

BEFORE THE

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

SEATTLE CHILDREN’S HOSPITAL, a Washington nonprofit corporation; OVERLAKE HOSPITAL MEDICAL CENTER, a Washington nonprofit corporation; HOSPITAL CENTRAL SERVICES ASSOCIATION, a Washington nonprofit corporation; COSTCO WHOLESALE CORPORATION, a Washington corporation; NORTHWEST BAKING LIMITED PARTNERSHIP dba NORTHWEST BAKING COMPANY, a Washington limited partnership; FIRST CALL PLUS OF WASHINGTON, L.L.C., a Washington limited liability company; REPAUL TEXTILES LLC dba STERILE SURGICAL SYSTEMS, a Washington limited liability company; SHINING OCEAN, INC., a Washington corporation; TUCCI & SONS, INC., a Washington corporation; WESTROCK CP, LLC, a Delaware limited liability company; NUCOR STEEL SEATTLE INC., a Delaware corporation; ACE GALVANIZING, INC., a Washington corporation; GARDNER ASPHALT CORPORATION, a Delaware corporation; and WESTERN WOOD PRESERVING CO., a Washington corporation.

Complainants:

v.

PUGET SOUND ENERGY, INC., a Washington Corporation,
Respondent.

Docket UG-190857

**TULALIP TRIBES OF
WASHINGTON’S PETITION TO
INTERVENE**

Tulalip Tribes of Washington (“Tulalip”) hereby submits this Petition to Intervene (“Petition”) in the above-captioned proceeding.

The following name and address for Tulalip should be included in the official list of parties of record in this proceeding, and all correspondence and communications concerning this proceeding should be addressed to:

Ron Foss
Chief Financial Officer
Tulalip Gaming Organization
10200 Quil Ceda Boulevard
Tulalip, WA 98271
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Ron Foss is designated as the person to receive service of documents on behalf of Tulalip in this proceeding.

Tulalip designates Chad Stokes and Tommy Brooks of Cable Huston LLP as its attorney in this proceeding as required in WAC §480-07-345(2). All correspondence and communications concerning this proceeding should be addressed to:

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This Petition to Intervene is submitted pursuant to WAC § 480-07-355. As required by WAC §480-07-145(5), Tulalip has provided this Petition by electronic mail. In support of this Petition to Intervene, Tulalip states the following:

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Tulalip is a federally recognized Indian Tribe located on the Tulalip Reservation in the mid-Puget Sound area. As the successor in interest to the Snohomish, Snoqualmie, Skykomish, and other allied bands signatory to the 1855 Treaty of Point Elliott, Tulalip retains inherent sovereign jurisdiction over the Tulalip Indian Reservation, including the right as a government to raise revenue for the Tulalip community by operating businesses such as casinos. Tulalip owns and operates the Tulalip Resort Casino (the “Casino”) located in Quil Ceda Village, Washington, which purchases natural gas sales and transportation services from Puget Sound Energy, Inc. (“Puget”).

The above-captioned proceeding will significantly impact Tulalip because, through its ownership and operation of the Casino, Tulalip is similarly situated to the Complainants. Tulalip is a gas transportation customer served by Puget and relies on natural gas to, among other things, operate the Casino. Beginning on October 11, 2018, Puget began operating its natural gas distribution system under various stages of overrun entitlements. Between October 11, 2018 and March 1, 2019, Puget levied significant penalties against Tulalip under Rule 23 of its tariffs, Section 5, Paragraph 2 of which is entitled “Penalty for use of Unauthorized Volumes during Curtailment Period” (the “Curtailment Penalty”). As described in greater detail in the Complaint, the Curtailment Penalty only applies during a declared Curtailment Period – the Curtailment Penalty does not apply to gas used in excess of the Overrun Entitlement. Puget's imposition of the Curtailment Penalty during an overrun entitlement period, and outside of any Curtailment Period, was inconsistent with its applicable tariffs and, therefore, was unlawful. Furthermore, Puget's imposition of the Curtailment Penalty during an overrun entitlement period, and outside of any Curtailment Period, was unjust and unreasonable in amount.

Tulalip was unable to join Complainants in filing the Complaint in this proceeding because it had to first obtain approval from the Bureau of Indian Affairs before securing representation. Article VI, Section 1.B of the Tulalip Constitution and Bylaws authorizes Tulalip to employ legal counsel to protect the rights of the Tulalip and its members, subject to approval by the Secretary of the Interior through the Bureau of Indian Affairs. Tulalip submitted to the Bureau of Indian Affairs, for Secretarial Approval, a resolution and contract for representation by Cable Huston LLP in a lawsuit against Puget Sound Energy regarding the penalties for overrun entitlements, but the request was not perfected in time for Tulalip to join Complainants in filing the Complaint. Tulalip, however, has now received authorization from the Bureau of Indian Affairs for legal representation in this proceeding.

Tulalip's participation in this proceeding will assist the Commission in resolving the issues in this proceeding and will not unreasonably broaden the issues, unduly burden the record, or delay this proceeding. As described above, Tulalip is similarly situated to Complainants. Tulalip's participation in this proceeding is based on substantially the same facts as Complainants and will not broaden the issues in this proceeding. Furthermore, Tulalip intends to submit any appropriate pleadings, arguments, and motions jointly with Complainants. Tulalip's participation will assist the Commission in quickly and efficiently resolving this dispute.

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WHEREFORE, based upon the foregoing, Tulalip respectfully requests leave to intervene as a party in this proceeding, with all of the procedural and substantive rights associated with full party status as described in WAC §480-07-340.

Dated this 19th day of November 2019.

Respectfully submitted,



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Of Attorneys for Tulalip Tribes of Washington