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August 1, 2001

## VIA FACSIMILE and FIRST CLASS MAIL

Carole J. Washburn  
Office of the Secretary  
Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Drive SW  
Olympia, WA 98504-7250

**Re: City of SeaTac v. Puget Sound Energy, Inc.  
City of Clyde Hill v. Puget Sound Energy, Inc.  
Docket Nos. UE-010891 and UE-011027**

Dear Ms. Washburn:

Enclosed for filing in the above-referenced docket numbers is the Joint Statement of Issues, Stipulations of Fact, and Stipulated Exhibit List. I have executed the complete version of this document, and the remaining signatures are to be filed separately by each of the other parties.

Thank you for your assistance in this matter.

Very truly yours,



Kirstin S. Dodge

KSD:pli  
Enclosures

cc: WUTC Records Center (via email)  
Service List

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COMMUNICATIONS SECTION

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BEFORE THE  
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CITY OF SEATAC,  
  
Complainant and Petitioner,  
  
v.  
  
PUGET SOUND ENERGY, INC.,  
  
Respondent.

NO. UE-010891  
  
NO. UE-011027

CITY OF CLYDE HILL, AN OPTIONAL  
MUNICIPAL CODE CITY,  
  
Complainant and Petitioner,  
  
v.  
  
PUGET SOUND ENERGY, INC.,  
  
Respondent.

JOINT STATEMENT OF ISSUES,  
STIPULATIONS OF FACT, AND  
STIPULATED EXHIBIT LIST

The City of SeaTac, the City of Clyde Hill, Puget Sound Energy, Inc. ("PSE"), and the  
Commission Staff hereby submit the following Statement of Issues, Stipulation of Facts, and  
Stipulated Exhibit List:

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**STATEMENT OF ISSUES**

The legal issues are:

(1) Whether Schedule 70 or Schedule 71 applies to the work to be performed for the conversion along South 170<sup>th</sup> Street between 37<sup>th</sup> Avenue South and Military Road South in the City of SeaTac (the "SeaTac Conversion Area"). Sub-issues are:

- a) whether the SeaTac Conversion Area meets the definition of an area that is "zoned and used exclusively for residential purposes" in PSE's Schedule 70; or
- b) whether the language of PSE's Schedule 71, Section 2, relating to undergrounding of facilities in "those portions of municipalities which are zoned and used for commercial purposes (and in such other areas of such municipalities which have electrical load requirements which are comparable with developed commercial areas)" applies to the SeaTac Conversion Area.

(2) Whether Schedule 70 or Schedule 71 applies to the work to be performed along 92nd Avenue N.E. that is part of the conversion described in the City of Clyde Hill complaint. Sub-issues are:

- a) whether the conversion area in Clyde Hill along 92nd Avenue N.E. meets the definition of an area that is "zoned and used exclusively for residential purposes" in PSE's Schedule 70; or
- b) whether the language of PSE's Schedule 71, Section 2, relating to undergrounding of facilities in "those portions of municipalities which are zoned and used for commercial purposes (and in such other areas of such municipalities which have electrical load requirements which are comparable with developed commercial areas)" applies to the Clyde Hill conversion area along 92nd Avenue N.E.

(3) Whether either Schedule 70 or 71 applies to private drives connecting to 92nd Avenue N.E. and 94th Avenue N.E. that are part of the conversion described in the City of Clyde Hill complaint. The sub-issue is:

**C00097**

- 1 a) whether either Schedule 70 or Schedule 71 are applicable to the  
2 existing overhead facilities that are currently located on private  
3 property and not in city rights-of-way along private drives  
4 connecting to 92nd Avenue N.E. and 94th Avenue N.E. in the  
5 conversion described in the Clyde Hill complaint.  
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10 **STIPULATIONS OF FACT**

11 **Facts Relating to SeaTac:**

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14 1. The City of SeaTac ("SeaTac") has requested and PSE has agreed to  
15 convert its overhead facilities along South 170<sup>th</sup> Street between 37<sup>th</sup>  
16 Avenue South and Military Road South (the "SeaTac Conversion Area") to  
17 underground.  
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20 2. SeaTac claims that PSE should undertake the conversion under the terms  
21 of Schedule 70, while PSE claims that Schedule 71 applies to the  
22 conversion.  
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24 3. South 170th Street is a collector arterial that provides access between  
25 Military Road South and International Boulevard (Highway 99), as well as  
26 SeaTac Airport. International Boulevard and SeaTac Airport are  
27 commercial areas.  
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30 4. The buildings currently located within the SeaTac Conversion Area are  
31 residential dwellings.  
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33 5. Stipulated Exhibit A is a true and correct copy of the aerial photograph  
34 identified as "South 170<sup>th</sup> Street Phase 2 Improvements Project Area."  
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36 6. Stipulated Exhibit B is a true and correct copy of the map identified as  
37 "City of SeaTac Zoning."  
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40 7. Stipulated Exhibit C is a true and correct copy of the map identified as  
41 "City of SeaTac Comprehensive Plan."  
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43 8. PSE's existing overhead distribution system in the SeaTac Conversion Area  
44 is a three-phase feeder system, not a single-phase system. The service lines  
45 from the distribution system are single-phase.  
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3 **Facts Relating to Clyde Hill:**  
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- 5 9. The City of Clyde Hill ("Clyde Hill") has requested that PSE convert its  
6 overhead facilities to underground along 92nd Avenue N.E. between  
7 approximately N.E. 13th Street and N.E. 20th Street, along N.E. 13th  
8 Street from 92nd Avenue N.E. eastward to the end of N.E. 13th Street,  
9 along N.E. 19th Street from 92nd Avenue N.E. to 94th Avenue N.E.,  
10 along N.E. 20th Street from just west of 92nd Avenue N.E. to 96th  
11 Avenue N.E., along 94th Avenue N.E. from N.E. 19th Street to  
12 approximately N.E. 21st Street, and along private drives and through  
13 private property running east of and perpendicular to 92nd Avenue N.E.  
14 and west of and perpendicular to 94th Avenue N.E. ("Clyde Hill Project").  
15 Stipulated Exhibit D shows the details of the locations of facilities that  
16 Clyde Hill wishes to convert to underground.  
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20 10. PSE has agreed that facilities in the following conversion areas within the  
21 Clyde Hill Project should be performed under Schedule 70: N.E. 13th  
22 Street from 92nd Avenue N.E. eastward to the end of N.E. 13th Street,  
23 N.E. 20th Street from just west of 92nd Avenue N.E. to 96th Avenue  
24 N.E., and along 94th Avenue N.E. from N.E. 19th Street to approximately  
25 N.E. 21st Street. See Exhibit D, pink highlighting. PSE's existing  
26 overhead facilities in these areas are a single-phase system.  
27  
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29 11. PSE claims that facilities in the following conversion area should be  
30 performed under Schedule 71: along 92nd Avenue N.E. between  
31 approximately N.E. 13th Street and N.E. 20th Street. See Exhibit D,  
32 yellow highlighting. PSE's existing overhead facilities along 92nd Avenue  
33 N.E. are a three-phase feeder system, not a single-phase system.  
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36 12. PSE claims that facilities in the following conversion areas are not subject  
37 to either Schedule 70 or Schedule 71, and should be converted only if  
38 Clyde Hill pays 100% of the actual costs of the conversion: along private  
39 drives and through private property running east of and perpendicular to  
40 92nd Avenue N.E. and west of and perpendicular to 94th Avenue N.E.  
41 See Exhibit D, green highlighting. PSE's existing overhead facilities in  
42 these areas are located on PSE easements, or by invitation of the property  
43 owner, and there is no public thoroughfare in these areas. Clyde Hill  
44 claims that Schedule 70 is applicable to these facilities.  
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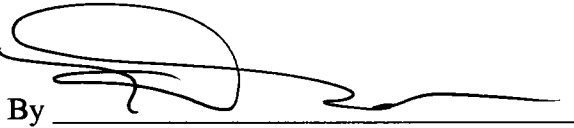
13. Clyde Hill consists of approximately 2,900 residents and 1,100 households. There are two commercially developed lots within the corporate limits of the City and certain public and private schools and churches and city buildings, all of which are located outside the conversion area and LID boundary and receive electrical service from service lines outside of the conversion area and LID boundary. The commercially developed lots contain a gas station/convenience store and a Tully's Coffee shop.
14. The Clyde Hill Project arose after a neighborhood of about 100 homes in a contiguous location petitioned the City Council to form a local improvement district (LID) for the purpose of burying the utility lines and installing street lighting in the neighborhood.
15. The City paid PSE \$4,000.00 for developing a set of preliminary design plans.
16. On June 22, 2000, PSE provided to Clyde Hill PSE's estimate of the costs of the conversion for the Clyde Hill Project based on PSE's assertion of the application of Schedules 70 and 71, as described above. Stipulated Exhibit E is a true and correct copy of PSE's Project Estimate for Clyde Hill dated June 22, 2000. Clyde Hill advised PSE that it disagreed with PSE's position, and that it felt that Schedule 70 applied to the entire Project.
17. Approximately one year later, on June 12, 2001, after a public hearing, the City Council passed Ordinance No. 836 (Stipulated Exhibit F) creating the Local Improvement District No. 2001-01 for the conversion of overhead to underground facilities and ordering "the making of certain improvements consisting of the undergrounding of overhead lines as described in the property owners' petition therefor, to include such proper appurtenances, if any, as may be determined by the Council."
18. The total area within the boundary of the LID is zoned R1 Residential and is developed with single family residential structures. Stipulated Exhibit G is a true and correct copy of the City map depicting the zoning of the LID and boundary.
19. The buildings currently located within the Clyde Hill Project are all residential dwellings.
20. The electrical distribution lines proposed to be converted to underground in the LID are 15,000 volts or less.

