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**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of,

PUGET SOUND ENERGY, INC.

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

No. UE-061626

**DECLARATION OF AMY TOUSLEY IN
SUPPORT OF PUGET SOUND ENERGY,
INC.'S MOTION FOR SUMMARY
DECLARATION**

1. I, Amy Tousley, hereby declare under penalty of perjury under the laws of the State of Washington that the following are true and correct:
2. I am the Municipal Liaison Manager for Puget Sound Energy, Inc. ("PSE"). My work address is 2711 Pacific Avenue S.E., Olympia, WA 98501. My phone number is 360-786-5956.
3. I graduated from Eastern Washington University in 1983 with a Bachelor of Arts degree in Urban and Regional Planning. I joined PSE on November 10, 1999 as a Municipal Land Planner for the cities of Bellevue, Redmond, Kirkland and surrounding communities. This is essentially the same position I hold now, although my title has changed to Municipal Liaison Manager. I worked in the Bellevue, Redmond and Kirkland areas for 6 years before transferring to Olympia in October 2005.
4. My job duties involve coordinating construction projects with cities and with Thurston and Lewis Counties, negotiating franchise agreements, and evaluating municipalities' comprehensive plans and development regulations regarding PSE interests. Prior to commencing a public improvement project for a government entity, PSE must ensure that it has appropriate operating rights to perform the construction and/or relocation. If there are no operating rights, PSE requires an easement or a franchise to provide such operating rights. An easement generally provides the right to access, construct, operate, maintain, repair, replace, and enlarge electrical facilities. An easement applies to construction, conversion and relocation

**DECLARATION OF AMY TOUSLEY IN
SUPPORT OF MOTION FOR SUMMARY
DECLARATION**
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2/20/07
07772-0220/LEGAL13047662.1

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projects. Franchises are contracts between a utility and a government entity providing the utility a right to operate on the government entity's public land or right-of-way. Franchises govern installation and relocation projects including the operation and maintenance of these facilities in the franchise area.

- 5. PSE currently maintains approximately 180 franchises throughout its system. These franchises are contracts between PSE and state, city or county entities. While PSE generally bears the costs of relocating its electrical facilities where it has a franchise, a franchise may act to limit the number or frequency with which a municipality can require PSE to relocate its facilities at PSE expense. For instance, most franchises will express that the municipality will pay for relocation costs if they require relocation more than once every five years.
- 6. If an easement applies at a project location instead of a franchise, it too may limit or condition the rights of a municipality to require relocation at a utility's expense. PSE has obtained easements rather than franchises when, for instance, a project involves large or expensive equipment, and PSE does not want to risk costs of relocating the equipment in the future. An easement may lie within the franchise area and is considered a prior right that supersedes the franchise agreement. PSE has also obtained easements if certain equipment will not physically fit into the public right of way of the franchise area. If PSE does obtain an easement, the entity requesting a future relocation or conversion would be responsible for paying 100% of those costs. Because of this, government entities often attempt to construct or modify a project in order to avoid PSE having to obtain easements.
- 7. Schedule 74 is PSE's Electric Tariff G, filed, approved, and governed by the Washington Utilities and Transportation Commission. Schedule 74 applies only to undergrounding the overhead electrical distribution system also known as a conversion project. This tariff is for administration with Government Entities.
- 8. I acted as MLM with regard to the current proceeding. As such, I participated in negotiating and facilitating the construction project with the City of Tumwater.
- 9. At a project meeting in October 2005, a City official mentioned that there was an issue regarding costs of the Project as well as operating rights. This was the first time I was aware that the City might have an objection to PSE's allocation of costs for the Project as well as issues surrounding PSE's existing operating rights.

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DECLARATION OF AMY TOUSLEY IN
SUPPORT OF PSE'S MOTION FOR
SUMMARY JUDGMENT 2
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10. I have also participated in other construction projects with the City of Tumwater. On one such project my predecessor worked with City on the Henderson Boulevard and Old Highway 99 project. PSE relocated overhead electrical facilities pursuant to the same easement that is at issue in this case. For that project, the City paid 100% of all costs associated with the project. I was involved with issuing the billing statement for the project.

EXECUTED at Olympia, Washington this 22nd day of February, 2007.

Amy Tousley
Amy Tousley

DECLARATION OF AMY TOUSLEY IN
SUPPORT OF PSE'S MOTION FOR
SUMMARY JUDGMENT 3
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