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STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

BEFORE THE WASHINGTON STATE

UTILITIES AND TRANSPORTATION COMMISSION

WESTERN VILLAGE, LLC, D/B/A WESTERN)
VILLAGE ESTATES,) DOCKET NO. UE-051828
)
Complainant,) PETITION TO INTERVENE
)
v.)
)
PUGET SOUND ENERGY, INC.,)
)
Respondent.)

COMES NOW the Manufactured Housing Communities of Washington, ("MHCW"), petitioning for intervention pursuant to WAC 480-07-355 in the above matter before the Washington Utilities and Transportation Commission, ("WUTC").

1. Petitioner's name is Manufactured Housing Communities of Washington located at 509 12th Avenue S.E., Suite #7, Olympia, Washington, 98501.

2. Petitioner is a trade association representing approximately 550 manufactured housing communities in Washington. Petitioner has many members whose communities are provided electrical service by Respondent Puget Sound Energy, Inc., ("PSE"). These members will be directly impacted by any WUTC ruling that interprets the application of PSE

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3 tariff(s) on repair, maintaining, and replacing electrical service
4 facilities installed and owned by PSE in the members' communities.
5 MHCW's members are "affected persons" subject to the WUTC's jurisdiction
6 as referred to in WAC 480-100-003.

7 3. MHCW has the following position with respect to the matters
8 in controversy:

9 a. The affected MHCW member communities rent manufactured home
10 lots pursuant to written rental agreements for the purpose of placement
11 of the tenants' manufactured homes in which they reside.

12 b. The relationship between the tenants and MHCW members, as
13 landlords, is largely controlled by the Mobile Home Landlord-Tenant Act,
14 (RCW 59.20).

15 c. The affected communities provided electrical service by PSE
16 are not master metered for electrical service provided by PSE.

17 d. Instead, PSE provides electrical service directly to the
18 tenants of each lot for which PSE bills each individual tenant who is
19 provided electrical service.

20 e. The tenants of the communities are PSE's customers.

21 f. PSE bills the tenants of the communities at a residential
22 rate which is set by PSE's tariff in an amount to recapture PSE expenses
23 to repair, maintain, and replace service facilities at the affected
24 members' communities.

25 g. PSE owns electrical service facilities at each tenants' lot
26 in the communities.

27 h. Each tenant's manufactured home in the communities connects
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3 to PSE's service facilities for purposes of receiving electrical
4 service.

5 i. PSE's electrical service facilities at each tenant's lot
6 connects to service facilities which were installed by PSE or its
7 predecessors, and which have been maintained and replaced by PSE at all
8 times relevant to this matter.

9 j. The electrical service facilities between PSE's service
10 facilities at each tenant's lot and PSE's transformers at the affected
11 communities must be and have been repaired, maintained, and replaced
12 from time to time.

13 k. Neither the affected communities nor its tenants had any
14 control over how the electrical service facilities were installed by PSE
15 or its predecessors at the communities. If the communities or the
16 tenants had initially installed the electrical service facilities at the
17 communities, they could have taken measures to protect the electrical
18 service facilities from deterioration. Because neither the communities
19 nor their tenants had any control over how the electrical service
20 facilities were installed, an they were not allowed to participate in
21 the maintenance of the electrical service facilities over time, the
22 current and future problems with the electrical service facilities are
23 due to causes beyond either the communities' or their tenants' control,
24 if not due to damage caused by the negligence of others. Therefore,
25 neither the affected communities nor their tenants are responsible for
26 the repair, maintenance, or replacement of the electrical service
27 facilities at the communities.

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3 l. At all times relevant to this matter, PSE and its
4 predecessors have accessed, repaired, maintained, and replaced the
5 electrical service facilities between PSE's service facilities at each
6 tenant's lot, and PSE's transformers at the communities.

7 m. PSE now disclaims responsibility and refuses to access,
8 repair, maintain, or replace electrical service facilities between PSE's
9 service facilities at each tenant's lot and PSE's transformers at the
10 Petitioner/Complainant Western Village LLC's manufactured housing
11 community, Western Village Estates.

12 n. A dispute has arisen between the Petitioner/Complainant and
13 Respondent regarding the responsibility to access, repair, maintain, and
14 replace service facilities at the communities.

15 o. In refusing to access, repair, maintain, and replace the
16 electrical service facilities at Western Village Estates, PSE has not
17 provided service as required under Washington law.

18 p. Unless the electrical service facilities at Western Village
19 Estates and the other affected communities are repaired, maintained, or
20 replaced, the service facilities will continue to deteriorate and the
21 tenants of Western Village Estates and the other affected communities
22 will continue to experience problems with their electrical service.

23 q. Any decision of the WUTC regarding PSE's tariff
24 responsibilities to Western Village LLC will irrevocably have a similar
25 and significant impact on MHCW's member communities similarly situated.

26 r. Petitioner does not propose to broaden the issues as already
27 presented in the Formal Complaint, Petition for Declaratory Order, and
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3 Proceeding under RCW 80.04.110.

4 s. WUTC's attorney is John E. Woodring. His address is 2120
5 State Ave. N.E., #201, Olympia, Washington, 98506. Telephone is (360)
6 754-7667. Facsimile is (360) 754-0249. E-mail is
7 johnwoodring@woodringlaw.com.

8 DATED this 6th day of Feb., 2006.

9
10 9.14
11 _____
12 JOHN E. WOODRING, WSBA#6781
13 Attorney for Manufactured Housing
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DOCKET NO. UE-051828

NOTICE OF APPEARANCE

TO: PUGET SOUND ENERGY, INC.
AND TO: WESTERN VILLAGE, LLC, D/B/A WESTERN VILLAGE ESTATES

YOU AND EACH OF YOU will please take notice that the undersigned,
herewith appears as the attorney for Manufactured Housing Communities of
Washington and that any and all further pleadings, notices, documents or
other papers herein, be served upon the undersigned attorney at the
address below indicated.

DATED this 6th day of February, 2006.

John E. Woodring
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