

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of)	DOCKET UE-141335
)	
KING COUNTY, WASHINGTON,)	
BNSF RAILWAY, FRONTIER)	ORDER 01
COMMUNICATIONS NORTHWEST)	
INC., VERIZON WIRELESS, and)	
NEW CINGULAR WIRELESS PCS,)	PREHEARING CONFERENCE
LLC,)	ORDER; NOTICE OF HEARING
)	(Set for January 27, 2015)
For an Order Requiring Puget Sound)	
Energy to Fund Replacement of)	
Electric Facilities)	
.....)	

1 **NATURE OF PROCEEDING.** On June 26, 2014, King County, Washington (King County), BNSF Railway (BNSF), Frontier Communications Northwest Inc. (Frontier), Verizon Wireless (Verizon), and New Cingular Wireless PCS, LLC (AT&T), (collectively Petitioners) filed with the Washington Utilities and Transportation Commission (Commission) a Petition for Declaratory Order “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.

2 **CONFERENCE.** The Commission convened a prehearing conference in this docket at Olympia, Washington on August 27, 2014, before Administrative Law Judge Gregory J. Kopta.

3 **APPEARANCES.** Chad M. Stokes, Cable Huston, Portland, Oregon, represents King County, BNSF, Frontier, and Verizon. Cindy Manheim, General Attorney, AT&T, Redmond, Washington, represents AT&T. Donna Barnett, Perkins Coie, Bellevue, Washington, represents PSE. Patrick J. Oshie, Assistant Attorney General, Olympia, Washington, represents the Commission’s regulatory staff (Commission

Staff or Staff).¹ Contact information provided at the conference for the parties' representatives is attached as Appendix A to this order.

4 **CONVERSION OF PROCEEDINGS.** The parties request that the Commission convert this declaratory order proceeding to an adjudication pursuant to WAC 480-07-930(4). The Commission agrees that an adjudication is the appropriate procedure for developing the factual record necessary to rule on the petition and grants the request. This proceeding will be conducted as an adjudication, and the deadlines for Commission action in RCW 34.05.240 and WAC 480-07-930 do not apply.

5 **PETITIONS FOR INTERVENTION.** No party appeared at the conference seeking to intervene.

6 **PROTECTIVE ORDER.** The parties ask that the Commission enter a protective order in this docket under RCW 34.05.446, RCW 80.04.095, WAC 480-07-420 and WAC 480-07-423 to protect the confidentiality of proprietary information. The request was granted and a protective order will be entered in this docket.

7 **DISCOVERY.** Discovery will be conducted pursuant to the Commission's discovery rules, WAC 480-07-400 – 425. The Commission urges the parties to work cooperatively together to avoid having to bring discovery matters forward for formal resolution.

8 **PROCEDURAL SCHEDULE.** The parties agreed on a procedural schedule during the conference. The Commission adopts this procedural schedule, which is attached to this Order as Appendix B.

9 **EXHIBITS FOR CROSS-EXAMINATION.** Parties are required to file with the Commission all proposed cross-examination exhibits by **5:00 p.m. on January 20, 2015**. The Commission requires 6 copies of the fully unredacted version of exhibits. The Commission also requires 2 copies of a redacted set of any confidential exhibits

¹ In formal proceedings, such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See*, RCW 34.05.455.

so that these can be made available by the Commission in response to a public records request or posted to the Commission's web pages.

- 10 Except as otherwise agreed between parties, proposed cross-examination exhibits must be served on all parties at the time they are filed with the Commission. Two copies must be furnished to the party sponsoring the witness the party intends to cross examine with the exhibits. Parties may waive the right to service of cross-examination exhibits in whole or in part. This may be appropriate, for example, when a proposed exhibit has been previously furnished during the discovery process.
- 11 The exhibits must be accompanied by an exhibit list and must be organized into sets that are **tabbed, labeled, and grouped** according to the witness the party intends to cross examine with the exhibits. Cross-examination exhibits not conforming to these requirements may be rejected. Each party must also provide a list of its own witnesses and the witnesses the party intends to cross-examine, including an estimate of the time the party anticipates to cross-examine each witness. Each party's witness and cross-examination exhibit lists must be filed with the Commission and served on all parties by 5:00 p.m. on January 20, 2015.
- 12 **NOTICE OF HEARING:** The Commission will hold an evidentiary hearing in this matter beginning **Tuesday, January 27, 2015, at 9:30 a.m.**, in the Commission's Headquarters, Room 206, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington. The hearing will continue, as necessary, on **January 28, 2015**.
- 13 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file an original plus 6 copies of all pleadings, motions, briefs, and other prefiled materials. These materials must conform to the format and publication guidelines in WAC 480-07-395 and WAC 480-07-460. The Commission prefers that materials be three-hole punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.

