do that if that's necessary. So that is something that  
 7 we -- we could do. But I would also note that we are  
 8 still working on our evaluation of the demand response  
 9 proposals, and so I'm a little concerned about the  
 10 timing of what information we could share in that  
 11 compliance filing, because we haven't secured those  
 12 contracts so we wouldn't really have -- I'm a little  
 13 concerned we might not have the kind of meaningful  
 14 information you'd want to see in that compliance filing.  
 15 I'm really hopeful that by the fall and  
 16 certainly by November 1st when we file our biennial  
 17 update that we will have all that information.  
 18 So that's the only hesitancy I have is I'm  
 19 thinking on my feet on what you would want to see in  
 20 that compliance filing, and we may not be able to  
 21 have -- we may not have all the data available to make  
 22 that a meaningful one.  
 23 **Q. But it's something you are now keeping in mind;**  
 24 **correct?**  
 25 A. Sorry?

1 if I might, please.  
 2 JUDGE HOWARD: Please proceed.  
 3 EXAMINATION  
 4 BY COMMISSIONER DOUMIT:  
 5 **Q. Ms. Durbin, good morning.**  
 6 A. Good morning.  
 7 **Q. So first I want to talk about demand response**  
 8 **targets. I'm looking at your rebuttal testimony at**  
 9 **page 10 and -- page 11. Specifically, page -- page 11,**  
 10 **line 7.**  
 11 **And -- are you there?**  
 12 A. Yes, I am.  
 13 **Q. Okay. You state in response to public counsels**  
 14 **recommendation that PSE should update the demand**  
 15 **response targets in the 2023 biennial CEIP update.**  
 16 **And then in response to NWECC in Front and**  
 17 **Centered's recommendation you could update the targets**  
 18 **for both summer and winter peaking also in the biennial**  
 19 **CEIP update; is that correct?**  
 20 A. That's correct.  
 21 **Q. Okay. Please explain whether the company could**  
 22 **update this information in a compliance filing following**  
 23 **a Commission order in this proceeding, and if not, why**  
 24 **not?**  
 25 A. Great question.

1 **Q. It's something you'll now keep in mind; correct?**  
 2 A. Yes. Absolutely.  
 3 **Q. Let's go to DER targets now, please.**  
 4 COMMISSIONER RENDAHL: Mr. Doumit?  
 5 COMMISSIONER DOUMIT: Yes.  
 6 COMMISSIONER RENDAHL: I have a follow-up,  
 7 and that is also based on some of the questioning from  
 8 some of the other parties.  
 9 EXAMINATION  
 10 BY COMMISSIONER RENDAHL:  
 11 **Q. So once you have reviewed the RFP, at what point**  
 12 **in that process are the proposals made public or do they**  
 13 **continue to be confidential even after contracts have**  
 14 **been awarded?**  
 15 A. That's -- that's a great question.  
 16 I really might need to direct that to one of my  
 17 fellow witnesses that's managing that RFP process and  
 18 how they plan to handle that, either Witness Archuleta  
 19 or Witness Einstein.  
 20 Typically, that information has been kept  
 21 confidential until the process is included and we're not  
 22 there yet. But --  
 23 **Q. No, I understand that. I'm just trying to**  
 24 **determine if the information is ever made public. And**  
 25 **it sounds like I can confirm this with the other**

1 **witnesses about at what point it is made publicly**  
 2 **available?**  
 3 A. Yes, I believe so.  
 4 COMMISSIONER RENDAHL: Okay. Go ahead,  
 5 Doumit.  
 6 COMMISSIONER DOUMIT: Thanks. Thank you,  
 7 Commissioner.  
 8 EXAMINATION  
 9 BY COMMISSIONER DOUMIT:  
 10 **Q. So DER targets -- so I'm looking at page 17 of**  
 11 **your direct testimony, KKD-1T at lines 10 to 12.**  
 12 A. Sorry. That's going to take me a moment.  
 13 **Q. No worries. No worries.**  
 14 A. I'll need to pull that. Just one moment.  
 15 I think my paralegal may be saving me. I do  
 16 have it, but --  
 17 **Q. Take your time. That's okay.**  
 18 A. Thank you.  
 19 All right. Could you please repeat the page  
 20 numbers for me?  
 21 **Q. Yeah. And by the way, this is ground you've**  
 22 **covered with Public Counsel, but I'm just going in,**  
 23 **maybe a slightly different question.**  
 24 **Yes, at page 17 of your direct testimony, at**  
 25 **lines 10 to 12.**

1 to talk to them -- both raised their awareness of their  
 2 familiarity with our existing programs, like community  
 3 solar. And sort of laid some foundation for them to  
 4 understand the kinds of programs we were considering  
 5 pursuing and really team them up to the next more --  
 6 even more in-depth conversation and bringing them  
 7 proposals and being able to discuss trade-offs and what  
 8 customer benefits we thought we might see and what we  
 9 heard from the community around barriers and the kinds  
 10 of benefits that they'd like to see from these programs.  
 11 So that's some of the work that we began with  
 12 our Equity Advisory Group and we will continue this  
 13 spring in addition to that direct community engagement  
 14 to hear, really, what benefits those customers and named  
 15 communities and elsewhere want to see from the  
 16 transition. And what barriers do they see today from  
 17 them participating? We think that's an important part.  
 18 **Q. Okay. I'm going to paraphrase some of the**  
 19 **testimony in the docket here from others. And because**  
 20 **we read over and over again that the way the company**  
 21 **engages the advisory groups -- and I'm paraphrasing**  
 22 **here -- is "to be selective with information, strategic**  
 23 **with the timing of information, and gives very little**  
 24 **time for responsive feedback or even conversation."**  
 25 **What's your perspective on how this is working**

1 A. Okay.  
 2 **Q. You state that the specific details of the DER**  
 3 **subtarget will be provided in the 2023 CEIP update**  
 4 **because these details depend on the outcome of the**  
 5 **DER -- DER FP.**  
 6 **And then going to page 20, starting at line 5,**  
 7 **you state that PSE will engage with advisory groups and**  
 8 **interested persons about specific product development**  
 9 **and tariff design for DER products as well as**  
 10 **refinements to CBIs in this process?**  
 11 A. Yes.  
 12 **Q. As we're already in 2023, what has PSE done so**  
 13 **far on engagement and discussion with the advisory**  
 14 **groups and interested persons on these topics? And if**  
 15 **the company hasn't engaged, why not?**  
 16 A. We have been in the engagement process. I can  
 17 speak to it a little bit, and then I might encourage you  
 18 to ask Witness Will Einstein because he's overseeing  
 19 that work and will be able to give you more details.  
 20 But we began that engagement process in  
 21 communities and following the model that PSE has  
 22 followed for our transportation electrification plan and  
 23 in terms of engagement with our equity advisory group as  
 24 an example, the DER team came -- okay. We are in  
 25 January -- last fall in the Equity Advisory Group to --

1 **and how are you planning to change this?**  
 2 A. I -- I wouldn't -- particularly, when it comes  
 3 to our Equity Advisory Group, I really wouldn't agree  
 4 with that characterization.  
 5 We've been very thoughtful and deliberate in  
 6 setting up our Equity Advisory Group and in how we share  
 7 information with them in advance for meetings, how we  
 8 bring them a topic and then come back later and bring it  
 9 back to them again for input.  
 10 I really think it's been a thoughtful process  
 11 and a rich process for us in learning from them and them  
 12 challenging us honestly on some of the -- some of the  
 13 hard questions that we need to think about and the ways  
 14 that we need to approach our work from an equity lens  
 15 that we may not have previously been thinking from that  
 16 perspective. We've really benefitted from that.  
 17 We're also -- we've made improvements with our  
 18 stakeholder process for the Integrated Resource Plan  
 19 this cycle. I'm not going to characterize it as a  
 20 perfect process, but we've made strides to really not  
 21 just share information in advance but spend time in  
 22 meetings and after meetings in really sharing with that  
 23 group. Here's what we heard from you. Here are the  
 24 changes we're making in our process based on your  
 25 feedback. And keeping that feedback loop going.

1 And we've also benefitted from strong  
2 facilitation support in those meetings and really trying  
3 to promote dialogue between questions that, you know,  
4 interested parties have about -- about our work and us  
5 being able to respond.

6 So I think we are really -- we've made a lot of  
7 improvements in this space. And I think we have more  
8 improvements that we can make to make our processees  
9 more inclusive and transparent. But I think we've made  
10 some good strides over the last couple of years.

11 **Q. Okay. Thank you. Just one more question.**

12 CHAIR DANNER: Commissioner, can I break in  
13 and ask a follow-up to that?

14 EXAMINATION

15 BY CHAIR DANNER:

16 **Q. First of all, did I hear you say that you are  
17 not providing information in advance or that you are  
18 providing information in advance?**

19 A. Oh, no. I'm sorry. Absolutely. We are  
20 providing information in advance. That's very  
21 important.

22 **Q. Okay. All right. I mean -- I refer you -- for  
23 example, Mariel Thuraingham's testimony, MFT-1 at  
24 page 14, and she says that there's a selected and  
25 curated nature of how information is shared. It's**

1 **improvements.**

2 **Are you -- are you asking people how it is  
3 working -- I mean, is this -- is this a continual back  
4 and forth because we're not getting the sense in  
5 communications with us that things are improving?**

6 **So I'm trying to figure out what is wrong and  
7 what can work better because it -- I mean, as she says,  
8 there's a selected and curated nature of how information  
9 is shared and that's frustrating to a well-informed  
10 dialogue. And what we're trying to achieve here is a  
11 well-informed dialogue.**

12 A. And I would offer, Chair Danner, so are we. We  
13 want that dialogue. We just recently engaged in  
14 one-on-one conversations with all of our Equity Advisory  
15 Group members. We do it at the end of each year, or we  
16 have. We've only had a couple of years now. But we --  
17 we did at the end of 2021, at the end of 2022, to really  
18 ask the question of how's it going? Is this the right  
19 level of information that we're giving you? Are there  
20 ways we can do -- we can support you better? Are  
21 there -- and we really haven't been receiving the kind  
22 of critique that Ms. -- that Mariel suggested in her  
23 pre-filed testimony.

24 So I -- we definitely have our ears open to  
25 concerns that are -- that are raised and are always

1 **frustrating for well-informed dialogue.**

2 **I mean, are you -- it seems -- again, this is --  
3 this is a theme that we hear over and over again. We  
4 hear about it in IRPs. We are hearing about it in the  
5 CEIPs. We -- it appears to me that something is not  
6 working. You're saying you're doing back and forth with  
7 them, but are -- are they expressing to you satisfaction  
8 in the way this is working or are you still hearing a  
9 lack -- or are you hearing that there is a lack of  
10 satisfaction in how this is working?**

11 A. We have heard -- we have heard comments from  
12 some of the interested parties that have been along on  
13 the IRP stakeholder process journey for quite some time;  
14 that they have seen improvements in how our meetings  
15 have been run and are willing -- and how Puget has been  
16 engaging with -- with stakeholders or interested parties  
17 that is during those meetings.

18 We've also heard critiques on how that process  
19 has worked. And so we really are considering strongly  
20 for the next IRP process some changes to how we  
21 structure our advisory group process and -- in the hopes  
22 that we can make further improvements.

23 **Q. Well, the testimony I referred to in -- from  
24 Mariel Thuraingham and at page 14 had to do with the  
25 CEIP. And -- and you've expressed that there have been**

1 thinking about how can we make this a better process.  
2 Public engagement -- meaningful public engagement is  
3 important to us and it informs our work.

4 So I just -- I don't -- I have not experienced,  
5 personally, the same critiques that you saw in that  
6 testimony expressed by the equity advisor groups when we  
7 have asked them directly ourselves over the last couple  
8 of months. So I am hopeful that they are having a more  
9 positive experience than what was suggested there.

10 **Q. Well, I am too. I mean, I can't think of  
11 anything more important than when you are reaching out  
12 to advocates for vulnerable populations that, you  
13 know -- or historically under-represented communities  
14 that we're actually hearing their voices, because  
15 otherwise we go forward in an uninformed way.**

16 **So I ask you to continue that, but we are also  
17 going to continue to monitor the information that comes  
18 to us and we want to make sure that that is an inclusive  
19 conversation, so thank you.**

20 THE WITNESS: Absolutely.

21 CHAIR DANNER: Commissioner Doumit, back to  
22 you.

23 COMMISSIONER DOUMIT: Thank you for that  
24 follow-up, Chair Danner.

25 And, you know, I have one more question for

1 Ms. Durbin, but the other Commissioners may have  
2 questions as well.

3 EXAMINATION

4 BY COMMISSIONER DOUMIT:

5 **Q. This refers to specific actions, and I'm**  
6 **referring to your rebuttal testimony at page 36, please.**  
7 **And I'm looking at lines 5 through 11, essentially. And**  
8 **this talks about expectation for future CEIPs, not for**  
9 **this CEIP. I think elsewhere in your testimony you may**  
10 **have said that you -- you will provide more detailed**  
11 **specific actions in the update, 2023 biennial update in**  
12 **the IRP process.**

13 **But what really concerns me about this statement**  
14 **is that you said even future CEIPs may fall short, given**  
15 **the timing of procurement processes in conjunction with**  
16 **CEIP timelines.**

17 **And those are PSE procurement processes you are**  
18 **talking about; right?**

19 A. Correct.

20 **Q. So what -- let me ask, generally.**

21 **Why is it that PSE feels it's unable to meet the**  
22 **regulatory requirements of CETA in this regard?**

23 A. I wouldn't -- I wouldn't characterize it that  
24 way. But I -- what I was trying to express in my  
25 rebuttal testimony is that -- a concern that the

1 by the Commission, informed by all the parties during  
2 the -- the lightning-fast rulemaking that we were a part  
3 of in 2020. I felt at the time the thought was that  
4 that IRP-triggered RFP was going to inform the CEIP  
5 development. And we expressed concerns in the  
6 rulemaking at the time that we don't see that working.  
7 That doesn't seem like enough time and also concerns  
8 about how an RFP process that takes several months and  
9 involves confidential information, how can that  
10 information really be used transparently in the CEIP  
11 that's filed.

12 So it's one -- one of the areas that we just  
13 have questions about is it seems like the parties have  
14 differing expectations on how specific a CEIP should be,  
15 particularly with respect to the large scale resources.

16 And we're not opposed to providing more  
17 information when we have it and we can share it. It's  
18 more about what's a practical way for us to navigate  
19 some of these RFP processes and how detailed is the  
20 CEIP filed with the Commission intended to be? And --  
21 what does approval mean for that process?

22 And those are just policy questions that we're  
23 encountering with this first plan that -- that come to  
24 mind for us.

25 COMMISSIONER DOUMIT: All right. Nothing

1 processees and timelines that we have in place now, if  
2 the expectation is that an RFP that is triggered by an  
3 IRP that's filed in April is going to inform the  
4 actions, the costs, the development of what we proposed  
5 in our plan that's filed in October, that just simply  
6 doesn't work. We can certainly rely on voluntary IRP.  
7 That's another avenue in the Commission's rules, so we  
8 can start earlier with the IRP process to inform the  
9 CEIP. And that's certainly a tool we think we are going  
10 to need to pursue, because we have a lot of renewable  
11 resources to apply over the next several years. And so  
12 we anticipate that we will be doing that for some time.

13 I don't know if I fully addressed your  
14 question --

15 **Q. Yeah. The concern is -- the concern is -- the**  
16 **question is, in the testimony it seems like -- it**  
17 **appears like the law, CETA, should follow PSE's**  
18 **processes rather than the other way.**

19 **How do you respond to that?**

20 A. Well, I -- we certainly need to follow the law  
21 and we're committed to doing so, so I just feel the need  
22 to start there.

23 But the -- the question that I am more concerned  
24 that I am raising in my rebuttal testimony is that the  
25 timelines that we developed -- that were developed by --

1 further from me, Your Honor.

2 Thank you, Ms. Durbin.

3 THE WITNESS: Thank you.

4 COMMISSIONER RENDAHL: So I guess it's now  
5 almost afternoon, so I guess I'll check with Judge  
6 Howard if we -- if you want to keep moving and go  
7 through Witness Durbin's testimony, take a break. But I  
8 have a few questions.

9 JUDGE HOWARD: Commissioner Rendahl, I  
10 believe if -- if the Commissioners are amenable, perhaps  
11 we would finish the bench questions for this witness and  
12 then break for lunch.

13 COMMISSIONER RENDAHL: That sounds good to  
14 me.

15 JUDGE HOWARD: All right.

16 EXAMINATION

17 BY COMMISSIONER RENDAHL:

18 **Q. Ms. Durbin, I'm going to focus on the CBI**  
19 **development. And so if you look at your rebuttal**  
20 **testimony, I'm going to be focusing on page 24 of 40.**  
21 **And so let me know when you're there.**

22 A. I'm there. Thanks.

23 **Q. Okay. So in responding to the other parties'**  
24 **request for conditions on the CBIs, you're basically**  
25 **stating that changes shouldn't be made in the 2020 --**

1 certain changes shouldn't be made in the 2023 biennial  
2 update, but in the 2025 CEIP, identifying the potential  
3 for inconsistencies with the IRP electric progress  
4 report and the need for meaningful dialogue and to be  
5 truly inclusive of new voices.

