

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CITY OF KENT,

Petitioner,

v.

PUGET SOUND ENERGY, INC.

Respondent.

DOCKET NO. UE-010778
(Consolidated)

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CITY OF AUBURN, CITY OF
BREMERTON, CITY OF DES
MOINES, CITY OF FEDERAL WAY,
CITY OF LAKEWOOD, CITY OF
RENTON, CITY OF SEATAC, AND
CITY OF TUKWILA,

Petitioners/Complainants,

v.

PUGET SOUND ENERGY, INC.

Respondent.

DOCKET NO. UE-010911
(Consolidated)

PREHEARING CONFERENCE
ORDER

1

PREHEARING CONFERENCE: Docket No. UE-010778 concerns a Petition for Declaratory Relief filed by the City of Kent on May 29, 2001. The Petition requests that the Commission enter a declaratory order establishing the respective rights and obligations of the City of Kent and Puget Sound Energy, Inc. (PSE) in connection with PSE's administration of its Electric Tariff G, Schedule 71.

2

Docket No. UE-010911 concerns a Complaint and Petition for Declaratory Relief filed by the City of Auburn, City of Bremerton, City of Des Moines, City of Federal Way, City of Lakewood, City of Renton, City of SeaTac, and City of Tukwila on June 21, 2001. The Complaint and Petition requests that the Commission enter a declaratory order establishing the respective rights and obligations of the cities and PSE in connection with PSE's administration of its Electric Tariff G, Schedule 71,

and that the Commission order other and further relief alleged to be appropriate under the facts and law asserted.

3 The Commission convened a joint prehearing conference in these dockets and in a related proceeding in Docket No. UE-010891 on July 10, 2001, in Olympia, Washington, before Administrative Law Judge Dennis J. Moss.

4 **CONSOLIDATION:** The Commission raised on its own motion the question whether Docket Nos. UE-010778, UE-010891, and UE-010911 should be consolidated. The Presiding Judge determined on the basis of the Parties' arguments that Docket Nos. UE-010778 and UE-010911 should be consolidated because there are common issues of fact and law such that consolidation will promote administrative economy and make optimal use of the Commission's and the Parties' resources.

5 The Presiding Judge also determined that the issues of fact and law pertinent to Docket No. UE-010891 are different from those presented in Docket Nos. UE-010778 and UE-010911, and that Docket No. UE-010891 should proceed as a discrete docket. Accordingly, a separate prehearing conference order has been entered today in Docket No. UE-010891.

6 **PETITIONS TO INTERVENE:** No petition to intervene in either of these dockets was filed prior to the prehearing conference and no one in attendance at the prehearing conference sought to intervene on oral petition.

7 **PARTIES:** Michael L. Charneski, Attorney at Law, Woodinville, Washington, represents the City of Kent. Carol S. Arnold and Laura K. Clinton, Preston Gates Ellis LLP, Seattle, Washington, represent the Cities of Auburn, Bremerton, Des Moines, Federal Way, Lakewood, Renton, SeaTac, and Tukwila. Kirsten Dodge and Bill Bue, Perkins Coie LLP, Bellevue, Washington, represent Puget Sound Energy. Mary Tennyson, Senior Assistant Attorney General, Olympia, Washington, represents Commission Staff.

8 **DISCOVERY; PROTECTIVE ORDER:** The Parties do not request at this time that the Commission invoke the discovery rule, WAC 480-09-480, nor do they request that the Commission enter a protective order. The Parties will proceed informally and in good faith to exchange such information as may be required to permit development of a full and complete record for decision.

9 **PROCESS AND PROCEDURAL SCHEDULE:** It appears that these proceedings should be processed as petitions for declaratory relief under RCW 34.05.240 and WAC 480-09-230, and that they can be resolved on the basis of uncontested facts and motions for summary determination. Even if there are contested facts, the Parties propose that such facts may be developed without it being necessary for the parties to

10 present witnesses at hearing. Accordingly, the Commission establishes the following process and procedural schedule:

Amended Petition(s)	July 18, 2001
Comprehensive Issues List (fact and law); Stipulation of Material Facts; Identification of Contested Material Facts	August 1, 2001
Motions for Summary Determination	August 8, 2001
Responses to Motions for Summary Determination	August 20, 2001
Replies to Responses to Motions for Summary Determination	August 27, 2001

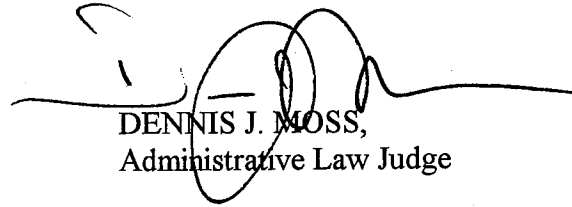
11 **FILING; COPIES OF MATERIALS:** All filings should be directed to the Commission Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250, or by hand delivery to the Commission Secretary at the Commission's records center at the Washington Utilities and Transportation Commission, 1300 S. Evergreen Park Drive, S.W., Olympia, Washington, 98504. Both the post office box and street address are required to expedite deliveries by U.S. Postal Service. An original plus fourteen (14) copies of all pleadings, motions, briefs, and other prefiled materials must be filed with the Commission.

12 Parties are required to supplement their filing by sending an electronic copy via e-mail attachment to: records@wutc.wa.gov or may furnish separately a 3.5 inch IBM formatted high-density diskette including the filed document(s) in .pdf format, MS Word 97 (or later), or WordPerfect 5.1 (or later) format.

13 **NOTICE TO PARTIES:** Any objection to the provisions of this Order must be filed within ten (10) days after the date of mailing of this statement, pursuant to WAC 480-09-460(2). Absent such objections, this prehearing conference order will control further proceedings in this matter, subject to Commission review and such other procedural orders as may be subsequently entered.

DATED at Olympia, Washington, and effective this 12th day of July 2001.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



DENNIS J. MOSS,
Administrative Law Judge