

# OLSEN LAW FIRM PLLC

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\*ADMITTED IN WASHINGTON AND OREGON

CYNTHIA THOMPSON, PARALEGAL/OFFICE MANAGER  
DOUG SCHARNHORST, PARALEGAL/CONTROLLER  
NOREEN M. PETERS, PARALEGAL  
APRIL REEDAL, ADMINISTRATIVE ASSISTANT

November 17, 2005

Washington Utilities and Transportation Commission  
P.O. Box 47250  
Olympia, Washington 98504-7250

RE: *In re: Western Village, LLC v. Puget Sound Energy*

Dear Sir/Madam:

I am the attorney for Western Village, LLC which does business as Western Village Estates, a 128-space manufactured home community located in Oak Harbor, Washington.

I am enclosing for filing an original and twelve (12) copies of a Formal Complaint, Petition for Declaratory Order, and Proceeding Under RCW 80.04.110.

I have also enclosed an additional copy of the Complaint and ask that you receipt stamp this copy and return it to me in the enclosed stamped envelope. Thank you.

If you have any questions, or wish to discuss this matter further, please call.

Sincerely,



Walter H. Olsen, Jr.

cc: Western Village, LLC

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STATE OF WASHINGTON  
UTIL. AND TRANSPORTATION  
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BEFORE THE WASHINGTON UTILITIES  
AND TRANSPORTATION COMMISSION

STATE OF WASH.  
UTIL. AND TRANSP.  
COMMISSION

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IN THE MATTER OF:  
  
WESTERN VILLAGE, LLC,  
  
Petitioner/Complainant  
  
v.  
  
PUGET SOUND ENERGY, INC.  
  
Respondent

Docket No.  
  
FORMAL COMPLAINT,  
PETITION FOR DECLARATORY  
ORDER, AND PROCEEDING  
UNDER RCW 80.04.110

Petitioner/Complainant alleges:

1. Petitioner and Complainant Western Village, LLC d/b/a Western Village Estates ("Western Village") is a manufactured home community located at 225 N.E. Ernst Street, Oak Harbor, Island County, Washington 98277 (the "Premises").
2. The name and address of Western Village's attorney is Walter H. Olsen, Jr., Olsen Law Firm PLLC, 604 W. Meeker St, Suite 101, Kent, Washington 98032.
3. The name and address of the Respondent is Puget Sound Energy, Inc. ("PSE"), P.O. Box 90868, Bellevue, Washington, 98009-0868, or Puget Sound Energy, Inc., Skagit Service Center located, 18601 Andis Rd., Burlington, Washington 98233.

FORMAL COMPLAINT, PETITION FOR  
DECLARATORY ORDER, AND  
PROCEEDING UNDER RCW 80.04.110 - 1

**OLSEN LAW FIRM PLLC**  
604 W. Meeker Street, Suite 101  
Kent, Washington 98032  
PH: 253. 813.8111  
FAX: 253. 813. 8133

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11/18/18

1           4.    The Washington Utilities and Transportation Commission  
2 ("Commission") has jurisdiction of this matter under Washington law. The sources  
3 of the Commission's authority to grant Western Village's requests for relief include,  
4 but are not limited to, RCW 80.01.040, RCW 80.04.010, RCW 80.04.160, RCW  
5 80.28.010, RCW 80.28.020, RCW 80.28.074, RCW 80.28.130, WAC 480-07-370,  
6 WAC 480-100-001, WAC 480-100-003, and WAC 480-100-013.

7           5.    Western Village is an "affected person" subject to the Commission's  
8 jurisdiction as referred to in WAC 480-100-003.

9           6.    Western Village is comprised of 128 individual lots which are rented  
10 to its residents pursuant to a written rental agreement for purposes of the placement  
11 of the residents' manufactured homes in which they reside.

12          7.    Western Village is not master metered for electrical service provided  
13 by PSE.

14          8.    Instead, PSE provides electrical service directly to the residents of  
15 Western Village for which PSE bills each individual resident who is provided  
16 electrical service.

17          9.    The residents of Western Village are PSE's customers.

18          10.   PSE bills the residents of Western Village at a residential rate which  
19 is set by PSE's Tariff in an amount to recapture PSE's costs to repair, maintain, and  
20 replace service facilities at the Premises.

21          11.   PSE owns electrical service facilities at each resident's lot in Western  
22 Village.

23          12.   Each resident's manufactured home at Western Village connects to  
24 PSE's service facilities for purposes of receiving electrical service.

25          13.   PSE's electrical service facilities at each resident's lot connects to  
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1 service facilities which were installed by PSE or its predecessors, and which have  
2 been maintained and replaced by PSE at all times relevant to this matter.

3 14. The electrical service facilities between PSE's service facilities at each  
4 resident's lot and PSE's transformers at the Premises must be and have been  
5 repaired, maintained, and replaced from time to time.

