

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

BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

PUGET SOUND ENERGY, INC.,

Respondent.

DOCKET NOS. UE-011570 and
UG-011571 (Consolidated)

ANSWER OF PUGET SOUND
ENERGY, INC. TO CITY OF KENT'S
PETITION TO INTERVENE AND
PROTEST

1. Puget Sound Energy, Inc. ("PSE") answers the CITY OF KENT'S PETITION TO INTERVENE AND PROTEST (the "Petition") filed by City of Kent ("Kent") on December 26, 2001. PSE's full name and mailing address are:

Puget Sound Energy, Inc.
P.O. Box 97034
Bellevue, Washington 98009-9734
Attn: Steve Secrist
Director, Rates and Regulation

2. This Answer brings into issue the following rule: WAC 480-09-430.

3. PSE does not object to Kent's intervention in order to allow Kent to raise issues concerning *proposed* Schedule 70 and 71 that are within the Commission's jurisdiction in a rate case.

PUGET SOUND ENERGY, INC.'S ANSWER
TO CITY OF KENT'S PETITION TO
INTERVENE - 1

[/011570, PSE, Answer to Kent's Petition to Intervene, 1-8-02.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
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

4. Apart from issues concerning *proposed* Schedule 70 and 71, the Petition does not state a substantial interest in this proceedings nor does Kent assert a public interest in granting intervention for any other purposes.

5. Kent's Petition was not filed prior to the December 20, 2001 Prehearing Conference, nor did Kent petition to intervene at the December 20, 2001 Prehearing Conference.

6. A party may intervene after the proceeding is underway, but only if it has shown good cause. WAC 480-09-430 states:

No such petition [to intervene] shall be filed or made after the proceeding is underway, except for good cause shown.

WAC 480-09-430(1)(a).

7. In its Petition, Kent has not pled nor otherwise made any showing of "good cause" for intervention at this juncture of the proceeding, as required by WAC 480-09-430(1)(a).

8. Kent alleges that it had no notice of this proceeding, but so alleges without reference to the requirement of WAC 480-09-430(1)(a) for "good cause shown."

9. Contrary to Kent's allegations, Kent was afforded notice of this proceeding in accordance with applicable law, just like every other PSE customer. Pending litigation with respect to *existing* tariffs (i.e., *existing* Schedule 70 and 71) does not give rise to additional notice requirements for filing a general rate case.

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

Respectfully submitted this _____ day of _____, 2002.

PERKINS COIE LLP

By _____
Markham A. Quehrn, WSBA #12795
Kirstin S. Dodge, WSBA #22039
Attorneys for Respondent Puget Sound Energy, Inc.

PUGET SOUND ENERGY, INC.'S ANSWER
TO CITY OF KENT'S PETITION TO
INTERVENE - 3

[/011570, PSE, Answer to Kent's Petition to Intervene, 1-8-02.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
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

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing documents upon all parties of record in this proceeding via facsimile and via U.S. mail, postage prepaid to:

CITY OF KENT
c/o Tom Brubaker, Deputy City
Attorney
220 Fourth Avenue South
Kent, WA 98032
Phone: (253) 856-5770
Fax: (253) 856-6770

Michael L. Charneski
Attorney at Law
19812 194th Avenue NE
Woodinville, WA
Phone: (425) 788-2630
Fax: (425) 788-2861

**Cogeneration Coalition of
Washington**
Don Brookhyser
Elizabeth Westby
Alcantar & Kahl, LLP
1300 SW Fifth Avenue, Suite 1750
Portland, OR 97201
Phone : 503-402-9900
Fax: 503-402-8882
e-mail: deb@a-klaw.com

Seattle Steam Company
Judith A. Endejan
Michael Tobiason
Graham & Dunn, P.C.
1420 Fifth Avenue, 33rd Floor
Seattle, WA 98101
Phone: 206-624-8300
Fax: 206-340-9599
e-mail: jendejan@grahamdunn.com
mtobiason@grahamdunn.com

**Northwest Energy Coalition and
Natural Resources Defense
Council**
Danielle Dixon
Policy Associate
NW Energy Coalition
219 First Avenue, Suite 100
Seattle, WA 98104
Phone : 206-621-0094
Fax: 206-621-0097
e-mail: Danielle@nwenergy.org

Northwest Industrial Gas Users
Edward A. Finklea
Energy Advocates LLP
Attorneys at Law
526 NW 18th Avenue
Portland, OR 97209-2220
Phone: 503 721-9118
Fax: 503-721-9121
e-mail:
efinklea@energyadvocates.com

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

City of Bremerton

Angela L. Olsen
Assistant City Attorney
McGavick Graves
1102 Broadway, Suite 500
Tacoma, WA 98401
Phone: 253-627-1181
Fax: 253-627-2247
e-mail: alo@mcgavic.com

Commission Staff:

Robert D. Cedarbaum
Senior Counsel
Shannon E. Smith
Asst AG
1400 S. Evergreen Park Dr. S.W.
P.O. Box 40128
Olympia, WA 98504-0128
phone: 360-664-1160 (Cedarbaum)
360-664-1192 (Smith)
fax: 360-586-5522
e-mail:
bcedarba@wutc.wa.gov
ssmith@wutc.wa.gov

King County

Donald C. Woodworth
Deputy Prosecuting Attorney
500 Fourth Avenue, Suite 900
Seattle, WA 98104
Phone : 206-296-0430
Fax: 206-296-0415
e-mail:
don.woodworth@metrokc.com

Public Counsel:

Simon J. ffitich
Public Counsel Section
Office of Attorney General
900 Fourth Avenue, ste 2000
phone: 206-464-7744
fax: 206-389-2058
e-mail:
SimonF@ATG.WA.GOV

Dated: January 8, 2002

Corinne Scowcroft

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