

[Service Date November 10, 2009]

November 10, 2009

**NOTICE SETTING MOTION FOR ORAL ARGUMENT AND ESTABLISHING  
DEADLINE FOR WRITTEN RESPONSES**

**(Oral Argument December 3, 2009, at 9:30 a.m.)**

**(Written Responses by November 25, 2009)**

RE: *Kenneth L. Binkley v. Salmon Shores RV Park and Puget Sound Energy, Inc.*  
Docket UE-091531

TO ALL PARTIES:

On September 15, 2009, Kenneth L. Binkley filed with the Washington Utilities and Transportation Commission (Commission) a formal complaint against Salmon Shores RV Park (Salmon Shores) and Puget Sound Energy, Inc. (PSE). On October 19, 2009, PSE filed an answer to the complaint. The Commission did not receive an answer from Salmon Shores. The complaint alleges that Salmon Shores is reselling electricity at rates higher than authorized by PSE Tariff Schedule 24 E-C. A more detailed account of the dispute is reflected in the complaint, which is available for inspection at the Commission's office located at Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington, and on the Commission's web site at [www.utc.wa.gov/091531](http://www.utc.wa.gov/091531).

The Commission, on October 30, 2009, gave notice it would conduct a prehearing conference at its offices in Olympia, Washington, on December 3, 2009, beginning at 9:30 a.m.

On November 9, 2009, Commission Staff filed its "Motion for an Order Removing Salmon Shores RV Park as a Respondent." Staff argues that Salmon Shores is a customer of PSE, not a public service company. Nor, Staff states, does Salmon Shores have electric service tariffs on file with the UTC. Staff also states that nothing in the Mr. Binkley's Complaint suggests the Commission regulates Salmon Shores RV Park as a

public service company. Staff reasons that since the UTC's complaint statute, RCW 80.04.110, applies to complaints against a public service company such as PSE, not customers of a public service company, the UTC should issue an order removing Salmon Shores RV Park as a respondent in this matter.<sup>1</sup> In other words, Staff argues that Salmon Shores is beyond the Commission's jurisdictional reach insofar as the facts alleged are concerned.

Staff's motion is timely, allowing an adequate opportunity prior to the scheduled prehearing conference for parties to draft and file written responses. Staff's motion also is sufficiently early that it may be set for oral argument at the prehearing conference on December 3, 2009, without prejudice to any party.

**THE COMMISSION GIVES NOTICE That written responses to Staff's Motion for an Order Removing Salmon Shores RV Park as a Respondent must be filed by 4:00 p.m. November 25, 2009.**

**THE COMMISSION GIVES FURTHER NOTICE That it will hear argument on Staff's Motion during the prehearing conference in this proceeding, previously scheduled and noticed for December 3, 2009, at 9:30 a.m.**

DATED at Olympia, Washington, and effective November 10, 2009.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DENNIS J. MOSS  
Administrative Law Judge

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<sup>1</sup> Staff notes, without reaching any legal conclusions or providing any legal advice, that persons in Complainant Mr. Binkley's position may have remedies under the Mobile Home Landlord-Tenant Act, RCW 59.20 (MHLTA), which states, in part, that a mobile home landlord "shall not: ... charge to any tenant a utility fee in excess of actual utility costs ...". RCW 59.20.070(6). However, legal remedies available under the MHLTA are administered by the superior court, not the UTC. (*I.e.*, RCW 59.20.120 places venue in the district or superior court in which the mobile home is located).