

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

KENNETH L. BINKLEY,)	DOCKET UE-091531
)	
Complainant,)	
)	ORDER 01
v.)	
)	
SALMON SHORES RV PARK AND)	PREHEARING CONFERENCE
PUGET SOUND ENERGY, INC.,)	ORDER
)	
Respondents.)	
)	
.....)	

1 **NATURE OF PROCEEDING.** On September 15, 2009, Kenneth L. Binkley filed with the Washington Utilities and Transportation Commission (Commission) a formal complaint against Salmon Shores RV Park (Salmon Shores) and Puget Sound Energy, Inc. (PSE). On October 19, 2009, PSE filed an answer to the complaint. The Commission did not receive an answer from Salmon Shores. The complaint alleges that Salmon Shores is reselling electricity at rates higher than authorized by PSE Tariff Schedule 24 E-C. The Commission conducted a duly noticed prehearing conference at its offices in Olympia, Washington, on December 3, 2009.

2 **PARTY REPRESENTATIVES.** Kenneth L. Binkley appeared *pro se* representing himself as Complainant. Stephen L. Young appeared *pro se*, representing Salmon Shore RV Park, which he owns. Sheree Strom Carson, Perkins Coie, Bellevue, Washington, represents PSE. Donald T. Trotter, Senior Assistant Attorney General, Olympia, Washington, represents the Commission’s regulatory staff (Commission Staff or Staff).¹

¹ In formal proceedings, such as this, the Commission’s regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners’ policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See, RCW 34.05.455.*

3 Contact information provided at the conference for the parties' representatives is
attached as Appendix A to this order.

4 **MOTION FOR AN ORDER REMOVING SALMON SHORES RV PARK AS A
RESPONDENT.** On November 9, 2009, Commission Staff filed its "Motion for an
Order Removing Salmon Shores RV Park as a Respondent." The Commission, by
notice, provided an opportunity for written responses. PSE and Mr. Binkley filed
timely responses. The Commission also gave notice of, and heard oral argument on
Staff's motion during the prehearing conference. During colloquy between the bench
and the parties, the participants agreed to attempt resolution of this matter via
mediation. The Commission will hold Staff's motion in abeyance, pending further
developments.

5 **PETITIONS TO INTERVENE.** There were no petitions to intervene.

6 **PROTECTIVE ORDER.** There is no present need for a protective order in this
docket.

7 **DISCOVERY.** There is no present need for discovery in this docket.

8 **PROCEDURAL SCHEDULE.** The parties agreed to seek resolution of this matter
via negotiation, with the assistance of a Commission-appointed mediator. The
Commission accordingly did not adopt a procedural schedule. The Commission will
set any further procedural dates by notice or order, following a prehearing conference,
if needed.

9 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must
file the original plus **seven (7)** copies of the unredacted versions of all pleadings,
motions, briefs, and other prefiled materials. Parties must also file the original and
one copy of any redacted version(s). These materials must conform to the format and
publication guidelines in WAC 480-07-395 and WAC 480-07-460. The Commission
prefers that materials 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.

- 10 All filings must be mailed or delivered to the Executive Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.
- 11 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Parties may submit documents electronically to the Commission on the filing deadline to expedite the filing process, but must file an original, plus seven (7) paper copies, of the documents with the Commission by 12:00 noon on the first business day following the filing deadline established in the procedural schedule. *WAC 480-07-145(6)*. Parties may submit documents electronically through the Commission's Web Portal (www.utc.wa.gov/e-filing) or by e-mail to records@utc.wa.gov. Finally, to perfect filing, parties must simultaneously provide e-mail courtesy copies of filings to the presiding administrative law judge and advisory staff identified on Appendix A to this Order as well as to the parties to the proceeding.
- 12 **ALTERNATIVE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. In this case, the parties were encouraged to consider means of resolving their disputes informally. They have agreed to participate in good faith in mediation, assisted by a Commission mediator who will be appointed by the Director, Administrative Law Division, at 360-664-1144.
- 13 **NOTICE TO PARTIES.** A party who objects to any portion of this Order must file a written objection within ten calendar days after the service date of this Order, pursuant to *WAC 480-07-430* and *WAC 480-07-810*. The service date appears on the first page of the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.

Dated at Olympia, Washington, and effective December 14, 2009.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DENNIS J. MOSS
Administrative Law Judge

APPENDIX

**PARTIES' REPRESENTATIVES
DOCKET UE-091531**

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
Kenneth L. Binkley	Kenneth L. Binkley P.O. Box 2213 Olympia, WA 98507-2213	253-777-5209	n/a	bink@wolfenet.com
Salmon Shores RV Park	Steven Lee Young 6918 Jericho Lane SW Olympia 98512	360-239-1591		
Puget Sound Energy	Sheree Strom Carson Perkins Coie LLP 10885 NE Fourth St., Suite 700 Bellevue, WA 98004-5579	425-635-1422	425-635-2400	scarson@perkinscoie.com
Commission Regulatory Staff	Donald T. Trotter Assistant Attorney General 1400 S. Evergreen Park Dr. SW P.O. Box 40128 Olympia, WA 98504-0128	360-664-1189	360-586-5522	dtrotter@utc.wa.gov