

**BEFORE THE  
WASHINGTON UTILITIES & TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

PUGET SOUND ENERGY, INC.,

Respondent.

DOCKET PG-030080 and PG-030128

ORDER 04

ORDER AMENDING ORDER 03

(PROPOSED)

**BACKGROUND**

- 1 **Proceeding:** Dockets PG-030080 and PG-030128 are complaints of the Washington Utilities and Transportation Commission (“Commission”) against Puget Sound Energy (“PSE”). The complaint alleges that PSE failed to comply with and violated federal and state pipeline safety regulations, and rules and orders of the Commission.
- 2 On January 19, 2005, PSE and Commission Staff (“Staff”) filed a Settlement Agreement for the purpose of resolving all issues raised in the Complaint. On January 31, 2006, the Commission entered Order 02—Order Sustaining Complaint; Approving and Adopting Settlement Agreement.
- 3 PSE and Staff subsequently filed a Joint Motion to Amend Order 02 to modify

deadline dates for certain specific PSE reports required under that order. On April 25, 2006, the Commission entered Order 03—Order Amending Order 02, granting the Joint Motion.

- 4 On June 12, 2009, PSE filed a Petition for an Amendment of Order 03 and Exemption from the Provisions of WAC 480-93-110(2) (“Petition”).

### MEMORANDUM

- 5 In its Petition, PSE requests that the Commission extend the July 1, 2009 deadline for completion of the Isolated Facilities Program described in Order 03 and detailed in Appendix B to Order 03. PSE also requests that the Commission exempt PSE from the requirements of WAC 480-93-110(2) to allow time to complete the Isolated Facilities Program.

- 6 Section 10 of Appendix B to Order 03 currently requires PSE to complete the Isolated Facilities Program no later than July 1, 2009. PSE asks the Commission to extend the deadline to complete the majority of the Program no later than December 31, 2010 and certain complex matter no later than December 31, 2014. PSE states that it has completed 98 percent of the work originally identified in the Isolated Facilities Program, but it has recently identified new work that expands the scope of work anticipated by either PSE or Commission Staff when the Settlement Agreement was drafted. Exhibit A to PSE’s Petition, incorporated herein, is a revised Appendix B to Order 03, outlining the additional work remaining and reflecting PSE’s proposed completion dates. Exhibit B to PSE’s Petition, incorporated herein, provides a status of the work completed and describes in more detail the additional work.

- 7 WAC 480-93-110(2) states that PSE must complete remedial action within ninety days to correct any cathodic protection deficiencies known and indicated by any

test, survey, or inspection. PSE requests that the Commission grant an exemption of WAC 480-93-110(2) to allow time to complete the additional remediation proposed by PSE. PSE's request is limited to the following categories of facilities, which are detailed in Exhibit B to PSE's Petition: (1) mobile home park extended service, (2) above-ground regulators (service piping downstream of regulators) and (3) sidewalk regulators (service piping downstream of regulators).

- 8 The Commission may grant an exemption from the application of its rules in individual cases if consistent with the public interest, the purposes underlying regulation, and applicable statutes. WAC 480-07-110.

### **CONCLUSION**

- 9 Neither of PSE's requests will dilute the effect of the order. PSE's request to extend the deadline to complete the Isolated Facilities Program expands the scope of work originally anticipated in the Settlement Agreement, which will increase public safety. PSE's request for an exemption of WAC 480-93-110(2) is required to allow PSE to complete this additional work. Both requests are consistent with the public interest, the purposes of the underlying regulation, and applicable statutes and should be granted.

**DETERMINATION AND ORDER**

WHEREFORE, THE COMMISSION HEREBY ORDERS:

- (1) Puget Sound Energy, Inc.’s request to amend Appendix B to Order 03, consistent with Exhibit A to PSE’s Petition is approved.
- (2) Puget Sound Energy, Inc.’s request to exempt the Company from the provisions of WAC 480-93-110(2) to complete the Isolated Facilities Program is granted.
- (3) The Commission retains jurisdiction over the subject matter and Puget Sound Energy, Inc., to effectuate the provisions of this Order.

DATED at Olympia, Washington, and effective this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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JEFFREY D. GOLTZ, Chairman

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PATRICK J. OSHIE, Commissioner

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PHILIP B. JONES, Commissioner