**000100**

DATED: August 1, 2001.

**PERKINS COIE LLP**

**PRESTON GATES & ELLIS LLP**

By 

By \_\_\_\_\_

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Laura K. Clinton

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**OGDEN MURPHY WALLACE**

**OFFICE OF THE ATTORNEY  
GENERAL**

By \_\_\_\_\_

By \_\_\_\_\_

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**WUTC Docket No. UE-010891 (Kent/Clyde Hill)**

**Exhibit List**

Without waiver of objections as to relevance, the parties stipulate to the authenticity of the following exhibits:

<b>EXHIBIT #</b>	<b>DESCRIPTION</b>	<b>Authenticity Stipulated?</b>
<b>A.</b>	Aerial photograph identified as "South 170 <sup>th</sup> Street Phase 2 Improvements Project Area"	Yes, subject to check.
<b>B.</b>	Map identified as "City of SeaTac Zoning"	Yes, subject to check.
<b>C.</b>	Map identified as "City of SeaTac Comprehensive Plan"	Yes, subject to check.
<b>D.</b>	Clyde Hill Pre-Construction Drawings #101006679, sheets 2-4 of 4, with highlighting describing different portions of the Project and key to highlighting.	Yes
<b>E.</b>	PSE's Project Estimate for Clyde Hill dated June 22, 2000	Yes
<b>F.</b>	Ordinance No. 836 (Exhibit A attached hereto and hereby incorporated by this reference)	Yes
<b>G.</b>	City of Clyde Hill map depicting the zoning of the LID and boundary	Yes
<b>H.</b>	PSE's Standard 6750.5000: Underground Distribution System Design	Yes

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding, by mailing with postage prepaid to:

Dennis J. Moss  
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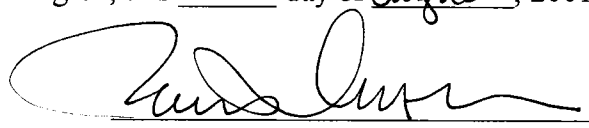
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Dated at Bellevue, Washington, this 1<sup>st</sup> day of August, 2001.



Pam Iverson

**000104**