

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

GEORGIA-PACIFIC WEST, INC.,)	
)	
Complainant,)	
)	DOCKET NO. UE-001616
v.)	
)	THIRD SUPPLEMENTAL ORDER
PUGET SOUND ENERGY, INC.)	DISMISSING PROCEEDING WITH
)	PREJUDICE
Respondent.)	
.....)	

1 **PROCEEDINGS:** Georgia-Pacific West, Inc. (Georgia-Pacific) filed a Formal Complaint Requesting Order Requiring Compliance with the Power Sales Agreement, and Request for Refunds in Docket No. UE-001616 on October 25, 2000. Georgia-Pacific alleged that Puget Sound Energy, Inc. (PSE) has failed “to comply with the provisions of the May 1996 Power Sales Agreement” between the two companies.

2 PSE filed its Answer to Formal Complaint on November 20, 2000, denying the essential elements of the Complaint, and stated affirmative defenses and counterclaims. The Commission conducted a prehearing conference on November 30, 2000, and established a procedural schedule including dates for dispositive motions on Georgia-Pacific’s allegations.¹ Georgia-Pacific filed a Reply to PSE’s Answer on December 7, 2000.

3 Georgia-Pacific and PSE filed motions for summary determination on January 12, 2001, and responses on February 1, 2001, in accordance with the schedule established at the prehearing conference. Staff filed a letter on February 1, 2001, noting the cross-motions for summary determination and advising the Commission that Staff would not file an answer to either motion. PSE, by its Motion, requested the opportunity for oral argument.

¹ PSE offered at the prehearing conference to withdraw its counterclaims without prejudice to facilitate the Parties’ suggestion that Georgia-Pacific’s claims could be resolved on motions for summary determination. The Commission allowed PSE to withdraw its counterclaims without prejudice.

4 The Parties requested informally that the Commission withhold adjudication pending the conclusion of their settlement negotiations in related proceedings (*i.e.*, *Air Liquide, et al. v. PSE*, Docket Nos. UE-001952 and UE-001959 Consolidated).

5 **PARTIES:** Melinda Davison, Davison Van Cleve, P.C., Portland, Oregon, represents Georgia-Pacific West, Inc. Markham A. Quehrn and Kirstin Dodge, Perkins Coie LLP, represent Puget Sound Energy, Inc. John A. Cameron, Traci Grundon, and James S. Smith, Davis Wright Tremaine LLP, Portland, Oregon, represent Bellingham Cold Storage Company (BCS). Adam Gravley, Carol S. Arnold, and Douglas H. Rosenberg, Preston Gates & Ellis LLP, Seattle, Washington, represent Public Utility District No. 1 of Whatcom County (Whatcom PUD). Simon ffitich and Robert Cromwell, Assistant Attorneys General, Seattle, Washington, represent the Public Counsel Section, Office of Attorney General (Public Counsel). Robert D. Cedarbaum, Assistant Attorney General, Olympia, Washington, represents the Commission's regulatory staff (Staff).

6 **SETTLEMENT AGREEMENT:** The Parties here, except Whatcom PUD, are among the signatories to a comprehensive settlement agreement filed on March 9, 2001, in related proceedings in Docket Nos. UE-001952 and UE-001959 (Consolidated). Whatcom PUD neither supports nor opposes the settlement agreement. By the terms of their settlement agreement, the principal Parties to this proceeding agree that it should be dismissed with prejudice. Whatcom PUD does not object.

7 **COMMISSION:** The Commission has approved and adopted the Parties' comprehensive settlement agreement in Docket Nos. UE-001052 and UE-001959 (Consolidated). *Air Liquide, et al. v. PSE, Eleventh Supplemental Order Approving And Adopting Settlement Agreement, Subject To Conditions; Dismissing Proceedings; And Granting Other Relief, Docket Nos. UE-001952 and UE-001959 (Consolidated), (April 5, 2001)*. The Commission's Eleventh Supplemental Order requires, among other things, that the Complaint in this proceeding be dismissed with prejudice. Consistent with the requirements of our Eleventh Supplemental Order in Docket Nos. UE-001952 and UE-001959, and for the reasons stated in that Order, we find and conclude that it is in the public interest to dismiss with prejudice the proceedings pending in this Docket No. UE-001616.

ORDER

8 THE COMMISSION ORDERS That Georgia-Pacific West, Inc.'s Complaint in this proceeding is dismissed with prejudice.

DATED at Olympia, Washington, and effective this 5th day of April, 2001.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

NOTICE TO PARTIES: This is a final order of the Commission. In addition to judicial review, administrative relief may be available through a petition for reconsideration, filed within 10 days of the service of this order pursuant to RCW 34.05.470 and WAC 480-09-810, or a petition for rehearing pursuant to RCW 80.04.200 or RCW 81.04.200 and WAC 480-09-820(1).