

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CITY OF AUBURN, CITY OF
BREMERTON, CITY OF DES MOINES,
CITY OF FEDERAL WAY, CITY OF
LAKEWOOD, CITY OF RENTON, CITY OF
SEATAC, CITY OF TUKWILA,

Complainants,

v.

PUGET SOUND ENERGY, INC.,

Respondent.

NO. UE-010911

DECLARATION OF THOMAS G. BOYNS
IN SUPPORT OF CITIES' REPLY

In the Matter of the Petition of

CITY OF KENT,

For Declaratory Relief Interpreting Schedule
71 of Electric Tariff G.

NO. UE-010778

Tom Boyns declares as follows:

1. I serve the City of Renton as its Property Services Supervisor. I have been in this position since 1994. I am familiar with the allegations in the declaration of Andy Lowry, and I am familiar with the Main Avenue South project discussed in his declaration.

2. In 1998, the City of Renton began a project that involved widening Main Avenue and requiring underground conversion of the electrical system of Puget Sound Energy (“PSE”). This project was unusual in that part of the electrical service to a number of buildings that faced on Main Avenue came from behind the buildings. The service had to come from behind the buildings because several of the buildings were completely occupying their respective lots with the only effective means of provided access being from the alley.

3. In order to make room for the street improvements as well as for PSE’s equipment, the City bought a piece of property (the “lot”) containing a building that had to be demolished. The City retained title to all of the property, but gave PSE an easement for placement of its electrical equipment. The “lot” the City bought served multiple purposes. The City needed a right of way for this street widening. The available property nearby that could serve as additional right of way was much more expensive and didn’t fulfill as many of the City’s needs as the “lot”. The “lot” was also needed to trade some of the “lot” with an adjoining piece of property for the needed right of way. The trade was right of way needed by the City for street widening for enough square footage from the “lot” to replace parking that had been within the right of way from the adjoining property.

4. The “lot” also contained property that would not be necessary for the street system of the City. Since the street in question, Main Avenue South would be extremely expensive and difficult to expand further, the City planned to surplus and sell part of the remainder of the “lot” and gave PSE an easement for the rest. Since a portion of the “lot” wasn’t needed for right of way it was felt that it wasn’t covered by the existing PSE – City franchise, so an easement was granted to PSE. The City still retains title to the easement property.

5. Instead of using the easement provided, PSE built its facilities on another piece of the “lot” and demanded that the City reimburse PSE. The City has never agreed to pay for this private easement, and expects PSE to reimburse the City for the cost of the easement. PSE originally agreed but now has refused to pay. See Exhibits A through H to the declaration of Andy Lowry for the tenor of the negotiations.

I declare under penalty of perjury that the foregoing is true and correct. Executed at Renton, Washington, on September _____, 2001.

Thomas G. Boyns

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the Declaration of Thomas G. Boyns in Support of Cities' Reply filed by the Cities of Auburn, Bremerton, Des Moines, Federal Way, Lakewood, Redmond, Renton, SeaTac, and Tukwila, upon all parties of record in this proceeding, via facsimile, followed by U.S. mail, as follows:

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DATED at Seattle, Washington, this 18th day of September, 2001.

Jo Ann Sunderlage
Secretary to Carol S. Arnold