

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION

|                            |   |                           |
|----------------------------|---|---------------------------|
| WASHINGTON UTILITIES AND   | ) |                           |
| TRANSPORTATION COMMISSION, | ) |                           |
|                            | ) | DOCKET NOS. UE-011570 and |
| Complainant,               | ) | UG-011571 (consolidated)  |
|                            | ) |                           |
| v.                         | ) |                           |
|                            | ) |                           |
| PUGET SOUND ENERGY, INC.,  | ) |                           |
|                            | ) | TENTH SUPPLEMENTAL ORDER: |
| Respondent.                | ) | PREHEARING CONFERENCE     |
|                            | ) |                           |
| .....                      | ) |                           |

1     **PREHEARING CONFERENCE:** This proceeding concerns a general rate case filing by Puget Sound Energy, Inc. (PSE or the Company) by which the Company seeks permanent increases in both electric and gas rates. The Commission convened a prehearing conference in Olympia, Washington, on April 5, 2002, before Administrative Law Judge Dennis J. Moss.

2     **LATE-FILED PETITION TO INTERVENE:** Microsoft Corporation filed its Petition To Intervene on April 2, 2002. There is no opposition. Microsoft states that it “wishes to intervene for the purpose of participating in the collaborative meetings on Electric Rate Spread and Electric Rate Design.” Microsoft states it does not intend to enlarge the issues, but wishes to participate in a meaningful way in the ongoing settlement negotiation process. The Commission grants Microsoft Corporation’s late-filed Petition To Intervene for the limited purpose of permitting its participation in the ongoing collaboratives concerning rate spread and rate design issues, which is the extent of the company’s interest, according to the Petition.

3     **PARTIES:** Markham Quehrn and Kirstin Dodge, Perkins Coie LLP, Bellevue, Washington, represent Puget Sound Energy, Inc. (PSE or the Company) in Docket Nos. UE-011570/UG-011571. Steven C. Marshall and William R. Maurer, Perkins Coie LLP, Seattle, Washington, represent PSE in Docket No. UE-011411. John A. Cameron and Traci Kirkpatrick, Davis Wright Tremaine, represent AT&T Wireless and the Seattle Times Company. Danielle Dixon, Policy Associate, Northwest

Energy Coalition (NVEC), represents that organization and the Natural Resources Defense Council (NRDC). Carol S. Arnold, Preston Gates Ellis, Seattle, Washington, represents Cost Management Services, Inc., and the cities of Auburn, Des Moines, Federal Way, Redmond, Renton, SeaTac, Tukwila, Bellevue, Maple Valley, and Burien (Auburn, *et al.*). Ron Roseman, attorney at law, Seattle, Washington, represents the Multi-Service Center, the Opportunity Council, and the Energy Project; Charles M. Eberdt, Manager, Energy Project also entered his appearance for the Energy Project; Dini Duclos, CEO, Multi-Service Center, also entered an appearance for that organization. Angela L. Olsen, Assistant City Attorney, McGavick Graves, Tacoma, Washington, represents the City of Bremerton. Donald C. Woodworth, Deputy Prosecuting Attorney, Seattle, Washington, represents King County. Melinda Davison and S. Bradley Van Cleve, Davison Van Cleve, P.C., Portland, Oregon, represent Industrial Customers of Northwest Utilities (ICNU). Judith A. Endejan and Michael Tobiason, Graham & Dunn, Seattle, Washington, represent Seattle Steam Company. Edward A. Finklea, Energy Advocates, LLP, represents the Northwest Industrial Gas Users (NWIGU). Donald Brookhyser, Alcantar & Kahl, Portland, Oregon, represents the Cogeneration Coalition of Washington. Michael L. Charneski, Attorney at Law, Woodinville, Washington, represents the City of Kent. Norman J. Furuta, Associate Counsel, Department of the Navy, represents the Federal Executive Agencies (FEA). Michael L. Kurtz, Boehm, Kurtz & Lowry, Cincinnati, Ohio, represents Kroger Company. Kirk H. Gibson and Lisa F. Rackner, Ater Wynne LLP, Portland, Oregon, represent WorldCom, Inc. Elizabeth Thomas, Preston Gates Ellis LLP, Seattle, Washington, represents Sound Transit. Harvard P. Spigal and Heather L. Grossman, Preston Gates & Ellis LLP, Portland, Oregon, represent Microsoft Corporation. Simon ffitich, Assistant Attorney General, Seattle, Washington, represents the Public Counsel Section, Office of Attorney General. Robert D. Cedarbaum, Senior Assistant Attorney General, and Shannon Smith, Assistant Attorney General, Olympia, Washington, represent the Commission's regulatory staff (Staff).

