

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CITY OF AUBURN, CITY OF
BREMERTON, CITY OF DES MOINES,
CITY OF FEDERAL WAY, CITY OF
LAKEWOOD, CITY OF RENTON, CITY OF
SEATAC, CITY OF TUKWILA,

NO. UE-010911

Complainants,

v.

PUGET SOUND ENERGY, INC.,

Respondent.

In the Matter of the Petition of

NO. UE-010778

CITY OF KENT,

PUGET SOUND ENERGY, INC.'S
MOTION FOR EXTENSION OF TIME

For Declaratory Relief Interpreting
Schedule 71 of Electric Tariff G.

PUGET SOUND ENERGY, INC.'S MOTION
FOR EXTENSION OF TIME - 1

[/010778, PSE, Motion for Extension of Time, 8-21-01.doc]

PERKINS COIE LLP
One Bellevue
Center, Suite
1800
411 - 108th
Avenue Northeast
Bellevue, WA
98004 - 5584
(425) 453 -
6980

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

1. Puget Sound Energy, Inc. ("PSE") hereby requests an extension of time for nine days, until Wednesday, September 5, 2001, in which to file its opposition to the Motion for Summary Determination filed by the Cities of Auburn, Bremerton, Des Moines, Federal Way, Lakewood, Renton, Redmond, SeaTac and Tukwila and the Amended Motion for Summary Determination filed by the City of Kent.

2. When the schedule for filing the briefing on summary determination was set during the prehearing conference in this consolidated proceeding, counsel for PSE expressed concern that PSE would have insufficient time under the proposed schedule to respond to summary determination motions filed by the City of Kent and the other Cities. PSE ultimately agreed to the proposed schedule based on the parties' discussion that the case presented limited facts, most of which would be stipulated, and that PSE's briefing had largely already been completed in that PSE had submitted Statements of Law and Fact in response to the Complaints and Petitions filed in these dockets.

3. After the prehearing conference, the Cities filed an Amended Complaint and Petition for Declaratory Relief that raised two new issues: the applicability of Schedule 71 to existing facilities located on PSE easements and whether SeaTac must pay 30% or 70% of the costs of a conversion along South 170th Street. See Amended Complaint and Petition at ¶¶ 13-14.

4. The parties worked diligently to stipulate to as many facts as possible. However, several categories of facts could not be agreed upon. Because of that development, the Cities requested a one-week extension of time so that they would have additional time to prepare declarations and other materials in support of their Motion for Summary Determination. The request for extension of time was granted on August 3, 2001, in the First Supplemental Order Granting Extension of Time. Thus, the briefing schedule was reset

as follows:

PERKINS COIE LLP
One Bellevue
Center, Suite
1800
411 - 108th
Avenue Northeast
Bellevue, WA
98004 - 5584
(425) 453-
6980

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

Motions for Summary Determination	August 15, 2001
Responses to Motions	August 27,2001
Replies to Responses	September 3, 2001

5. On August 15, 2001, the Cities filed their Motion for Summary Determination and three declarations in support of that motion. The declarations make numerous statements regarding prior PSE conversions in SeaTac, Federal Way and Tukwila, make allegations regarding prior communications and "verbal agreements" with PSE, and raise a host of other factual issues including sweeping statements about PSE's past application of Schedule 71. Although Kent has chosen to stand on the Amended Motion for Summary Determination that has been on file for some time, Kent filed two new declarations in support of that motion on August 15, 2000. Those declarations make sweeping statements about the history of PSE's underground conversion projects in Kent.

6. PSE has been working diligently to prepare its response to these motions and declarations (as well as its response in Docket Nos. UE-010891 and UE-011027, which is due this Friday, August 24, 2001, for which PSE is not seeking an extension of time). However, it has become obvious to PSE that it cannot possibly meet the current response deadline of August 27, 2001, if PSE is to adequately address and respond to the significant additional matters raised in the Cities' and Kent's motions and declarations. PSE needs additional time to search for relevant historical documents, to investigate factual statements made in the declarations that have been filed, to prepare declarations and other materials in support of its response, and to draft a response that presents what may be a large volume of material in an efficient and intelligible manner. PSE will be greatly prejudiced if it does not receive additional time to undertake and complete these tasks.

7. PSE requests an extension of time for filing its response brief to Wednesday, September 5, 2001, because September 3 is Labor Day and PSE will need a full business day before the filing deadline to ensure that it has the necessary

PERKINS COIE LLP
One Bellevue
Center, Suite
1800
411 - 108th
Avenue Northeast
Bellevue, WA
98004 - 5584
(425) 453-
6980

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

administrative support for the filing, which will need to go out early in the day on September 5 for filing and service in Olympia and Kent. PSE requests that the procedural schedule established in the Prehearing Conference Order and First Supplemental Order Granting Extension of Time be amended as follows:

Responses to Motions	September 5, 2001
Replies to Responses	September 12, 2001

8. Counsel for PSE has spoken with counsel for Staff, the Cities and Kent regarding the requested extension. Counsel for Staff has agreed to the proposed extension. Counsel for Kent stated that he could not agree to an extension, but that he did not plan to file any opposition to this motion. Counsel for the Cities stated that the Cities would not join in the motion, that she did not know at this time whether the Cities would file any response, but that the Cities had no objection to hearing the motion on an expedited basis.

DATED: August __, 2001.

PERKINS COIE LLP

By _____
Kirstin S. Dodge
Attorneys for Puget Sound Energy, Inc.

PERKINS COIE LLP
One Bellevue
Center, Suite
1800
411 - 108th
Avenue Northeast
Bellevue, WA
98004 - 5584
(425) 453-
6980

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding, by facsimile and by mailing with postage prepaid to:

Carol S. Arnold
Laura K. Clinton
Preston Gates & Ellis, LLP
701 Fifth Avenue, Suite 5000
Seattle, WA 98104-7078
Business: (206) 623-7580
Fax: (206) 623-7022

Mary M. Tennyson
Senior Assistant Attorney General
1400 S. Evergreen Park Drive, S.W.
P.O. Box 40128
Olympia, WA 98504-0128

Michael Charneski
19812 194th Avenue N.W.
Woodinville, WA 98072

Simon ffitch
Office of the Attorney General
Public Counsel
900 - 4th Avenue, Suite 2000
Seattle, WA 98164

Dated at _____, Washington, this _____ day of _____, 2001.

PERKINS COIE LLP
One Bellevue
Center, Suite
1800
411 - 108th
Avenue Northeast
Bellevue, WA
98004 - 5584
(425) 453-
6980

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

Pam Iverson

PERKINS COIE LLP
One Bellevue
Center, Suite
1800
411 - 108th
Avenue Northeast
Bellevue, WA
98004 - 5584
(425) 453-
6980