6 15. Neither Western Village nor its residents had any control over how the  
7 electrical service facilities were installed by PSE or its predecessors at the Premises.  
8 If Western Village or the residents had initially installed the electrical service  
9 facilities at the Premises, they could have taken measures to protect the electrical  
10 service facilities from deterioration. Because neither Western Village nor its  
11 residents had any control over how the electrical service facilities were installed, and  
12 they were not allowed to participate in the maintenance of the electrical service  
13 facilities over time, the current and future problems with the electrical service  
14 facilities are due to causes beyond either Western Village's or its residents' control,  
15 if not due to damage caused by the negligence of others. Therefore, neither Western  
16 Village nor its residents are responsible for the repair, maintenance, or replacement  
17 of the electrical service facilities at the Premises.

18 16. At all times relevant to this matter, PSE and its predecessors have  
19 accessed, repaired, maintained, and replaced the electrical service facilities between  
20 PSE's service facilities at each resident's lot, and PSE's transformers at the  
21 Premises.

22 17. PSE now disclaims responsibility and refuses to access, repair,  
23 maintain, or replace electrical service facilities between PSE's service facilities at  
24 each resident's lot and PSE's transformers at the Premises.

25 18. A dispute has arisen between the parties regarding the responsibility  
26

1 to access, repair, maintain, and replace service facilities at the Premises.

2 19. In refusing to access, repair, maintain, and replace the electrical service  
3 facilities at the Premises, PSE has not provided service as required under  
4 Washington law.

5 20. Unless the electrical service facilities at the Premises are repaired,  
6 maintained, or replaced, the service facilities will continue to deteriorate and the  
7 residents of Western Village will continue to experience problems with their  
8 electrical service.

9 WHEREFORE, Western Village requests relief as follows:

10 A. A declaratory order which declares the rights and obligations of  
11 Western Village, its residents, and PSE arising under Washington law, including  
12 PSE's obligation to access and repair, maintain, and replace electrical service  
13 facilities at the Premises. Western Village further seeks a declaratory order with  
14 regard to any other issue of interpretation of the rights and obligations of Western  
15 Village, its residents, and PSE that may be raised in these proceedings, including  
16 without limitation the following:

17 (i) PSE's refusal to repair, maintain, and replace the electrical  
18 service facilities is in derogation of its Tariff and/or the intent of its Tariff; and

19 (ii) PSE shall access, repair, maintain, and replace the electrical  
20 service facilities at the Premises.

21 B. In the alternative, PSE's Tariff provisions which define the  
22 responsibility for the access, repair, maintenance, or replacement of electrical  
23 service facilities at the Premises were intended for manufactured home communities  
24 which are master metered, and not for communities, like Western Village, where its  
25 residents' service facilities connect to PSE's service facilities which then connect  
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1 to service facilities that were installed by PSE or its predecessors, and which have  
2 been accessed, repaired, maintained, and replaced by PSE at all times relevant to  
3 this matter. Pursuant to RCW 80.04.110, Western Village requests that the  
4 Commission take action to review, clarify, and if necessary amend PSE's Tariff to  
5 confirm that neither Western Village nor its residents are responsible for the access,  
6 repair, maintenance, or replacement of the electrical service facilities at the Premises  
7 past the point of connection of PSE's service facilities to each resident's  
8 manufactured home.


9 C. An interpretive and policy statement which interprets and determines  
10 the policy with regard to the rights and obligations of Western Village, its residents,  
11 and PSE arising under Washington law, including PSE's obligation to access and  
12 repair, maintain, and replace electrical service facilities at the Premises. Western  
13 Village further seeks an interpretive and policy statement with regard to any other  
14 issue of interpretation or policy concerning the rights and obligations of Western  
15 Village, its residents, and PSE that may be raised in these proceedings.

16 E. An order requiring PSE to access and repair, maintain, and replace  
17 electrical service facilities at the Premises, and provide all of the necessary labor and  
18 facilities, including trenching.

19 F. For such other and further relief as the Commission deems just and  
20 equitable.

21 DATED this 17th day of November, 2005

22 OLSEN LAW FIRM PLLC

23  
24 By:   
25 Walter H. Olsen, Jr., WSBA #24462  
26 Attorneys for Western Village

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BEFORE THE WASHINGTON UTILITIES  
AND TRANSPORTATION COMMISSION

IN THE MATTER OF:

WESTERN VILLAGE, LLC,  
Petitioner/Complainant,  
v.  
PUGET SOUND ENERGY, INC.,  
Respondent.

Docket No.  
DECLARATION OF SERVICE

The undersigned, declares under penalty of perjury under the laws of the State of Washington, that the following is true and correct:

On November 17, 2005, I caused to be mailed with the United States Postal Service by Certified Mail, Return Receipt Requested, and forwarded for Personal Service by Bob Hoyden of Seattle Process Service a copy of the Formal Complaint addressed as follows:

Puget Sound Energy  
James W. Eldredge  
411 108th Ave NE  
P.O. Box 97034  
Bellevue, WA 98009-9734

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DATED: November 17, 2005, at Kent, Washington.



Walter H. Olsen, Jr., Declarant

DECLARATION OF MAILING - 2

**OLSEN LAW FIRM PLLC**

604 W. Meeker Street, Suite 101  
Kent, Washington 98032  
PH: 253.813.8111  
FAX: 253.813.8133