6 And we've just been talking about that a bit in  
7 response to Commissioner Dornit's questions, but is it  
8 PSE's position that CBIs and other elements in the IRP  
9 and the CEIP need to be identical with no changes, even  
10 though the company has said in the opening that this  
11 process is iterative and builds from one to the next?

12 Do you understand what I'm getting at here?

13 A. I -- I'm not quite sure that I am.

14 Were you asking if they need to be identical  
15 between an IRP and a CEIP?

16 Q. Yes.

17 A. Or the customer benefit indicators in  
18 particular?

19 Q. Yes.

20 A. It's PSE's position that we think that  
21 consistency is -- is important. I don't know that  
22 the -- the law and the rules requires that it be. But  
23 since the IRP is the foundation -- foundational analysis  
24 and that Clean Energy Action Plan then flows to the CEIP  
25 that we see a lot of benefit from them being consistent.

1 thinking, okay, if we're going to make changes to CBIs  
2 and we want to be inclusive and bring those voices  
3 together, that's at least two meetings with our Equity  
4 Advisory Group, maybe three.

5 And how do we then have the time to refine to  
6 make sure we have the data to support a new CBI. So I  
7 think we're willing to begin those conversations around  
8 improvements to CBIs during this year. I'm just  
9 reluctant to commit to having substantive changes or new  
10 CBIs for the biennial, just knowing that's a very  
11 aggressive timeline.

12 Q. Okay. Well, the company has received comments  
13 and suggestions on the CBI's during development of the  
14 Draft CEIP and afterwards. And then again after the  
15 Final CEIP was filed but has not made many of those  
16 suggested changes to the CBIs.

17 So I guess this is the frustration, is -- is how  
18 will the process differ going forward or work  
19 differently from the process of developing the current  
20 CEIP if you -- you say you're open, but I'm not seeing  
21 any change -- you know, many changes.

22 And so -- given the short time frames, how --  
23 how can we be sure that there's going to be a different  
24 outcome going forward than this one?

25 A. I hear you, Commissioner Rendahl. And at the

1 Q. Okay. But as you said, it's an iterative  
2 process --

3 A. Mm-hmm.

4 Q. -- and given the short time frames that we have,  
5 how do you move from one process to the next if you're  
6 not being iterative even in the CBI process?

7 A. Well, I think we are being iterative in the CBI  
8 process. So when I suggest that -- that changes for  
9 CBIs shouldn't be made until the 2025 CEIP, I'm not  
10 suggesting that PSE sit back and wait until 2024 to pick  
11 up the baton with CBIs. We've already made improvements  
12 in the electric progress report, which is still in draft  
13 form and still underway.

14 But we made some improvements over the past year  
15 in how we consider customer benefits in our portfolio  
16 analysis, an improvement from the 2021 IRP, so we are  
17 being iterative.

18 And, likewise, we're open to having  
19 conversations with the parties around ways we can  
20 improve upon the CBIs that we filed. I think my primary  
21 concern is that by the time we likely have a decision in  
22 this proceeding, it's the spring. We would really like  
23 to put out a draft biennial update, whether the  
24 Commission requires us to or not, in August.

25 So I'm just keenly aware of the calendar and

1 same time, I would offer that, you know, the  
2 reasonableness of the CBIs we proposed have been in an  
3 adjudicative state for the past year.

4 So we've been in an awkward position, at best,  
5 of we've got a plan; we've proposed CBIs that we believe  
6 are reasonable; we've continued to have conversations  
7 with the parties to understand their ideas and  
8 suggestions for CBI work in the future. We -- we're --  
9 but at the same time, this year hasn't felt -- sorry,  
10 2022 didn't feel like the time to continue to try to  
11 change the CBIs that we had proposed in our plan that  
12 hadn't -- that we hadn't gotten any signal or direction  
13 from the Commission on. It's an awkward place to be.  
14 We want to improve. But we also think the CBIs we  
15 proposed are good ones, and we think a reasonable number  
16 of them in a plan is appropriate.

17 We have 11, and there are -- and we're open to  
18 changing them. We're open to potentially adding some,  
19 but we want to do that work thoughtfully.

20 And I just think that last year we -- we tried  
21 to focus in on a number of -- number of other areas for  
22 our work, including how we better use customer benefit  
23 indicators in our IRP process. And that's -- so that's  
24 been a focus area for us to make -- to be on a path to  
25 improving our use of CBIs.



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1 COMMISSIONER RENDAHL: Okay. Thank you.  
 2 Your Honor, I think at this point, I'm going  
 3 to look and see -- I don't think I have any other  
 4 questions for -- for Kara Durbin.  
 5 JUDGE HOWARD: All right. Thank you.  
 6 Were there any further questions from the  
 7 bench for Witness Durbin?  
 8 CHAIR DANNER: Yeah, I have just a few.  
 9 EXAMINATION  
 10 BY CHAIR DANNER:  
 11 **Q. So in -- Ms. Durbin, in Corey Dahl's testimony**  
 12 **in CDAT-1T on page 21, his testimony says that he -- he**  
 13 **quotes you as saying that you're not looking at**  
 14 **non-wires alternatives because of CETA.**  
 15 **And I wanted to ask what is it in CETA that is**  
 16 **precluding you from looking at non-wires alternatives,**  
 17 **or do you disagree with this statement?**  
 18 A. Sorry. It was -- it was Corey Dahl's Exhibit --  
 19 **Q. It's CDAT --**  
 20 A. Five?  
 21 **Q. -- CDAT-1T, page 21.**  
 22 A. Sorry. His testimony, page 21. Sorry.  
 23 **Q. Yeah.**  
 24 A. I will be get it by the time this is over.  
 25 Page 21. Okay.

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1 **Q. No problem. I understand.**  
 2 A. I'm sorry. Could you please repeat the  
 3 question? I want to make sure I answer it correctly.  
 4 **Q. So he's -- he says there that you're not looking**  
 5 **at non-wires alternatives because of CETA, and he quotes**  
 6 **you there. And I just want to ask if that is accurate,**  
 7 **and if it is, why does -- what is it in CETA that is**  
 8 **precluding you from looking at non-wires alternatives?**  
 9 A. Yeah. I'd like to just clarify that -- what  
 10 that statement was suggesting, I believe -- I'd have to  
 11 go pull it directly, but -- but that was more in  
 12 reference to discussions around incremental cost and  
 13 thinking about, sort of, what actions are directly  
 14 related to CETA and ones may not.  
 15 We did include some discussion of non-wires  
 16 alternatives in our Clean Energy Implementation Plan.  
 17 We do believe that it's -- it's relevant. And so we  
 18 were just -- we're just suggesting that, you know,  
 19 non-wires alternatives is not a new thing because of  
 20 CETA that we're implementing directly because CETA  
 21 requires us to, but it's certainly an important part of  
 22 our clean energy plan.  
 23 **Q. Okay. Then a larger question, when you mention**  
 24 **about incremental costs, in your own testimony, in 60 --**  
 25 **at page 31.**

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1 **Why do you not view incremental cost as a viable**  
 2 **alternative compliance pathway?**  
 3 A. You know, our concerns with that, which we -- we  
 4 raised during the rulemaking is just that we -- we felt  
 5 that the -- the way that the incremental costs  
 6 calculation and the reporting of -- of -- of incremental  
 7 costs was cumbersome and we just didn't quite see it as  
 8 being something that we could rely upon and use as an  
 9 alternative compliance pathway in a predictable way.  
 10 And we have every intention of meeting the  
 11 80 percent target by 2030 without relying on the  
 12 alternative compliance pathways.  
 13 So the purpose of my statement was just to  
 14 distinguish that we don't -- we don't review it as an  
 15 alternative compliance pathway that we would rely upon  
 16 using.  
 17 **Q. And one of the reasons that you've mentioned**  
 18 **that it wasn't, I think, had to do with the fact that**  
 19 **inflation was up. You had two percent inflation as your**  
 20 **calculation and you questioned, given recent events,**  
 21 **whether that was still accurate.**  
 22 **Given that inflation is down and that we've**  
 23 **passed the Inflation Reduction Act, does this -- does**  
 24 **this change your views on that at all?**  
 25 A. Well, hopefully the inflation reduction act will

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1 be an important tool for us. We'll have to see how  
 2 things go.  
 3 But the fact remains that we assumed a two  
 4 percent level of inflation and that is definitely not  
 5 what we experienced in 2022. When we rolled the plan in  
 6 2021, we used a two percent rate of inflation, and that  
 7 was typical and traditional. And just in light of where  
 8 we've seen inflation rates go, wanted to make a  
 9 cautionary note in my testimony mainly to make the point  
 10 that we built all these estimates with that level of  
 11 inflation assumed and, you know, we will need to make  
 12 updates to our cost estimates in the future with better  
 13 information. But the world has changed a bit even since  
 14 we filed our plan in December of 2021.  
 15 **Q. And so would we be starting to see that**  
 16 **reassessment in the biennial update?**  
 17 A. Yes, I would expect so. Or certainly -- we'll  
 18 certainly be working on that.  
 19 **Q. Okay. My -- my last question has to do with**  
 20 **your testimony at page 13.**  
 21 **I think it's your response testimony.**  
 22 **When -- let me see if I can find it, just a**  
 23 **moment.**  
 24 **I'm sorry. It's page 9 of your rebuttal**  
 25 **testimony.**

1 Basically, when you're talking about the demand  
2 responses part of it, you say that you're going to use a  
3 winter planning reserve margin to meet annual peak  
4 capacity needs and you say this is because PSE is a  
5 winter peaking utility.

6 And so that's what you're going to use when  
7 you're studying to meet annual reliability standards.

8 Have you -- is -- is it your position that Puget  
9 will always be a winter peaking utility as we're seeing  
10 more extreme heat in the summertime, more AC use,  
11 air-conditioning use, can you assume that you are going  
12 to be a winter peaking facility for the foreseeable  
13 future or is that -- is that a question?

14 A. I -- I'm not the right person to make  
15 assumptions around what -- what sort of peaking utility  
16 will be in the future.

17 I certainly can -- just with respect to that  
18 portion of my testimony, you know, I was explaining the  
19 standard that we used in the 2021 IRP and the 2023  
20 electronic progress report, which is still, again, in  
21 draft form and won't be complete until April.

22 But it does reflect the impacts of climate  
23 change. It does look at a summer and winter peak and  
24 all that information analysis, including how demand  
25 responds contributes will be incorporated in our

1 JUDGE HOWARD: All right. In that case, I  
2 would like to thank Kara Durbin for her testimony today.  
3 And we will break for lunch. And Witness Durbin is  
4 excused from the proceeding.

5 So we are going to take a 45-minute lunch  
6 break. We'll return at one o'clock. And we are off the  
7 record. Thank you, all.

8 (A luncheon recess was taken  
9 from 12:16 p.m. to 12:59 p.m.)

10 JUDGE HOWARD: Let's be back on the record.  
11 It is 1:01 p.m.; Returning from lunch.

12 Our next witness in the order of  
13 presentation would be PSE witness Gilbert Archuleta.

14 Mr. Archuleta, could you turn on your video  
15 feed and I'll swear you in.

16 THE WITNESS: Yep. I'm here.

17 JUDGE HOWARD: Great. Could you please  
18 raise your right hand?

19 Do you swear or affirm that the testimony  
20 you will give today is the truth, the whole truth, and  
21 nothing but the truth?

22 THE WITNESS: I do.

23 JUDGE HOWARD: All right. Thank you.

24 Ms. Barnett, could you please introduce the  
25 witness and tender him for examination.

1 biennial update.

2 Q. Okay. So this is not just, sort of, a steadfast  
3 position that -- that Puget is taking, but you are  
4 re-assessing this and you are re-assessing it currently?

5 A. Yes; that's correct.

6 Q. All right.

7 A. And, no, it's not, to your question before that.

8 Q. I'm sorry. I already forgot the question before  
9 that.

10 A. I think you said -- I'm sorry. I thought there  
11 were two questions. And I just wanted to be clear that  
12 it's -- I think that it's not our position that it will  
13 always be a winter --

14 Q. Okay.

15 A. I think that was your question. So just to  
16 clarify.

17 Q. No. Thank you for reminding me. All right.

18 A. Maybe more for the record.

19 Q. Very good.

20 CHAIR DANNER: Thank you. That is -- that  
21 is all I have, Your Honor.

22 JUDGE HOWARD: All right. Any further  
23 questions from the bench for Kara Durbin?

24 COMMISSIONER RENDAHL: No, Your Honor.

25 COMMISSIONER DOUMIT: No, Your Honor.

1 MS. BARNETT: Yes.

2  
3 GILBERT ARCHULETA, witness herein, having been first  
4 duly sworn on oath, was examined  
5 and testified as follows:

6  
7 DIRECT EXAMINATION

8 BY MS. BARNETT:

9 Q. Mr. Archuleta, could you please state your full  
10 name and spell your name for the court reporter?

11 A. Gilbert Archuleta, A-r-c-h-u-l-e-t-a.

12 Q. And what's your role at Puget Sound Energy?

13 A. I am the Director of Customer Energy Management.

14 MS. BARNETT: Thank you.

15 And PSE tenders Gilbert Archuleta for  
16 cross-examination.

17 THE COURT: All right. Thank you.

18 I see that Staff indicated cross.

19 MR. CALLAGHAN: I did, Your Honor. Should I  
20 proceed?

21 JUDGE HOWARD: Please proceed.

22 MR. CALLAGHAN: Thank you.

23 CROSS-EXAMINATION

24 BY MR. CALLAGHAN:

25 Q. Mr. Archuleta, good afternoon.

1 A. Good afternoon.  
 2 **Q. So, Mr. Archuleta, based on Ms. Durbin's**  
 3 **testimony today, I actually only have a few clarifying**  
 4 **questions for you, so this should be fairly brief.**  
 5 **Do you have a copy of your rebuttal testimony,**  
 6 **Exhibit GA-1T with you?**  
 7 A. I do.  
 8 **Q. And do you have a copy of Joel Nightingale's**  
 9 **response testimony, which is Exhibit JBN-1T?**  
 10 A. Let me get that one. I have that in front of  
 11 me.  
 12 **Q. Okay. Thank you.**  
 13 **So let's start with your rebuttal testimony.**  
 14 **Could you turn to page 26 for me?**  
 15 A. All right. I am there.  
 16 **Q. Thank you.**  
 17 **So on lines 12 and 13, you state, quote:**  
 18 **Additionally, Staff wants PSE to update the demand**  
 19 **response target in the biennial conservation plan and**  
 20 **PSE intends to do just that.**  
 21 **Just to clarify there, did you mean the biennial**  
 22 **CEIP update, not the biennial conservation plan?**  
 23 A. I meant the biennial conservation plan, but we  
 24 will also update the biennial CEIP.  
 25 **Q. Okay. So just to be clear, PSE's position is**

1 **Mr. Nightingale's testimony state that the demand**  
 2 **response target should include the critical peak pricing**  
 3 **and time of use programs in this CEIP?**  
 4 A. It does not.  
 5 **Q. Okay. So clarify, does Mr. Nightingale's**  
 6 **response indicate that Staff, in fact, does not object**  
 7 **to excluding those programs from the DR target at this**  
 8 **time?**  
 9 A. I believe so.  
 10 **Q. Okay.**  
 11 MR. CALLAGHAN: No further questions.  
 12 JUDGE HOWARD: Do we have any redirect?  
 13 MS. BARNETT: Not at this time. No, thank  
 14 you.  
 15 JUDGE HOWARD: Certainly. Yes, and I was  
 16 just asking for that particular party's cross.  
 17 All right. NWECC and Front and Centered  
 18 indicated cross for this witness as well.  
 19 You may proceed.  
 20 MS. GOODIN: Thank you, Your Honor.  
 21 CROSS-EXAMINATION  
 22 BY MS. GOODIN:  
 23 **Q. Good afternoon, Mr. Archuleta. I have just a**  
 24 **couple questions for you today. I think you mentioned**  
 25 **you had your testimony available.**

1 **that it will update in the biennial CEIP update?**  
 2 A. Correct.  
 3 **Q. Okay. All right. If you could turn now to your**  
 4 **rebuttal testimony on page 21 for me, and let me know**  
 5 **when you're there.**  
 6 A. All right. I'm there.  
 7 **Q. Okay. On lines 14 and 25, you state: Staff**  
 8 **argues that the demand response target of 23.7 megawatts**  
 9 **should include critical peak pricing and time-of-use**  
 10 **programs; is that correct?**  
 11 A. Correct.  
 12 **Q. All right. Could you turn -- well, sorry.**  
 13 **In support of that statement, in footnote 17 on**  
 14 **that same page, you cite Staff witness Nightingale's**  
 15 **testimony on page 9, lines 10 and 11; is that correct?**  
 16 A. I do.  
 17 **Q. All right. Could you turn to Staff witness**  
 18 **Nightingale's testimony at page 9 for me? And let me**  
 19 **know when you're there.**  
 20 A. I'm there.  
 21 **Q. All right. Could you review the question and**  
 22 **answer that starts on page 9, line 14, and let me know**  
 23 **when you're finished.**  
 24 A. All right. I've reviewed it.  
 25 **Q. All right. Does that portion of**

1 **Could you go ahead and turn to page 23?**  
 2 A. All right. I'm there.  
 3 **Q. Thanks. And at 23 -- page 23 from line 16 going**  
 4 **through page 24, line 7, you've listed a few specific**  
 5 **demand response programs that PSE might target to named**  
 6 **communities beginning in 2023; is that right?**  
 7 A. Correct.  
 8 **Q. The programs you listed included providing smart**  
 9 **thermostats and water heater modules to named community**  
 10 **customers, rolling out a behavioral demand response**  
 11 **specifically to named communities, and co-deployment of**  
 12 **demand response with PSE's home weatherization**  
 13 **assistance and efficiency boost programs; correct?**  
 14 A. Correct.  
 15 **Q. But none of these demand response programs for**  
 16 **named communities are discussed in the CEIP; is that**  
 17 **correct?**  
 18 A. That is correct.  
 19 **Q. And PSE has not put into the record for this**  
 20 **proceeding any analysis of how these specific demand**  
 21 **response programs would impact named communities; is**  
 22 **that correct?**  
 23 A. That is correct.  
 24 MS. GOODIN: Thank you. I have no further  
 25 questions, Your Honor.

