

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

SUPERIOR OIL CO.,

Petitioner,

For Exemption under the Clearance
Rules and Regulations Governing
Common Carrier Railroads

DOCKET TR-920161

ORDER 02

AMENDING ORDER 01

BACKGROUND

- 1 On February 11, 1992, Superior Oil Co. (Superior Oil) filed with the Washington Utilities and Transportation Commission (Commission) a petition (Petition) requesting an exemption from railroad clearance rules in WAC 480-60-040(1), which require an overhead clearance of at least 22 feet six inches from the top of the rail to the nearest structure.
- 2 On March 17, 1992, the Commission granted the petition for exemption from WAC 480-60-040(1) subject to the conditions that Superior Oil (1) install a cautionary sign indicating to rail traffic that the overhead side clearance is impaired and (2) provide illumination to the area of clearance impairment during hours of darkness.
- 3 Commission staff (Staff) recently inspected the facility and found that the impaired clearance warning sign and illumination are present as required in Order 01.
- 4 However, Staff found that ownership of the facility has changed from Superior Oil to NuStar Energy, LP, (NuStar Energy). To update Commission records, the Commission needs to change the name in this docket to NuStar Energy. A name change is a non-material change to the Commission Order. Staff recommends the Commission amend Order 01, changing the name from “Superior Oil Co.” to “NuStar Energy, LP.” The other conditions of granting the close clearances in Order 01 remain the same.

DISCUSSION

5 We agree with Staff's recommendation. Accordingly, the Commission amends Order 01
by changing the name from "Superior Oil Co." to "NuStar Energy, LP."

FINDINGS AND CONCLUSIONS

- 6 (1) The Commission is an agency of the State of Washington vested by statute with
the authority to regulate the rules, regulations, and practices of public service
companies, including railroad companies, within the state of Washington. RCW
80.01.040, RCW 81.01, RCW 81.04, and RCW 81.53
- 7 (2) Staff investigated the previous exemption of WAC 480-60-040 granted to
Superior Oil and recommends that the Order be amended to reflect current
conditions.
- 8 (3) This matter came before the Commission at its regularly scheduled meeting on
January 7, 2021.
- 9 (4) After considering all relevant matters and for good cause shown, the Commission
finds that amending the previous Order is in the public interest. The previous
Order should be amended.

ORDER

10 **THE COMMISSION ORDERS THAT:** Order 01, granting a permanent exemption
from the clearance requirements in WAC 480-60-040(1) to Superior Oil Co. is amended,
updating the name to NuStar Energy, LP. The conditions of granting the close clearance
in Order 01 remain the same.

11 The Commissioners, having determined this Order to be consistent with the public
interest, directed the Secretary to enter this Order.

DATED at Lacey, Washington, and effective January 7, 2021.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON
Executive Director and Secretary