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BEFORE THE  
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of

PUGET SOUND ENERGY, INC.

For an Order Authorizing Deferral of Certain  
Electric Energy Supply Costs

DOCKET NO. UE—011170

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

PUGET SOUND ENERGY, INC.,

Respondent.

DOCKET NO. UE—011163

ANSWER OF PUGET SOUND  
ENERGY, INC. TO PETITION OF  
AT&T WIRELESS SERVICES, INC.  
TO INTERVENE

1. Puget Sound Energy, Inc. ("PSE") answers the Petition to Intervene filed by AT&T Wireless Services, Inc. ("AWS"), dated September 7, 2001.

PSE's full name and mailing address are:

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

[011163, PSE, Answer to Petition to Intervene, 9-21-01.doc]

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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.

**I. ARGUMENT**

**A. AWS Failed to Timely Petition for Leave to Intervene and Failed to Show Good Cause for the Commission to Waive Its Time Limitation on Such Petitions**

3. AWS has failed to timely petition for leave to intervene. Under WAC 480-09-430, a party seeking to intervene:

may petition in writing for leave to intervene at least five days prior to the time it is initially called for hearing or prehearing conference, whichever occurs first; or petition orally for leave to intervene at the time of the initial hearing or prehearing conference, whichever occurs first.

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

4. As noted above, a party seeking to intervene "may petition in writing for leave to intervene at least five days prior to the time it is initially called for hearing or pre-hearing conference, whichever occurs first." AWS's written petition is dated September 7, 2001 and presumably was filed on said date. However, this was subsequent to the Pre-Hearing Conference of September 4, 2001. As such, AWS did not file a timely written petition to intervene.

5. A party seeking to intervene may also petition orally at the earlier to occur of the initial hearing or the pre-hearing conference. In this case, the first to occur was the Pre-Hearing Conference, which was held on September 4, 2001. AWS did not attend and therefore did not

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orally petition to intervene at the Pre-Hearing Conference. Thus, AWS did not petition to intervene in this proceeding in a timely manner.

6. As a third option, 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). AWS has not pled, or otherwise made any showing of good cause with respect to its failure to timely petition for leave to intervene. Thus, AWS has neither made a timely petition, nor has AWS shown good cause for the Commission to accept its untimely petition.

**B. AWS Failed to Demonstrate a Substantial Interest in the Subject Matter of the Proceeding**

7. Under WAC 480-09-430, a party seeking leave to intervene must demonstrate that it has a substantial interest in the proceedings. The rule states:

If the petition discloses a substantial interest in the subject matter of the hearing, or if the participation of the petitioner is in the public interest, the Commission may grant the petition.

WAC 480-09-430(3). AWS has not demonstrated a substantial interest in the subject matter of this docket. AWS takes service from PSE under Schedule 48. Schedule 48 is expressly excluded from proposed Schedule 395. As such, the rates and service AWS takes under Schedule 48 will not be affected by this proceeding.

8. Nor does AWS demonstrate a substantial interest by virtue of the fact that it may subsequently receive service under a different rate schedule that has yet to be approved by the Commission. Issues or concerns with respect to any such future rate schedule should be raised in that proceeding.

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**C. The Public Interest Will Not Be Served by AWS Participating in This Docket**

9. AWS fails to demonstrate that it is in the public interest for it to participate in this docket. The public interest is sufficiently served by the existing parties to this proceeding. AWS has not shown a unique or specific public interest that it would represent. PSE submits that the public interest will not be served by AWS pursuing its interests in the proceedings, especially in a case where it has not otherwise demonstrated a substantial interest that is affected in this proceeding.

**II. CONCLUSION**

10. Based upon the foregoing, AWS has failed to satisfy the requirements of WAC 480-09-430. AWS should not be granted leave to intervene, and its Petition should be denied.

Respectfully submitted this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

**PERKINS COIE LLP**

By \_\_\_\_\_  
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**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:

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Dated at Bellevue, Washington, this \_\_\_\_\_ day of September, 2001.

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