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1 JUDGE HOWARD: Any redirect following this  
 2 cross?  
 3 MS. BARNETT: No, Your Honor.  
 4 THE COURT: All right. The Energy Project  
 5 also noted it may cross this witness.  
 6 MR. FFITCH: Yes. Thank you, Your Honor.  
 7 CROSS-EXAMINATION  
 8 BY MR. FFITCH:  
 9 **Q. Good afternoon, Mr. Archuleta.**  
 10 A. Good afternoon.  
 11 **Q. My name is Simon ffitch, and I'm the lawyer for**  
 12 **The Energy Project in this case. And I'm also going to**  
 13 **direct you to your rebuttal testimony, which is Exhibit**  
 14 **GA-1T. So if you have that handy.**  
 15 **And, actually, start out with your conclusion,**  
 16 **page 27 -- that -- the first Q and A there, starting at**  
 17 **line 2.**  
 18 **Well, just a general question. Would you agree**  
 19 **that as a general proposition, energy efficiency is a**  
 20 **resource-related consideration that should be taken into**  
 21 **account in a resource planning process?**  
 22 A. I'm sorry. You cut out with part of that. So  
 23 could you restate that question, please?  
 24 **Q. Sure. You would agree, would you not, that as a**  
 25 **general proposition, energy efficiency is a resource-**

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1 **related -- or is resource related and should be**  
 2 **considered in a resource planning process?**  
 3 A. Generally, yes.  
 4 **Q. And that would also apply to low income energy**  
 5 **efficiency and programs, such as weatherization;**  
 6 **correct?**  
 7 A. Again, generally, yes.  
 8 **Q. PSE is not arguing in this case that CBIs and**  
 9 **metrics related to energy efficiency or low income**  
 10 **energy efficiency are beyond the scope of the CEIP on**  
 11 **the basis that they're not resource related. You're not**  
 12 **making that argument with regard to energy efficiency;**  
 13 **correct?**  
 14 A. No.  
 15 **Q. Your position, if I can just characterize it**  
 16 **generally, is that -- and I think this is reflected on**  
 17 **page 27, is that those are better addressed in the BCT**  
 18 **process and not in the CEIP?**  
 19 A. Correct.  
 20 **Q. Is that a correct summary?**  
 21 **Okay. But let's look at page 8 for my next**  
 22 **question, rebuttal Exhibit GA-1T, starting at line 5.**  
 23 **And there you say that -- and this is kind of,**  
 24 **again, restating your position that these issues should**  
 25 **be addressed in the BCP process, biennial conservation**

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1 **planning process and then you say at line 8, that's**  
 2 **simply reflected in the CEIP.**  
 3 **And so my question is, so -- Puget does not**  
 4 **object to and is comfortable with bringing in material**  
 5 **from the BCP process into the CEIP; is that a fair**  
 6 **understanding?**  
 7 A. Well, I would clarify by saying that the  
 8 intention of -- of that comment was really to  
 9 demonstrate that there are two distinct processees at  
 10 play here. And so that the energy efficiency targets  
 11 and the planning around programs to support those  
 12 targets are already encompassed in our biennial  
 13 conservation planning and it's already a regulatory  
 14 process.  
 15 So anything reflected in the CEIP related to  
 16 energy efficiency then should be pulled from the  
 17 already-established process and reflected in the CEIP.  
 18 **Q. Okay. I understand that -- that's what I was**  
 19 **trying to get at, that the CEIP does pull important**  
 20 **information from the BCP process. And Puget is not**  
 21 **objecting to reaching out into that other process to**  
 22 **bring in, you know, the products of the BCP process into**  
 23 **the CEIP; isn't that correct?**  
 24 A. I would say that would be generally correct,  
 25 other than I wouldn't blur the processees; right?

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1 The framework by which we go through to  
 2 establish conservation targets and the planning for  
 3 programs is one process; the CEIP is another process.  
 4 And so if you're stating that when we reflect to  
 5 the BCP in the CEIP where it's appropriate, I would  
 6 agree with that, as long as you are not making decisions  
 7 around what happens in the BCP through the CEIP process,  
 8 because you would then blur the two -- two frame works.  
 9 **Q. Okay. And you mention here in this testimony**  
 10 **that the -- this process involves working with the**  
 11 **Conservation Resource Advisory Group, CRAG; is that**  
 12 **right?**  
 13 A. I do.  
 14 **Q. Isn't it -- isn't it true that the company does**  
 15 **also work with the CRAG on the CEIP process, including**  
 16 **CBIs and metrics and is actually supposed to and is**  
 17 **required to do that kind of work in coordination with**  
 18 **CRAG under the Commission's rule? Under the**  
 19 **Commission's CETA rules.**  
 20 A. I -- I don't believe that is true. It is not my  
 21 understanding that -- the Conservation Resource Advisory  
 22 Group was really, a part of how we were responding to  
 23 our energy efficiency responsibilities from a regulatory  
 24 perspective, and so they advise on those things related  
 25 to conservation and energy efficiency.

1 I would need you to point to where you would see  
 2 that required in the CEIP. We have an Equity Advisory  
 3 Group that -- that supports the CEIP process. But I --  
 4 I don't know where you might be referring to as it  
 5 refers to the CRAG.  
 6 **Q. Okay. So you're not aware that the company is**  
 7 **under any obligation to work with its -- any of its**  
 8 **advisory groups other than the Equity Advisory Group on**  
 9 **low income energy efficiency issues?**  
 10 A. I wouldn't say that.  
 11 What I'm saying is that, uh, based on -- on the  
 12 question, as I heard it, I don't know that there's any  
 13 expectation in the CEIP that we're working with the  
 14 CRAG.  
 15 What I would offer, however, is that we  
 16 generally are looking at all of our advisory groups to  
 17 advise us in making the appropriate and prudent  
 18 decisions in all the varying processes that we have to  
 19 go through.  
 20 So there would be some engagement from that  
 21 perspective, but I'm unaware of a requirement for that.  
 22 **Q. Okay. Now the biennial conversation process is**  
 23 **generally conducted under the Energy Independence Act;**  
 24 **is that right?**  
 25 A. Correct.

1 responsibilities to PSE to comply with the law, yes. If  
 2 that's what your question is?  
 3 **Q. Yes, that's my question. And, as an example,**  
 4 **adoption of customer benefit indicators is a new**  
 5 **requirement under CETA that's not found in the Energy**  
 6 **Independence Act?**  
 7 A. Correct. I agree.  
 8 **Q. Okay. And the biennial conservation process**  
 9 **does not involve establishment or adoption of any**  
 10 **customer benefit indicators or metrics; does it?**  
 11 A. It does not.  
 12 MR. FFITCH: Thank you, Mr. Archuleta.  
 13 Those are all my questions, Your Honor.  
 14 JUDGE HOWARD: All right. Thank you.  
 15 Do we have any redirect?  
 16 MS. BARNETT: Just one.  
 17 REDIRECT EXAMINATION  
 18 BY MS. BARNETT:  
 19 **Q. Mr. Ffitch -- Mr. Archuleta, Mr. Ffitch was**  
 20 **asking you about a requirement in CETA to engage with**  
 21 **the CRAG.**  
 22 **Do you recall those questionings?**  
 23 A. I do.  
 24 **Q. Do you -- are you aware whether or not PSE**  
 25 **engages with CRAG as part of its engagement with all**

1 **Q. Does Puget have any obligations under the**  
 2 **energy -- under CETA that are not, uh, reflected in the**  
 3 **Energy Independence Act?**  
 4 A. I'm not -- can you restate that question,  
 5 please?  
 6 **Q. Does Puget have any obligations under the --**  
 7 **under CETA that are different than the Energy**  
 8 **Independence Act?**  
 9 **Or, actually, the way I asked it the first time**  
 10 **was any obligations that are not reflected in the Energy**  
 11 **Independence Act.**  
 12 A. Well, I would offer, again, that these are two  
 13 distinct obligations and processes.  
 14 So what I would offer is that the independence  
 15 act really provides regulation around how we look at and  
 16 determine our conservation energy efficiency processes  
 17 and targets. And those -- the results of that process  
 18 can be reflected in the CEIP, but not decided through  
 19 the CEIP process. They are decided through the -- the  
 20 biennial conservation planning process.  
 21 **Q. Okay. Well, I'll ask my question again.**  
 22 **Isn't it the case that CETA has other -- or**  
 23 **additional obligations for Puget beyond what are in the**  
 24 **Energy Independence Act?**  
 25 A. I would say that CETA added additional

1 **advisory groups on the CEIP?**  
 2 A. Yes. PSE engages across advisory groups as we  
 3 look at the CEIP and its inputs.  
 4 **Q. Does that include CRAG?**  
 5 A. It does.  
 6 MS. BARNETT: Thank you. No further  
 7 questions.  
 8 JUDGE HOWARD: Okay. Thank you.  
 9 Are there any questions from the bench for  
 10 Mr. Archuleta?  
 11 COMMISSIONER RENDAHL: Yes, Your Honor. I  
 12 have a few questions for Mr. Archuleta.  
 13 JUDGE HOWARD: Please go ahead.  
 14 COMMISSIONER RENDAHL: Thank you.  
 15 EXAMINATION  
 16 BY COMMISSIONER RENDAHL:  
 17 **Q. Mr. Archuleta, you have your rebuttal testimony**  
 18 **in front of you?**  
 19 A. I do.  
 20 **Q. And in that testimony you reference a number --**  
 21 **that a number of other parties' proposals are more**  
 22 **appropriately addressed in the next biennial**  
 23 **conservation plan.**  
 24 **And I just want to clarify that when you're**  
 25 **referring to the, quote/unquote, "next plan," you're**

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1 referring to the 2024/2025 biennial conservation plan  
 2 that the company is due to file in November 2023;  
 3 correct?  
 4 A. Correct.  
 5 Q. Okay. So you're not referring to some other  
 6 plan? I just needed to clarify that.  
 7 A. No, that is the plan I'm referring to.  
 8 Q. Excellent. Thank you.  
 9 Okay. So in the same testimony, if you could  
 10 turn to page 22 of your testimony. I'll turn to it as  
 11 well.  
 12 All right. On that page -- are you at page 22?  
 13 A. I am. Thank you.  
 14 Q. Okay. So starting at line 8 and then continuing  
 15 on to the next page, 23, up to line 13, it appears that  
 16 PSE has been further developing its demand response  
 17 programs in preparation for the biennial conservation  
 18 plan; is that correct?  
 19 A. Correct.  
 20 Q. Okay. And in response to the questions from  
 21 Mr. ffitch and -- and your counsel, it's correct that  
 22 PSE is engaging with the Conservation Resource Advisory  
 23 Council in developing these programs, both in the CEIP  
 24 and in the biennial conservation plan?  
 25 A. Correct.

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1 Q. Okay. If you look at the last page of your  
 2 testimony, you are recommending that the Commission  
 3 approve the energy efficiency and demand response  
 4 targets in the CEIP even though you're stating that  
 5 those would be the subject of review in the biennial  
 6 conservation plan; correct?  
 7 A. I would like to clarify that response. Part of  
 8 this is timing. So when the current biennial  
 9 conservation plan was already in planning and ready for  
 10 filing when the CEIP planning was happening, so those  
 11 numbers reflected or pointed to from the currently filed  
 12 CEIP are reflective of the current BCP. And so what I  
 13 was trying to demonstrate is that we have the targets  
 14 currently in the CEIP were a result of the analysis in  
 15 the current BCP. And those will evolve as we work on  
 16 the next BCP. Sorry for so many acronyms. But that was  
 17 my intention.  
 18 Q. No. That is the world we live in. So I guess  
 19 the question is, is it more appropriate to request that  
 20 the Commission approve the targets subject to these  
 21 being updated in the biennial conservation plan, as  
 22 opposed to approving them and then approving the  
 23 biennial conservation plan.  
 24 A. Well, I -- I -- my recommendation is really  
 25 meant to demonstrate that if we're looking at the 2021

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1 CEIP as filed, we -- we leverage the information we had  
 2 at the time and the BCP we had at the time and then  
 3 leverage the mechanisms already in place to update that  
 4 plan appropriately.  
 5 So we were expecting that through the normal  
 6 biennial update to the CEIP that we reflect any new  
 7 information that is the result of the planning of the  
 8 next BCP.  
 9 Q. Thank you.  
 10 And I understand that we have multiple  
 11 processees going on. So thank you for that  
 12 clarification.  
 13 I just have one other question for you,  
 14 Mr. Archuleta. And that's -- if you look at page 25 of  
 15 your testimony, starting at line -- at lines 18  
 16 through 20. And at that point you're talking about  
 17 enrolling -- planning to enroll customers with existing  
 18 smart devices as a part of the demand response and  
 19 energy efficiency proposal and then possibly  
 20 co-deploying them to be included in the next biennial  
 21 conservation plan.  
 22 So does PSE already have a count of customers  
 23 with existing smart devices?  
 24 A. We -- sorry.  
 25 Q. No. Let's start with that.

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1 A. We do have information regarding customers who  
 2 have smart devices. I wouldn't say it's exhaustive, but  
 3 we do have information and would work together more  
 4 information so that we could effectively roll out these  
 5 programs and impact the largest amount of customers as  
 6 we can.  
 7 Q. Okay. And then how about the number of  
 8 customers that will need to be provided smart devices as  
 9 a part of co-deployment of demand response in energy  
 10 efficiency programs?  
 11 Is that more subject to the biennial  
 12 conservation plan development or is that part of the RFP  
 13 results or both, and if you could explain?  
 14 A. I would say it's both -- so we're still in  
 15 the -- the final stages of executing contracts for our  
 16 demand response programs and engagements. And so  
 17 dependent on the successful execution of those  
 18 contracts, we plan to develop programs to reach as many  
 19 people as possible.  
 20 So at that time or as a part of that planning  
 21 process, we would identify any data needs or gaps that  
 22 we have to make sure we have a wholistic view of our  
 23 customer base so we can effectively do education  
 24 outreach and enroll as many people as possible.  
 25 So it would be part of -- it's contingent on

1 execution of the RFP process, and then it will be  
 2 planned for in this planning process for the next PCP.  
 3 **Q. And you may or may not be able to answer this,**  
 4 **but as you're working on -- working with these vendors**  
 5 **through the RFP, are you incorporating the learning that**  
 6 **you might have gathered through this process and the**  
 7 **CEIP about the needs and requests of vulnerable**  
 8 **populations and highly impacted communities and how**  
 9 **better to serve those through a demand response, or is**  
 10 **that something that's going to have to be done**  
 11 **iteratively after you let the contracts for demand**  
 12 **response?**

13 A. We've actually already started some of that  
 14 work. Recognizing that equity and affordability is  
 15 really one of our cornerstones and one of our focus  
 16 areas; so we're already working toward that end.  
 17 So I wouldn't say it has to happen or be  
 18 iterative. I think it's happening concurrently to  
 19 everything else that's going on. We want to make sure  
 20 that we have the right kind of information and data and  
 21 inputs, so as we devise and design our next BCP programs  
 22 that we have all of this fully in focus and were able to  
 23 reach the right amount of people and the most amount of  
 24 people, specifically in those low income and vulnerable  
 25 communities.

1 would be Phillip Popoff.  
 2 And if I recall correctly, NWEAC and Front  
 3 and Centered indicated that they may need to cross the  
 4 witness but they may not.  
 5 So I would like to check in with the party  
 6 on that.  
 7 MS. TACK-HOOPER: Your Honor, we do not need  
 8 to question Witnesses Popoff or Phillips; that time was  
 9 just to deal with any evidentiary issues, but since all  
 10 the exhibits have been moved in, we're good.  
 11 JUDGE HOWARD: All right. Are there any  
 12 questions from the bench for this witness, Phillip  
 13 Popoff?  
 14 COMMISSIONER RENDAHL: I have none, Your  
 15 Honor.  
 16 CHAIR DANNER: No, Your Honor.  
 17 COMMISSIONER DOUMIT: None from me, Your  
 18 Honor.  
 19 JUDGE HOWARD: All right. We'll move on to  
 20 the next witness, William Einstein.  
 21 Could you please turn on your camera feed?  
 22 And I'll swear you in.  
 23 MS. BARNETT: Your Honor, we are just  
 24 getting settled here, transitioning chairs.  
 25 JUDGE HOWARD: Certainly.

