

BEFORE THE  
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

KENNETH L. BINKLEY,

Complainant,

v.

SALMON SHORES RV PARK AND PUGET  
SOUND ENERGY, INC.,

Respondents.

NO. UE-091531

PUGET SOUND ENERGY, INC.'S  
RESPONSE TO COMMISSION STAFF  
MOTION FOR AN ORDER REMOVING  
SALMON SHORES RV PARK AS A  
RESPONDENT

1. Puget Sound Energy, Inc. ("PSE" or "the Company"), by and through undersigned counsel, hereby responds to Commission Staff Motion for an Order Removing Salmon Shores RV Park ("Salmon Shores") as a Respondent, as follows:

**RESPONSE**

2. PSE does not object to an order removing Salmon Shores as a respondent from this matter. Under the specific facts of this case, PSE agrees that the Commission does not have jurisdiction over Salmon Shores because, to the best of PSE's knowledge, Salmon Shores is not currently reselling electricity. On the face of Mr. Binkley's Complaint, the per-kWh utility charge Salmon Shores charges its tenants does *not* exceed PSE's per-kWh charge. Further, the monthly Electric Availability Charge (EAC) Salmon Shores charges its tenants is

equal to its costs of electricity (after subtracting per-kWh charges to all tenants and other adjustments), divided by the number of tenants. Based on these allegations in the Complaint and in the attachments to the Complaint, Salmon Shores is not reselling electricity and is not in violation of PSE's tariff.

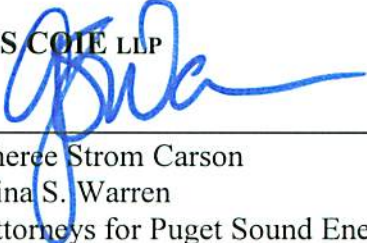
3. Futhermore, Mr. Binkley has failed to state a claim against PSE and PSE will be moving for dismissal in the near future. Mr. Binkley is not a customer of PSE's and he has failed to state how PSE has violated any law, rule, regulation, Commission order or duty owed to him. In response to Mr. Binkley's informal complaints regarding Salmon Shores' billing practices, PSE has diligently worked to educate Salmon Shores regarding its tenant billings. Salmon Shores has thus far cooperated with PSE to revise its method of billing tenants so that it is no longer reselling electricity – thereby avoiding a disconnection of service, which would have resulted in no electric service for any of its tenants, including Mr. Binkley.

4. For these reasons, PSE does not object to Staff's motion seeking an order removing Salmon Shores from the Complaint.

DATED: November 24, 2009.

PERKINS COIE LLP

By

  
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Sherree Strom Carson  
Gina S. Warren  
Attorneys for Puget Sound Energy, Inc.