4 **DISCOVERY:** The Commission's discovery rule, WAC 480-09-480, was invoked by prior order. The parties at prehearing supported an adjustment to the rule's basic requirements concerning response times to accommodate the needs of the case. Consistent with the parties' suggestions, responses to data requests during the periods from April 5, 2002, through June 16, 2002, and from July 16, 2002, through August 29, 2002, will be delivered to the propounding party on the fifth business day following receipt by the responding party, if the requests are transmitted for delivery

by 12:00 noon. Requests transmitted after 12:00 noon on a given day must be responded to by the sixth business day following receipt by the responding party.

- 5 During the period from June 17 through July 15, 2002, responses to data requests that relate to the electric side of the case are required to be delivered to the propounding party on the third business day following receipt by the responding party, if the requests are transmitted for delivery by 12:00 noon. Requests transmitted for delivery after 12:00 noon on a given day must be responded to by the fourth business day following receipt by the responding party. Data requests are to be clearly identified by the propounding party to distinguish between those that relate to the electric side of the case and the gas side of the case.
- 6 During the period from August 30, 2002, through September 30, 2002, responses to data requests that relate to the gas side of the case are required to be delivered to the propounding party on the third business day following receipt by the responding party, if the requests are transmitted for delivery by 12:00 noon. Requests transmitted for delivery after 12:00 noon on a given day must be responded to by the fourth business day following receipt by the responding party. Data requests are to be clearly identified by the propounding party to distinguish between those that relate to the electric side of the case and the gas side of the case.
- 7 Parties should submit discovery requests to each other, and respond to discovery requests whenever possible, using electronic media, including e-mail and facsimile, to expedite the exchange of information.
- 8 All parties are expected to work cooperatively in the discovery process. If a party objects to a discovery request, that objection should be communicated to the requesting party within 24 hours after the discovery request is received by the intended respondent. The parties should work together to resolve any dispute. If they cannot resolve their dispute, the parties should request a discovery conference with the presiding Administrative Law Judge. Such conferences may be conducted via telephone, or in person, and may be recorded by audio tape without an official court reporter. Notice of discovery conferences will be made to all parties via e-mail; such conferences may be conducted on short notice.
- 9 **REVISED PROCEDURAL SCHEDULE:** The revised procedural schedule for any litigation of gas and/or electric issues during the general rate phase is attached to this

Order as an Appendix and is incorporated into the body of this Order by reference. Parties should keep the Commission apprised of any developments in the case that suggest the need for further adjustments to the procedural schedule.

*10* **NOTICE TO PARTIES:** Any objection to the provisions of this Order must be filed within ten (10) days after the date of mailing of this statement, pursuant to WAC 480-09-460(2). Absent such objections, this prehearing conference order will control further proceedings in this matter, subject to Commission review.

DATED at Olympia, Washington, and effective this 9<sup>th</sup> day of April 2002

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DENNIS J. MOSS,  
Administrative Law Judge

**APPENDIX****PROCEDURAL SCHEDULE (ELECTRIC)<sup>1</sup>**

|             |  |
|-------------|--|
| May 22      | PSE Supplemental Direct Re: PCA                                  |
| June 17     | Staff, Public Counsel, Intervenor Direct                         |
| July 1      | PSE Rebuttal ( <i>cross-rebuttal, if requested and allowed</i> ) |
| July 15-19  | Evidentiary Hearing  |
| August 1    | Public Comment Hearing in Federal Way <sup>2</sup>               |
| August 5    | Briefs   |
| September 1 | Rates <sup>3</sup>   |

**PROCEDURAL SCHEDULE (GAS)<sup>4</sup>**

|                            |   |
|----------------------------|---|
| August 30                  | Staff, Public Counsel and Intervenor Direct   |
| September 17               | PSE Rebuttal ( <i>cross-rebuttal, if requested and allowed</i> )                    |
| September 30-<br>October 2 | Evidentiary Hearing   |
| October 3 or<br>October 10 | Public Comment Hearing in PSE's gas service territory (final date and location TBD) |
| October 11                 | Briefs  |
| November 1                 | Rates <sup>5</sup>  |

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<sup>1</sup> The Electric Schedule assumes litigation of all issues in the electric docket, total company revenue requirement, and allocation of total revenue requirement between gas and electric. Other gas issues may be included in this schedule, if electric litigation issues are minimal.

<sup>2</sup> The Commission will schedule a second Public Comment Hearing if a workable date can be identified. For the present, only the date indicated is available during the appropriate time-frame.

<sup>3</sup> The parties request that an order be entered by August 26, 2002.

<sup>4</sup> The Gas Schedule assumes that remaining issues include only gas rate spread (including cost of service) and gas rate design. Gas issues could also be included in electric schedule above, if electric litigation issues are minimal.

<sup>5</sup> The parties request that an order be entered by October 28, 2002.