1 **Q. All right. And you will be discussing with your**  
 2 **various advisory groups how you include that information**  
 3 **with rolling out the products, or is that more of a**  
 4 **question for Mr. Einstein?**

5 A. We both, probably, answer that question, but I  
 6 would say that we will be leveraging the CRAG for our  
 7 energy -- energy efficiency specific programs. And then  
 8 we also have a coordination with our Equity Advisory  
 9 Group, just as a checks-and-balances kind of process, to  
 10 make sure the advisory groups are understanding our  
 11 progress and are able to provide the right kind of input  
 12 so we're making the right decisions in regards to these  
 13 communities.

14 **Q. Okay. Thank you.**  
 15 COMMISSIONER RENDAHL: Your Honor, I have no  
 16 further questions.  
 17 JUDGE HOWARD: All right. Are there any  
 18 further questions from the bench for this witness?  
 19 CHAIR DANNER: Not from me, your Honor.  
 20 COMMISSIONER DOUMIT: No, Your Honor.  
 21 JUDGE HOWARD: All right. I'd like to thank  
 22 Mr. Archuleta for your testimony today.  
 23 You are excused from the remainder of the  
 24 hearing.  
 25 Our next witness, taking them in order,

1 All right. Mr. Einstein, can you hear me  
 2 and see me all right?  
 3 THE WITNESS: Yes, I can.  
 4 JUDGE HOWARD: All right. Great. Could you  
 5 please raise your right hand? And I'll swear you in.  
 6 Do you swear or affirm that the testimony  
 7 you will give today is the truth, the whole truth, and  
 8 nothing but the truth?  
 9 THE WITNESS: I do.  
 10 JUDGE HOWARD: All right. Thank you.  
 11 Ms. Barnett, could you please introduce the  
 12 witness?  
 13 MS. BARNETT: Thank you.  
 14  
 15 WILLIAM T. EINSTEIN, witness herein, having been first  
 16 duly sworn on oath, was examined  
 17 and testified as follows:  
 18  
 19 DIRECT EXAMINATION  
 20 BY MS. BARNETT:  
 21 **Q. Good afternoon, Mr. Einstein.**  
 22 **Could you please state your name and spell your**  
 23 **name for the court reporter?**  
 24 A. William T. Einstein. Last name is  
 25 E-i-n-s-t-e-i-n.

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1 **Q. And what's your role at PSE?**  
 2 A. I'm the Director of Product Development and  
 3 Growth.  
 4 **Q. Thank you.**  
 5 MS. BARNETT: PSE now tenders Mr. Einstein  
 6 for cross-examination.  
 7 JUDGE HOWARD: Thank you.  
 8 Mr. Callaghan, you may go ahead.  
 9 MR. CALLAGHAN: Thank you, Your Honor.  
 10 CROSS-EXAMINATION  
 11 BY MR. CALLAGHAN:  
 12 **Q. Good afternoon, Mr. Einstein.**  
 13 A. Good afternoon.  
 14 **Q. Do you have a copy of your rebuttal testimony,**  
 15 **Exhibit WTE-1T with you?**  
 16 A. I do.  
 17 **Q. Your rebuttal testimony describes PSE's product**  
 18 **development process; correct?**  
 19 A. That is correct.  
 20 **Q. And you state that PSE began using this product**  
 21 **development process in 2019; is that right?**  
 22 A. That is correct.  
 23 **Q. On page 4 of your rebuttal testimony, in Figure**  
 24 **1, you give a range for the timing of each phase in the**  
 25 **product development process; is that right?**

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1 A. That is correct.  
 2 **Q. And this range, is this an average for how long**  
 3 **each phase takes? Is this a maximum or minimum?**  
 4 A. It's a range based upon experience that we've  
 5 had. Each product takes a -- can take a different  
 6 amount of time in each of the phases, depending upon the  
 7 maturity of our thought work, but each of those phases  
 8 as we get to them.  
 9 **Q. Okay. Is it fair to say that for most product**  
 10 **development processes each phase typically falls into**  
 11 **this range that you provided in Figure 1?**  
 12 A. It can, but that's not an exclusive.  
 13 **Q. Okay. And does Figure 1 state that the ideation**  
 14 **phase takes usually between one to three months?**  
 15 A. Yes, it does.  
 16 **Q. And the design phase takes between three and six**  
 17 **months?**  
 18 A. That's what the figure says, yes.  
 19 **Q. All right. And so together those phases would**  
 20 **usually take, at most, nine months; would that be fair**  
 21 **to say?**  
 22 A. That would be the average for the chart for a  
 23 prototypical example. That's not the case for every  
 24 product we've designed.  
 25 **Q. Okay. On page 6, lines 6 through 9 of your**

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1 **rebuttal testimony, you state that the average product**  
 2 **development process, as a whole, can take anywhere from**  
 3 **12 to 18 months; correct?**  
 4 A. That's what the beginning of that sentence says.  
 5 It also says, depending upon the complexity of the  
 6 product, the readiness, and the duration of our  
 7 regulatory review.  
 8 **Q. Okay. And according to your testimony, on pages**  
 9 **6 and 7, the design phase includes activities such as**  
 10 **the development of a formal business plan and initial**  
 11 **cost estimates; is that right?**  
 12 A. Yes, that's what it says.  
 13 **Q. All right. And the development phase is when**  
 14 **PSE would be making a tariff filing with the Commission**  
 15 **for approval; is that right?**  
 16 A. Yes, that's where we typically do the  
 17 development -- what we typically do in the development  
 18 phase, yes.  
 19 **Q. All right. And is it safe to assume that a**  
 20 **filing before the Commission for approval would occur**  
 21 **relatively early on in the development phase?**  
 22 A. Not necessarily. Usually, it can occur as we  
 23 get closer to the end of the development phase. Because  
 24 usually the development phase we're working on final --  
 25 final design and understanding of that.

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1 And then as we work through the development  
 2 phase, that's where we head towards Commission and  
 3 corporate approval.  
 4 **Q. Okay. But your testimony states that the**  
 5 **development phase includes the filing and the approval**  
 6 **of the -- before the Commission; correct?**  
 7 A. Right. You asked me if it occurred at the  
 8 beginning, typically. And I said, no, it usually -- it  
 9 can occur at any point in that process, but...  
 10 **Q. Okay. So under this product development**  
 11 **process, on average, a product should be ready for a**  
 12 **filing at the Commission at some point in the**  
 13 **development phase; is that correct?**  
 14 A. That would be -- as the example you laid out,  
 15 yes. It's not the case with every product; but yes.  
 16 **Q. Okay. So could you turn to page 26 of your**  
 17 **rebuttal testimony?**  
 18 **Let me know when you are there?**  
 19 A. I am there.  
 20 **Q. All right. On page 26, line 23, and continuing**  
 21 **on to page 27 to line 14 of your rebuttal testimony, in**  
 22 **response to Staff's proposed condition on the approval**  
 23 **of the 80-megawatt DER subtarget, you state that PSE**  
 24 **agrees with Staff's recommendation of engaging with the**  
 25 **EAG and other advisory groups in the review of DER**



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1 product concepts.  
 2 But you go on to state that requiring this by  
 3 the 2021 -- and that this condition should apply to the  
 4 2025 CEIP instead; is that accurate?  
 5 A. Can you repeat the second half of that question?  
 6 Because the internet connection kind of garbled most of  
 7 what you were saying in the second half.  
 8 Q. Yes.  
 9 So in response to Staff's proposed condition on  
 10 the approval of the 80-megawatt DER subtarget, could you  
 11 state -- and this is, again, on page 26, starting at  
 12 line 23 and then going on to page 27, line 14.  
 13 You state that PSE agrees with Staff's  
 14 recommendation of engaging with the EAG and other  
 15 advisory groups in the review of DER product concepts,  
 16 but you go on to state that requiring this by the 2023  
 17 CEIP update is unnecessarily aggressive and that this  
 18 condition should apply to the 2025 CEIP instead; is that  
 19 accurate?  
 20 A. Yes. That is what it says.  
 21 Q. All right. On page 10, lines 5 through 9 of  
 22 your testimony, you state that PSE intends to file  
 23 tariff provisions this year on these DER product  
 24 offerings; is that right?  
 25 A. Sorry, I'm going to page 10.

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1 Q. Okay. Take your time.  
 2 A. What line did you say that was?  
 3 Q. Lines 5 through 9.  
 4 A. And so your question, again, please?  
 5 Q. Yeah. You state that PSE intends to file tariff  
 6 revisions this year on these DER product offerings; is  
 7 that right?  
 8 A. Not tariff revisions. They would be in nearly  
 9 every case with the exception of our community solar  
 10 product, it would be a new tariff for consideration by  
 11 the Commission.  
 12 Q. Okay. So you plan to make tariff filings  
 13 related to these DER product offerings, though; correct?  
 14 A. We do intend to make tariff filings, and we  
 15 would do that for any product that requires engagement  
 16 for customers. And that process would begin in '23. It  
 17 wouldn't necessarily be complete in '23.  
 18 Q. Thank you.  
 19 And you also state in that same answer that PSE  
 20 intends to share greater detail about the potential  
 21 product offerings as it consults with highly impacted  
 22 communities, vulnerable populations, and other customers  
 23 prior to filing.  
 24 Is that PSE's -- is that still PSE's intention?  
 25 A. Yes.

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1 Q. All right. So based on your explanation of  
 2 PSE's product development process earlier in your  
 3 testimony, do I understand correctly that PSE expects to  
 4 reach the development phase for these DER products  
 5 sometime this year after it has consulted with named  
 6 communities on those potential products?  
 7 A. That would be correct.  
 8 Q. All right. So if that's the case, could you  
 9 clarify for me why you believe Staff's condition to  
 10 consult advisory groups on the DER selection process is  
 11 unnecessarily aggressive?  
 12 A. Well, the -- the work to do the development of  
 13 the products and tariffs, as we've discussed here, takes  
 14 several months. We've also discussed, and it was  
 15 discussed by Witness Durbin, that the information that  
 16 led into the development of the preferred portfolio is  
 17 several years old. We started that process almost a  
 18 year before we started the -- submitted the CEIP and now  
 19 we're more than a year into the -- the review of the  
 20 CEIP. So we need to go through a process of  
 21 re-evaluating the preferred portfolio.  
 22 We need to update the cost and the estimates  
 23 associated with that, and then we need to also complete  
 24 the work that we've already started to engage with named  
 25 communities and customers in vulnerable populations and

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1 collect that data before we can finalize the development  
 2 process.  
 3 So while you were asking me about where we are  
 4 at in the product development process, it's not the same  
 5 for every product that we're considering for DERs. It's  
 6 also not the same for the maturity of where we're at.  
 7 In some cases, we're going to probably actually  
 8 have to go backwards a bit into the design phase to  
 9 better understand how this works, depending upon the  
 10 feedback we get from the -- from the customers and  
 11 communities that we're consulting with in our process  
 12 right now.  
 13 So our intention is to begin the process of  
 14 filing tariffs with the Commission over the course of  
 15 this year. They would be for products that are much  
 16 more close to the completion of their maturity. But  
 17 there probably will be some products that are more  
 18 complex, need further review, further design, and  
 19 further consultation with parties before we would feel  
 20 comfortable filing them. And that would take place  
 21 probably after '23.  
 22 Q. All right. So just to clarify, in your  
 23 testimony you state that PSE generally supports the  
 24 concept of engaging with the EAG and other advisory  
 25 groups to review the product concepts. And you're just

1 **challenging the timing.**

2 **So you're saying that the 2023 biennial update**  
3 **is too soon and you're asking that this condition be**  
4 **applied to the 2025 CEIP; correct?**

5 A. My biggest concern in this whole process is just  
6 the timing and the collision of various schedules to try  
7 and get these things done. And we intend to engage with  
8 groups. We intend to engage with all the interested  
9 parties who are participating in this proceeding, and we  
10 intend to incorporate the feedback that we hear, along  
11 with updated costs and estimates.

12 That will take us some time. We are happy to  
13 provide a progress update as part of the '23 update on  
14 the work that we've done, but I'm very reluctant to  
15 commit to having all of that work completed by August or  
16 September of this year when we have to circulate a  
17 draft. I mean, that's a mere four months after we  
18 received the order from this process and there's still a  
19 great deal of engagement to do with various parties and  
20 discussion with the conservation resource advisory group  
21 as to whether they are even interested in taking over  
22 advice related to DERs.

23 **Q. Mr. Einstein, did you read the Commission Staff**  
24 **comments on PSE's Final CEIP that were filed in**  
25 **March 2022?**

1 **isn't that right?**

2 A. I'm saying there's not enough time from  
3 following receipt of the order and relative to this  
4 proceeding.

5 **Q. Right. But if PSE received this as part of**  
6 **their comments in March '22, and they agreed with this**  
7 **recommendation, why hasn't the company begun to**  
8 **implement it?**

9 A. I guess my -- my response would be, I didn't  
10 review those comments at that point in time. And at  
11 that point in time, the products that we had put into  
12 the portfolio relative to the CEIP, we had not received  
13 the parties' response testimony, which is very  
14 informative and provided feedback relative to where the  
15 parties were at on the preferred portfolio for DERs and  
16 that's the information I responded to in preparing my  
17 rebuttal testimony.

18 This proceeding has gone on for a very long  
19 period of time. But it's also created a great deal of  
20 uncertainty about where we should be at. And there are  
21 other products we're bringing to our customers at this  
22 time that are -- we focused our efforts on.

23 **Q. All right. If the Commission were to order PSE**  
24 **today to meet Staff's recommended condition as soon as**  
25 **possible, approximately how long do you think that would**

1 A. I don't believe I did, no.

2 **Q. Is it safe to assume that someone at PSE read**  
3 **Staff's comments filed in March of last year?**

4 A. I'm guessing, yes, they probably did.

5 **Q. All right. So, hypothetically, if Staff made**  
6 **the recommendation to consult with advisory groups on**  
7 **the development of DER programs in its March '22**  
8 **comments, and this recommendation was made back then,**  
9 **could PSE have engaged in that process throughout 2022?**

10 A. I think it was Witness Durbin explained in her  
11 responses around this issue, there was a lot that  
12 happened in the space of 2022 relative to this  
13 proceeding that impacts -- and the outcomes of this  
14 conversation will impact the decisions in the design  
15 sweep we employ for products that we intend to offer,  
16 particularly for DERs.

17 So while we begin the process of engaging with  
18 customers in our communities to understand where their  
19 interests are very late in 2022, we did not revisit and  
20 re-evaluate all of the products yet because that work is  
21 pending the outcome of this proceeding.

22 **Q. Well, I'm confused by that, Mr. Einstein,**  
23 **because this is a condition that, according to your**  
24 **testimony, PSE agrees with.**

25 **You're just saying that there's not enough time;**

1 **take the company?**

2 A. Well, as I mentioned, we intend to bucket the  
3 development of the DER products into two buckets similar  
4 to how we developed our transportation electrification  
5 programs. And the first bucket of those will be the  
6 products that we believe are mature and ready for the  
7 Commission to approve in sort of a first phase; and then  
8 the second phase will be ones that take a longer period  
9 of time.

10 I can't commit to when we will finish the  
11 development and submission phase for the -- for the  
12 second batch of products. Our hope is that we will be  
13 able to get the first set of tariffs submitted to the  
14 Commission during 2023.

