

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

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|---------------------------|---|------------------|
| HARBHAJAN MANGAT, |) | DOCKET UE-120522 |
| |) | |
| Complainant, |) | |
| |) | ORDER 03 |
| v. |) | |
| |) | |
| PUGET SOUND ENERGY, INC., |) | ORDER DENYING |
| |) | RECONSIDERATION |
| Respondent. |) | |
| |) | |
| |) | |

BACKGROUND

- 1 On April 17, 2012, Harbhajan Mangat (Complainant) filed with the Washington Utilities and Transportation Commission (Commission) a formal complaint against Puget Sound Energy, Inc. (PSE or Company), challenging PSE’s Tariff G, Rate Schedule 85 – Line Extensions and Service Lines. Rate Schedule 85 provides that when a person pays for installation of a new primary voltage line extension to a planned residential neighborhood development, as in this case, they are entitled under limited circumstances to certain refunds as development ensues.
- 2 On June 5, 2012, Administrative Law Judge Dennis Moss issued Order 01, Order Dismissing Complaint. This initial order found the Complaint deficient as a matter of law because the Complainant does not satisfy the requirements in RCW 80.04.110 for bringing a complaint. Order 01, therefore, dismissed the Complaint for failure to state a claim on which the Commission can grant relief.
- 3 On June 15, 2012, Ms Mangat filed a pleading seeking reconsideration of Order 01. The Commission construed the pleading as a petition for administrative review of that initial order and on July 12, 2012, entered Order 02 denying review on the grounds stated in Order 01.
- 4 On July 21, 2012, Ms Mangat filed a petition for reconsideration of Order 02.

DISCUSSION

5 The Commission denies reconsideration of Order 02. Harbhajan Mangat contends that she takes issue with not just the reasonableness of the PSE tariff provisions but also the tariff's fairness and whether it is insufficient to yield a reasonable compensation for the services rendered. These are distinctions without a difference for purposes of RCW 80.04.110. We construe the statute to preclude Commission jurisdiction over any complaint filed by an individual that challenges whether a currently effective tariff is fair, just, reasonable, or sufficient.¹

6 Ms. Mangat also argues that the pleadings ask for the Commission to review the tariff under RCW 80.28.020. Compliance with the jurisdictional requirements of RCW 80.04.110, however, is a prerequisite to Commission consideration of any substantive claims under RCW 80.28.020. Without jurisdiction, the Commission cannot consider the merits of Ms Mangat's allegations.

¹ The relevant language of RCW 80.04.110(1) reads:

Complaint may be made by the commission of its own motion or by any person or corporation, chamber of commerce, board of trade, or any commercial, mercantile, agricultural or manufacturing society, or any body politic or municipal corporation, or by the public counsel section of the office of the attorney general, or its successor, by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any public service corporation in violation, or claimed to be in violation, of any provision of law or of any order or rule of the commission: PROVIDED, That *no complaint shall be entertained by the commission except upon its own motion, as to the reasonableness of the schedule of the rates or charges of any gas company, electrical company, water company, or telecommunications company, unless the same be signed by the mayor, council or commission of the city or town in which the company complained of is engaged in business, or not less than twenty-five consumers or purchasers of such gas, electricity, water or telecommunications service, or at least twenty-five percent of the consumers or purchasers of the company's service*

(Emphasis added.)

ORDER

7 The Commission Orders that the petition for reconsideration of Order 02 is DENIED.

Dated at Olympia, Washington, and effective August 7, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

JEFFREY D. GOLTZ, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner