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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)

PETITION TO INTERVENE AND
PROTEST OF SOUND TRANSIT

Petitioner, the Central Puget Sound Regional Transit Authority (“Sound Transit”), hereby petitions to intervene in the above-captioned consolidated matters. In support of its petition, Sound Transit states the following facts:

1. Names and addresses of petitioner:

SOUND TRANSIT
c/o Desmond L. Brown
General Counsel
Office of Legal Affairs
401 South Jackson Street
Seattle, WA 98104-2826
Business: (206) 689-3384
Fax: (206) 398-5222

2. Name and address of attorney representing petitioner:

Elizabeth Thomas
Claire M. Jackson
Preston Gates & Ellis LLP
701 Fifth Avenue, Suite 5000
Seattle, WA 98104-7078
Business: (206) 623-7580
Fax: (206) 623-7022

1 **3. Identity of petitioner:**

2 Sound Transit is a Regional Transit Authority created by King, Pierce and Snohomish
3 Counties pursuant to RCW Chapters 81.104 and 81.112, and is charged with the planning,
4 development, operation and funding of a capacity transportation system in the areas of King,
5 Snohomish, and Pierce Counties.
6

7 **4. Petitioner’s participation in UTC cases in the past two years:**

8 Sound Transit participated as an intervenor in Docket No. TR-990656, *In the Matter of the*
9 *Petition of the Burlington Northern and Santa Fe Railway Company (BNSF) to Increase Passenger*
10 *and Freight Train Speeds to BNSF’s Railroad Between the Southern Most Boundary of Seattle’s City*
11 *Limits to the Northern Most Boundary of the City of Tacoma.*
12

13 **5. Petitioner’s interest in this proceeding:**

14 Sound Transit is interested in this proceeding because PSE’s proposed Schedule 72,
15 “Relocation of Company Owned Facilities,” would directly affect Sound Transit’s ability to
16 implement projects planned for SeaTac, Bellevue, Tukwila and other communities. The payment
17 provisions of paragraphs 3 and 4 of Schedule 72 would result in shifting costs onto Sound Transit as
18 well as cities, contrary to past practice and law. As to Sound Transit, this cost shifting is also
19 contrary to legislative rejection of a similar proposal, and contrary to PSE’s position on cost
20 recovery in related matters. Schedules 70 and 71 may also result in increased costs to Sound Transit.
21

22 **6. Issues To Be Raised:**

23 The Petitioner Sound Transit wishes to object to and protest the payment provisions of
24 Electric Tariff G, Schedule 72 for the reasons set forth above, and to join cities that have already
25 intervened in this proceeding in objecting to and protesting PSE’s proposed Schedules relating to
26

1 relocation and undergrounding as set forth in the Cities' Petition To Intervene and Protest filed with
2 the Commission on December 19, 2001. Sound Transit does not intend to broaden the issues to
3 matters other than these Schedules. Sound Transit does not intend to participate actively in any
4 issues that are limited in scope to Phase One of these proceedings (*i.e.*, PSE's request for interim
5 relief).
6

7 Sound Transit seeks late intervention for good cause. PSE failed to provide notice to
8 customers affected by Schedules 70, 71, and 72 as required by WAC 480-80-125. For that reason,
9 Sound Transit was unaware until a few days ago that PSE was proposing to alter *through this rate*
10 *case* the terms and conditions under which PSE relocates its facilities in order to allow construction
11 of Sound Transit's public transportation projects. Moreover, through legislative proceedings over
12 the past several months on House Bill 2660, which would have legislated an obligation for Sound
13 Transit to fund PSE relocation costs, through other legislative proceedings, and through negotiation
14 of an agreement between Sound Transit and PSE relating to payment for costs associated with
15 relocating PSE gas facilities, PSE was well aware that any change in payment of relocation costs for
16 PSE's electric facilities was an issue of vital importance to Sound Transit. Yet PSE never informed
17 Sound Transit that relocation cost was at issue in its rate case. This lack of notice with respect to its
18 electric lines is both noteworthy and inexplicable given that PSE and Sound Transit have engaged in
19 extensive negotiations which culminated in a utility relocation cost sharing agreement for PSE's gas
20 lines in March 2001.
21

22
23 For these reasons, Sound Transit was unable to analyze and determine its interests in this
24 proceeding prior to the Prehearing Conference. Sound Transit is a public agency, and the public
25 interest will be adversely affected if proposed Schedules 70, 71, and 72 are approved. In addition,
26

1 Sound Transit has become aware that Qwest is challenging the authority of Sound Transit and cities
2 to treat Sound Transit's use of city rights-of-way as a public use for purposes of utility relocation.
3 *See Qwest Corporation v. Central Puget Sound Regional Transit Authority et al.*, No. C02-0155P
4 (U.S.D.C., W. Dist. WA, Amended Complaint filed Jan. 30, 2002). Qwest's court challenge casts
5 doubt upon Sound Transit's ability to rely upon the cities to fully represent its interests regarding the
6 PSE relocation and undergrounding tariffs that are at issue in this Commission proceeding. For
7 these reasons, good cause exists to grant Sound Transit's Petition to Intervene.
8

9 **7. Testimony and Witnesses**

10 Sound Transit has not decided at this time whether to submit written testimony or exhibits or
11 call witnesses, but reserve the right to do so. Sound Transit intends to cross-examine the witnesses
12 called by other parties and to submit written argument.
13

14 **8. The undersigned submit this Petition to Intervene and Protest and request**
15 **authorization to participate in this proceeding.**

16 DATED this 11th day of March, 2002.

17 PRESTON GATES & ELLIS LLP

18
19 By _____
20 Elizabeth Thomas, WSBA # 11544
21 Claire M. Jackson, WSBA # 30303
22 Attorneys for Petitioner
23 Central Puget Sound Regional Transit Authority
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