

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION

WASHINGTON UTILITIES AND	)	
TRANSPORTATION COMMISSION,	)	
	)	
Complainant,	)	DOCKET NO. UE-010046
v.	)	
	)	FIRST SUPPLEMENTAL ORDER:
PUGET SOUND ENERGY, INC.	)	AUTHORIZING WITHDRAWAL
	)	AND CLOSING PROCEEDINGS
Respondent.	)	
.....	)	

1     **PROCEEDINGS:** This proceeding concerns Puget Sound Energy, Inc.’s (PSE) tariff Schedule 48, which includes the rates, terms, and conditions of service under which PSE provides service to many of its major industrial customers. The Commission’s Order Approving Schedule 48 with Conditions in Docket No. UE-960696, dated October 31, 1996, required PSE to refile Schedule 48 with updated supporting data no later than January 1, 2001. The refiling requirement was to provide the Commission an opportunity to review Schedule 48, after which the Commission would either approve the terms of Schedule 48, or issue an order terminating or revising Schedule 48. PSE made the required filing on December 29, 2000.

2     On January 12, 2001, the Commission entered its Complaint and Order Suspending Tariff Filing in Docket No. UE-010046. Among other things, the Commission ordered that “[n]othing in this order limits the Commission from taking any appropriate action in the complaint case currently pending before the Commission in *Air Liquide, et al. v. Puget Sound Energy*, WUTC Docket Nos. UE-001952, -001959.”

3     **PARTIES:** Although the Commission has not formally initiated hearing proceedings via a prehearing conference in this Docket, PSE’s filing is over the signature of Steve Secrist, Director, Puget Sound Energy Rates and Regulations, Bellevue, Washington, and we treat him as PSE’s representative for present purposes. Melinda Davison, Davison Van Cleve PC, Portland, Oregon, represents the Industrial Customers of Northwest Utilities on that organization’s Petition To Intervene, filed January 25,

2001. Simon ffitich, Assistant Attorney General, Seattle, Washington, represents the Public Counsel Section, Office of Attorney General (Public Counsel), a statutory party to this proceeding. Robert D. Cedarbaum, Assistant Attorney General, Olympia, Washington, represents the Commission's regulatory staff (Staff), which also is a statutory party to this proceeding.

4       **SETTLEMENT AGREEMENT:** PSE and most of its industrial customers who take service under Schedule 48 are signatories to a comprehensive settlement agreement filed on March 9, 2001, in related proceedings in Docket Nos. UE-001952 and UE-001959 (Consolidated). The settlement agreement provides that the Commission should lift its suspension order in this Docket, allow PSE to withdraw its filing in light of the Parties' agreement that Schedule 48 should be terminated, and close this Docket. The settlement agreement provides that PSE will not accept any new customers for service under Schedule 48 and provides for the orderly movement of PSE's Schedule 48 customers to other rate schedules on or before November 1, 2001.

5       **COMMISSION:** The Commission entered today its Eleventh Supplemental Order Approving And Adopting Settlement Agreement; Dismissing Proceedings; And Granting Other Relief, in *Air Liquide, et al. v. PSE*, Docket Nos. UE-001952 and UE-001959 (Consolidated). The Commission, in its Eleventh Supplemental Order, concludes as a matter of law that PSE should be authorized to withdraw its refiling of Schedule 48 in this Docket No. UE-010046. The Commission also concludes in the referenced Order that there should be no further proceedings in Docket No. UE-010046. Consistent with the requirements of our Eleventh Supplemental Order in Docket Nos. UE-001952 and UE-001959 (Consolidated), and for the reasons stated in that Order, we affirm here that it is in the public interest to permit PSE to withdraw its filing in Docket No. UE-010046. Furthermore, we affirm that it is in the public interest to close Docket No. UE-010046.

### **ORDER**

6       **THE COMMISSION ORDERS** That Puget Sound Energy, Inc., is authorized to withdraw its filing in Docket No. UE-010046.

7 THE COMMISSION ORDERS FURTHER That Docket No. UE-010046 is closed.

DATED at Olympia, Washington, and effective this 5th day of April, 2001.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

**NOTICE TO PARTIES: This is a final order of the Commission. In addition to judicial review, administrative relief may be available through a petition for reconsideration, filed within 10 days of the service of this order pursuant to RCW 34.05.470 and WAC 480-09-810, or a petition for rehearing pursuant to RCW 80.04.200 or RCW 81.04.200 and WAC 480-09-820(1).**