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7 BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

8 In the Matter of the Petition of

9 PUGET SOUND ENERGY, INC.

10 For a Declaratory Order on Schedule 74 and
11 the Schedule 74 Design Agreement between
12 Puget Sound Energy, Inc. and the City of
Tumwater,

No. UE-061626
DECLARATION OF JIM SHOOPMAN
IN SUPPORT OF
CITY OF TUMWATER'S CROSS-
MOTION FOR SUMMARY
DETERMINATION

13
14 I, Jim Shoopman, declare as follows:

- 15 1. I am over the age of eighteen and competent to testify in this proceeding.
- 16 2. I am licensed professional engineer, and I am employed by the City of Tumwater as a
17 project manager.
- 18 3. The Tumwater Boulevard Widening Project is one of the projects for which I have
19 overall project management responsibility.
- 20 4. In the course of analyzing the records related to this proceeding, I personally looked at
21 the Thurston County records for the 1981 easement from the Port of Olympia, recording
22 no. 8112080070. The first two pages of this document are attached as Exhibit 1 to my
23 declaration.
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DECLARATION OF JIM SHOOPMAN
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MOTION FOR SUMMARY DETERMINATION - 1

FOSTER PEPPER PLLC
1111 THIRD AVENUE, SUITE 3400
SEATTLE, WASHINGTON 98101-3299
PHONE (206) 447-4400 FAX (206) 447-9700

- 1 5. The first part of the easement covers the entire Port of Olympia property that was
2 annexed to the City of Tumwater in 1987. Tumwater Ordinance No. 1094 is the January
3 20, 1987 annexation ordinance annexing the Port of Olympia property into the City. This
4 ordinance is attached as Exhibit 2 to my declaration.
- 5
6 6. A dedication deed from the Port of Olympia to the City for Airdustrial Way and other
7 streets was signed on January 21, 1987, the day after the Port of Olympia property was
8 annexed into the City. A copy of that dedication deed is attached to my declaration as
9 Exhibit 3.
- 10 7. The second part of the 1981 easement (Exhibit 1) provides for more specific locations of
11 Puget Sound Power & Light Company facilities in right of way designated on attached
12 Exhibits A-F. It turns out that the recorded Exhibits to the easement are not identified as
13 A, B, C etc, as stated on the first page of the easement document, but they are merely
14 recorded in microfiche format as part of the same recording number, without any exhibit
15 letter designation.
- 16
17 8. The documents with production numbers TUM 00603 – TUM 00608 are photocopies of
18 those recorded attachments in the form sent to me by PSE prior to this litigation. They
19 are attached as Exhibits 4-9 to this declaration. The recoding no. 8112080070 can be
20 seen on each.
- 21
22 9. Exhibit 4, (TUM 00603) is the page that covers the conversion area on Tumwater
23 Boulevard between Linderson Way SW and New Market Street SW in the City of
24 Tumwater that is the subject of this proceeding.
- 25 10. The names of the streets on Exhibit 4, however, have changed since 1981:
26

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SEATTLE, WASHINGTON 98101-3299
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1 a. "Airdustrial Way" is the former name of what is now Tumwater Boulevard.

2 b. "SW 11th St." is a former name of what is now Linderson Way SW.

3 c. "Wohler Ave." is a former name of what is now New Market Street SW.

4 11. In preparation for the construction on the Tumwater Boulevard Project, PSE prepared a
5 design plan for conversion of its remaining overhead facilities to underground in the
6 Project area to accommodate the Project. In the other areas of the Tumwater Boulevard
7 Project, PSE's facilities had already been installed underground by PSE itself before
8 planning for the Project began.

9
10 12. PSE's engineering consultant, Potelco, provided the City with engineering design
11 drawings for the conversion area. PSE's design drawing (TUM 00613) for the
12 conversion area on Tumwater Boulevard between Linderson Way SW and New Market
13 Street SW is attached to this declaration as Exhibit 10.

14
15 13. The dashed lines along the roadways (_____) represent the borders of the
16 right-of-way of both Tumwater Boulevard and the other streets marked on Exhibit 10.

17 14. These dashed right-of-way lines on Exhibit 10 correspond with the solid lines indicating
18 same right-of-way borders on Exhibit 4.

19 15. While somewhat difficult to read in photocopy form, five poles shown to be within the
20 right-of-way lines for Airdustrial Way on the 1981 drawing of the conversion area in
21 Exhibit 4 correspond to same poles, having the same identification numbers, within the
22 Tumwater Boulevard right-of-way on Exhibit 10, the 2004 PSE engineering design
23 drawing for the conversion area.
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1 16. The fact that the same poles are found in each Exhibit is further verified by the table on
2 Exhibit 10 labeled "Pole Removal Table – SAP Data." In this table, the year of
3 installation of each pole is identified. Poles P03, P04, P05, P08 and P09 were installed in
4 1974. These poles have the same 12-digit identification numbers on both Exhibit 4 and
5 Exhibit 10. Thus, those same poles remained in place in the Airdustrial Way/Tumwater
6 Boulevard right-of-way from 1974 up to the point of their scheduled removal for the
7 Project in 2006.

9 17. The 2004 design drawing shows that a sixth pole on the south side of Airdustrial Way in
10 1981 was replaced in 1986 by a new pole (Exhibit 10, P07). In addition, two additional
11 poles were put in the right-of-way on the north side of the street in 1992 (P01 and P02).

12 18. In both Exhibit 4, and in Exhibit 10, the line of poles along the north side of Tumwater
13 Boulevard (Airdustrial Way) and the one pole on the south side of the Boulevard (P07)
14 are shown to be within – not outside – the right-of-way.
15

16
17 Under penalty of perjury of the laws of the State of Washington, I declare that the above
18 statements are true and correct.

19
20 Signed at Tumwater, Washington, this 15th day of February, 2007.
21

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23 

24
25 JIM SHOOPMAN
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DECLARATION OF JIM SHOOPMAN
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SEATTLE, WASHINGTON 98101-3299
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