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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of
PUGET SOUND ENERGY, INC.

No. UE - 011570

PETITION TO INTERVENE AND
PROTEST OF CITIES OF AUBURN,
DES MOINES, FEDERAL WAY,
REDMOND, RENTON, SEATAC, AND
TUKWILA

1. Names and addresses of petitioners:

CITY OF AUBURN
c/o Judy Ausman
25 W. Main Street
Auburn, WA 98001-4998
Business: (253) 931-3054
Fax: (253) 931-3053

CITY OF DES MOINES
c/o Gary McLean
21630-11th Avenue South, Suite C
Des Moines, WA 98198-6398
Business: (206) 870-6553
Fax: (206) 870-4387

CITY OF FEDERAL WAY
c/o Bob C. Sterbank
3350-1st Way South
Federal Way, WA 98003
Business: (253) 661-4572
Fax: (253) 661-4024

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CITY OF REDMOND
c/o James E. Haney
Ogden Murphy Wallace
1601 Fifth Avenue, Suite 2100
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CITY OF RENTON
c/o Lawrence J. Warren
1055 South Grady Way
Renton, WA 98055
Business: (425) 255-8678
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CITY OF SEATAC
c/o Mary E. Mirante
17900 International Boulevard, Suite 401
SeaTac, WA 98188-4236
Business: (206) 433-1800
Fax: (206) 433-1833

CITY OF TUKWILA
c/o David St. Pierre
6200 Southcenter Boulevard
Tukwila, WA 98188-2599
Business: (206) 433-1827
Fax: (206) 433-1833

2. Name and address of attorney representing petitioners:

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

1
2 **3. Identity of petitioners:**

3 The Cities of Auburn, Des Moines, Federal Way, Redmond, Renton, SeaTac, and Tukwila
4 (“Cities”) are political subdivisions of the State of Washington.
5

6 **4. Petitioners’ interest in this proceeding:**

7 Washington law authorizes cities to grant electric franchises for the use of public streets and
8 rights-of-way. RCW 35A.47.040. Cities are authorized to regulate electric facilities placed “above
9 or below the surface of the ground.” *Id.* Schedules 70 and 71 proposed by Puget Sound Energy
10 (“PSE”) would dramatically increase underground relocation costs for the Cities and significantly
11 alter the existing legal relationship between municipalities and PSE.
12

13 **5. Issues To Be Raised and Protest:**

14 a. The Cities specifically object to and protest PSE’s proposed Schedule 70 and 71. The
15 proposed tariffs attempt to impose – with no notice to the Cities – many of the same terms and
16 conditions for underground conversion that are currently being litigated in Docket Nos. UE-010778,
17 UE-010911, and UE-010891, and UE-011027.

18 b. The Cities object to Proposed Schedule 70 and 71 because the tariffs would:

- 19
- 20 ▪ Dramatically and unfairly increase the Cities’ costs of underground conversion.
 - 21 ▪ Alter the long-standing law of Washington that requires utilities to bear the cost
22 of relocation necessary to protect the public safety and welfare by forcing Cities I
23 in many cases to pay 100% of the cost of underground conversion.
 - 24 ▪ Limit the Cities’ ability to regulate the public rights-of-way by permitting PSE to
25 place all of its above-ground facilities on private easements.
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- Require Cities to purchase private easements for PSE’s facilities in violation of the Washington Constitution prohibition on gifts of public funds.
- Require Cities to pay relocation costs in violation of Washington law.
- Substantially impair the ability of Cities to carry out their statutory and constitutional duty to regulate the use of the public streets and rights-of-way. RCW 35A.47.040; Wash. Const., art. 11, § 11.

c. The Cities reserve the right to comment on the appropriateness of PSE’s proposed rate increases and other matters raised by PSE’s filing.

6. Testimony and Witnesses

The Cities have not decided at this time whether to submit written testimony or exhibits or call witnesses, but reserve the right to do so. The Cities intend to cross-examine the witnesses called by other parties and to submit written argument.

7. The undersigned submit this Petition to Intervene and Protest and request authorization to participate in this proceeding.

DATED this 19th day of December, 2001.

PRESTON GATES & ELLIS LLP

By _____
 Carol S. Arnold, WSBA # 18474
 Laura K. Clinton, WSBA # 29846

Attorneys for Petitioners Cities of Auburn, Des Moines, Federal Way, Redmond, Renton, SeaTac, And Tukwila

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the Petition to Intervene upon parties of record in this proceeding, as follows:

Puget Sound Energy, Inc. (via facsimile followed by U.S. mail)
P. O. Box 97034
411-108th Avenue N.E.
Bellevue, WA 98004-9734

Markham A. Quehrn (via facsimile followed by U.S. mail)
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Seattle, WA 98164-1012

DATED: December 19, 2001.

Jo Ann Sunderlage
Secretary to Carol S. Arnold