- 14 All filings must be mailed or delivered to the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.
- 15 An electronic copy of all filings must be provided through the Commission's Web Portal (www.utc.wa.gov/e-filing) or by e-mail delivery to records@utc.wa.gov. Alternatively, parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette or CD including the filed document(s). Parties must furnish electronic copies in MS Word 6.0 (or later) supplemented by a separate file in .pdf (Adobe Acrobat) format. Parties must follow WAC 480-07-140(5) in organizing and identifying electronic files.
- 16 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Parties may submit documents electronically to the Commission on the filing deadline to expedite the filing process, but must file an original, plus 6 paper copies, of the documents with the Commission by 12:00 noon on the first business day following the filing deadline established in the procedural schedule. WAC 480-07-145(6). Parties may submit documents electronically through the Commission's Web Portal (www.utc.wa.gov/efiling) or by e-mail to records@utc.wa.gov. Finally, to perfect filing, parties must simultaneously provide e-mail courtesy copies of filings to the presiding administrative law judge and advisory staff identified on Appendix A to this Order as well as to the parties to the proceeding.
- 17 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission does have limited ability to provide dispute resolution services; if you wish to explore those services, please call the Director, Administrative Law Division, at 360-664-1355.

18 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective August 28, 2014.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

GREGORY J. KOPTA
Administrative Law Judge

**APPENDIX A
PARTIES' REPRESENTATIVES
DOCKET UE-141335**

PARTY	REPRESENTATIVE	PHONE	E-MAIL
King County, BNSF Railway, Frontier Communications, and Verizon Wireless	Anthony Minor, Manager King County Radio Communications Services 855 S. 192 nd Street Suite 1000 SeaTac, WA 98148	206-263-8104	Anthony.minor@kingcounty.gov
	Anh Nguyen, Senior Deputy Prosecuting Attorney		Anh.nguyen@kingcounty.gov
	Gregory L. Britz, Director Telecommunications North Region BNSF Railway 2400 Western Center Blvd. Fort Worth, TX 76131	817-352-4620	Gregory.britz@bnsf.com
	LaRhonda Brown-Barrett, General Attorney		Larhonda.brown-barrett@bnsf.com
	George Baker Thomson, Jr. Associate General Counsel Frontier Communications Northwest 1800 41 st St., Suite N-100 Everett, WA 98203	425-261-5844	George.thomson@ftr.com
	Michael Mathisen 5430 NE 122 nd Avenue Portland, OR 97230		Michael.mathisen@verizonwireless.com
	John Cameron Davis Wright Tremaine, LLP		johncameron@dwt.com
	Chad M. Stokes Cable Huston 1001 SW Fifth Avenue Suite 2000 Portland, OR 97204-1136	503-224-3092	cstokes@cablehuston.com
	Tommy A. Brooks		tbrooks@cablehuston.com

PARTY	REPRESENTATIVE	PHONE	E-MAIL
AT&T	Sean Pohlman P.O. Box 97061 Redmond, WA 98073		Sean.pohlman@att.com
	Cindy Manheim General Attorney 16331 NE 72 nd Way P.O. Box 97061 Redmond, WA 98073-9761	425-580-8112	Cindy.manheim@att.com
Puget Sound Energy	Kenneth Johnson Director, State Regulatory Affairs P.O. Box 97034 Bellevue, WA 98009-9734	425-456-2110	Ken.s.johnson@pse.com
	Donna L. Barnett Perkins Coie LLP The PSE Building 10885 NE Fourth Street Suite 700 Bellevue, WA 98004-5579	425-635-1400	dbarnett@perkinscoie.com
	Sheree S. Carson		scarson@perkinscoie.com
Commission Staff	Patrick J. Oshie Assistant Attorney General 1400 S. Evergreen Park Drive S.W. P.O. Box 40128 Olympia, WA 98504-0128	360-664-1188	poshie@utc.wa.gov

APPENDIX B
PROCEDURAL SCHEDULE
DOCKET UE-141335

EVENT	DATE
Opening Testimony (all parties)	Nov. 19, 2014
Cross-Answering Testimony and Exhibits (all parties)	Dec. 17, 2014
Cross-Examination Exhibits and Lists of Witnesses & Exhibits Filing Deadline	Jan. 20, 2015
Evidentiary Hearing	Jan. 27-28, 2015
Simultaneous Briefs	Feb. 12, 2015