

BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

PUGET SOUND ENERGY, INC.

Respondent.

DOCKET NO. U-111465

ANSWER

I. INTRODUCTION

1. Puget Sound Energy, Inc.'s ("PSE") address for purposes of this proceeding is:

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Puget Sound Energy, Inc.
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PSE's representatives for purposes of this proceeding are:

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2. PSE answers the Complaint of the Washington Utilities and Transportation Commission (the "Commission") dated December 14, 2011 (the "Complaint") as stated below.

II. ANSWER

3. Answering paragraph 1, Paragraph 1 contains no legal or factual allegations. PSE neither admits nor denies this paragraph.

A. BACKGROUND

4. Answering paragraph 2, PSE admits, upon information and belief, the allegations in paragraph 2. To the extent such allegations call for a legal opinion or conclusion, an answer is inappropriate, and such allegations are therefore denied.

5. Answering paragraph 3, PSE admits, upon information and belief, the allegations in paragraph 3.

B. PARTIES

6. Answering paragraph 4, PSE admits the allegations in paragraph 4.

7. Answering paragraph 5, PSE admits the allegations in paragraph 5.

C. JURISDICTION

8. Answering paragraph 6, PSE admits the allegations in paragraph 6.

D. COMMISSION AUTHORITY

9. Answering paragraph 7, PSE admits the allegations in paragraph 7.

10. Answering paragraph 8, PSE admits the allegations in paragraph 8.

E. CLAIMS

11. Answering paragraph 9, PSE neither admits nor denies paragraph 9, which describes aspects of the structural format of the Complaint and does not contain any factual or legal allegations that require an answer. PSE realleges its responses to paragraphs 1-10 above as if fully set forth herein.

12. Answering paragraph 10, PSE admits the allegations in paragraph 10.

13. Answering paragraph 11, PSE admits the allegations in paragraph 11.

14. Answering paragraph 12, PSE admits the allegations in paragraph 12.

15. Answering paragraph 13, PSE admits the allegation in paragraph 13 that, during the months of April and May 2011, PSE charged a number of customers a \$13 disconnection visit charge for visits other than for the purpose of actual disconnection. PSE has insufficient information to admit or deny whether PSE charged 1,639 customers a \$13 disconnection visit charge for visits other than for the purpose of actual disconnection. Whether actions or omissions of PSE are a violation of WAC 480-100-128(6)(k) and/or WAC 480-100-128(6)(k) is a legal opinion or conclusion for which an answer is inappropriate and is therefore denied. PSE does not disconnect customers during certain

times of the year (for example, during the holiday season) or under certain circumstances (for example, during extended periods of cold weather). Generally, the days on which PSE does not disconnect customers for these reasons occur during the October to February time frame. Additionally, PSE declared a number of non-disconnect days in April and May 2011 to manage customer call center volumes due to disconnections. On these non-disconnect days, PSE visited customers for purposes other than disconnecting service. PSE's procedures in place at the time, however, assessed a \$13 disconnection visit charge for such visits because PSE was within its rights to disconnect those customers but for PSE's decision not to disconnect on these days. PSE has corrected the problems alleged in the Complaint several months prior to the issuance of the Complaint. First, PSE implemented modifications in September 2011 to its field procedures to ensure that customers would not be assessed a \$13 disconnection visit charge for PSE visits on days that PSE was not disconnecting customers. Second, PSE investigated \$13 disconnection visit charges assessed during calendar year 2011 and, by July 27, 2011, completed refunding such charges to those customers assessed such charges for visits on days that PSE was not disconnecting customers.

16. Answering paragraph 14, paragraph 14 is a legal opinion or conclusion for which an answer is inappropriate and is therefore denied.

F. REQUEST FOR RELIEF

17. Answering paragraph 15, PSE neither admits nor denies paragraph 15, which does not contain any factual or legal allegations that require an answer.

18. Answering paragraph 16, PSE neither admits nor denies paragraph 16, which does not contain any factual or legal allegations that require an answer.

19. Answering paragraph 17, PSE neither admits nor denies paragraph 17, which does not contain any factual or legal allegations that require an answer.

G. PROBABLE CLAUSE

20. Answering paragraph 18, Paragraph 18 is a legal opinion or conclusion for which an answer is inappropriate and is therefore denied.


III. DEFENSES AND AFFIRMATIVE DEFENSES

21. PSE believes it has at all times acted in good faith with regard to its obligations under the rules and regulations of the Commission.

22. The relief requested in the Complaint is unnecessary and excessive because PSE corrected the problems alleged in the Complaint several months prior to the issuance of the Complaint. As stated in paragraph 15 above, PSE corrected its procedures to ensure that customers would not be assessed a \$13 disconnection visit charge for PSE visits on days that PSE was not disconnecting customers and, by July 27, 2011, completed refunding such charges to those customers assessed such charges during calendar year 2011 for visits on days that PSE was not disconnecting customers.

DATED: December 29, 2011

PERKINS COIE LLP

By 

Jason Kuzma, WSBA #31830

Donna Barnett, WSBA #36794

Attorneys for Respondent Puget Sound Energy, Inc.