15 MR. CALLAGHAN: No further questions. Thank  
16 you, Your Honor.

17 THE WITNESS: Some of those will largely  
18 depend upon the --

19 MR. CALLAGHAN: Sorry. Mr. Einstein, I have  
20 no further questions. Thank you.

21 JUDGE HOWARD: All right. Thank you.

22 Any redirect following that cross?

23 MS. BARNETT: No, Your Honor.

24 JUDGE HOWARD: Okay. Public Counsel also  
25 noted some time for this witness. You may proceed.

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1 MS. SUETAKE: Thank you.  
 2 CROSS-EXAMINATION  
 3 BY MS. SUETAKE:  
 4 **Q. Good afternoon. My name is Nina Suetake, and**  
 5 **I'm here on behalf of Public Counsel Unit.**  
 6 **Do you have your rebuttal testimony in front of**  
 7 **you?**  
 8 A. Yes, I do.  
 9 **Q. Could you please turn to page 4 of your rebuttal**  
 10 **testimony with that product development process,**  
 11 **Figure 1?**  
 12 A. Yes.  
 13 **Q. Now, does this -- and I know we discussed this a**  
 14 **little with -- with Staff's counsel, but is this process**  
 15 **intended to develop product once that product has been**  
 16 **chosen?**  
 17 A. "Once that product has been chosen," I don't  
 18 understand what you mean by "chosen."  
 19 **Q. I'm trying to understand how this one and this**  
 20 **process interacts with a larger portfolio selection**  
 21 **process.**  
 22 **At what point does defined strategy to, you**  
 23 **know, "go to market" fit in a process of developing your**  
 24 **portfolio?**  
 25 A. So in the -- in the -- the best example I can

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1 use is in the case where transportation electrification  
 2 plans.  
 3 We did -- in the development of that plan, we  
 4 prepared and looked at a variety of product concepts  
 5 that we might be able to develop in order to execute the  
 6 plan.  
 7 That product process involved some ideation and  
 8 some initial design and concept building around what the  
 9 products look like in order to assemble them,  
 10 essentially, into a portfolio that we could then present  
 11 to the Commission for its acknowledgement and created  
 12 essentially a five-year view of the products we would  
 13 then finalize and bring to the Commission to serve our  
 14 electric transportation customers.  
 15 So that process in the case of that work, we did  
 16 some ideation and design initially to develop that  
 17 portfolio, but then we picked this process up again  
 18 after the acknowledgement of that plan because that  
 19 gives us indication from the parties as well as from the  
 20 Commission about any concerns or issues or modifications  
 21 we need to make and we did receive a great deal of  
 22 feedback through that process. We incorporated that  
 23 feedback and then we developed -- we broke the products  
 24 that we were going to bring to market into two different  
 25 phases. And we developed phase one and went through the

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1 rest of this process to develop that brought those to  
 2 the Commission for their approval last spring.  
 3 And then we began the process of ideation --  
 4 final ideation and design for the second phase, which  
 5 will go to the Commission later this spring.  
 6 So assuming that this entire process is  
 7 indicative of something that's extremely linear, isn't  
 8 always the case.  
 9 Sometimes we do parts of this in order to build  
 10 a portfolio of thoughts around what a product -- suite  
 11 of products would look like, and then we pick that  
 12 process back up again in order to complete its readiness  
 13 for approval and submission to the Commission, if  
 14 necessary.  
 15 **Q. So is your testimony replacing pages 32**  
 16 **through 42 of the -- Chapter 2 of the CEIP, because**  
 17 **it --**  
 18 A. I don't know what "replacing" means.  
 19 We -- both of -- we submitted a plan to the  
 20 Commission in the CEIP of the things we thought at that  
 21 point were concepts that we could implement in the space  
 22 of distributed energy resources. And my testimony talks  
 23 about how we will pick that work up and continue forward  
 24 with that work based upon the time that is elapsed,  
 25 which is nearly two years since we developed that

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1 initial suite of products.  
 2 **Q. So when you say "pick it up," do you mean you**  
 3 **take -- going forward, do you have products in mind and**  
 4 **then you'll start another round of ideation with those**  
 5 **projects in mind?**  
 6 A. We're going take the list of the product  
 7 concepts that we submitted as part of the CEIP and  
 8 re-evaluate them and analyze them both for costs as well  
 9 as the feedback and the approval -- I mean, not the  
 10 approval, the feedback and the input that we receive  
 11 from parties along the way and determine at that point  
 12 which products we believe could be most ready to come  
 13 back to the Commission for their review and approval and  
 14 discussion with the various parties participating in  
 15 this proceeding before we do that.  
 16 And so we're -- we're -- when I say we're  
 17 picking it up, we're going to take what's there, the  
 18 feedback we've received. We're going to then  
 19 re-analyze, update costs, engage our customers and  
 20 communities, which we're already doing, converse with  
 21 the appropriate advisory groups and then seek final  
 22 input and feedback, and then we will bring that back to  
 23 the Commission for its approval.  
 24 And that will happen for every product that we  
 25 intend to offer for customer use as part of our DER

1 work. And it's the same model that we've used for all  
 2 the products we've developed today.  
 3 **Q. When you say "the same model," I'm -- I have**  
 4 **been focused in my previous cross-examination of PSE**  
 5 **Witness Durbin on the portfolio selection process.**  
 6 **When you say "process," are you talking about**  
 7 **that portfolio selection process or product development**  
 8 **process?**  
 9 A. I'm talking about the product development  
 10 process. The process we go by once we've determined  
 11 that a product is ready and viable for discussion with  
 12 customers, communities, advisory groups and everyone  
 13 else and that we find that design and we take it forward  
 14 to the Commission for its continued review, scrutiny,  
 15 and approval.  
 16 **Q. Okay. That's helpful.**  
 17 **So then if I'm understanding this correctly, the**  
 18 **discussion about the portfolio process in Ms. Durbin's**  
 19 **testimony doesn't -- isn't replaced by your discussion**  
 20 **about the product development process; is that correct?**  
 21 A. No -- well, yes, you are correct. No, it does  
 22 not replace it.  
 23 In this case, you know, this is the process we  
 24 go through for every product that we bring to the  
 25 Commission for approval, whether it's involved in the

1 we did it for the -- for the presentation of this  
 2 initial plan, which is our first attempt at figuring  
 3 this out.  
 4 **Q. And since then, up until now, has PSE had**  
 5 **discussions about how to modify that suite selection**  
 6 **process, the sort of portfolio selection process?**  
 7 A. We received a lot of feedback through this  
 8 process about it, and we're going to take that feedback  
 9 and we will re-evaluate the product process based upon  
 10 what we think can and should be improved.  
 11 **Q. But there -- but there hasn't been any changes**  
 12 **as of yet; is that what I'm hearing?**  
 13 A. Not in the suite selection process, because we  
 14 haven't received the final disposition of this case.  
 15 **Q. So if I'm understanding it correctly, PSE has**  
 16 **said that that process was illustrative to begin with**  
 17 **and that there has been no work on the suite and**  
 18 **portfolio selection process since then; is that correct?**  
 19 A. No work to revise it or change it, no.  
 20 MS. SUETAKE: Okay. Thank you. That is all  
 21 my questions.  
 22 JUDGE HOWARD: Any redirect following that  
 23 cross?  
 24 MS. BARNETT: No, Your Honor.  
 25 JUDGE HOWARD: Okay. Thank you.

1 CEIP or not.  
 2 In the case of the CEIP, we put together some  
 3 initial product concepts in the suite of -- initial  
 4 suite of product concepts that we intended to suggest  
 5 for their approval.  
 6 We did some initial scoring relative to CBIs,  
 7 which is something we've never done before. And so we  
 8 made an attempt at how we might go about doing that.  
 9 And then, over the last year, we received the  
 10 feedback and input from the various parties about what  
 11 that looks like. We will now take that all again, after  
 12 we receive the order in this process and finish the  
 13 process of -- of preparing each individual product for  
 14 its review consideration approval by the parties, as  
 15 well as the Commission and our customers.  
 16 **Q. So from your viewpoint, has the -- has the**  
 17 **methodology and process the company has been using to**  
 18 **sort of develop the suite of programs to get to this**  
 19 **product development process, has that methodology**  
 20 **changed over the years? Last year and a half, I guess.**  
 21 A. Well, we've only done it once. And we did it to  
 22 prepare this initial Clean Energy Implementation Plan.  
 23 It was a new way of doing it. It incorporated -- we  
 24 made an attempt at incorporating and scoring relative to  
 25 CBIs, but it's -- it's -- it is what it was at the time

1 NWECC and Front and Centered noted cross for  
 2 this witness as well.  
 3 MS. TACK-HOOPER: Yes. Thank you, Your  
 4 Honor.  
 5 CROSS-EXAMINATION  
 6 BY MS. TACK-HOOPER:  
 7 **Q. Hi, Mr. Einstein. I represent Front and**  
 8 **Centered and the Northwest Energy Coalition in this**  
 9 **proceeding.**  
 10 A. Good afternoon.  
 11 **Q. As PSE's Director of Product Development and**  
 12 **Growth, you are responsible for the development and**  
 13 **marketing of new products for the utility; correct?**  
 14 A. That is correct.  
 15 **Q. You're not testifying in this proceeding as an**  
 16 **expert on equity; correct?**  
 17 A. Correct.  
 18 **Q. You'd agree that your background doesn't qualify**  
 19 **you as an expert on whether PSE's community engagement**  
 20 **process and DER products are or are not equitable;**  
 21 **correct?**  
 22 A. I guess I would say, yes, that's correct.  
 23 **Q. I have just a few questions about your testimony**  
 24 **regarding Front and Centered and NWECC's requested**  
 25 **condition that the CEIP designate a minimum percentage**

1 of the energy benefits of PSE's DER programs for highly  
2 impacted communities and vulnerable populations.

3 In your testimony, you noted that PSE's  
4 Transportation Electrification Plan includes a  
5 commitment to target 30 percent of spending within each  
6 transportation electrification integrated product and  
7 service to support equity-focused customers; correct?

8 A. That's correct.

9 Q. And you've noted that PSE would consider similar  
10 spending designations for the 2023 biennial update to  
11 the CEIP; correct?

12 A. Yes, we're in the process of and will review  
13 what spending designations we can make relative to DER  
14 products.

15 Q. Okay. But the CEIP that's being adjudicated  
16 today does not designate a specific percentage of  
17 spending for each DER product to support named  
18 communities; correct?

19 A. I don't know that I know the answer to that.

20 Q. Okay. And do you know whether there are any  
21 megawatts of DER that are explicitly allocated for named  
22 communities in the CEIP?

23 A. I know that we laid out in some of the product  
24 concepts some minimum amounts. But again, that's not  
25 work that I prepared.

1 this engagement with the named communities about these  
2 products?

3 A. It could take anywhere from three to five  
4 months. It kind of depends upon when we start, how  
5 quickly we get an uptake, and then how long it takes to  
6 prepare the final report.

7 MS. BARNETT: I don't think I have anything  
8 further. Thank you.

9 JUDGE HOWARD: The Energy Project also  
10 noted possible cross for Mr. Einstein.

11 Mr. ffitch, do you wish to proceed?

12 MR. FFITCH: Yes, really one or two  
13 questions.

14 CROSS-EXAMINATION

15 BY MR. FFITCH:

16 Q. Good afternoon, Mr. Einstein. I'm Simon ffitch  
17 representing The Energy Project. I just wanted to  
18 follow-up on your last interchange with your counsel.

19 Does Puget Sound Energy plan to interact with  
20 its low income advisory group or its Conservation  
21 Resource Advisory Group on this topic you were just  
22 discussing?

23 A. We plan to engage with the conservation resource  
24 advisory group as well as the Equity Advisory Group  
25 throughout this process. Part of the work we need to do

1 MS. TACK-HOOPER: Okay. We have nothing  
2 further for Mr. Einstein.

3 THE COURT: All right. Thank you.  
4 Any redirect?

5 MS. BARNETT: Yes, Your Honor.

6 REDIRECT EXAMINATION

7 BY MS. BARNETT:

8 Q. Mr. Einstein, how do you anticipate named  
9 communities -- or how might engagement with named  
10 communities inform what products PSE presents to the  
11 Commission?

12 A. So we're in the process right now of -- of  
13 convening a partnership with our consultant who supports  
14 the Equity Advisory Group, a process that we used in the  
15 transportation electrification work of engaging with  
16 communities and customers about the -- about the types  
17 of products and barriers and solutions to products that  
18 they may be interested in and could support as part of  
19 our DER product suite. And so right now we've begun  
20 that process. That work is underway and we will finish  
21 later this spring. And out of that, we hope to get  
22 feedback around named communities and how funding  
23 communities about how the products that we would bring  
24 forward in the DER space could best serve them.

25 Q. And how long does it typically take to conduct

1 at the Conservation Resource Advisory Group is meet with  
2 them to discuss whether and how they might take DERs  
3 into the umbrella of advice that they provide to the  
4 company and to the Commission. We haven't had that  
5 conversation with the members of that committee yet, but  
6 we intend to do so.

7 Q. And have you had that conversation with members  
8 of the low income advisory group?

9 A. No, we have not.

10 Q. And does Puget intend to have that conversation  
11 going forward on the DER programs?

12 A. We would be happy to brief the low income  
13 advisory group about the DER programs. My personal  
14 concern is I -- I have some concern that we might  
15 have -- because DERs do not currently have an assigned,  
16 essentially, advisory group that we might end up having  
17 too many advisory groups to effectively manage, given  
18 the time constraints we have. But we are certainly  
19 always happy to talk to any of the advisory groups to  
20 present information about the work that we're doing.

21 At this point, I think we believe the  
22 conversation resource advisory group from an expertise  
23 standpoint is probably the most appropriate to provide  
24 input on the design of the programs.

25 MR. FFITCH: No further questions. Thank

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1 you.

2 JUDGE HOWARD: Any redirect?

3 MS. BARNETT: No, thank you.

4 JUDGE HOWARD: Do we have any questions from

5 the bench for Mr. Einstein?

6 COMMISSIONER DOUMIT: Yes, Your Honor.

7 Thanks.

8 EXAMINATION

9 BY COMMISSIONER DOUMIT:

10 **Q. Mr. Einstein, you and Mr. Archuleta talked a lot**

11 **about interested party involvement in the processes, but**

12 **I want to get some specific, sort of, answers, you know,**

13 **as to when that occurs. So I'm going to ask you some**

14 **questions to -- for the record.**

15 **And I want you to go, please, to your rebuttal**

16 **testimony, page 4, in that flow chart.**

17 A. Mm-hmm.

18 **Q. Tell me when you're there.**

19 A. Yes, I have it.

20 **Q. Okay. And the very first stage labeled "define**

21 **strategy," it references "collaboration with leadership**

22 **and internal stakeholders."**

23 **Do you see that?**

24 A. Yes.

25 **Q. Okay. At this point -- or before this point, do**

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1 **you ever discuss these ideas or proposals with external**

2 **entities or engage with your advisory group**

3 **participants?**

4 A. Not usually at the define strategy phase, I

5 would say.

6 **Q. Why not? If it's not, why not?**

7 A. The define strategy phase is really pre-ideation

8 and really around -- I'm trying to think of a good

9 example to share with you about what that would look

10 like.

11 I mean, I guess I would say, sort of -- the best

12 example I can give is after transportation

13 electrification, after -- after we were given permission

14 by the legislature, submitted a transportation

15 electrification plan, we spent some time after receiving

16 that legislation that I would categorize as being

17 appropriate inside a defining strategy about what we're

18 going to do, how we're going to do it; that is really

19 the point at which I would say it is an internal

20 conversation around how we gather our thoughts and plans

21 for how we're going to approach a specific product.

22 It's not meant to -- you know, if your question

23 is whether we're -- why we're not engaging the external

24 public at that point, it's not a question of whether

25 we're going to engage the public; it's a question of

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1 what would we engage the public about because we

2 don't -- we don't know yet. We're still conversing.

3 It's pre-ideation.

4 **Q. Okay. So that -- so next box, ideation is**

5 **where -- that's when your -- initially your first**

6 **customer engagement occurs; correct?**

7 A. Yes. We do some customer engagement as part of

8 ideation and, essentially, brainstorming and

9 understanding how -- how and what a product could entail

10 and look like.

11 **Q. Does the customer engagement you do at that**

12 **time, is that with your advisory group participants?**

13 **Your equity -- Equity Advisory Group-named communities**

14 **or is it -- is it different kinds of focus groups or**

15 **what -- what does it look like, that customer --**

16 A. It really can -- it can involve any of those

17 things at that point in the process. There are industry

18 stakeholders we talk to to get best practices from other

19 utilities who have, maybe, launched a product similar to

20 what we have before that.

21 A good example of that is community solar. We

22 did a lot of work understanding various community solar

23 products around the country before we started landing on

24 a design element for where we were at. But we do --

25 ideation can involve quick conversations to customers,

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1 you know, as well as more elaborate one-off

2 conversations with various stakeholders.

3 **Q. So -- so it may or may not include involvement**

4 **with named communities, et cetera.**

5 **In fact, as I'm looking at the chart, those --**

6 **those groups are not included, at least, you know, by**

7 **name in the chart that --**

8 A. I think it's important to point out,

9 Commissioner, that the engagement with named communities

10 is a relatively new piece of the product development

11 process.

12 And so this process was developed -- I mean,

13 while we simply put it into place in 2019, we spent two

14 and a half previous years working on refining --

15 building and refining this process. It's pre-CETA. So

16 a lot of the elements on the chart you're seeing here

17 have not been adopted since the development and adoption

18 of CETA.

19 So when would we appropriately engage with named

20 communities?

21 I would say that the current practice we have

22 right now really, sort of, occurs in the space of the

23 ideation and the design phase of a particular product or

24 a set of products and concepts, similar to what we are

25 doing right now through the work with our consultant to

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1 engage those named communities and customers through  
 2 surveys, focus groups, one-off conversations with  
 3 individuals. We compensate people for participating in  
 4 those things, that all happens in the midst of that  
 5 ideation design phase.  
 6 **Q. Okay. So just to be clear, again, for the**  
 7 **record, then, those -- it's a function of this being**  
 8 **sort of in -- an out-of-date chart is the reason we're**  
 9 **not seeing the community groups involved in discussion**  
 10 **at the ideation stage; is that -- is that correct, then?**  
 11 A. Well, you would see -- and I guess I would say  
 12 the words "named communities" are not on this chart.  
 13 But as you would see at the top of the call  
 14 under "design," it says "customer outreach and testing."  
 15 That is the space in which, you know, it's sort  
 16 of formally listed and called out. But that's trying to  
 17 pinpoint something on a specific chart. It really  
 18 happens throughout that process.  
 19 **Q. So CRAG, Low Income Advisory Group, Equity**  
 20 **Advisory Group, that's where those groups would be --**  
 21 **have access to the process?**  
 22 A. If we were -- for -- in the case of DERs, if we  
 23 were to get into an ongoing conversation with the  
 24 Conservation Resource Advisory Group, I would say  
 25 that -- similar to the way in which the -- the company

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1 engages with that group around energy efficiency  
 2 products, it becomes, sort of, an ongoing cycle of  
 3 dialog with those advisory groups.  
 4 And so a new product, in theory, would be  
 5 engaging with those advisory groups during those phases.  
 6 But in the case of our transportation  
 7 electrification work, you know, as we move from design  
 8 and into development is when we really do sit down with  
 9 individuals from each of the interested parties involved  
 10 in this case, et cetera, to present the tariffs.  
 11 We meet with the Transportation Electrification  
 12 Advisory Group that all three utilities share in common,  
 13 as suggested by the Commission. We meet with them and  
 14 we provide those tariffs to those entities 60 days  
 15 before we file.  
 16 So there's a whole formal dialogue process as  
 17 we're wrapping up the design phase, moving into the  
 18 development phase, and then the final submittal to the  
 19 Commission.  
 20 COMMISSIONER DOUMIT: Thank you, Your Honor,  
 21 I have nothing further.  
 22 JUDGE HOWARD: All right. Thank you.  
 23 Any further questions from the bench for  
 24 this witness?  
 25 COMMISSIONER RENDAHL: No, Your Honor.

