

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PROOF OF SERVICE

DOCKET NO. UE-001952


KNOW ALL PERSONS BY THESE PRESENTS That the undersigned, an employee of the Washington Utilities and Transportation Commission at Olympia, Washington, hereby certifies that a copy of the document referred to below was served on the parties of record in said proceeding in the following manner:

On the 30TH day of APRIL, 2001, a true copy of SIXTEENTH SUPPLEMENTAL ORDER DENYING PETITION FOR RECONSIDERATION, CLARIFYING ELEVENTH SUPPLEMENTAL ORDER

in the above-entitled cause now pending before the Commission was enclosed in an envelope addressed to each of the parties of record as set forth below. Each envelope was addressed to the address shown in the official files attached hereto, sealed with the required first-class postage thereon, and deposited on said date in the United States mail in the City of Olympia, County of Thurston, State of Washington.

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Docket No. UE-001952 et al

Date: April 30, 2001

Number of pages including cover sheet: 4

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| 13055 | Secrist, Steve | Puget Sound Energy (E012); Rates & Regulations; PO Box 97034 (MS:OBC-O3W) | Portland | OR | 97201 |
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FORMAL UTILITY ORDERS & LETTERS

Date Served: 04/30/01

Docket No: UE-001952

Document: SIXTEENTH SUPPLEMENTAL ORDER DENYING PETITION FOR RECONSIDERATION, CLARIFYING ELEVENTH SUPPLEMENTAL ORDER

Cathy Kern (hand deliver 2 copies)
 Utility Industry Support Person
water - 5 copies, telecom & energy
3 copies, water section
Vicki Elliott
 ALJ assigned? if not, 1 copy ALD
(**No** Open Meeting orders to ALD,
unless the item is controversial
see Lisa or Kathy, if questions)
Penny Hansen
 Rachel Porter (**No Protective
Orders and No Consent
Open Meeting Orders**)
 Comm. AAG's (AG assigned -
& one copy to Sally Johnston - **do
not send copies of Open Meeting
orders to the AG's**)
Chairwoman Showalter
 Krista Linley (scheduling orders,
notices, changes to schedules)
 Financial Svcs. (Instituting Invest.
& penalty assessment)

Policy staff assigned, if no, Policy
Planning generic
Paul Curl
 Final Util. Sub. File
 Public Affairs
 Team members - check in-house
distribution list & RMS
 Dept of Health (Ethan Moseng &
Gregg Grunenfelder) **Water
Orders Only!**
 Mike Sommerville (Protective
Orders Only)

SERVICE DATE

APR 30 2001

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

| | | |
|---|---|----------------------------|
| Air Liquide America Corporation, Air |) | |
| Products and Chemicals, Inc., The |) | |
| Boeing Company, CNC Containers, |) | |
| Equilon Enterprises, LLC, Georgia- |) | |
| Pacific West, Inc., Tesoro Northwest |) | |
| Company, and The City of Anacortes, |) | |
| Washington, |) | |
| |) | DOCKET NO. UE-001952 |
| Complainants, |) | (Consolidated) |
| |) | |
| v. |) | |
| |) | |
| Puget Sound Energy, Inc., |) | |
| |) | |
| Respondent. |) | |
| |) | |
| | | |
| <i>In re:</i> Petition of Puget Sound Energy, |) | DOCKET NO. UE-001959 |
| Inc. for an Order Reallocating Lost |) | (Consolidated) |
| Revenues Related to any Reduction in |) | |
| the Schedule 48 or G-P Special |) | SIXTEENTH SUPPLEMENTAL |
| Contract Rates |) | ORDER DENYING PETITION FOR |
| |) | RECONSIDERATION, |
| |) | CLARIFYING ELEVENTH |
| |) | SUPPLEMENTAL ORDER |
| |) | |
| |) | |

MEMORANDUM

1 On April 5, 2001, the Commission entered in this proceeding its Eleventh Supplemental Order Approving and Adopting Settlement Agreement, Subject to Conditions; Dismissing Proceedings; and Granting Other Relief. On April 10, 2001, the Commission accepted for filing the Petition of Staff Counsel for Reconsideration of the Eleventh Supplemental Order, by Clarification on the Tax Revenues Issue.

4 As to the balance of Staff's proposed amendment to our prior Order, we always are constrained to act "to the extent . . . allowed by law." Such an addition to our Order would be surplusage—an excess of words. We do not find it necessary to amend our prior Order in the manner suggested and we decline to do so. We note in passing that we may have a broader view of our legal mandate to regulate in the public interest than Staff Counsel's petition potentially suggests.

5 We also reject Staff Counsel's suggestions that the quoted language from our Eleventh Supplemental Order rises to the level of being a "legal conclusion" and that our consideration of the range of potential impacts from the settlement agreement in this proceeding somehow resolves a legal issue. The quoted language merely describes part of the analysis the Commission undertook in reviewing whether the settlement agreement would be in the public interest. In that sense, there is nothing for us to reconsider and no basis upon which to grant Staff Counsel's petition.

6 In sum, for the reasons stated, we do not find Staff Counsel's petition for reconsideration to be well-taken. We conclude that the petition should be denied.

ORDER

7 THE COMMISSION ORDERS That the Petition of Staff Counsel For Reconsideration of the Eleventh Supplemental Order in this proceeding is DENIED.

DATED at Olympia, Washington, and effective this 30th day of April 2001.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION


MARILYN SHOWALTER, Chairwoman


RICHARD HEMSTAD, Commissioner