

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

<p>CITY OF SEATAC,</p> <p>Complainant and Petitioner,</p> <p>v.</p> <p>PUGET SOUND ENERGY, INC.,</p> <p>Respondent.</p>	<p>No. _____</p> <p>COMPLAINT AND PETITION FOR DECLARATORY RELIEF</p>
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The City of SeaTac ("City") for its Complaint and Petition for Declaratory Relief pursuant to RCW 34.05.240, RCW 80.04.110, WAC 480-09-230, 480-09-420(5)(a), RCW 34.05.482, and WAC 480-09-500, states as follows:

1. The name and address of petitioners is:

Mary E. Mirante
City of SeaTac
17900 International Boulevard, Suite 401
SeaTac, WA 98188-4236
Business: (206) 433-1800
Fax: (206) 433-1833

2. The attorneys representing petitioners are:

Carol S. Arnold
Laura K. Clinton
Preston Gates & Ellis LLP
701 Fifth Avenue, Suite 5000
Seattle, WA 98104-7078
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3. The City requests the Commission to resolve a dispute with Puget Sound Energy (“PSE”) regarding the interpretation of PSE’s Electric Tariff G, Schedule 70 (“Schedule 70”). Schedule 70, entitled “Conversion to Underground Service In Residential Areas,” sets forth the terms and conditions under which PSE shall remove its existing overhead lines and poles and install an underground system in residential areas.

4. The City is about to begin a major street improvement project in a residential area. In order to accommodate the street improvements, the City has directed PSE to relocate its facilities, remove aerial electric wires and poles that obstruct the street, and replace these with underground facilities. However, PSE refuses to comply with Schedule 70 in converting to underground service in the conversion area.

5. Schedule 70 requires that the City pay PSE for the underground conversion at the rate of \$20.33 per centerline foot of all public thoroughfares utilizing surface-mounted transformers plus the costs of trenching and restoration for the installation of the underground system. In spite of the clear language of Schedule 70, PSE refuses to perform the conversion to underground unless the City pays 30 % of the total cost of the conversion. PSE claims that the Schedule 70 payment is not applicable because the electrical system in the conversion area is not

a single phase system, but a three phase system.

6. Schedule 70 applies to a conversion in a residential area regardless of whether the conversion area contains a one or three phase system. The availability provisions of Schedule 70, in fact, make no reference at all to the phasing of the electrical system to be converted to underground. Schedule 70 states in relevant part:

Subject to availability of equipment and materials, the Company will provide and install a Main Distribution System and will remove existing overhead electric distribution lines of 15,000 volts or less together with Company-owned poles following the removal of all utility wires therefrom in areas which are zoned and used exclusively for residential purposes, provided that at the time of such installation the company shall have adequate operating rights, and provided further that the Conversion Area must be not less than one (1) city block in length, or in the absence of city blocks, not less than an six (6) contiguous building lots abutting each side of the public thoroughfare with all real property on both sides of each public thoroughfare to receive electric service from the Main Distribution System.

7. To resolve this dispute, the City requests that the Commission declare as a matter of law that Schedule 70 applies to an underground conversion in a residential area regardless of whether the electrical system in the conversion area is single phase or three phase.

8. The residential street improvements in SeaTac are ready to begin, but construction cannot proceed because PSE refuses to relocate its facilities until the City agrees to pay PSE on PSE's terms in contravention of Schedule 70. Unless this dispute is resolved expeditiously, the construction project will be delayed, the public will be inconvenienced by traffic congestion and hazards, and the City could be exposed to monetary claims for delay damages. For this reason, the City respectfully requests expedited resolution of this controversy.

9. The City suggests that the Commission determine this matter in a brief

adjudicative proceeding pursuant to RCW 34.05.482 and WAC 480-09-500. A quick resolution of the dispute is in the public interest, the public interest would not require the Commission to give notice and an opportunity to participate to persons other than the parties, and a brief adjudicative hearing would be adequate to permit the Commission to consider the matter and issue a prompt and sound decision.

RELIEF REQUESTED

The City respectfully requests that following a brief adjudicative proceeding pursuant to RCW 34.05.482 and WAC 480-09-500, the Commission issue an order as follows:

1. Declaring that Schedule 70 applies to an underground conversion in a residential area regardless of whether the electrical system in the conversion area is single phase or three phase;
2. Directing PSE to proceed forthwith to relocate its facilities within the conversion area underground;
3. Declaring that the maximum payment to PSE for such conversion to underground shall be the payment set forth in Schedule 70; and
4. For all other just, equitable, and proper relief.

DATED this ___ day of June, 2001.

PRESTON GATES & ELLIS LLP

By _____
Carol S. Arnold, WSBA # 18474
Laura K. Clinton, WSBA # 29846

Attorneys for Petitioner and Complainant
City of SeaTac

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the COMPLAINT AND PETITION FOR DECLARATORY RELIEF in the proceeding upon the following:

Puget Sound Energy, Inc. (via facsimile followed by U.S. mail)
411-108th Avenue N.E.
Bellevue, WA 98004

Simon ffitch (via facsimile followed by U.S. mail)
Office of the Attorney General
900 Fourth Avenue, Suite 2000
Seattle, WA 98164-1012

Thomas Schooley (via facsimile followed by U.S. mail)
Policy Research Specialist
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive S.W.
Olympia, WA 98504

DATED at Seattle, Washington this 18th day of June, 2001.

Jo Ann Sunderlage
Secretary to Carol S. Arnold