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1 CHAIR DANNER: No, Your Honor.  
 2 JUDGE HOWARD: All right. Thank you.  
 3 Our next witness would be Austin Phillips.  
 4 And NWECC and Front and Centered have  
 5 initially indicated that they may need to cross Austin  
 6 Phillips. And that is not the case now, as I  
 7 understand?  
 8 MS. TACK-HOOPER: That's correct, Your  
 9 Honor.  
 10 JUDGE HOWARD: All right. Do we have any  
 11 questions from the bench for Austin Phillips?  
 12 All right. Hearing none, feel free to  
 13 correct me if I'm jumping ahead too quickly.  
 14 COMMISSIONER RENDAHL: Your Honor, does  
 15 Staff have questions for Witness Phillips or have they  
 16 waived cross?  
 17 JUDGE HOWARD: Staff has waived cross for  
 18 Austin Phillips, I believe.  
 19 Mr. Callaghan, is that right?  
 20 MR. CALLAGHAN: That's correct, Your Honor.  
 21 JUDGE HOWARD: All right. Thank you.  
 22 COMMISSIONER RENDAHL: Your Honor, I may  
 23 have a question or two for -- for Phillips.  
 24 JUDGE HOWARD: All right. Could -- could  
 25 Mr. Phillips turn on his video feed and -- and prepare.

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1 THE WITNESS: Yes. Just one moment, please.  
 2 Thank you.  
 3 JUDGE HOWARD: Certainly.  
 4 THE WITNESS: Good afternoon.  
 5 JUDGE HOWARD: All right. Good afternoon,  
 6 Mr. Phillips.  
 7 Could you please raise your right hand? And  
 8 I will swear you in.  
 9 And you may need to unmute yourself so we  
 10 can hear you affirm in response.  
 11 Do you swear or affirm that the testimony  
 12 you will give today is the truth, the whole truth, and  
 13 nothing but the truth?  
 14 THE WITNESS: I do.  
 15 JUDGE HOWARD: All right. Thank you.  
 16 Ms. Barnett, could you please introduce the  
 17 witness?  
 18 MS. BARNETT: Yes. Thank you.  
 19 AUSTIN PHILLIPS, witness herein, having been first  
 20 duly sworn on oath, was examined  
 21 and testified as follows:  
 22 DIRECT EXAMINATION  
 23 BY MS. BARNETT:  
 24 **Q. Dr. Phillips, could you please state your name**  
 25 **and spell your name for the record?**

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1 A. Yes, my name is Austin Phillips. My last name  
 2 is spelled P-h-i-l-l-i-p-s.  
 3 **Q. What is your role at Puget?**  
 4 A. I manage the Strategic Customer Insights Team.  
 5 **Q. Thank you.**  
 6 MS. BARNETT: With that, PSE tenders  
 7 Dr. Phillips for questions.  
 8 JUDGE HOWARD: All right. Thank you.  
 9 And apologies for missing your title in  
 10 my -- my initial introduction to you, Dr. Phillips.  
 11 THE WITNESS: That's all right.  
 12 JUDGE HOWARD: Are there any questions from  
 13 the bench for Dr. Phillips?  
 14 COMMISSIONER RENDAHL: Yes, Your Honor. I  
 15 just have a few.  
 16 EXAMINATION  
 17 BY COMMISSIONER RENDAHL:  
 18 **Q. Good afternoon, Mr. Phillips.**  
 19 A. Good afternoon, Commissioner.  
 20 **Q. So do you have your rebuttal testimony, AJP-1T,**  
 21 **in front of you?**  
 22 A. Not currently, but let me take one moment to get  
 23 that ready.  
 24 **Q. Okay. So, yes, if you get your rebuttal**  
 25 **testimony, then we can get ready to roll.**

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1 A. Okay. I have it in front of me now.  
 2 **Q. Okay. If you would turn to page 17, please.**  
 3 A. I'm there.  
 4 **Q. Okay. And on page 17, lines 18 to 19, you**  
 5 **state: PSE is open to guidance on incorporating a**  
 6 **well-rounded set of vulnerability factors that account**  
 7 **for multiple dimensions of risk.**  
 8 **Do you see that?**  
 9 A. Yes, I do.  
 10 **Q. Has company been thinking about what it**  
 11 **envisions as a well-rounded set of vulnerability factors**  
 12 **beyond what it's put together so far?**  
 13 A. PSE does feel that the set of vulnerability  
 14 factors we identified encapsulates a variety of  
 15 different types of vulnerabilities.  
 16 So when I wrote that, my intention was to state  
 17 that while we do feel confident that what we factored  
 18 into our assessments captures a variety of different  
 19 dimensions, we're open to further guidance from the  
 20 Equity Advisory Group, from other interested parties and  
 21 stakeholders on refining that set of factors over time.  
 22 **Q. Okay. And then if you could look at your**  
 23 **testimony on page 24, at lines 11 to 22.**  
 24 A. Okay. I'm there.  
 25 **Q. Okay. You -- I believe it's at this point -- at**

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1 **some point in your testimony, it might be here, you talk**  
 2 **about... oh, it's line 19 through 22.**  
 3 **You discuss the company's capable of**  
 4 **re-expanding the data on vulnerability to make strategic**  
 5 **decisions.**  
 6 **Do you see that?**  
 7 A. I do.  
 8 **Q. Okay. So what does that mean? How -- can you**  
 9 **describe what that means to re-expand the data to make**  
 10 **strategic decisions?**  
 11 A. I might need to -- to make that clarification.  
 12 I understand it's somewhat of a vague sentence.  
 13 What I meant by that, when I wrote it, is that  
 14 we compressed the set of total vulnerability factors by  
 15 each census block group into a single total  
 16 vulnerability score in order to be able to assess which  
 17 communities faced a higher or a lower cumulative impact  
 18 from those factors. So that allows us a way of triaging  
 19 and prioritizing areas of higher vulnerability.  
 20 But the second half to that is that -- and this  
 21 is what it speaks to in the testimony -- when we're  
 22 seeking to take a particular action or decide on a plan  
 23 within a particular community, we may be interested in  
 24 knowing which particular vulnerability factors were most  
 25 prominent in that community and lead to a higher

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1 vulnerability score.  
 2 And at that point, we're able to look for a  
 3 particular community, not just at the singular value of  
 4 its total vulnerability score, but to expand the whole  
 5 set of vulnerability factors that could have contributed  
 6 to its having a high score. And in virtue of that,  
 7 addressing those particular needs in the community,  
 8 whether those higher scoring factors were limited  
 9 English or high rate of unemployment, what have you, we  
 10 can tailor the response based on those specific factors.  
 11 **Q. Okay. But you're still -- the company is still**  
 12 **planning at this point to prioritize the initial focus**  
 13 **on those census tracts with the highest cumulative**  
 14 **vulnerability factors, correct, not making a decision**  
 15 **based on the re-expanded list of all the census tracts;**  
 16 **correct?**  
 17 A. You're correct that the total vulnerability  
 18 score will be a primary tool in determining which  
 19 communities or which census block groups make most sense  
 20 to consider for projects, programs, and engagement in  
 21 virtue of having a higher cumulative effect of  
 22 vulnerability.  
 23 So -- so, yes, we -- I do want to clarify,  
 24 though, that we will not make those decisions on  
 25 locations or which communities to include, only based on



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1 census block groups that have a high vulnerability  
 2 score.  
 3 We still consider all of our communities as  
 4 potential for action and as opportunities to increase  
 5 equity, but the continuous value or the spectrum where a  
 6 particular community sits is -- is one factor that we'll  
 7 consider.  
 8 **Q. Okay. So if we could look at the next page of**  
 9 **your testimony, page 25. The last page, actually, and**  
 10 **at lines 6 to 14, you refer to the company constructing**  
 11 **several internal dashboards and performing analysis**  
 12 **related to equity.**  
 13 **Do you see that?**  
 14 A. I do.  
 15 **Q. Okay. So can you describe whether and how**  
 16 **this -- these new dashboards are helping the managers**  
 17 **consider data?**  
 18 **What are these dashboards doing differently than**  
 19 **the work that you already described about the different**  
 20 **assigning values and then combining them into**  
 21 **cumulative?**  
 22 **How are these dashboards doing something**  
 23 **different or supporting that?**  
 24 A. That's an excellent question. And I'm happy to  
 25 report that one way we're using the information we glean

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1 from our vulnerability assessment and combining it with  
 2 program data and PSE is in looking at particular  
 3 programs and types of programs, including energy  
 4 efficiency, renewable energy programs, and others.  
 5 And what this enables us to do through the  
 6 dashboards is to look at the heterogeneity in  
 7 vulnerability score over our service area and understand  
 8 whether census block groups or communities that we have  
 9 designated as higher vulnerability have historically  
 10 seen less enrollment or less engagement in those  
 11 particular programs over time or at the present.  
 12 And so that's already enabling managers and  
 13 program administrators to look at specific communities  
 14 where there is an indication of higher level of  
 15 vulnerability, and at the same time, there is a  
 16 lower-than-expected level in enrollment in particular  
 17 programs.  
 18 And that indicates that there's a quantitative,  
 19 quantifiable opportunity to increase equity in that  
 20 particular community. That information can then be  
 21 conveyed to folks who interact with the community and  
 22 try to increase enrollment, again, based on an expansive  
 23 look at the particular barriers that might be at play  
 24 and may have contributed to the inequity previous.  
 25 **Q. Okay. Have you -- has the company reviewed this**

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1 **dashboard or shared it with its equity advisory**  
 2 **committee yet?**  
 3 A. We've had many internal conversations about the  
 4 dashboards and other tools. To my understanding and my  
 5 best knowledge, we haven't shared these tools with the  
 6 Equity Advisory Group at this time.  
 7 **Q. Okay. Do you know if it's the company's plan to**  
 8 **do so?**  
 9 A. To my best knowledge, it is.  
 10 **Q. Okay. One last question.**  
 11 **Have you done --**  
 12 CHAIR DANNER: Commissioner? Commissioner,  
 13 can I just follow-up?  
 14 EXAMINATION  
 15 BY CHAIR DANNER:  
 16 **Q. And, Mr. Phillips, when would that be? When**  
 17 **would you engage them on this?**  
 18 A. I would have to consult with those who are  
 19 planning conversations with the Equity Advisory Group.  
 20 I would frame it as -- as soon as possible.  
 21 We did want to have the opportunity to go  
 22 through this hearing process to understand whether  
 23 there's any feedback from the Commission or other  
 24 parties on elements that we may need to change in terms  
 25 of our vulnerable population methodology before

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1 circulating it too widely with community members as to  
 2 what the results of that analysis have shown.  
 3 **Q. Okay. So they haven't seen it yet. And right**  
 4 **now, there's no schedule for getting it in front of**  
 5 **them?**  
 6 A. They have not seen it and I cannot say one way  
 7 or the other whether there's a specific schedule, as  
 8 that's not the team in the set of relationship that I  
 9 particularly manage.  
 10 CHAIR DANNER: All right. All right. Thank  
 11 you.  
 12 THE WITNESS: You're welcome.  
 13 CHAIR DANNER: I'm sorry to interrupt,  
 14 Commissioner. Go ahead.  
 15 COMMISSIONER RENDAHL: No, not at all.  
 16 And I have one more question, but you may  
 17 have others after this.  
 18 EXAMINATION  
 19 BY COMMISSIONER RENDAHL:  
 20 **Q. So, Mr. Phillips, have you -- in the process of**  
 21 **preparing for this hearing, have you reviewed the**  
 22 **testimony and exhibits of staff witness Jennifer Snyder?**  
 23 A. Yes, I have.  
 24 **Q. Okay. So, then, are you familiar with the**  
 25 **equity -- the Energy Equity Project report that's**

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1 **included as Exhibit JES-4 to Jennifer Snyder's**  
 2 **testimony?**  
 3 A. I'd like to pull up that document so that I can  
 4 have it for reference. If you will give me --  
 5 **Q. Sure.**  
 6 A. All right. I'm there. Thank you.  
 7 **Q. Okay. Great. Are you familiar with this**  
 8 **document? Have you seen it before?**  
 9 A. Could you cite a particular page number?  
 10 Are you referring to a -- a set of testimony in  
 11 particular?  
 12 I just want to make sure I'm understanding the  
 13 correct document.  
 14 **Q. Do you have a copy of Exhibit -- do you have a**  
 15 **copy of the Energy Equity Project report that was**  
 16 **Exhibit JES-4 to Jennifer Snyder's testimony?**  
 17 **Do you have that in front of you?**  
 18 A. Yes, I do have Exhibit JES-4 in front of me.  
 19 **Q. Okay. Did you review that as a part of your**  
 20 **review for the hearing?**  
 21 A. I did not personally review this document.  
 22 **Q. Okay. And you haven't reviewed it before in**  
 23 **your work in developing the various metrics or methods**  
 24 **for measuring vulnerable communities?**  
 25 A. To my best knowledge, that is correct.

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1 **Q. Okay. Thank you.**  
 2 COMMISSIONER RENDAHL: Your Honor, I have no  
 3 further questions.  
 4 JUDGE HOWARD: Any further questions from  
 5 the bench for Dr. Phillips?  
 6 COMMISSIONER DOUMIT: No, Your Honor.  
 7 CHAIR DANNER: No, Your Honor.  
 8 JUDGE HOWARD: All right. I would like to  
 9 thank Dr. Phillips for his testimony today. He's  
 10 excused.  
 11 We did have a request in the chat for a  
 12 short break following this witness.  
 13 So let's go ahead and take a ten-minute  
 14 break, if that's agreeable to the Commissioners.  
 15 Let's return at 2:35.  
 16 COMMISSIONER RENDAHL: Thank you.  
 17 JUDGE HOWARD: And we are off the record.  
 18 (A break was taken from  
 19 2:25 p.m. to 2:37 p.m.)  
 20 JUDGE HOWARD: I'm just going to confirm --  
 21 ask one more time for Staff Witness Synder.  
 22 Can you hear me? Can I hear you? Do we  
 23 need a little more time?  
 24 THE WITNESS: I can hear you.  
 25 Can you hear me yet?

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1 THE COURT: Yes.  
 2 THE WITNESS: Okay. Yay.  
 3 JUDGE HOWARD: All right.  
 4 So we have -- at this point in the hearing,  
 5 we have completed the witnesses from PSE.  
 6 We're going to be turning to the non-company  
 7 witnesses. And no party has indicated cross for any of  
 8 the non-company witnesses. But we are going to be going  
 9 through and seeing if there are any bench questions  
 10 for -- for these witnesses. We're going to start with  
 11 Staff.  
 12 As I understand, there are questions from  
 13 the bench for Staff witness, Jennifer Snyder.  
 14 Could you please raise your right hand? And  
 15 I'll swear you in.  
 16 Do you swear or affirm the testimony you  
 17 will give today is the truth, the whole truth, and  
 18 nothing but the truth?  
 19 THE WITNESS: I do.  
 20 JUDGE HOWARD: All right. Thank you.  
 21 Mr. Callaghan, could you introduce the  
 22 witness?  
 23 MR. CALLAGHAN: Yes. Thank you, Your Honor?  
 24 ///  
 25 ///

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1 JENNIFER SNYDER, witness herein, having been first  
 2 duly sworn on oath, was examined  
 3 and testified as follows:  
 4  
 5 DIRECT EXAMINATION  
 6 BY MR. CALLAGHAN:  
 7 **Q. Ms. Snyder, could you state your name and spell**  
 8 **your last name for the record?**  
 9 A. Jennifer Snyder. S-n-y-d-e-r.  
 10 **Q. And, Ms. Snyder, you submitted Exhibits JES-1T**  
 11 **through JES-6 in this record; is that correct?**  
 12 A. That is correct.  
 13 MR. CALLAGHAN: Your Honor, Staff offers  
 14 Staff Witness Snyder for examination.  
 15 Thank you.  
 16 JUDGE HOWARD: Thank you.  
 17 Are there any questions from the bench for  
 18 Snyder?  
 19 CHAIR DANNER: Yes. Thank you.  
 20 EXAMINATION  
 21 BY CHAIR DANNER:  
 22 **Q. Good afternoon, Jennifer Snyder. I have a**  
 23 **clarifying question for you. This regards your**  
 24 **testimony at JES-1T at page 45 and 46. And it has to do**  
 25 **with the recommendation that the Commission approve**

1 **PSE's CEIP with a condition that a license is obtained**  
 2 **for Staff to use the Aurora and PLEXOS models within**  
 3 **60 days of our final order.**  
 4 **Does Staff have license for either one of**  
 5 **these -- either Aurora or the PLEXOS software currently?**  
 6 A. So, currently, my understanding is that Staff  
 7 has a license for the Aurora model. It is an intervener  
 8 license and it is only good for one year. This is  
 9 normally how we -- we get licenses to these models.  
 10 They come and go. And so we're -- we're constantly  
 11 having to reinstall/retrain. And what we're looking for  
 12 is continuous access.  
 13 **Q. Okay. We currently -- the Commission does not**  
 14 **have a -- a license for the PLEXOS model?**  
 15 A. Not that I am aware of.  
 16 **Q. Okay. Are you requesting -- is staff requesting**  
 17 **that the company obtain and cover the costs of the**  
 18 **license or is it for the Commission to cover the cost of**  
 19 **license?**  
 20 A. Staff is requesting that the -- the company  
 21 cover the cost of the license.  
 22 **Q. Okay. That is my -- those are my only**  
 23 **questions. Thank you very much.**  
 24 JUDGE HOWARD: All right. Thank you.  
 25 Any further questions?

