

[Service Date April 12, 2010]

April 12, 2010

**NOTICE SETTING SCHEDULE FOR DISPOSITIVE  
MOTIONS AND RESPONSES**

**(Motions due by May 3, 2010 at 3:00 p.m.)  
(Responses due by May 24, 2010 at 3:00 p.m.)**

IN RE: *Kenneth L. Binkley v. Salmon Shores RV Park and Puget Sound Energy, Inc.*,  
Docket UE-091531

TO ALL PARTIES:

On September 15, 2009, Kenneth L. Binkley filed with the Washington Utilities and Transportation Commission (Commission) a formal complaint against Salmon Shores RV Park (Salmon Shores) and Puget Sound Energy, Inc. (PSE or the Company). On October 19, 2009, PSE filed an answer to the complaint. The Commission did not receive an answer from Salmon Shores. The complaint alleges that Salmon Shores is reselling electricity at rates higher than authorized by PSE Tariff Schedule 24 E-C. A more detailed account of the dispute is reflected in the complaint, which is available for inspection at the Commission's office located at Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington, and on the Commission's web site at [www.utc.wa.gov/091531](http://www.utc.wa.gov/091531).

The Commission, on October 30, 2009, gave notice it would conduct a prehearing conference at its offices in Olympia, Washington, on December 3, 2009, beginning at 9:30 a.m. On November 10, 2009, one day after receiving Commission Staff's "Motion for an Order Removing Salmon Shores RV Park as a Respondent," the Commission gave notice that it would hear oral argument on Staff's motion during the prehearing conference on

December 3, 2009. The Commission also set a deadline for parties to file any response to Staff's motion.

On November 9, 2009, On November 24 and 25, 2009, respectively, PSE and Mr. Binkley filed Responses to Staff's Motion. PSE stated it did not oppose dismissal of Salmon Shores as a party and, by its argument, supported Staff's position. PSE indicated in its response that the Company intended to file a motion to dismiss PSE as a party. Mr. Binkley opposes Staff's motion.

On December 3, 2009, following some argument and discussion about the issues raised by Mr. Binkley's complaint and Staff's motion, the parties agreed it would be worthwhile to attempt resolution of this docket via mediation. Considering this agreement, the Presiding Officer left Staff's motion unresolved and adjourned the prehearing conference without setting further procedural dates to allow time for the mediation process.

On December 24, 2009, the Commission scheduled, at the parties' request, a mediation session in this proceeding for Thursday, January 21, 2010, and assigned Administrative Law Judge Ann E. Rendahl as mediator. The Commission scheduled a second mediation session for Tuesday, February 9, 2010. At the February 9 mediation session, the parties agreed that further mediation would not result in resolution of the issues in this proceeding and agreed to discontinue mediation.

Given the pendency of Staff's Motion and PSE's stated intention to file its own dispositive motion, it is appropriate at this juncture to establish procedural dates for PSE to make its filing and for Mr. Binkley and Staff to have an opportunity to respond. Once these processes are complete, the Commission will rule on the dispositive motions that may dismiss one or both of the respondents in this proceeding. Following that, the Commission will conduct such other process as is appropriate in light of its determinations and any further pleading by the parties.

**THE COMMISSION GIVES NOTICE** That any potentially dispositive motions in this proceeding must be filed by **3:00 p.m. on May 3, 2010.**

THE COMMISSION GIVES FURTHER NOTICE That any response to a dispositive motion filed after the date of this Notice must be filed by **3:00 p.m. on May 24, 2010.**

DATED at Olympia, Washington, and effective April 12, 2010.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DENNIS J. MOSS  
Administrative Law Judge