

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION

In the Matter of the Petition of	)	
	)	DOCKET NO. UE-000966
PUGET SOUND ENERGY, INC.,	)	
	)	
For a Declaratory Order on the Service	)	
Area Agreement between Puget Sound	)	NOTICE OF PREHEARING
Energy, Inc. and the City of Tacoma	)	CONFERENCE
	)	(July 27, 2000)
.....	)	

- 1        On June 22, 2000, Puget Sound Energy, Inc. (PSE) filed with the Commission a Petition for Declaratory Ruling, requesting the Commission to enter a declaratory order interpreting RCW 54.48.030 and interpreting a service area agreement entered into between PSE and the City of Tacoma (Tacoma). PSE’s petition indicates that a dispute exists between PSE, Tacoma, and the City of Lakewood (Lakewood) over who will serve PSE customers in Lakewood.
- 2        Pursuant to RCW 34.05.240(3), on July 3, 2000, the Commission served notice of the receipt of the petition on PSE, Lakewood, Tacoma, and other potentially interested persons and affording them the opportunity to present a statement of facts. Notice was also sent to Tacoma and Lakewood requesting their decision on whether to consent to the Commission’s determination of the matter in a declaratory order proceeding. Tacoma and Lakewood both requested additional time to respond to the request for consent. PSE responded, suggesting the Commission convert the matter to an adjudication if the cities do not provide their consent. The Washington PUD Association responded requesting intervention. A more detailed account of the dispute is reflected in the foregoing pleadings which are available for inspection at the Commission’s offices, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington. Pursuant to RCW 34.05.240(5)(b), it is appropriate for the matters raised in the pleadings to be brought to a hearing before the Commission.
- 3        Hearing in this matter is being held pursuant to Part IV of chapter 34.05 pertaining to Adjudicative Proceedings, including but not limited to RCW 35.05.240 and RCW 34.05.413, RCW 34.05.431, RCW 34.05.440 , RCW 34.05.449, and RCW 34.05.452. The Commission has jurisdiction over this matter under Title 80 RCW, having legal authority to regulate the rates, services, and practices of electric utilities, and chapter 54.48, RCW governing service area agreements. The statutes and rules involved include those within chapters 54.48, 80.04 and 80.28 RCW and chapters 480-09 and 480-100 WAC. The issues involved are generally stated above and more specifically

contained in the pleadings herein. In accordance with WAC 480-09-700(1)(a), the Commission has determined that good cause exists for this matter to be heard upon a shortened notice.

4 **NOTICE IS HEREBY GIVEN That a prehearing conference will be held at 9:30 a.m., on Thursday, July 27, 2000, in the Commission’s Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington. Parties who plan to participate in the prehearing conference must appear in person or through a duly authorized representative appearing in person on their behalf. The Commission’s teleconference bridge line will be available for monitoring purposes only. The bridge line is limited to twelve callers and will be reserved for the first twelve people requesting the service. Please call Jennifer Watsek at (360) 664-1139 to request this service.**

5 Those present at the prehearing conference should be prepared to address the following issues: (1) whether the matter should continue as a declaratory ruling proceeding or be converted to an adjudication pursuant to RCW 34.05.070; (2) whether the Commission has sufficient evidence and information to render a decision in the matter, given that neither Tacoma or Lakewood offered a statement of facts; (3) how the Washington Supreme Court’s decision in Tanner Elec. Coop. v. Puget Sound Power and Light, 128 Wn. 2d 656 (1996) should guide the Commission in its decision in this matter; and (4) any other matters that may aid in the disposition of the proceeding, as specified in WAC 480-09-460. Appearances will be taken. The time and place for any additional hearings will be set at the prehearing conference or by later written notice.

6 If any party or witness needs an interpreter or other assistance, please fill out the form attached to this notice and return it to the Commission.

7 **NOTICE IS GIVEN THAT ANY PARTY WHO FAILS TO ATTEND OR PARTICIPATE IN THE HEARING SET HEREIN, OR OTHER STAGE OF THIS PROCEEDING, MAY BE HELD IN DEFAULT IN ACCORDANCE WITH THE TERMS OF RCW 34.05.440. THE PARTIES ARE FURTHER ADVISED THAT THE SANCTION PROVISIONS OF WAC 480-09-700(4) ARE SPECIFICALLY INVOKED.**

8 The names and mailing addresses of all parties, interested persons, and their known representatives are as follows:

Petitioner: Puget Sound Energy, Inc.  
P. O. Box 97034  
Bellevue, WA 98009-9734

Representatives: Markham A. Querhrn  
Kirsten S. Dodge  
Attorneys at Law  
Perkins Coie, LLP  
One Bellevue Center, Suite 1800  
411 - 108<sup>th</sup> Avenue Northeast  
Bellevue, Washington 98004-5584  
(425) 453-6980

Public Counsel: Public Counsel Section  
Office of the Attorney General  
Suite 2000, 900 Fourth Avenue  
Seattle, WA 98164-1012

Interested Person: City of Tacoma  
754 Market Street  
Tacoma, WA 98411

Representative: Mark L. Bubenik  
Chief Assistant City Attorney  
City of Tacoma  
Office of the City Attorney - Department of Public Utilities  
3628 South 35<sup>th</sup> Street  
P.O. Box 11007  
Tacoma, WA 98411  
(253) 502-8348

Interested Person: City of Lakewood  
10510 Gravelly Lake Dr. S.W., Suite 206  
Lakewood, WA 98499-5013  
(253) 589-2489

Representative: Daniel B. Heid,  
City Attorney  
10510 Gravelly Lake Dr. S.W., Suite 206  
Lakewood, WA 98499-5013  
(253) 589-2489

Interested Person: Washington PUD Association  
1411 Fourth Ave., Suite 810  
Seattle WA 98101-2225

Representative: Joel C. Merkel  
Attorney at Law  
999 Third Avenue, Suite 2525  
Seattle, WA 98104  
(206) 389-8222

- 9 The Commission will appear through Jeffrey D. Goltz, Assistant Attorney General, 1400 S. Evergreen Park Drive S.W., P. O. Box 40128, Olympia, Washington 98504-0128, (360) 664-1186.
- 10 Ann Rendahl has been designated as the Administrative Law Judge from the Utilities and Transportation Commission's Administrative Law Division, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-7250 and will preside at the prehearing conference.
- 11 Notice of any other procedural phase will be given in writing or on the record as the Commission may deem appropriate during the course of this proceeding.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN  
Executive Secretary

July 19, 2000

Inquiries should be addressed to:

Secretary  
Washington Utilities and  
Transportation Commission  
Chandler Plaza Building  
1300 S. Evergreen Park Drive S.W.  
P. O. Box 47250  
Olympia, WA 98504-7250  
(360) 664-1160

## NOTICE

PLEASE BE ADVISED that the hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and that if limited English-speaking or hearing impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

The information needed to provide an appropriate interpreter or other assistance should be designated below and returned to Washington Utilities and Transportation Commission, Attention: Carole Washburn, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (SUPPLY ALL REQUESTED INFORMATION)

Docket No.: \_\_\_\_\_

Case Name: \_\_\_\_\_

Hearing Date: \_\_\_\_\_ Hearing Location: \_\_\_\_\_

Primary Language: \_\_\_\_\_

Hearing Impaired (Yes) \_\_\_\_\_ (No) \_\_\_\_\_

Do you need a certified sign language interpreter:

Visual \_\_\_\_\_ Tactile \_\_\_\_\_

Other type of assistance needed: \_\_\_\_\_

English-speaking person who can be contacted if there are questions:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone No.: (\_\_\_\_) \_\_\_\_\_