1 JUDGE HOWARD: Certainly, I -- I would --  
 2 perhaps we will call Aaron Tam first and then we will  
 3 turn to NWECC witnesses after that, if that works for  
 4 you.  
 5 Is -- Aaron Tam, are you able to hear and  
 6 see me all right?  
 7 THE WITNESS: Yes. Can you hear me?  
 8 JUDGE HOWARD: Yes. Would you please raise  
 9 your right hand? And I'll swear you in.  
 10 Do you swear or affirm that the testimony  
 11 you will give today is the truth, the whole truth, and  
 12 nothing but the truth?  
 13 THE WITNESS: I do.  
 14 JUDGE HOWARD: All right. Thank you.  
 15 Ms. Suetake, could you please introduce the  
 16 witness.  
 17 MS. SUETAKE: Yes. Thank you.  
 18  
 19 AARON TAM, witness herein, having been first  
 20 duly sworn on oath, was examined  
 21 and testified as follows:  
 22  
 23 DIRECT EXAMINATION  
 24 BY MS. SUETAKE:  
 25 **Q. Could you please state and spell your name for**

1 COMMISSIONER RENDAHL: No. Thank you, Your  
 2 Honor.  
 3 COMMISSIONER DOUMIT: No, Your Honor.  
 4 JUDGE HOWARD: All right. Jennifer Snyder,  
 5 thank you for your testimony today.  
 6 The next Staff witness would be Joel  
 7 Nightingale.  
 8 Are there any questions from the bench for  
 9 Joel Nightingale?  
 10 COMMISSIONER RENDAHL: No, Your Honor.  
 11 COMMISSIONER DOUMIT: I have no questions.  
 12 Thank you, Your Honor.  
 13 CHAIR DANNER: No questions.  
 14 JUDGE HOWARD: All right. Hearing none.  
 15 And then we have the Public Counsel  
 16 witnesses: Corey Dahl and Aaron Tam.  
 17 Are there any questions from the bench for  
 18 either of these witnesses?  
 19 COMMISSIONER RENDAHL: Your Honor, I have a  
 20 clarifying question for Witness Tam, but also NWECC and  
 21 Front and Centered Witness McCloy on a subject that both  
 22 of them address. And so I don't know the best way to  
 23 handle this. We could take up Witness Tam first and  
 24 then Witness McCloy. But I just want to highlight  
 25 that -- that issue.

1 **the court reporter?**  
 2 A. My first name is Aaron, A-a-r-o-n. Last name  
 3 Tam, T-a-m.  
 4 **Q. And on whose behalf are you appearing today?**  
 5 A. The Public Counsel Unit of the Attorney  
 6 General's Office.  
 7 **Q. And did you file testimony -- or jointly**  
 8 **file testimony in Exhibits CDAT-1 through 5 on behalf of**  
 9 **Public Counsel?**  
 10 A. Yes.  
 11 MS. SUETAKE: Your Honor, the witness is  
 12 available for cross-examination.  
 13 JUDGE HOWARD: All right.  
 14 Commissioner Rendahl, please proceed.  
 15 EXAMINATION  
 16 BY COMMISSIONER RENDAHL:  
 17 **Q. Thank you. Good afternoon.**  
 18 **On the -- I just want to confirm that as a part**  
 19 **of the joint testimony, you were sponsoring testimony on**  
 20 **the customer benefit indicators; correct?**  
 21 A. Correct.  
 22 **Q. Okay. So in reference to the -- that responsive**  
 23 **testimony, CDAT-1T, do you have a copy of that in front**  
 24 **of you?**  
 25 A. Yes.

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1 **Q. Okay. And if you could turn to what is**  
 2 **identified as page 36 of 40, I believe. I'm sorry -- 33**  
 3 **of 40.**  
 4 A. Okay.  
 5 **Q. I believe this is -- going to line 21. No. I**  
 6 **have the wrong -- I have too many page numbers**  
 7 **referenced here. I think this is the problem. Well, I**  
 8 **don't have the page number but maybe you will remember.**  
 9 In your testimony you mention at one point that  
 10 you have concerns with the -- oh, here it is. It is on  
 11 page 33 of 40 on line 9, starting on line 9.  
 12 Do you see that?  
 13 A. Mm-hmm.  
 14 **Q. You mentioned that -- starting on line 11 that**  
 15 **Public Counsel believes that the metrics used in the**  
 16 **2021 CEIP should similarly not indicate any**  
 17 **directionality or desired target; correct?**  
 18 A. Yes.  
 19 **Q. Okay. Now, are you aware of testimony by Lauren**  
 20 **McCloy for NWEAC and Front and Centered in which she**  
 21 **indicates that directionality should be added?**  
 22 Are you familiar with that?  
 23 A. I've reviewed her testimony, yes.  
 24 **Q. Okay. So can you explain, is there a difference**  
 25 **in what you are both recommending and why -- can you**

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1 **explain why you think directionality should be omitted**  
 2 **and -- I will ask her why she thinks it should be**  
 3 **included.**  
 4 A. Right. Let me just refresh my memory a bit on  
 5 this point.  
 6 **Q. And if you would like, I can give you a**  
 7 **reference to her testimony as well.**  
 8 A. Okay.  
 9 **Q. Let me know if you would like me to give you**  
 10 **that.**  
 11 A. So Public Counsel here recommends that the  
 12 metrics themselves do not indicate a directionality or  
 13 desired target.  
 14 Here we just want to make sure there's  
 15 consistency between how metrics are defined in this  
 16 docket as well as the alternative rate-making docket  
 17 that I referred to.  
 18 I don't -- I don't believe that we -- Public  
 19 Counsel and the Northwest Energy Coalition have strong  
 20 conflict in our views. We believe that we -- we just --  
 21 we are fine with directionality being in the goals. And  
 22 so we -- we just try and add a little more clarification  
 23 in terms of how we would like that distinguished.  
 24 But we're not opposed to Puget Sound Energy  
 25 establishing goals or having directionality. We just

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1 try and delineate it more clearly and consistently with  
 2 the alternative rate-making docket.  
 3 **Q. Okay. So in looking at the -- the**  
 4 **recommendation that's in the bulleted point on line 16**  
 5 **through 21 of page 33. So you would like PSE to remove**  
 6 **the directionality from the language of the metric, but**  
 7 **separately identify it for each metric?**  
 8 **So keep the directionality language out of the**  
 9 **metric language but identify some kind of a target that**  
 10 **is directional, related to the metric?**  
 11 A. Correct.  
 12 COMMISSIONER RENDAHL: Okay. All right. I  
 13 think that helps me understand Public Counsel's position  
 14 on this point.  
 15 So thank you. I don't have any other  
 16 questions for Witness Tam.  
 17 But I think it would be helpful to have some  
 18 questions about this with Witness McCloy.  
 19 So thank you.  
 20 JUDGE HOWARD: Any further questions for  
 21 Witness Tam?  
 22 COMMISSIONER DOUMIT: No, Your Honor.  
 23 JUDGE HOWARD: All right. Hearing none, we  
 24 will turn to NWEAC and Front and Centered witness, Lauren  
 25 McCloy, here shortly.

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1 I just wanted to proceed down the order of  
 2 presentation and note that The Energy Project witness,  
 3 Lorena Shah has been excused.  
 4 We also have AWEAC's witness, Lance Kaufman.  
 5 Are there any questions from the bench for  
 6 Lance Kaufman?  
 7 COMMISSIONER DOUMIT: No, Your Honor.  
 8 JUDGE HOWARD: All right. Hearing none.  
 9 We then have the five witnesses -- I'm  
 10 sorry?  
 11 COMMISSIONER RENDAHL: No. Nothing.  
 12 THE COURT: All right. That we then have  
 13 the five witnesses from NWEAC and Front and Centered.  
 14 These include Elaine Hart, Mariel Thuraingham, Lauren  
 15 McCloy, Roger Colton, and Scott Reeves.  
 16 Because Commissioner Rendahl has already  
 17 indicated she has a question for Lauren McCloy, I would  
 18 ask McCloy to turn on her video feed, and I'll swear you  
 19 in.  
 20 Could you please raise your right hand?  
 21 Well, first of all, can you hear and see me  
 22 all right?  
 23 THE WITNESS: Yes.  
 24 JUDGE HOWARD: All right. Great.  
 25 Do you swear or affirm that the testimony

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1 you will give today is the truth, the whole truth, and  
 2 nothing but the truth?  
 3 THE WITNESS: Yes, I do.  
 4 JUDGE HOWARD: All right. Thank you.  
 5 Ms. Goodin, could you please introduce the  
 6 witness?  
 7 MS. GOODIN: Yes.  
 8  
 9 LAUREN MCCLOY, witness herein, having been first  
 10 duly sworn on oath, was examined  
 11 and testified as follows:  
 12  
 13 DIRECT EXAMINATION  
 14 BY MS. GOODIN:  
 15 **Q. Ms. McCloy, could you please state and spell**  
 16 **your name for the record?**  
 17 A. Lauren McCloy. L-a-u-r-e-n. M-c-C-l-o-y.  
 18 **Q. Thank you.**  
 19 **And you have submitted pre-filed testimony in**  
 20 **this docket; correct?**  
 21 A. Correct.  
 22 MS. GOODIN: Your Honor, I offer the witness  
 23 for questioning.  
 24 JUDGE HOWARD: All right. Thank you.  
 25 Commissioner Randall, please go ahead.

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1 EXAMINATION  
 2 BY COMMISSIONER RENDAHL:  
 3 **Q. Good afternoon, Lauren McCloy. It's good to see**  
 4 **you.**  
 5 A. You too.  
 6 **Q. And I just have a brief question following along**  
 7 **a question I asked of witness Tam for Public Counsel.**  
 8 **And do you have your -- your response testimony**  
 9 **in front of you?**  
 10 A. I do.  
 11 **Q. Okay. If you would turn to what is identified**  
 12 **as page 17 of 55.**  
 13 A. All right. I'm there.  
 14 **Q. Okay. Starting at line 20 and then ending on**  
 15 **page 18 of 55 at line 2, you state that "adding the**  
 16 **metrics agreed to in the revenue requirement settlements**  
 17 **in the recent PSE rate case would help fill the gaps**  
 18 **with customer benefit indicators or (CBIs) in PSE's**  
 19 **CEIP, but that directionality should be added."**  
 20 **Is that a correct summary of that portion of**  
 21 **your testimony?**  
 22 A. Yes. This is specific to the recommendation on  
 23 adding the CBIs from the settlement stipulation in the  
 24 general rate case.  
 25 **Q. Okay. And you heard the questions I had for**

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1 **Witness Tam?**  
 2 A. Yes.  
 3 **Q. Okay. And so, I guess, my question to you is,**  
 4 **is there any difference of understanding or -- or**  
 5 **recommendation between Public Counsel and Northwest**  
 6 **Energy Coalition and Front and Centered on**  
 7 **directionality and how the Commission should consider**  
 8 **that in the recommendations between the two parties?**  
 9 A. I don't think there is. I agree with Witness  
 10 Tam's statement that there isn't necessarily a conflict  
 11 between our testimony.  
 12 I think the intent is the same regardless of  
 13 whether the directionality is in the metric itself or in  
 14 an associated target or goal. I think we -- the outcome  
 15 would be the same.  
 16 So -- so we would, you know, I think, support a  
 17 recommendation or support a -- sort of tweak to our  
 18 recommendation that when we talk about directionality,  
 19 we're fine if that directionality is in sort of a  
 20 separate target associated with the metric and the  
 21 metric itself is just a clean metric for reporting  
 22 purposes.  
 23 COMMISSIONER RENDAHL: Thank you. That's  
 24 really helpful. I appreciate it.  
 25 That's the only question I have for Witness

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1 McCloy, but there may be others.  
 2 CHAIR DANNER: Yes, Your Honor. I have a  
 3 question as well.  
 4 JUDGE HOWARD: Please go ahead.  
 5 CHAIR DANNER: All right.  
 6 EXAMINATION  
 7 BY CHAIR DANNER:  
 8 **Q. Good afternoon, Lauren McCloy.**  
 9 A. Good afternoon.  
 10 **Q. I have a question, basically, dealing with**  
 11 **customer benefit indicators.**  
 12 **In Kara Durbin's testimony in Exhibit 60 at**  
 13 **page 21, she discusses the customer benefit indicators**  
 14 **and says that it's not practical or it's practically**  
 15 **infeasible for Puget to track certain data inside**  
 16 **customers' homes because that information can greatly --**  
 17 **or could vary greatly due to a number of associations,**  
 18 **such as home insulation, airflow, number of open**  
 19 **windows, and further regarding extreme heat impacts, it**  
 20 **is not clear to Puget whether data correlating illness,**  
 21 **hospitalization, or death attributes to extreme heat**  
 22 **events is even publically available or can be tracked.**  
 23 **And she raises some other concerns.**  
 24 **How does -- how does NWECC or Front and Centered**  
 25 **respond to the PSE witness' -- Durbin's concern that**

1 **some of the CBIs proposed by the parties require**  
2 **customer data that's just not feasible to obtain or is**  
3 **not publically available?**

4 A. So I will take my best crack at that.

5 I do believe that this portion of Ms. Durbin's  
6 testimony was addressing the testimony of Roger Colton,  
7 who is also here today and might be able to answer this  
8 with more specificity.

9 I -- I would say that the metrics that we have  
10 proposed are very focused on using data that -- that we  
11 believe the company has access to right now.

12 So the -- the CBIs that we -- the additional  
13 CBIs and additional metrics that we proposed, we do  
14 believe that the company has the data that it needs in  
15 order to put these metrics forward.

16 And in the case of this example, which I believe  
17 is about indoor air quality, I would probably need to  
18 defer to our expert witness, Mr. Colton, on that.

19 **Q. Okay. But, as a general matter, you believe**  
20 **that your metrics are focused on information that is**  
21 **readily available, either collected by the company or**  
22 **publically available?**

23 A. Or publically available, yes.

24 COMMISSIONER DOUMIT: Thank you.

25 That's all the questions I have for you.

1 DIRECT EXAMINATION

2 BY MS. GOODIN:

3 **Q. Mr. Colton, could you spell your name for the**  
4 **court reporter, please?**

5 A. My name is Roger, R-o-g-e-r, Colton,  
6 C-o-l-t-o-n.

7 **Q. And could you describe your role in this**  
8 **proceeding?**

9 A. I am a witness for Front and Centered and for  
10 the Northwest Energy Coalition.

11 MS. BARNETT: I present Mr. Colton for  
12 questioning.

13 JUDGE HOWARD: Do we have any bench  
14 questions for Mr. Colton?

15 CHAIR DANNER: Yes, I'll start.

16 EXAMINATION

17 BY CHAIR DANNER:

18 **Q. Mr. Colton, you heard my question to Lauren**  
19 **McCloy which she referred to you.**

20 **I wondered if you wanted to comment on the**  
21 **metrics and the -- whether you see those metrics as**  
22 **requiring something other than publically available**  
23 **information.**

24 A. Well, there -- let me address the two metrics  
25 separately starting with the -- the heat information.

1 JUDGE HOWARD: Any further questions for  
2 Lauren McCloy?

3 CHAIR DANNER: No, Your Honor.

4 JUDGE HOWARD: All right. Thank you.

5 Thank you for your testimony, Lauren McCloy.

6 I am also informed there may be questions  
7 for Roger Colton.

8 Could -- Mr. Colton, could you please turn  
9 on your video feed?

10 Thank you.

11 Can you hear and see me all right?

12 THE WITNESS: I can.

13 JUDGE HOWARD: Great. Can you please raise  
14 your right hand? And I will swear you in.

15 Do you swear or affirm that the testimony  
16 you will give today is the truth, the whole truth, and  
17 nothing but the truth?

18 THE WITNESS: I do.

19 JUDGE HOWARD: Thank you.

20 Could you please introduce the witness?

21 MS. GOODIN: Certainly, Your Honor.

22  
23 ROGER COLTON, witness herein, having been first  
24 duly sworn on oath, was examined  
25 and testified as follows:

1 There are a variety of publically available  
2 datasets that would allow someone, including PSE to  
3 track heat and heat health statistics. There is the  
4 National Center for Health Statistics which has, through  
5 the CDC -- the Centers for Disease Control -- has what  
6 it calls its "Heat and Health Tracker System" and the  
7 "National Syndrome Surveillance System," so that is  
8 publically available information.

9 But more than that, there are two different  
10 entities that are interested in climate change, health,  
11 and equity.

12 There is the National Association of Public  
13 Health Officials. They have what's called their  
14 public -- their Climate Change, Health, and Equity  
15 Project. And the National Association of Public Health  
16 Officials has published a guide, if you will, 400 --  
17 400 pages, 390 pages, that it calls its "Climate Health  
18 and Equity Vulnerability Assessment."

19 In addition, the Center for Disease Control has  
20 its Climate Change, Health, and Equity Project. And it,  
21 too, has published a guide on how to track health  
22 statistics. How to track heat statistics.

23 And that is publically available. The Center  
24 for Disease Control has its National Integrated Heat  
25 Health Information System. All of those databases are

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1 publically available, including available to someone  
 2 like -- or an entity such as PSE.  
 3 The second question is -- has to do with indoor  
 4 air quality, I believe.  
 5 Indoor air quality is closely related to housing  
 6 quality. And tracking indoor air quality really  
 7 isn't -- and tracking housing quality really isn't --  
 8 isn't a new concept. There are four jurisdictions that  
 9 receive federal funds. Those jurisdictions prepare what  
 10 are called "Consolidated Plans" and update those  
 11 consolidated plans periodically. And they also prepare  
 12 what are called "Analysis of Impediments to Fair  
 13 Housing."  
 14 And the indoor air quality and the housing  
 15 quality really through -- whether through the CHAS  
 16 database, HUD's comprehensive housing affordability  
 17 strategy database or through HUD's American Housing  
 18 Survey, tracks information that can be viewed on a  
 19 geographic basis, not on an individual household basis,  
 20 but on a geographic basis down to the census tract  
 21 basis. They divide it -- well, I divide it. They have  
 22 a whole list of -- of metrics which they -- they track.  
 23 But I would divide it into three or four  
 24 different types. They will track the quality of systems  
 25 in a house, including the quality of the HVAC system.

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1 They track the availability of heating. They track the  
 2 availability of cooling. They track the physical  
 3 quality of the house.  
 4 So I believe that the PSE rebuttal testimony,  
 5 responsive testimony is simply in error. There -- there  
 6 is ample opportunity -- if they were to talk to the  
 7 correct people to find that information.  
 8 **Q. Okay. So I just want to be specific here. In**  
 9 **the -- in -- in Kara Durbin's testimony, it says,**  
 10 **"Additionally, Mr. Colton appears to underestimate**  
 11 **significant limitations inherent in tracking and**  
 12 **measuring certain metrics."**  
 13 **For example, you insist that PSE add certain**  
 14 **metrics that track indoor residential data.**  
 15 **Are you asking for metrics that track**  
 16 **residential indoor data?**  
 17 A. I am asking for metric -- or asking -- I'm  
 18 recommending that metrics on indoor data be -- be  
 19 tracked. I'm not recommending or not suggesting that it  
 20 be done on a household-by-household basis. It can be  
 21 done on a population basis. And it not only can be  
 22 done, it's routinely done by other entities.  
 23 **Q. Okay. Second part of what she says is even if**  
 24 **he -- meaning you -- even if you were to point to a**  
 25 **readily available and verifiable source of data, it is**

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1 **not clear how PSE would use that data in its CEIP.**  
 2 **Have you had any ideas about how Puget Sound**  
 3 **Energy would use that data in its CEIP?**  
 4 A. Sure. Let's consider the overlap of different  
 5 metrics. Let's consider indoor air quality and let's  
 6 consider the health impacts. Some of the health impacts  
 7 that are routinely tracked include respiratory problems,  
 8 asthma, both triggering asthma and the incidents of  
 9 asthma, the uses of healthcare facilities for asthma;  
 10 all of that data is routinely tracked and it is tracked  
 11 based on different population attributes.  
 12 You compare that to indoor air quality, which  
 13 would include heat and you would compare that to housing  
 14 quality which would include the availability of cooling.  
 15 And you combine that with energy burdens and you might  
 16 very well find that one of your vulnerable populations  
 17 are elderly people who have respiratory issues who lack  
 18 air conditioning and who have high energy burdens that  
 19 would impede their ability to use their air-conditioning  
 20 even if they had their air-conditioning.  
 21 So the vulnerable population would be that group  
 22 of people -- it would be population based. And it  
 23 wouldn't make any difference whether that population --  
 24 where that population is -- but the vulnerable  
 25 population would be the combination of indoor air

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1 quality, housing quality, energy burdens, and perhaps  
 2 age.  
 3 And PSE doesn't -- or hasn't created the metrics  
 4 that would allow that population to be defined and  
 5 identified.  
 6 **Q. It looks to me like one of the concerns they had**  
 7 **was they didn't want to be gathering data that would be**  
 8 **viewed as intrusive. But it sounds like there is**  
 9 **readily available sources that would not be intrusive.**  
 10 A. Yes. And I think the misunderstanding was -- or  
 11 the portrayal by PSE was that information would need to  
 12 be done on an -- for an individual.  
 13 So they would need to know Roger Colton and what  
 14 the indoor air quality is in Roger Colton's home and  
 15 what the housing quality Roger Colton's home is. And  
 16 what my testimony talked about was -- was the need to  
 17 have it be population-based rather than geographic  
 18 based.  
 19 So rather than knowing my individual home, they  
 20 simply need to know that -- not that I'm going to  
 21 confess to being elderly here, but they would need to  
 22 know that there are older folks who have respiratory  
 23 issues who have high energy burdens.  
 24 And you have a vulnerable population without  
 25 needing to know any intrusive information about

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1 individual customers.  
 2 **Q. Okay. And it tracks geographically? It has**  
 3 **the -- it is -- it is not too general to be useful?**  
 4 A. Most of the information that I've talked about  
 5 is tracked to the census tract basis. It is not tracked  
 6 to the census block group basis, which is a smaller  
 7 geographic area than the census tract.  
 8 But I've never worked with anybody in either the  
 9 housing industry or the utility industry, if you will,  
 10 electricity and natural gas industries that they have  
 11 said that information isn't useful unless it's obtained  
 12 at the census block group basis.  
 13 And if you're identifying a vulnerable  
 14 population, you want to know the population attributes.  
 15 Whether or not you know precisely what the geography of  
 16 those populations are.  
 17 CHAIR DANNER: All right. Thank you very  
 18 much. Those are all of my questions, Your Honor. I --  
 19 I think my colleagues may have more.  
 20 JUDGE HOWARD: Any further questions for  
 21 Mr. Colton?  
 22 COMMISSIONER DOUMIT: Yes, Your Honor. I  
 23 have a question. I think this is for Mr. Colton.  
 24 EXAMINATION  
 25 BY COMMISSIONER DOUMIT:

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1 **Q. And if you decide on hearing it that maybe**  
 2 **another witness might be better, Mr. Colton, you can so**  
 3 **state. But I'm referring you to company witness**  
 4 **Archuleta's rebuttal testimony, which is GA-1T at**  
 5 **page 14, and I'm looking at lines 9 through 17, which I**  
 6 **can also read here.**  
 7 A. If you could give me two seconds, I can --  
 8 **Q. Yes. No. Sure thing.**  
 9 A. Page 14 starting at line 9 with, "Yes. PSE has  
 10 considered"?  
 11 **Q. That's right. "Considered significant synergies**  
 12 **if energy efficiency and demand response measures are**  
 13 **coordinated in some way with low income weatherization**  
 14 **programs, but that determining this specific energy**  
 15 **efficiency or demand reduction measures how they are**  
 16 **best coordinated with low income weatherization programs**  
 17 **are best addressed outside of this proceeding and the**  
 18 **development of the next biennial conservation plan."**  
 19 **I'm wondering how NWEAC and Front and Centered**  
 20 **respond to that.**  
 21 **What do you think of that plan?**  
 22 A. Well, part of the response to that will need to  
 23 be argued in legal brief. But I can tell you my  
 24 response as a witness; and that is, that there is a  
 25 clear requirement that the CEIP identifies specific

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1 actions that flow from the -- the identification of  
 2 disparities.  
 3 And there's also a clear requirement that those  
 4 specific actions be associated with -- and be explained  
 5 as to how they will reduce -- address and reduce the  
 6 disparities.  
 7 And as my testimony points out, the PSE CEIP  
 8 doesn't identify the specific actions in coordinating  
 9 with weatherization and -- is one of those specific  
 10 actions. And it certainly doesn't lay out the -- those  
 11 of us who do evaluations refer to as logic models. So  
 12 if you do this, then you accomplish that. That is  
 13 completely absent in the CEIP.  
 14 So saying that it -- having this testimony say  
 15 that it should be in another proceeding, simply to me is  
 16 saying that the requirements for -- with respect to  
 17 specific actions and the requirements that those  
 18 specific actions be intentionally and explicitly related  
 19 to the accomplishment of CEIP goals, they're writing  
 20 that out of the rules and they are writing that out of  
 21 the statute.  
 22 **Q. And so the legal aside, really, there's no**  
 23 **practical reason why demand response and -- and low**  
 24 **income weatherization programs should not be**  
 25 **addressed at the same time?**

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1 A. That -- that's correct. My -- yes -- yes, I  
 2 agree with what you just said.  
 3 COMMISSIONER DOUMIT: Okay. Thank you.  
 4 Nothing further from me.  
 5 Thank you, Mr. Colton.  
 6 JUDGE HOWARD: Any further questions for  
 7 Mr. Colton?  
 8 COMMISSIONER RENDAHL: No, Your Honor.  
 9 CHAIR DANNER: No, Your Honor.  
 10 JUDGE HOWARD: All right. Thank you,  
 11 Mr. Colton, for your testimony today.  
 12 THE WITNESS: Thank you, Your Honor.  
 13 JUDGE HOWARD: The remaining witnesses from  
 14 NWEAC and Front and Centered are Thuraisingham, Hart, and  
 15 Reeves.  
 16 Just to check one more time, do we have any  
 17 questions from the bench for those three witnesses? Any  
 18 of those three?  
 19 CHAIR DANNER: No, Your Honor.  
 20 COMMISSIONER DOUMIT: No, Your Honor.  
 21 COMMISSIONER RENDAHL: No, Your Honor.  
 22 THE COURT: All right. That concludes our  
 23 examination of witnesses at the hearing today. I have a  
 24 few details before we adjourn.  
 25 As Mr. Callaghan raised earlier today, we



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1 have the issue of the public comment exhibit, and there  
 2 are a large number of comments in the docket.  
 3 And, earlier in December of last year, I  
 4 emailed Public Counsel and the other parties to discuss  
 5 preparation of this public comment exhibit. And it was  
 6 indicated that Public Counsel and -- and it appears now  
 7 Staff can collaborate, as I understand, in preparing  
 8 this exhibit might take longer than the normal seven  
 9 days, though. We also discussed whether the summary  
 10 should include comments submitted before the initiation  
 11 of this adjudication.  
 12 And because we have today admitted the  
 13 pre-filed testimony as filed without any objection to  
 14 it, incorporating earlier written comments on the  
 15 docket, I find it unnecessary for the summary of these  
 16 comments to include comments submitted before the  
 17 April 19th, 2022, notice of prehearing conference that  
 18 initiate this adjudication.  
 19 So, hopefully, that's helpful guidance for  
 20 Staff and Public Counsel in preparing that.  
 21 I then turn to Ms. Suetake and Mr. Callaghan  
 22 and ask how long it may take, reasonably, to prepare  
 23 this public comment exhibit?  
 24 MR. CALLAGHAN: Thank you, Your Honor.  
 25 Based on my conversations with Staff, they

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1 are ready to -- they will be ready to send it to Public  
 2 Counsel within a few days. But I would leave it to  
 3 Ms. Suetake to say how long Public Counsel will need to  
 4 file it.  
 5 MS. SUETAKE: One point of clarification,  
 6 before I get into that, Judge Howard, you had said that  
 7 we need to compile the existing comments in the docket  
 8 as part of the comment hearing -- or exhibit.  
 9 JUDGE HOWARD: Your question was breaking up  
 10 a little bit. But if I understood correctly, no, I -- I  
 11 believe it is unnecessary to -- to include comments that  
 12 were filed to the docket before the initiation of the  
 13 adjudication.  
 14 MS. SUETAKE: Is it my understanding that  
 15 those -- the comments that are already in the docket are  
 16 still considered part of the record or not?  
 17 JUDGE HOWARD: Yes. I -- I believe they  
 18 would still be considered part of the record.  
 19 MS. SUETAKE: Okay. I just wanted --  
 20 JUDGE HOWARD: You're unfortunately breaking  
 21 up a little bit.  
 22 MS. SUETAKE: Apologies. I'm still having  
 23 technical difficulties.  
 24 Yeah. I just wanted to clarify that because  
 25 I know there were comments by parties -- or by

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1 interested participants that are not parties to the  
 2 proceedings, so I just want to make sure.  
 3 JUDGE HOWARD: You know -- yes, actually  
 4 you -- you are making me rethink this a little bit.  
 5 I think, actually, what would be more  
 6 appropriate and comprehensive to do would be to only  
 7 omit comments filed earlier that are incorporated in the  
 8 testimony, perhaps, and then otherwise include all the  
 9 comments submitted in the docket in this -- in this  
 10 public comment exhibit, if that's clear.  
 11 MS. SUETAKE: Yes, Your Honor. It might  
 12 take us a little while to make sure, to verify that.  
 13 Particularly because I don't know if all parties who  
 14 filed testimony included their previous comments as  
 15 attachments. So it will take us a little while to  
 16 confirm all of that.  
 17 THE COURT: All right. I see Commissioner  
 18 Rendahl has raised her hand.  
 19 COMMISSIONER RENDAHL: Thank you, Judge  
 20 Howard.  
 21 I was just wondering, are we focusing on the  
 22 comments filed after the final version of the CEIP was  
 23 filed, not the Draft CEIP comments, or is it only the  
 24 final comments?  
 25 JUDGE HOWARD: Well, I believe, my -- my

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1 intent, in my guidance to the parties, was to have a  
 2 relatively comprehensive public comment exhibit.  
 3 But to hopefully ameliorate some of the work  
 4 by not requiring Public Counsel and Staff to summarize  
 5 comments that were expressly adopted in testimony.  
 6 That might not be the best solution.  
 7 COMMISSIONER RENDAHL: I defer to Public  
 8 Counsel and Staff on this.  
 9 MS. SUETAKE: As much as I don't  
 10 particularly want to ask my team to have more work, I do  
 11 think it would be valuable to ensure that all public  
 12 comments are included in the record of this proceeding.  
 13 Because this became litigation at a, sort  
 14 of, midpoint in this, after the initial comments were  
 15 filed, I am just a little bit confused about when we  
 16 start the public comment exhibit. We are open to  
 17 including all of them, because they are all public  
 18 comments related to this plan, but I -- I'm not sure  
 19 what the Commission's preference is.  
 20 JUDGE HOWARD: Okay. I think -- for -- for  
 21 the moment, let's take a more comprehensive approach to  
 22 the public comment exhibit, including all the comments  
 23 except those specifically adopted in testimony.  
 24 How about two weeks? Would that work? Or  
 25 three weeks?

1 MS. SUETAKE: Can we go three weeks just in  
2 case? I don't know what the workload of the rest of my  
3 team is looking like right now.

4 JUDGE HOWARD: All right. Let's say that  
5 this would be due February 21st. It would be marked  
6 Bench Exhibit 1. If that direction ends up being  
7 infeasible, just given the number of comments, we can  
8 discuss that with an email that includes all the  
9 parties.

10 The other main issue that I wanted to just  
11 mention, and I have addressed this in an email to the  
12 parties, is that we have one round of post-hearing  
13 briefs in this proceeding and those are due on  
14 February 22nd.

15 And as I indicated earlier, we're going to  
16 default to the normal page limits in our rules, so these  
17 briefs may be up to 60 pages in length.

18 Are there any questions or concerns from the  
19 parties at this point?

20 All right. Hearing none. I'd like to thank  
21 all the parties and their witnesses and their attorneys  
22 for their participation in this proceeding. And we are  
23 adjourned. Thank you.

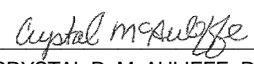
24  
25 (Hearing adjourned at 3:19 p.m.)

1  
2 CERTIFICATE  
3

4  
5 STATE OF WASHINGTON )  
6 ) ss.  
7 COUNTY OF KITSAP )

8 I, CRYSTAL R. McAULIFFE, a Certified Court  
9 Reporter in and for the State of Washington, do hereby  
10 certify that the foregoing transcript of the  
11 VIDEOCONFERENCE EVIDENTIARY HEARING, VOLUME III on  
12 JANUARY 31, 2023, is true and accurate to the best of my  
13 knowledge, skill and ability.

14 IN WITNESS WHEREOF, I have hereunto set my hand  
15 and seal this 14th day of February, 2023.

16  
17   
18 \_\_\_\_\_  
19 CRYSTAL R. McAULIFFE, RPR, CCR #2121



20  
21  
22  
23  
24  
25

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