

# CITY OF ELLENSBURG

420 NORTH PEARL STREET  
ELLENSBURG, WASHINGTON 98926

RECEIVED

JUL 28 1997

July 24, 1997 WASH. UT. & TP. COMM.

Ms. Dixie Linnenbrink:  
Washington Utilities and Transportation Commission  
1300 South Evergreen Park Drive Southwest  
Post Office Box 47250  
Olympia, WA 98504-7250

Re: PSE Gas Certificate Application

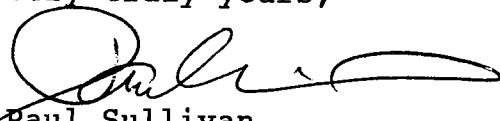
Dear Ms. Linnenbrink:

As I promised yesterday during the WUTC's call to City Manager David Moseley's, I am pleased to provide the a copy of the two City Code provisions referenced in Puget Sound Energy's application for a certificate of convenience.

I am enclosing a copy of Ellensburg City Code (ECC) section 9.30.21, relating to pre-annexation agreements, and section 9.31.10, relating to service line allowances. I am also enclosing a copy of the City's gas franchise from the County. Please note section 6 of the franchise, as it impacts the application of ECC § 9.30.21. While extensions of water and sewer service into the UGA require pre-annexation agreements, that is not true as to gas service; the City is contractually obligated to provide gas service whether the requesting person signs a pre-annexation agreement or not.

Please let me know if you have any questions.

Very truly yours,

  
Paul Sullivan  
Ellensburg City Attorney

Enclosures:



9.30.20 AGREEMENT WITH CITY--EASEMENTS. Before any service or extension is made beyond the corporate limits of the city, the owner of the property to be served shall enter into a formal agreement with the City which shall include covenants running with the land and shall address current and future obligations arising from the service or extension.

All extensions and other provisions for new service shall be conditioned upon the recording of easements as determined necessary by the City. (Ord. 3707 s1, 1990)

9.30.21 PRE-ANNEXATION AGREEMENTS. A pre-annexation agreement must be executed by a property owner before any City utility service can be extended to property located beyond the Ellensburg corporate city limits; provided, however, a pre-annexation agreement shall not be required to serve properties located within the corporate boundaries of another city or within the urban growth boundaries of another city. (Ord. 3983 s3, 1995)

## Chapter 9.31

### GAS MAIN AND SERVICE LINE EXTENSIONS

9.31.01 PURPOSE. This chapter establishes requirements for the extension of gas distribution mains and service lines necessary to provide gas service. (Ord. 3983 s1, 1995)

9.31.04 DEFINITIONS. The following definitions shall apply to the operation of this chapter:

"Gas Main Line" means a distribution line which serves as a common source of supply for more than one service line.

"High Pressure Gas Main Line" means a line which operates at a pressure higher than 42 psig.

"Gas Service Line" means a distribution line which transports gas from a gas main line to a customer's meter.

"Allowances" means the length of, or value of, gas main line or gas service line the City will install at its own expense.

"Designated System Cost for City trenched 2" Main Lines" -- \$6.00 per foot.

"Designated System Cost for Customer trenched 2" Main Lines" -- \$3.00 per foot.

"Designated System Cost for City trenched Service Lines" -- \$5.50 per foot.

"Designated System Cost for Customer trenched Service Lines" -- \$2.75 per foot. (Ord. 3983 s1, 1995)

9.31.05 DESIGNATED SYSTEM COSTS - ANNUAL REVIEW. The designated system costs defined by section 9.31.04 and applied by this chapter shall be subject to annual review. (Ord. 3983 s1, 1995)

9.31.07 GENERAL. The City will only construct, operate and maintain gas distribution and service line extensions along public streets, roads and highways, or on other public or private property, if it has authority for the placement and operation of such extensions within the right-of-way or easement without cost or required condemnation. (Ord. 3983 s1, 1995)

9.31.10 GAS MAIN AND SERVICE LINE FOOTAGE ALLOWANCES. Gas main and service line extensions will be made at City expense, provided the length of the main or service line required does not exceed the following allowances:

**A. Main Extensions**

**(1) In-City - City Trenched**

Residential Use	50 Feet
All Other Uses	An amount equal to 1.3 times the anticipated annual revenue (after deduction for the cost of purchased gas) from the customer.

**(2) In-City - Customer Trenched**

Residential Use	100 Feet
All Other Uses	An amount equal to 2.6 times the anticipated annual revenue (after deduction for the cost of purchased gas) from the customer.

**(3) Out-of-City Uses 0 Feet**

**B. Service Extensions**

**(1) In-City - City Trenched**

Residential Use	70 Feet
All Other Uses	70 Feet

**(2) In-City - Customer Trenched**

Residential Use	140 Feet
All Other Uses	140 Feet

**(3) Out-of-City Uses 0 Feet**

C. Each property shall bear the designated costs of the main extension fronting such property, less any allowance, and any refund or reimbursement made for additional loads or customers as provided by this chapter shall not diminish that cost. (Ord. 3983 s1, 1995)

9.31.12 MAIN EXTENSION REIMBURSEMENTS. Persons extending natural gas mains at private expense may seek partial cost recovery from later users, provided a reimbursement agreement, as provided by section 9.31.14, is executed prior to the installation of the gas main. (Ord. 3983 s1, 1995)

9.31.14 REIMBURSEMENT AGREEMENT

A. APPLICATION PROCEDURES AND REQUIREMENTS. Any property owner who uses private funds for the construction of

BOARD OF COUNTY COMMISSIONERS  
COUNTY OF KITTITAS  
STATE OF WASHINGTON

RESOLUTION NO. 96 - 02

A RESOLUTION GRANTING A NON-EXCLUSIVE FRANCHISE  
TO USE COUNTY ROADS, RIGHTS-OF-WAY AND OTHER  
COUNTY PROPERTY WITHIN KITTITAS COUNTY

