

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

PACIFIC POWER & LIGHT COMPANY,
a division of PacifiCorp

For an Order Approving a Service Territory
Agreement between PacifiCorp and Benton
Rural Electric Association

DOCKET UE-15_____

PETITION OF PACIFICORP

I. INTRODUCTION

1 Pacific Power & Light Company, a division of PacifiCorp (Pacific Power or Company), petitions the Washington Utilities and Transportation Commission (Commission) for an order approving the following service territory agreement between PacifiCorp and Benton Rural Electric Association (Benton REA) relating to certain service areas in Yakima County, Washington (Agreement):

Agreement for the Prevention and Elimination of Duplicative Electric Facilities between PacifiCorp and Benton REA dated July 29, 2015, attached as Exhibit 1.

2 This petition may bring into issue the following statutes: RCW 54.48.010, RCW 54.48.020, RCW 54.48.030, and RCW 80.04.010.

II. BACKGROUND

3 PacifiCorp supplies electric services to approximately 1.8 million customers in six states (including Washington, California, Oregon, Utah, Idaho, and Wyoming). Pacific Power owns facilities for the transmission, distribution, and sale of electric energy, and currently provides electric service to over 132,000 retail customers in various areas within the State of Washington, including Yakima County. Pacific Power is subject to

the regulatory authority of the Commission as to its rates, services, facilities, accounting, and practices.

4 Pacific Power's name and address:

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In addition, PacifiCorp respectfully requests that all data requests be addressed to:

By e-mail (preferred) datarequest@pacificorp.com

By regular mail Data Request Response Center
825 NE Multnomah Street, Suite 2000
Portland, Oregon 97232

5 Benton REA is a not-for-profit electric cooperative affiliated with Touchstone Energy Cooperative and operates exclusively in the State of Washington. Benton REA owns facilities for the transmission, distribution, and sale of electric energy and currently provides electric service to over 15,000 customers in various portions of Yakima County, Washington.

6 The current service areas of PacifiCorp and Benton REA are contiguous at certain locations in Yakima County, Washington.

7 Pacific Power and Benton REA previously entered a service area agreement dated August 28, 1990, in resolution of certain service territory disputes between the parties (Prior Agreement). The Prior Agreement was approved by the Commission on October 3, 1990, and had a twenty-five (25) year term limit, as permitted under RCW 54.48.030.

8 Pacific Power and Benton REA entered into the Agreement, which is substantially similar to the Prior Agreement, in order to maintain their existing agreements, including their agreement regarding the existing boundary between their contiguous service areas, upon the expiration of the Prior Agreement.

III. REQUEST FOR APPROVAL OF THE AGREEMENT

9 RCW 54.48 authorizes public utilities to enter into agreements for the designation of boundaries of adjoining service areas. RCW 54.48.010(1) defines the term “public utility” as “any privately owned public utility company engaged in rendering electric service to the public for hire...and any city or town engaged in the electric business.” Pacific Power and Benton REA are “public utilities” within the meaning of RCW 54.48.010(1).

10 In enacting RCW 54.48, the legislature declared that it is in the public interest for public utilities to enter into service area agreements for the purpose of avoiding or eliminating duplication of the electric lines and service of such public utilities. See RCW 54.48.020.

11 RCW 54.48.030 provides that participation in such agreement by “any public utility which is an electrical company under RCW 80.04.010, excepting cities and towns, shall be approved by the [Commission].” RCW 80.40.010 defines an “electrical company” as “any corporation...owning, operating or managing any electric plant for hire within this state.” Pacific Power is an “electrical company” under RCW 80.04.010.

12 The purpose of the Agreement is to avoid duplication of electric facilities by Pacific Power and Benton REA by establishing procedures for service to new customers, exploring the elimination of existing duplication of electric facilities and providing for

studies to support the establishment of mutually agreeable areas to be serviced exclusively by Pacific Power or Benton REA.

13 The Agreement states that existing customers will continue to be served by their existing utility and neither Pacific Power nor Benton REA shall serve, attempt to serve or offer to serve any customer already receiving electric service from the other unless authorization is given by the existing utility in writing. Further, the Agreement states that service to any new customer or new load shall be provided by the party having existing electric distribution facilities closest to the new customer.

14 The term of the Agreement is up to twenty-five (25) years, as permitted under RCW 54.48.030.

15 The terms of the Agreement are consistent with, and fulfill the policies embodied in, RCW 54.48.020 and RCW 54.48.030, and its approval by the Commission is in the public interest.

IV. CONCLUSION

16 In accordance with RCW 54.48.030, Pacific Power respectfully requests that the Commission issue an order approving the Agreement.

Respectfully submitted this 21st day of October, 2015,

By: _____
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