

BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION
COMMISSION

BELLINGHAM COLD STORAGE COMPANY)
and GEORGIA-PACIFIC WEST, INC.,)

Complainants,
v.)

PUGET SOUND ENERGY,)

Respondent.)

NO. UE-001014

AFFIDAVIT IN SUPPORT OF MOTION TO
DEFER BRIEFING ON EFFECTIVE DATE
OF RATE CHANGE TO REGULAR
BRIEFING SCHEDULE

STATE OF OREGON)
County of Multnomah) ss.

I, JOHN WILEY. GOULD, being first sworn, depose and say:

1. I am counsel in this proceeding for Georgia-Pacific West, Inc., and, for the limited purpose of this motion, for Bellingham Cold Storage Company.

2. At the Pre-Hearing Conference in this proceeding I raised the question of the appropriate effective date of a rate change, should Complainants prevail on the merits, although nothing was resolved about the matter at that time.

3. Subsequently, the parties conferred on a schedule, first without Judge Wallis, later guided by him. Judge Wallis' subsequent rulings on the schedule were published in the Commission's Pre-Hearing Conference Order. Paragraph 12 sets the first round of Dispositive Motions to end on July 31 and contains this sentence, "Complainants are expected to raise the issue of the earliest date the Commission's decision could have effect on prices, if the Commission were to find for the Complainant."

4. I confess that when I first read the Pre-Hearing Order, I did not put the specific (briefing on effective date of relief) together with the general (due date for dispositive motions) until I read Mr. Cedarbaum's letter dated July 25 (received in my office July 28 and read by me on July 31). It is, of course, obvious on a re-read.

5. I do not recall discussing the question during the scheduling conference, and would greatly prefer to brief the matter at the end of the case to allow for a more precise fit of the actual evidence to the law.

6. I do not believe the deferral of the subject to regular briefing would be unfair to any party, though if a party desired to know the earliest that Complainants would claim an effective date, the answer would be June 1, 1998, the date on which Dow Jones changed the structure of the Mid C Index.

7. I telephone counsel for each of the parties to solicit support for this motion. Only Mr.

Myers (for ARCO) was not reachable. Only counsel for PSE reserved objection.

DATED July 31, 2000.

John Wiley Gould

SUBSCRIBED AND SWORN to before me this 31st day of July, 2000.

Notary Public for Oregon

My Commission Expires: