

WASHINGTON UTILITIES & TRANSPORTATION COMMISSION

Public Records Index

Final Orders of Substantial Importance, Declaratory Orders, Interpretive Statements, and Policy Statements

October, 2005 – Present¹

2005

Utilities:

Electric

- ✓ In the Matter of the Petition of Sea Breeze Pacific Juan de Fuca Cable, LP, Olympic Converter Corporation, and Victoria Converter, NSULC, For a Declaratory Order Disclaiming Jurisdiction. Docket **UE-051439**. Summary: In Order **01** the Commission enters an order declaring that the owners of a merchant transmission line to be operated between Port Angeles, Washington, and near Victoria, British Columbia, on the facts presented, would not be public service companies under Washington law and consequently would not be subject to regulation under Title 80 RCW as public service companies. (November 3, 2005)

Telecommunications

- ✓ In the Matter of the Joint Application of Verizon Communications Inc. and MCI, Inc. For Approval of Agreement and Plan of Merger. Docket **UT-050814**. Summary: In Order **07** the Commission has jurisdiction over the proposed merger and accepts a proposed multiparty settlement agreement on condition that the parties to the agreement accept changes proposed by the Commission. Proposed changes include rejection of a settlement condition proposed by the settling parties, acceptance of certain conditions proposed by Public Counsel, and acceptance of a condition proposed by the Commission, including the expansion of a fund proposed by Verizon and MCI to respond under Commission direction to public needs to be determined. The decision will not be

¹ An annual summary of Final Utility Orders dating back to 1986 and Final Transportation Orders dating back to 1982 is available in hard copy at the offices of the Washington Utilities and Transportation Commission in Olympia in the Administrative Law Division.

effective unless the ordered changes are accepted by parties to the settlement. (December 23, 2005)

2006

Declaratory Orders:

- ✓ In the Matter of the Petition of William L. Stuth and Aqua Test, Inc., For a Declaratory Order. Docket A-050528. Summary: Order 07 grants, in part, a request by the parties to dismiss a petition for declaratory order, to allow the petitioners, who want the Commission to regulate owners, operators, and managers of large on-site sewage systems as public service companies, to seek a legislative solution to their concerns. Petitioners will not be barred from filing a future petition for a declaratory order. The Commission conditions dismissal on parties' consent to rejection of their proposal to allow petitioners to revive the docket at will, with its current record, in its current procedural posture. (May 23, 2006)

Transportation:

Ferries

- ✓ In the Matter of Application No. B-79418 of Sean McNamara d/b/a Pacific Sea Taxi For a Certificate of Public Convenience and Necessity to Operate Vessels in Furnishing Passenger Ferry Service and In the Matter of Application No. B-79421 of Pacific Cruises Northwest, Inc., d/b/a Victoria San Juan Cruises To Transfer All Rights under Certificate B-120 in the name of San Juan Island Shuttle Express, Inc. Dockets TS-060061 and TS-060133. Summary: In Order 02 the Commission, approving and adopting a proposed settlement in Docket TS-060061, grants a certificate of public convenience and necessity to Sean McNamara, d/b/a Pacific Sea Taxi to provide commercial ferry service between Squalicum Harbor in North Bellingham and Rosario and Obstruction Pass on Orcas Island with flag stops at: Eliza Island, Sinclair Island, Cypress Island, Lopez Island, and Blakely Island. The Commission, approving and adopting a proposed settlement in Docket TS-060133, authorizes the transfer of Certificate No. BC-120 to Pacific Cruises Northwest, Inc., d/b/a Victoria San Juan Cruises. (June 8, 2006)

Household Goods

- ✓ In the Matter of the Penalty Assessment Against All My Sons Moving & Storage of Seattle, Inc. Docket TV-050537. Summary: Order 04 denies the request of All My Sons Moving & Storage of Seattle, Inc. (All My Sons) to reconsider the Commission's decision to reject a safe-harbor provision of the Settlement Agreement with Commission Staff. This Commission found the provision related to possible violations by All My Sons

outside the period for which penalties were assessed and therefore beyond the scope of this proceeding. The Settlement Agreement allows either party to withdraw from the agreement if the Commission rejects any part and All My Sons has 10 days after the date of this Order to exercise that option. (October 11, 2006)

Utilities:

Electric

- ✓ WUTC v. PacifiCorp d/b/a Pacific Power & Light Company and In the Matter of the Petition of PacifiCorp d/b/a Pacific Power & Light Company For an Order Approving Deferral of Costs Related to Declining Hydro Generation. Dockets **UE-050684** and **UE-050412**. In Order **04 (UE-050684)** and **Order 03 (UE-050412)** the Commission rejects the Company's proposed rates, because we find the Revised Protocol cost allocation methodology assigns resources to Washington which have not been proven to be "used and useful for service in this state," a statutory requirement. The Commission also rejects Staff's and ICNU's proposed modifications to the Revised Protocol, because they suffer from the same infirmity. While the Commission finds merit in power cost adjustment and decoupling mechanisms, the Commission rejects the proposals offered by the Company and NRDC, both because of the lack of an acceptable allocation method and because the proposals lack sufficient detail. The existing rates are deemed to be fair, just, reasonable and sufficient, as the Company has not met its burden to provide an allocation methodology. Although the Commission is not able to adjust rates or resolve contested adjustments to revenue requirement or rate base in the absence of an appropriate allocation method, the Commission addresses those contested adjustments involving matters of policy, accounting rules or theory. Determining an appropriate cost of capital does not depend on a method for allocating costs. The Commission finds that 10.2 percent is an appropriate return on common equity for PacifiCorp, establishing an overall cost of capital of 8.10 percent. The Commission rejects the proposals of Staff and Public Counsel to apply a double leverage adjustment in establishing the Company's cost of capital.

Finally, the Commission grants, in part, the Company's petition to establish a deferral account for costs relating to declining hydroelectric generation. The Commission rejects that portion of the petition seeking recovery of these costs, finding the Company has not shown the costs were prudently incurred and because the costs are dependent on an unacceptable allocation method. (April 17, 2006)

- ✓ In the Matter of the Petition of Avista Corporation, d/b/a Avista Utilities, For Continuation of the Company's Energy Recovery Mechanism, with Certain Modifications. **Docket UE-060181**. Summary: In **Order 03** the Commission finds that the

modifications to Avista's Energy Recovery Mechanism proposed by the parties in their Settlement Agreement, including reduction of the so-called deadband from \$9 million to \$4 million, a 50/50 sharing for excess power costs or power cost savings between \$4 million and \$10 million, and a 90/10 sharing beyond the \$10 million threshold, result in improvements to the mechanism that are in the public interest. (June 16, 2006)

- ✓ WUTC v. PacifiCorp d/b/a Pacific Power & Light Company; In the Matter of the Petition of PacifiCorp d/b/a Pacific Power & Light Company For an Order Approving Deferral of Costs Related to Declining Hydro Generation and WUTC v. PacifiCorp d/b/a Pacific Power & Light Company. Dockets **UE-050684, UE-050412 and UE-060669**. Summary: **In Order 06 (UE-050684, Order 05 (UE-050412), and Order 02 (UE-060669)** the Commission denies PacifiCorp's petition for reconsideration, rejecting the Company's arguments that the Commission applied the used and useful statute to reject its allocation method, or that the "end result" of the decision is so unfair as to be unconstitutional. The Commission clarifies certain factual errors, but finds them not material to the decision. The Commission also finds the decisions in prior PacifiCorp rate cases do not establish a precedent for granting rate relief in the absence of an agreed-upon cost allocation method. The Commission rejects the Company's request for rate relief, both in the Company's petition for reconsideration and in the separate request for a 2.99 percent rate increase, finding the record does not justify relief. Finally, the Commission denies Staff's petition for reconsideration, but clarifies that Staff may raise the issue of risk sharing when the Company seeks recovery in rates of deferred excess power costs. (July 14, 2006)
- ✓ In the Matter of the Petition of Avista Corporation, d/b/a Avista Utilities, For an Order Approving Avista's Update of its Base Power Supply and Transmission Costs. Docket **UE-061411**. Summary: **Order 04** grants a motion by Public Counsel and Intervenor Industrial Customers of Northwest Utilities (ICNU) to deny Avista's petition and reject the accompanying tariffs for failure to comply with Commission rules and order requiring a general rate case. The Commission encourages expedited refiling if Avista seeks to pursue its proposal. (December 26, 2006)

Telecommunications

- ✓ Whatcom Community College v. Qwest Corporation. **Docket UT-050770**. Summary: **Order 04** approves a proposed settlement agreement between the parties to this complaint, on condition; grants the request of Whatcom Community College to withdraw its formal complaint against Qwest Corporation, subject to parties' acceptance of the condition, and dismisses the proceeding. (February 1, 2006)
- ✓ Pac-West Telecomm, Inc. v. Qwest Corporation. **Docket UT-053036**. Summary: **Order 05** affirms and clarifies a recommended decision that grants Pac-West's petition to

enforce its interconnection agreement with Qwest. The Order requires Qwest to comply with the FCC's ISP Remand Order and fulfill its contractual obligation to compensate Pac-West for all ISP-bound traffic, including VNXX traffic. The Commission interprets the interim compensation mechanism in the ISP Remand Order to apply to all ISP-bound traffic, regardless of the point of origination and termination of the traffic. This Order also affirms the recommended decision's disposition of Qwest's counterclaims. The Order finds Qwest's claims about the use of VNXX neither material nor necessary to decide the issue of compensation for ISP-bound VNXX traffic in a petition for enforcement of Pac-West's interconnection agreement. (February 10, 2006)

Level 3 Communications, LLC v. Qwest Corporation, Docket-UT-053039. Summary: Order 05 reverses portions of the administrative law judge's decision, Order No. 03, requires Qwest to compensate Level 3 for ISP-bound traffic under the Federal Communications Commission's (FCC) Core Forbearance Order as of the effective date of that Order, and approves Level 3's proposed amendment language. This Order also affirms the decision in Order No. 03 that ISP-bound VNXX traffic is compensable under the FCC's ISP Remand Order. As a result, the Order dismisses Qwest's counterclaims contesting the use of VNXX arrangements. The Order finds Qwest's claims about the use of VNXX neither material nor necessary to decide the issue in a petition for enforcement of Level 3's interconnection agreement concerning compensation for ISP-bound VNXX traffic. (February 10, 2006)

- ✓ In the Matter of the Request of Sprint Nextel Corporation for an Order Declining to Assert Jurisdiction Over or, in the Alternative, Application of Sprint Nextel Corporation for Approval of the Transfer of Control of United Telephone Company of the Northwest and Sprint Long Distance, Inc. From Sprint Nextel Corporation to LTD Holding Company, Docket UT-051291. Summary: Order 06 approves Sprint Nextel Corporation's proposed transfer of control of United Telephone Company of the Northwest (United) and Sprint Long Distance, Inc. (SLDI), from Sprint Nextel Corporation to LTD Holding Company, a/k/a Embarq, on conditions specified in a Settlement Agreement supported by all parties to this proceeding. The settlement conditions protect against harm to the public interest that might otherwise result from the proposed spin-off of United and SLDI, and provide benefits to United's customers in Washington. (March 14, 2006)
- ✓ In the Matter of the Joint Application of Verizon Communications Inc. and MCI, Inc. For Approval of Agreement and Plan of Merger. Docket UT-050814. Summary: In Order 09 the Commission selects the Greater Everett Community Foundation, subject to certain conditions including agreement on terms, to administer the public purpose fund. The Commission directs Verizon to disburse the full amount of the public purpose fund to the administrator within three business days following notice an administration agreement has been signed. The Commission defines the parameters of the public purpose fund, including fund administration, and applicant and project eligibility criteria. (May 17, 2006)
- ✓ AT&T Communications of the Pacific Northwest, Inc., TCG Seattle, TCG Oregon; and Time Warner Telecom of Washington, LLC v. Qwest Corporation, Docket UT-051682.

Summary: Order 04 reverses an initial order dismissing this action for failure of complainants to file their complaint within the applicable limitation period. The Commission finds that the dispute falls within the six-year statute of limitation for contracts, RCW 4.16.040(1), and that all possible pertinent accrual dates are within the limitation period. (June 8, 2006)

- ✓ Pac-West Telecomm, Inc. v. Qwest Corporation. **Docket UT-053036. Summary: Order 06** denies Qwest's petition for reconsideration and affirms the Commission's interpretation of the ISP Remand Order. The Commission affirms its finding that the FCC's order applies to all ISP-bound traffic, regardless of the point of origination and termination of the traffic. The Commission clarifies that preemption is not a basis for its decision. (June 9, 2006)

Level 3 Communications, LLC v. Qwest Corporation. **Docket UT-0530039. Summary: Order 06** denies Qwest's petition for reconsideration and affirm our interpretation of the ISP Remand Order. The Commission affirms its finding that the FCC's order applies to all ISP-bound traffic, regardless of the point of origination and termination of the traffic. The Commission We clarifies that preemption is not a basis for its decision. The Commission also denies Qwest's petition for reconsideration of the effective date for implementing the FCC's Core Forbearance Order. (June 9, 2006)

- ✓ In the Matter of the Joint Application of Verizon Communications Inc. AND MCI, Inc. For Approval of Agreement and Plan of Merger. **Docket UT-050814. Summary: Order 12** clarifies and amends the administrative standards established in Order 09 in this docket to address potential concerns raised by the Greater Everett Community Foundation regarding the ordered processes. (July 11, 2006)
- ✓ In the Matter of: American Civil Liberties Union of Washington Petition for Investigation. **Docket UT-060856. Summary: Order 02** opens an investigation into a claim that telecommunications companies offering services in Washington have unlawfully provided protected information of customers' telephone use to the federal government. Protected information includes duration of calls, the person called, and the type of call. The Secretary of the Commission is required to issue an administrative order to each telecommunications company offering Washington intrastate wireline telecommunications services directing the company to preserve all records and information, if any exist, about any request by or on behalf of the federal government to provide CPNI and any records or information provided in response, until further order of the Commission, and; retain the name of any current or former company official or employee who has personal knowledge of any request by or on behalf of the federal government to provide CPNI and any records or information provided in response, the nature of that person's knowledge, and the last known contact information for that person. The order shall make clear the nature of the allegations, and that each telecommunications company should assume, for purposes of notice and information retention purposes, that the allegations may apply to them. (September 27, 2006)

- ✓ In the Matter of the Investigation Concerning the Status of Competition and Impact of the FCC's Triennial Review Remand Order on the Competitive Telecommunications Environment in Washington State. Docket UT-053025. Summary: Order 05 denies the Joint CLECs' request that the Commission initiate an adjudicative proceeding to establish cost-based rates for high capacity loop and transport elements. The Commission lacks authority to enforce Qwest's obligations under Section 271 of the Telecommunications Act. In addition, the Joint CLECs do not provide sufficient information to justify the Commission initiating a proceeding on its own motion. (November 9, 2006)
- ✓ WUTC v. Inland Telephone Company. Docket UT-050606. Summary: Order 09 affirms in full the result of an initial order in this docket. In doing so, this order rejects Inland's proposed tariff revision that would remove from its service area territory of a large new resort. The Commission finds that Inland did not adequately support its proposal. (November 30, 2006)
- ✓ In the Matter of the Investigation Concerning the Status of Competition and Impact of the FCC's Triennial Review Remand Order on the Competitive Telecommunications Environment in Washington State. Docket UT-053025. In Order 06 the Commission reconsiders its decision concerning the appropriate age of data to use in determining whether competing telecommunications companies have access to high-capacity loop and transport elements under the criteria in the FCC's Triennial Review Remand Order. The Commission clarifies that state commissions must resolve disputes about prospective wire center designations based on the most recent data available at the time an ILEC designates a wire center as non-impaired. The Commission reverses its decision to use 2005 data and reinstates the finding in the initial order that 2003 ARMIS 43-08 data is the appropriate data to use in evaluating those wire centers Qwest and Verizon initially designated as non-impaired after the FCC released its Triennial Review Remand Order on February 4, 2005. (December 15, 2006)
- ✓ AT&T Communications of the Pacific Northwest, Inc., TCG Seattle, TCG Oregon; and Time Warner Telecom of Washington, LLC v. Qwest Corporation. Docket UT-051682. Summary: Order 06 reaffirms an interlocutory order allowing a complaint to go forward. It accepts Qwest's and AT&T's requested review of the interlocutory order, rejects the parties' arguments opposing the order, and allows amendment of the complaint to allege breach of complainants' contracts with Qwest as the basis of their cause of action. (December 22, 2006)

2007

Transportation:

Household Goods

WUTC v. Boots, Inc. d/b/a Brooks A & A Moving. Docket TV-060855. Summary: Order 03 is a Commission final order that reviews and amends an initial order imposing sanctions for violations of rule and law by a household goods moving company. The presiding Administrative Law Judge's initial order would impose penalties of \$65,600 for unlawfully charging sales tax to customers and \$26,900 for other violations of Commission regulations and tariff provisions. On review, the Commission modifies the initial order by increasing the penalties by \$500, requiring refunds of illegally-assessed charges, and suspending the carrier's permit for 90 days, beginning 30 days after entry of this final order. Boots may petition for a shortening of the suspension to 60 days if certain conditions are met. (January 26, 2007)

Passenger Transportation Companies (Buses)

- ✓ In the Matter of the Penalty Assessment Against Genie Service Company, Inc. Docket TE-061753. Summary: In Order 02 the Commission denies Staff's petition for administrative review, and modifies the initial order to allow Staff the flexibility to schedule and conduct follow-up compliance reviews of Genie Service Company, Inc. The Commission approves the settlement agreement between the Company and Commission Staff on the condition that the Company remain free of motor carrier safety rule violations for a period of one year from the effective date of this Order. (April 19, 2007)

Pipelines

- ✓ In the Matter of the Petition of Cascade Natural Gas Corporation, Seeking Authorization to Operate a Facility with a Maximum Allowable Operating Pressure Greater Than 250 pounds per square inch gauge Pursuant to WAC 480-93-020. Docket PG-070641 Summary: Order 01 grants Cascade Natural Gas Corporation's petition to operate a pipeline at pressures exceeding 250 pounds per square inch gauge (psig) in order to provide service to a single family residence on Bucktail View in Belfair, Washington, subject to certain conditions. (April 27, 2007)
- ✓ In the Matter of the Petition of Cascade Natural Gas Corporation, Seeking Authorization to Operate a Facility with a Maximum Allowable Operating Pressure Greater Than 250 pounds per square inch gauge Pursuant to WAC 480-93-020. Docket PG-070642 Summary: Order 01 grants Cascade Natural Gas Corporation's petition to operate a pipeline at pressures exceeding 250 pounds per square inch gauge (psig) in order to provide service to a single family residence on Victory Road in Sunnyslope, Washington, subject to certain conditions. (April 27, 2007)

- ✓ In the Matter of the Petition of Puget Sound Energy, Seeking Authorization to Operate a Facility with a Maximum Allowable Operating Pressure Greater Than 250 pounds per square inch gauge Pursuant to WAC 480-93-020. Docket PG-070590 Summary: Order 01 grants Puget Sound Energy's petition to operate a pipeline at pressures exceeding 250 pounds per square inch gauge (psig), at its Redmond Supply Main in order to provide additional capacity to serve Bellevue, Kirkland, and Redmond, subject to certain conditions. (June 27, 2007)
- ✓ In the Matter of the Petition of Puget Sound Energy, Seeking Authorization to Operate a Facility with a Maximum Allowable Operating Pressure Greater Than 500 pounds per square inch gauge Pursuant to WAC 480-93-020. Docket PG-071388 Summary: Order 01 grants Puget Sound Energy's petition to operate a pipeline at pressures exceeding 500 pounds per square inch gauge (psig), at its odorizing facility at South Tacoma Gate Station, subject to certain conditions. (July 25, 2007)
- ✓ In re Commission Investigation of the Pipeline System of Northwest Natural Gas Company. Docket PG-060208. Summary: Order 01 accepts the agreement reached by Northwest Natural Gas Company and Commission Staff over inspections by WUTC of gas pipeline system owned and operation by Northwest Natural Gas Company in Clark County. (August 15, 2007)
- ✓ In re Commission Investigations of the Gas Pipeline System of Puget Sound Energy, Inc. Dockets PG-050331 and PG-050516. Summary: Order 01 accepts the agreement reached by Puget Sound Energy, Inc. and Commission Staff over inspections by WUTC of gas pipeline systems owned and operation by Puget Sound Energy, Inc. in Pierce County and King County. (October 10, 2007)

Utilities:

