

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Proposal by)	
)	
PUGET SOUND POWER & LIGHT)	
COMPANY)	DOCKET NO. UE-951270
)	
to Transfer Revenues from PRAM Rates)	
to General Rates.)	
.....)	
)	
In the Matter of the Application of)	
)	
PUGET SOUND POWER & LIGHT)	
COMPANY and WASHINGTON NATURAL)	DOCKET NO. UE-960195
GAS COMPANY)	
)	
for an Order Authorizing the Merger of)	
WASHINGTON ENERGY COMPANY and)	FIFTH SUPPLEMENTAL
WASHINGTON NATURAL GAS COMPANY)	ORDER DENYING
with and into PUGET SOUND POWER &)	PETITION TO INTERVENE
LIGHT COMPANY, and Authorizing the)	OF PETER J. WEBER
Issuance of Securities, Assumption of)	
Obligations, Adoption of Tariffs, and)	
Authorizations in Connection Therewith.)	
.....)	

This is a consolidated proceeding. Docket No. UE-951270 is a proposal by Puget Sound Power & Light Company (Puget) to transfer to Puget's permanent rate schedules, currently-collected revenue of approximately \$165.5 million authorized in the PRAM ("Periodic Rate Adjustment Mechanism") under Schedule 100. Docket No. UE-960195 is the application of Puget Sound Power & Light Company and Washington Natural Gas Company (WNG) for a Commission order authorizing the merger of Washington Energy Company and Washington Natural Gas Company with and into Puget Sound Power & Light Company, and authorizing the issuance of securities, assumption of obligations, adoption of tariffs, and authorizations in connection therewith.

A prehearing conference was held in Olympia, Washington, on Tuesday, April 30, 1996. Among the matters determined at the hearing Conference were nineteen petitions to intervene.

On May 16, 1996, the Commission received a late-file petition to intervene from Peter J. Weber of Denver, Colorado. The petition alleges that the petitioner is a property owner served by Puget Sound Power and Light Company. The petition alleges that the petitioner will raise the following issues if allowed to intervene in this proceeding:

a) violation of the public trust; b) abuse of franchise; c) patterns of possible duplicity in securing easement rights; d) refusal to remove unauthorized poles and anchors from private property; e) refusal to remove prior easements from public records after termination of the original easement rights per the written easement agreement; f) use of intimidation and coercion against petitioner to extort cooperation from petitioner on matters adverse to the petitioner interests; and g) disregard of possible adverse health impacts on families to enhance corporate profitability. The petition states no reason for the late filing.

The Commission requested that parties wishing to comment on the petition file answers. The Commission received objections to the petition from Commission Staff and (jointly) from Puget and WNG. Commission Staff objects to the intervention of Mr. Weber, arguing that the petition seeks to broaden the issues in the proceeding, in violation of WAC 480-09-430(1), and that Mr. Weber's interests as a ratepayer already are represented by Public Counsel. Puget and WNG concur in the reasons stated by Commission Staff.

Commission Decision

WAC 480-09-430 sets out the procedures for petitioning for leave to intervene. It also sets out the factors the Commission considers in deciding whether or not to grant a petition to intervene. The Commission requires that petitions comply with Commission procedural requirements. It requires either that a petitioner disclose a substantial interest in the subject matter of the hearing, or that the participation of the petitioner appear to be in the public interest. In re The Washington Water Power Company, Docket Nos. UE-941053, 941054, Fourth Supplemental Order (December 1994). Moreover, It is within the Commission's discretion whether to grant or deny a petition to intervene. RCW 34.05.443; WAC 480-09-430(3); Cole v. Washington Utilities & Transp. Comm'n, 79 Wn.2d 302, 306-307, 485 P.2d 71 (1971).

Peter J. Weber's petition to intervene does not meet the requirements of WAC 480-09-430. It does not satisfy the factors the Commission considers in deciding whether to allow intervention. It should be denied.

The petition seeks to raise issues which relate to an apparent dispute between the petitioner and Puget over easement rights. Consideration of these issues would broaden the issues in this proceeding. The petition therefore must be considered one for special intervention rather than for general intervention. The petition does not satisfy the requirements of the Commission rule governing petitions for special intervention, WAC 480-09-430(2). A person other than the parties of record who desires to participate in a proceeding and who desires to broaden the issues in the proceeding must petition for intervention at least ten days prior to the date of the prehearing conference or state goodcause why the Commission should shorten the ten-day filing period. An affidavit must be attached to the petition which sets forth clearly and concisely the facts supporting the relief sought. This petition states no reason for the late filing. It is not supported by a statement of the facts relied upon.

The interest the petition raises does not appear to relate to the subject matter of this proceeding. Although the precise nature of Mr. Weber's complaint against Puget cannot be determined from the petition, it appears that he has an individual dispute with Puget which should be raised either by consumer complaint with the Commission (if violations of Commission rules are implicated) or by a private cause of action. This merger proceeding is not an appropriate forum for pursuing individual complaints against Puget.

Mr. Weber apparently is a Puget ratepayer. As a residential ratepayer, he has an interest in this proceeding. However, in order to promote the orderly and prompt conduct of proceedings, the Commission may deny intervention of a person whose interests already are adequately represented. Mr. Weber's interests as a Puget residential ratepayer already are represented by Public Counsel. RCW 80.01.100. We agree with Commission Staff that granting Mr. Weber separate party status would unnecessarily burden this proceeding.

Finally, the petition indicates that Mr. Weber desires to testify. There will be a public hearing session in this proceeding at which individual ratepayers will have an opportunity to testify. We suggest that Mr. Weber contact Public Counsel to discuss the possibility of testifying on relevant issues at the public session.

ORDER

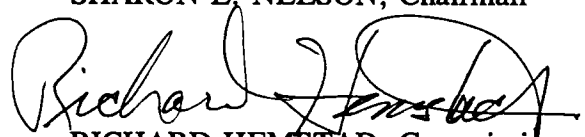
THE COMMISSION ORDERS That the Petition to Intervene of Peter J. Weber is denied.

DATED at Olympia, Washington, and effective this 10th day of July 1996.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



SHARON L. NELSON, Chairman



RICHARD HEMSTAD, Commissioner



WILLIAM R. GILLIS, Commissioner