WHEREAS: The City of Ellensburg has requested to extend its natural gas transmission pipeline system in County road rights-of-way; and

WHEREAS: R.C.W. Chapter 36.55 provides that Kittitas County has authority to grant non-exclusive franchises on County road rights-of-way and stipulates requirements that must be met prior to granting a non-exclusive franchise; and

WHEREAS: Chapter 12.56 of the Kittitas County Code incorporates provisions necessary to protect the public interest and investment in facilities; and

WHEREAS: The Board of Kittitas County Commissioners has conducted a public hearing to consider the merits of the application and to receive public comments regarding the advisability of granting a franchise to the City of Ellensburg for its natural gas transmission pipeline system; and

WHEREAS: The Board of Kittitas County Commissioners has provided public notice and posting in accordance with State statute.

NOW, THEREFORE BE IT RESOLVED by the Board of Kittitas County Commissioners that the foregoing statements constitute the facts regarding the issuance of a non-exclusive franchise.

BE IT FURTHER RESOLVED that a franchise granting the right to utilize county road rights-of-way is approved and granted to the City of Ellensburg, as attached hereto.

ADOPTED this 9<sup>th</sup> day of January, 1996, at Ellensburg, Washington.

BOARD OF COUNTY COMMISSIONERS  
KITTITAS COUNTY, WASHINGTON

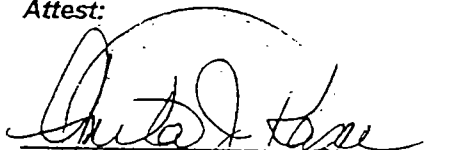
  
\_\_\_\_\_  
Ray Owens, Chair

**"ABSTAINED"**

\_\_\_\_\_  
Donald E. Sorenson, Vice-Chair

  
\_\_\_\_\_  
Mary Seubert, Commissioner

Attest:

  
\_\_\_\_\_  
Anita J. Lopez  
Clerk of the Board

**KITTITAS COUNTY  
STATE OF WASHINGTON**

**NON-EXCLUSIVE FRANCHISE  
TO USE COUNTY ROADS, RIGHTS-OF-WAY AND OTHER  
COUNTY PROPERTY WITHIN KITTITAS COUNTY**

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Application of the City of Ellensburg, a municipal corporation, for a franchise to extend its natural gas transmission pipeline system over, along and under county roads in Kittitas County, Washington, as hereinafter set forth, having come on regularly for hearing before the County Commissioners on January 9, 1996, at 9:30 a.m., under the provisions of RCW Chapter 36.55, and it appearing to the Board that notice of said hearing has been duly given as required by law, and that it is in the public interest to grant the franchise herein granted; NOW, THEREFORE;

IT IS ORDERED that a franchise be, and the same is hereby, given and granted to the City of Ellensburg, for a period commencing on the date hereof and expiring August 20, 2006, (to coincide with the franchise previously granted to the City of Ellensburg on August 20, 1956) to construct, operate and maintain natural gas transmission lines in, under, along and over county road rights-of-way located in the unincorporated areas of Kittitas County located within the City of Ellensburg's certificate of convenience and necessity from the Washington Utilities and Transportation Commission, dated April 7, 1967, a copy of which is attached hereto and incorporated herein

This franchise is granted upon the following express terms and conditions, to-wit:

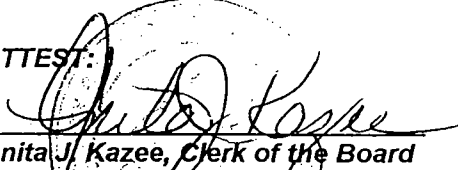
1. This franchise is granted for the sole purpose of constructing, operating and maintaining natural gas main lines, service lines and appurtenances.
2. The city shall make all reasonable efforts to cause as little disruption as possible to roads when installing City franchised utilities.
3. Applicant understands and agrees that Kittitas County Code Chapter 12.56 incorporates provisions necessary to protect the public interest and investment with regard to utilization of County road rights-of-way and further, that the provisions of Chapter 12.56 are in full force and effect as if herein included or attached to or made a part of this franchise.
4. The City shall establish rates, fees and service charges for in city and out of city customers that are just and reasonable, and consistent with state law.
5. All classes of customers shall be notified in advance of proposed rate changes, and shall be provided the opportunity for comment and testimony. (This shall not apply to rate changes due to fluctuations in the cost of purchased gas).

6. No County resident outside the designated City of Ellensburg Urban Growth Area (UGA) nor any resident not contiguous to the Ellensburg city limits shall be required to sign a pre-annexation agreement to receive gas service.

This franchise is not valid until accepted and signed by the City of Ellensburg.

DATED this 9th day of January, 1996, at Ellensburg, Washington.

ATTEST:

  
Anita J. Kazee, Clerk of the Board

BOARD OF COUNTY COMMISSIONERS  
KITITAS COUNTY, WASHINGTON

  
Ray Owens, Chair

**"ABSTAINED"**

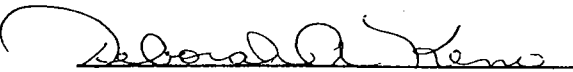
Donald E. Sorenson, Vice-Chair

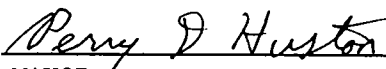
  
Mary Seubert, Commissioner

ACCEPTED:

CITY OF ELLENSBURG

Attest:

  
Clerk of the Board

  
MAYOR

DATED: February 7, 1996