

**BEFORE THE  
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

HARBHAJAN MANGAT,

Complainant,

v.

PUGET SOUND ENERGY, INC.,

Respondent.

DOCKET NO. UE-120522

PUGET SOUND ENERGY, INC'S  
RESPONSE IN OPPOSITION TO  
REQUEST FOR RECONSIDERATION

**I. INTRODUCTION**

1. Pursuant to WAC 480-07-370(1)(c)(iii) and the Notice of Opportunity to Respond issued by the Washington Utilities and Transportation Commission ("Commission") on June 19, 2012, Puget Sound Energy, Inc. ("PSE") submits this Response in Opposition to Harbhajan Mangat's ("Complainant") Request for Reconsideration filed on June 15, 2012.
2. Complainant seeks reconsideration of the Commission's decision in Order 1 dismissing the complaint. Based on the following arguments, PSE requests that the Commission deny Complainant's request.

**II. ARGUMENT**

3. Complainant's Request for Reconsideration should be denied because the complaint fails to state a claim upon which the Commission can grant relief and the Request for Reconsideration does not claim that the Commission erred in such a finding. Complainant's Request for Reconsideration asks the Commission to review PSE's Tariff G Schedule 85 Line Extension and

Refund policies to determine if PSE's line extension contract is unjust, unreasonable, or insufficient. Request for Reconsideration at ¶¶ 4 and 6. The Commission should deny Complainant's request for two reasons: 1) Complainant does not claim that PSE's tariff is unjust or insufficient, and 2) as the complaint is drafted, the Commission lacks jurisdiction to review PSE's rules or tariffs for reasonableness.

**A. PSE Did Not Violate its Tariff or Commission Rules**

4. The Request for Reconsideration states that the complaint argues that PSE failed to act by not reviewing or reconsidering its line extension policy for reasonableness due to extenuating circumstances. Request for Reconsideration at ¶ 2. But neither PSE nor the Commission interprets the complaint as making any claim that PSE violated any rule or tariff, either by an act or omission.

In Order 1, the Commission states,

The complaint does not assert that the Company has acted, or threatens to act, in any manner inconsistent with its tariff. Indeed, the exhibits included as part of the complaint show that PSE has complied, and is complying, fully with the requirements of its tariff Schedule 85-Line Extensions and Service Lines, which is the schedule to which the complaint is directed.

Order 1 at ¶ 6.

5. The Request for Reconsideration also claims that the complaint was filed in an effort "to determine whether the contract under the Tariff G Line Extensions and Refund Policies refund request is unjust, unreasonable, or insufficient to yield a reasonable compensation for the services rendered." Request for Reconsideration at ¶¶ 4 and 6. But neither the complaint nor the Request for Consideration actually makes a claim that the contract is in fact "unjust, unreasonable or insufficient". The complaint actually requests that PSE's line extension policy

be reconsidered for reasonableness "*due to extenuating circumstances...*". Request for Reconsideration at ¶ 2 (emphasis added). But reviewing or reconsidering the line extension policy is not something PSE is authorized to do. Once PSE's tariff has been fixed, as PSE's Schedule 85 tariff has been, PSE is unable to deviate from the established tariff, even for extenuating circumstances. "[T]he commission shall determine the just, reasonable, or sufficient rates, charges, regulations, practices or contracts to be thereafter observed and in force, and shall fix the same by order." RCW 80.28.020. "PSE is not free to simply make an exception for a customer whose individual circumstances may be adversely affected by the Company's adherence to the requirements of its tariff." Order 1 at note 4.

**B. The Commission Lacks Jurisdiction to Grant the Requested Relief**

6. The Commission is also unable to provide the relief requested in the complaint because the Commission correctly concluded that it lacks jurisdiction to hear the complaint as drafted. RCW 80.04.110 states that a complaint based on reasonableness of a schedule can only be entertained by the Commission on its own motion, unless certain other facts apply, which do not exist here.<sup>1</sup> As the Commission stated in Order 01, "To the extent the complaint can be made out to contest the "reasonableness" of PSE's tariff Schedule 85, however, it is deficient as a matter of law because the Complainant does not meet any of the criteria set forth in RCW 80.04.110 that establish the jurisdictional threshold for the Commission to entertain such a complaint."

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<sup>1</sup> "[N]o complaint shall be entertained by the commission except upon its own motion, as to the reasonableness of the schedule of the rates or charges of any gas company, electrical company, water company, or telecommunications company, unless the same be signed by the mayor, council or commission of the city or town in which the company complained of is engaged in business, or not less than twenty-five consumers or purchasers of such gas, electricity, water or telecommunications service, or at least twenty-five percent of the consumers or purchasers of the company's service..." RCW 80.04.110.

Complainant's Request for Reconsideration provides no new facts that would or should change the Commission's finding.

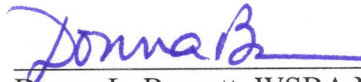
### III. CONCLUSION

7. For the reasons stated above, PSE requests that the Commission deny Complainant's Request for Reconsideration.

DATED: June 29, 2012.

Respectfully Submitted,

**PERKINS COIE LLP**



Donna L. Barnett, WSBA No. 36794

Jason T. Kuzma, WSBA No. 31830

Attorneys for Respondent Puget Sound Energy, Inc.