

[Service date July 25, 2014]



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
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July 25, 2014

NOTICE OF PREHEARING CONFERENCE
(Set for August 27, 2014, at 1:30 p.m.)

RE: *In the Matter of the Petition of King County, Washington, BNSF Railway, Frontier Communications Northwest Inc., Verizon Wireless, and New Cingular Wireless PCS, LLC, for a Declaratory Order, Docket UE-141335*

TO ALL PARTIES AND INTERESTED PERSONS:

On June 26, 2014, King County, Washington, BNSF Railway, Frontier Communications Northwest Inc., Verizon Wireless, and New Cingular Wireless PCS, LLC, (collectively Petitioners) filed with the Washington Utilities and Transportation Commission (Commission) a Petition for Declaratory Order (Petition) “to address the degradation of service each of them receive from [Puget Sound Energy (PSE)] due to the physical deterioration of the 40-year-old underground cable (the ‘Maloney Ridge Line’) by which electric service is provided.” The Petitioners request a Commission determination that PSE is obligated to replace that line and recover the resulting costs through the company’s electric rates, rather than directly from the Petitioners.

The Commission gave notice of the Petition as required by RCW 34.05.240 and WAC 480-07-930, and invited interested persons to submit a statement of fact and law on the issues. On July 15, 2014, PSE and the Commission’s regulatory staff (Staff) individually filed statements of fact and law. No person objected to Commission resolution of the issues in a declaratory order.

RCW 34.05.240 and WAC 480-07-930 require the Commission, within 30 days of receiving the Petition, to enter a declaratory order, notify the Petitioners that no order will be entered, set a date within 90 days of the date the petition was filed by which the

Commission will enter an order, or set a date and time for a hearing to be conducted within 90 days of the date the Petition was filed. The Commission may extend either 90 day period for good cause. The Commission also may convert a declaratory order proceeding to an adjudication if a different procedure would be more appropriate to resolve the issues presented.

The Commission agrees with Staff's assessments in its statement of fact and law that the Commission cannot resolve the issues presented based on the facts that have been provided to date and that at least two of the statutory provisions on which the Petitioners rely require a hearing prior to Commission action. Accordingly, the Commission will conduct a hearing in this docket. At a prehearing conference, the Commission will address procedural issues, including the nature and scheduling of the hearing and whether to conduct this proceeding as an adjudication. Administrative Law Judge Gregory J. Kopta, from the Commission's Administrative Law Division, will preside at this prehearing conference and during the subsequent proceeding, as appropriate.

THE COMMISSION GIVES NOTICE that it will hold a prehearing conference in this matter at 1:30 p.m., on August 27, 2014, in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.

STEVEN V. KING
Executive Director and Secretary