

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

SUPERIOR OIL CO.,

Petitioner,

For Exemption under the Clearance Rules
and Regulations Governing Common
Carrier Railroads

DOCKET TR-920161

ORDER 03

AMENDING ORDER 02

BACKGROUND

- 1 On February 11, 1992, Superior Oil Co. (Superior Oil) filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting an exemption from railroad clearance rules in WAC 480-60-040(1), which generally require an overhead clearance of at least 22 feet 6 inches from the top of the rail to the nearest structure.
- 2 On March 17, 1992, the Commission issued Order 01, granting the petition for exemption from WAC 480-60-040(1) subject to the conditions that Superior Oil install a cautionary sign indicating to rail traffic that the overhead side clearance is impaired and to provide illumination to the area of clearance impairment during hours of darkness.
- 3 On January 7, 2021, the Commission issued Order 02, amending Order 01, granting a permanent exemption from the clearance requirements in WAC 480-60-040(1) to Superior Oil Co. and updating the name to NuStar Energy, LP (NuStar Energy). The conditions of granting the close clearance in Order 01 remained the same.
- 4 On January 8, 2021, K.C. Purgason, Senior Manager Real Estate and Survey for NuStar Energy, LP, emailed the Commission and advised that ownership of the Tacoma facility was conveyed by quit-claim deed on October 29, 1999, to Shore Terminals, LLC, a subsidiary of NuStar Energy. Mr. Purgason provided a copy of the quit-claim deed and requested that Commission records be updated to reflect Shore Terminals, LLC, as the facility owner.
- 5 Because this is a non-material change to Order 02, Commission staff (Staff) recommends the Commission amend Order 02, changing the petitioner's name from "NuStar Energy,

LP” to “Shore Terminals, LLC.” The other conditions of granting the close clearances in Order 02 remain the same.

DISCUSSION

6 We agree with Staff’s recommendation. Accordingly, the Commission amends Order 02 by changing the name from “NuStar Energy, LP” to “Shore Terminals, LLC.”

FINDINGS AND CONCLUSIONS

7 (1) The Commission is an agency of the State of Washington vested by statute with the authority to regulate the rules, regulations, and practices of public service companies, including railroad companies, within the state of Washington.

8 (2) Staff investigated the previous exemption of WAC 480-60-040 granted to NuStar Energy and recommends that Order 02 be amended to reflect the Company’s name change.

9 (3) This matter came before the Commission at its regularly scheduled meeting on February 11, 2021.

10 (4) After considering all relevant matters and for good cause shown, the Commission finds that amending the Order 02 to reflect the correct company name is in the public interest.

ORDER

THE COMMISSION ORDERS THAT: Order 02 in this docket, granting a permanent exemption from the clearance requirements in WAC 480-60-040(1) to NuStar Energy, LP, is amended, updating the name change to Shore Terminals, LLC. All other terms and conditions of Order 02, including the conditions of granting the close clearance, remain the same.

11 The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Lacey, Washington, and effective February 11, 2021.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON
Executive Director and Secretary