



Rob McKenna

# ATTORNEY GENERAL OF WASHINGTON

800 Fifth Avenue #2000 • Seattle WA 98104-3188

December 29, 2010

**SENT VIA E-MAIL & U S MAIL**

Steve King, Director  
Sharon Wallace, Assistant Director  
Safety & Consumer Protection Division  
Washington Utilities and Transportation Commission  
Post Office Box No. 47250  
1300 S. Evergreen Park Dr. SW  
Olympia, WA 98504-7250

2010 DEC 30 11 9:09

Re: In the Matter of a Penalty Assessment Against Puget Sound Energy, Inc.  
in the Amount of \$104,300  
Docket No. UE-100182

Re: Penalty Assessment of \$62,100 issued to Avista Corporation  
Docket No. UE-101169

Dear Mr. King and Ms. Wallace:

Public Counsel and The Energy Project would like the opportunity to schedule a meeting with you regarding some questions and concerns raised for us by the two recent dockets listed above. In general, the issues relate to the Commission's process for investigating and seeking penalties for violations of its prior obligation rules, and outside stakeholders' role in such processes. Rather than raise these concerns in filed comments, we are opting to request a meeting as a more productive chance for a dialogue.

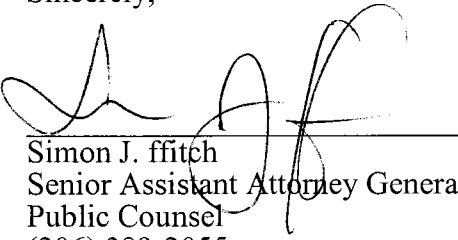
As representatives of residential consumers and low-income consumers, Public Counsel and The Energy Project have a special interest in the enforcement of the Commission's prior obligation rules. It is our clients who are directly affected when companies fail to comply with these important customer protections. Both of us have had extensive participation before the Commission on prior obligation rulemakings. Moreover, the agencies represented by The Energy Project have unique, customer-side experience with the operation and application of these rules. To our knowledge, however, neither Public Counsel nor The Energy Project were made aware of the Commission Staff investigations or of the intention to seek penalties against PSE and Avista until after the investigations were completed and penalties were assessed. This late notice inevitably makes it more difficult for us to participate or comment meaningfully in the proceedings. We think there could be substantial benefits for Staff investigations and for residential and low-income customers if Public Counsel and The Energy Project have a better opportunity to fully participate.

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To: Steve King, Director  
Sharon Wallace, Assistant Director  
Re: Docket No. UE-100182 and Docket No. UE-101169  
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Nevertheless, we commend Commission Staff for its efforts in these investigations and the improvements hopefully brought about. It is critically important that PSE, Avista, and all other companies fully comply with the Commission's prior obligation rules so that residential customers are not left without essential utility services, especially when so many face difficult economic circumstances. We look forward to talking with you soon. Please contact one of us by phone or email to schedule a meeting.

Sincerely,



Simon J. Ffitch  
Senior Assistant Attorney General  
Public Counsel  
(206) 389-2055

*Ron Roseman by Sff* per e-mail authorization  
Ronald Roseman  
Attorney  
The Energy Project  
(206) 324-8792

cc: Sally Brown, UTC Staff (First Class Mail & E-mail)  
Chuck Eberdt, The Energy Project (First Class Mail & E-mail)