

BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION

WESTERN VILLAGE, LLC, D/B/A	)	DOCKET NO. UE-051828
WESTERN VILLAGE ESTATES	)	
	)	
Complainant,	)	ORDER NO. 01
	)	
v.	)	
	)	PREHEARING CONFERENCE
PUGET SOUND ENERGY, INC.	)	ORDER; ORDER OF
	)	CONSOLIDATION
Respondent.	)	
	)	
.....	)	
	)	
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION	)	DOCKET NO. UE-051966
	)	
Complainant,	)	ORDER NO. 02
	)	
v.	)	
	)	
PUGET SOUND ENERGY, INC.	)	PREHEARING CONFERENCE
	)	ORDER; ORDER OF
Respondent.	)	CONSOLIDATION
	)	
.....	)	

1 **Proceedings.** Docket No. UE-051828 is a formal complaint and petition for declaratory order (complaint) filed by Western Village, LLC, d/b/a Western Village Estates (Western Village) against Puget Sound Energy (PSE). Western Village is a manufactured home community located in Oak Harbor, Washington. The complaint alleges that PSE refuses to access, repair, maintain and replace the electrical service facilities at Western Village, contrary to PSE’s tariff.

- 2 Docket No. UE-051966 concerns PSE's revisions to Tariff WN U-60, Tariff G, to clarify the responsibilities regarding the installation, ownership, maintenance and replacement of service lines to non-residential customers, including service lines to multi-family residential structures and service lines within mobile home parks. The Commission suspended the operation of the tariff revisions by Order entered January 11, 2006.
- 3 **Conference.** The Commission convened a prehearing conference in Docket Nos. UE-051828 and UE-051966 at Olympia, Washington on February 9, 2006, before Administrative Law Judge Karen M. Caillé. At the conference the parties agreed to consolidate the two dockets. The parties acknowledged that Western Village has the burden of proof in the complaint proceeding, while PSE has the burden of proof with respect to its tariff revisions.
- 4 **Appearances.** Walter H. Olsen, Jr., Olsen Law Firm PLLC, Kent, Washington, represents Western Village. Kirstin S. Dodge, Perkins Coie LLP, Bellevue, Washington, represents PSE. John E. Woodring, attorney, Olympia, Washington, represents Manufactured Housing Communities of Washington. Simon ffitich, Assistant Attorney General, Seattle, Washington, represents the Public Counsel Section of the Washington Office of Attorney General. Robert D. Cedarbaum, Senior Assistant Attorney General, Olympia, Washington, represents the Commission's regulatory staff (Commission Staff or Staff).<sup>1</sup> Contact information provided at the conference for the parties' representatives is attached as Appendix A to this order.

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<sup>1</sup> In formal proceedings, such as these cases, the Commission's regulatory staff functions as an independent party with the same rights, privileges, and responsibilities as any other party to the proceeding. There is an "ex parte wall" separating the Commissioners, the presiding ALJ, and the Commissioners' policy and accounting advisors from all parties, including Staff. RCW 34.05.455.

5 **Petitions to Intervene.** Manufactured Housing Communities of Washington (MHCW) filed a petition to intervene in Docket No. UE-051828 on February 6, 2006. At the conference, MHCW and Western Village also moved to intervene in Docket No. UE-051966. No one objected to the interventions. The Commission finds that MHCW and Western Village have demonstrated substantial interest in these proceedings and that their participation will be in the public interest. The petitions of MHCW and Western Village are granted.<sup>2</sup>

6 **Consolidation.** The parties agree or do not object to the consolidation of these proceedings as long as the distinction in burdens of proof for each proceeding remains clear. Docket Nos. UE-051828 and UE-051966 involve common questions of fact and law. Accordingly, the Commission determines that they should be consolidated for hearing.

7 **IT IS HEREBY ORDERED That Docket Nos. UE-051828 and UE-051966 are consolidated for hearing and determination, with the Commission reserving the right to hold such separate hearings and to issue separate orders in the individual dockets as it may deem appropriate.**

8 **Discovery.** Parties desire to engage in discovery of information in these proceedings. The Commission's discovery rules, WAC 480-07-400 through 425 are invoked to structure the parties exchange of information. The Commission urges the parties to work cooperatively to avoid having to bring discovery matters forward for formal resolution.

9 **Protective Order.** The Commission will enter a Protective Order in these proceedings pursuant to WAC 480-07-420 and -423, to facilitate the filing and exchange among parties, during discovery and otherwise, of information that is

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<sup>2</sup> Commission Staff and Public Counsel entered appearances in both dockets.

designated "Confidential" by the party in whose custody and control the information is held.

