

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

GEORGIA-PACIFIC WEST, INC.,)	
)	
Complainant,)	
)	DOCKET NO. UE-000735
v.)	
)	THIRD SUPPLEMENTAL
PUGET SOUND ENERGY, INC.)	ORDER DISMISSING
)	PROCEEDING WITH PREJUDICE
Respondent.)	
.....)	

1 **PROCEEDINGS:** Georgia-Pacific West, Inc. (Georgia-Pacific), filed a Formal Complaint against Puget Sound Energy, Inc. (PSE), on May 15, 2000. The Complaint alleges that PSE has refused to comply with the terms of its Special Contract with Georgia-Pacific to the extent that the Special Contract requires PSE to tender a certain equipment lease. Georgia-Pacific also complains that PSE has acted unreasonably by refusing to cooperate with Georgia-Pacific to implement a “changeover” operation to replace certain equipment that would enable Georgia-Pacific to take service from Public Utility District No. 1 of Whatcom County instead of from PSE. Georgia-Pacific alleges that PSE has failed “to comply with the provisions of the May 1996 Power Sales Agreement” between the two companies.

2 PSE filed its Answer to Formal Complaint on June 5, 2000, denying the essential elements of the Complaint, and stating affirmative defenses. The Commission convened a joint prehearing conference in this matter and in related proceedings in Docket No. UE-001014 on July 19, 2000, in Olympia, Washington, before Chairwoman Marilyn Showalter, Commissioner Richard Hemstad, and Administrative Law Judge Dennis J. Moss. The Parties requested that further proceedings in this docket be held in abeyance pending determination of related proceedings in Docket No. UE-001014. Later, on two occasions, the Parties requested continuances in both

proceedings to permit an opportunity for settlement negotiations. The Commission granted the Parties' requests.

3 **PARTIES:** Melinda Davison, Davison Van Cleve, P.C., Portland, Oregon, represents Georgia-Pacific West, Inc., substituting as counsel for John Gould, Lane Powell Spears Lubersky L.L.P., on September 21, 2000. Markham A. Quehrn and Kirstin Dodge, Perkins Coie LLP, and James M. Van Nostrand, Stoel Rives LLP, Seattle, represent Puget Sound Energy, Inc. Simon ffitich, Assistant Attorney General, Seattle, Washington, represents the Public Counsel Section, Office of Attorney General (Public Counsel). Robert D. Cedarbaum, Assistant Attorney General, Olympia, Washington, represents the Commission's regulatory staff (Staff).

4 **SETTLEMENT AGREEMENT:** The Parties here are among the signatories to a comprehensive settlement agreement filed on March 9, 2001, in related proceedings in Docket Nos. UE-001952 and UE-001959 (Consolidated). By the terms of their settlement agreement, the Parties to this proceeding agree that it should be dismissed with prejudice.

5 **COMMISSION:** The Commission has approved and adopted the Parties' comprehensive settlement agreement in Docket Nos. UE-001052 and UE-001959 (Consolidated). *Air Liquide, et al. v. PSE, Eleventh Supplemental Order Approving And Adopting Settlement Agreement, Subject To Conditions; Dismissing Proceedings; And Granting Other Relief, Docket Nos. UE-001952 and UE-001959 (Consolidated), (April 5, 2001)*. The Commission's Eleventh Supplemental Order requires, among other things, that the Complaint in this proceeding be dismissed with prejudice. Consistent with the requirements of our Eleventh Supplemental Order in Docket Nos. UE-001952 and UE-001959 (Consolidated), and for the reasons stated in that Order, we find and conclude that it is in the public interest to dismiss with prejudice the proceedings pending in this Docket No. UE-000735.

ORDER

6 THE COMMISSION ORDERS That Georgia-Pacific West, Inc.'s Complaint in this proceeding is dismissed with prejudice.

DATED at Olympia, Washington, and effective this 5th day of April, 2001.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

NOTICE TO PARTIES: This is a final order of the Commission. In addition to judicial review, administrative relief may be available through a petition for reconsideration, filed within 10 days of the service of this order pursuant to RCW 34.05.470 and WAC 480-09-810, or a petition for rehearing pursuant to RCW 80.04.200 or RCW 81.04.200 and WAC 480-09-820(1).