10 **Procedural Schedule.** The parties agreed to a procedural schedule which will accommodate the distinction in burdens of proof for the two proceedings. The procedural schedule is attached to this Order as Appendix B, which is incorporated into the body of the Order by this reference.

11 **Notice of Evidentiary Hearing.** The Commission gives notice of an evidentiary hearing in this matter on July 19, 20, and 21, 2006, beginning at 9:30 a.m., in Room 206, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington

12 **Document preparation and process issues.** Parties must file with the Commission an original plus eight copies of all pleadings, motions, briefs, and other prefiled materials. Paper copies of these materials are required to conform to the format and publication guidelines set forth in WAC 480-07-395 and 480-07-460, and must be three-hole punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.

13 All filings must be mailed to the Commission Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250, or delivered by hand to the Commission Secretary at the Commission's Records Center at the Washington Utilities and Transportation Commission, 1300 S. Evergreen Park Drive, S.W., Olympia, Washington, 98504. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.

- 14 An electronic copy of all filings must be provided by e-mail delivery to <[records@wutc.wa.gov](mailto:records@wutc.wa.gov)>. Alternatively, Parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette including the filed document(s). The Commission prefers that parties furnish electronic copies in .pdf (Adobe Acrobat) format, supplemented by a separate file in MS Word 6.0 (or later), or WordPerfect 5.1 (or later) format. Parties are required to organize and identify electronic files as specified in WAC 480-07-140(5).
- 15 **Service of documents among parties.** The parties agreed to electronic service of all filings in addition to hard copy service.
- 16 **Alternate dispute resolution.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The parties have agreed to meet for settlement discussions on April 26, 2006. Should the parties need the assistance of a facilitator in their settlement discussions, please contact Bob Wallis, Director, Administrative Law Division, at (360) 664-1142.
- 17 **NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective this 17th day of February, 2006.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

KAREN M. CAILLÉ  
Administrative Law Judge

**APPENDIX A**  
**PARTIES' REPRESENTATIVES**  
**DOCKET NOS. UE-051828 and UE-051966, consolidated**

<b>PARTY</b>	<b>REPRESENTATIVE</b>	<b>PHONE</b>	<b>FACSIMILE</b>	<b>E-MAIL</b>
<b>PSE</b>	Kirstin S. Dodge Donna Roberson Perkins Coie LLP 10885 N.E. Fourth Street, Suite 700 Bellevue, WA 98004-5579	425-635-1407	425-635-2400	<a href="mailto:kdodge@perkinscoie.com">kdodge@perkinscoie.com</a>
<b>Western Village</b>	Walter H. Olsen, Jr. Olsen Law Firm PLLC 604 W. Meeker Street Suite 101 Kent, WA 98032	253-813-8111	253-813-8133	<a href="mailto:walt@olsenlawfirm.com">walt@olsenlawfirm.com</a>
<b>Manufactured Housing Communities of Washington</b>	John E. Woodring 2120 State Ave. NE, Suite 201 Olympia, WA 98506	360-754-7667	360-754-0249	<a href="mailto:johnwoodring@woodringlaw.com">johnwoodring@woodringlaw.com</a>
<b>Commission Regulatory Staff</b>	Robert D. Cedarbaum Senior Counsel Office of Attorney General 1400 S. Evergreen Park Dr. SW P.O. Box 40128 Olympia, WA 98504-0128	360-664-1188	360-586-5522	<a href="mailto:bcedarba@wutc.wa.gov">bcedarba@wutc.wa.gov</a>
<b>Public Counsel</b>	Simon ffitich, Public Counsel Section Office of Attorney General 900 Fourth Avenue, Suite 2000 Seattle, WA 98164-1012	206-389-2055	206-389-2079	<a href="mailto:simonf@atg.wa.gov">simonf@atg.wa.gov</a>

APPENDIX B

PROCEDURAL SCHEDULE  
DOCKET NOs. UE-051828 and UE-051966 consolidated

EVENT	DATE
Company and Western Village prefile direct testimony on issues on which they have burden of proof. (BOP).	March 8, 2006
Company and Western Village prefile responsive testimony to each others direct testimony.	April 19, 2006
Parties meet for settlement discussions.	April 26, 2006
Staff and Public Counsel file responsive case on all prefiled testimony.	May 31, 2006
Company and Western Village file rebuttal on BOP issues and rebuttal to Staff and Public Counsel.	June 21, 2006
Submit cross-exhibits, witness order, and cross times electronically.	July 17, 2006 (2:00 p.m.)
Evidentiary Hearing	July 19-21, 2006 (9:30 a.m.)
Simultaneous Opening Briefs	August 10, 2006
Simultaneous Reply Briefs, if necessary	August 25, 2006