Electric

- ✓ WUTC v. Puget Sound Energy, Inc. Dockets UE-060266 and UG-060267. Summary: Order 08 rejects revised tariff sheets Puget Sound Energy, Inc. (PSE or the Company), filed on February 15, 2006, but authorizes and requires the Company to file tariff sheets that will result in increases of about 1.0 percent for electric rates and 3.2 percent for natural gas rates, which are found on the record of this proceeding to be fair, just, reasonable and sufficient. The Commission rejects PSE's, and others' proposals to implement novel mechanisms that would shift disproportional risks to customers. The record does not demonstrate that such programs are necessary for the Company, beneficial for customers, or in the public interest. The Commission approves a pilot, incentive-based program to promote electric conservation and increased funding for low-income assistance programs. (January 5, 2007)

- ✓ WUTC v. Puget Sound Energy, Inc. Docket U-061239. Summary: Order 02 finds that PSE violated Commission rules prohibiting the release of customer information as set out in the complaint. The Commission accepts the proposed settlement -- \$900,000 in penalties, a contribution of \$95,000 toward low-income heating assistance, and notice to customers of their privacy rights – on condition that the Company also notify its customers of PSE’s violation of those rights and the terms of this settlement. (January 22, 2007)

- ✓ In the Matter of the Application of Avista Corporation d/b/a Avista Utilities, for an Order Approving a Corporate Reorganization To Create a Holding Company, AVA Formation Corp. Docket U-060273. Summary: Order 03 accepts the multiparty Settlement Stipulation as being in the public interest and approves the corporate reorganization to create a holding company. (February 28, 2007)

- ✓ WUTC v. PacifiCorp d/b/a Pacific Power & Light Company. Docket UE-061546. Summary: Order 06 admonishes Public Counsel for his unexcused failure to appear at the public comment hearing convened in Walla Walla, Washington on March 2, 2007. (April 4, 2007)

- ✓ In the Matter of the Petition of Puget Sound Energy, Inc., For An Accounting Order Authorizing Deferred Accounting Treatment for the fixed cost component of the Company’s newly acquired Goldendale Generating Station pending approval of the Company’s 2007 Power Cost Only Rate Case. Docket UE-070533. Summary: Order 01 approves Puget Sound Energy, Inc.’s requested accounting treatment for the fixed cost component of the Company’s newly acquired Goldendale Generating Station, pending entry of a final Commission order in the Company’s 2007 power cost only rate case. Puget Sound Energy, Inc., is authorized to (1) defer the actual fixed cost component of operation and maintenance expense as defined in the Power Cost Adjustment mechanism, plant depreciation, property taxes, plant insurance and the monthly cost of capital on the annualized actual investment in rate base, resulting from the acquisition of the Goldendale Generating Station, beginning March 15, 2007, the filing date of the petition, and ending with the effective date of new rates from the Company’s 2007 PCORC, (2) book monthly carrying charges on the deferred costs at PSE’s approved net of tax rate of return until amortization begins; and (3) amortize the total deferred balance including carrying charges over a period as specified in the Company’s next general rate case (GRC), commencing with the earlier of January 1, 2009, or the effective date of new rates as a result of the Company’s next GRC. (April 11, 2007)

- ✓ WUTC v. PacifiCorp d/b/a Pacific Power & Light Company and In the Matter of the Petition of Pacific Power & Light Company For an Accounting Order Approving Deferral of Certain Costs Related to the MidAmerican Energy Holdings Company Transition. Dockets UE-061546 and UE-060817. Summary: In Order 08 the Commission rejects revised tariff sheets PacifiCorp filed on October 3, 2006, but authorizes and requires the Company to file tariff sheets stating rates that will recover approximately

\$14,189,025 in additional revenue based on an interjurisdictional cost allocation methodology that focuses on PacifiCorp's west control area, which includes Washington. The Commission rejects PacifiCorp's proposed power cost adjustment mechanism (PCAM) due to certain deficiencies in its design, but remains open to consideration of a more refined PCAM. (June 21, 2007)

- ✓ WUTC v. Pacificorp d/b/a Pacific Power & Light Company and In the Matter of the Petition of Pacific Power & Light Company For an Accounting Order Approving Deferral of Certain Costs Related to the MidAmerican Energy Holdings Company Transition. Dockets UE-061546 and UE-060817. Summary: In Order 10 the Commission denies Staff's motion for clarification of Order 08 because it is not intended to, nor could it enhance compliance by helping to ensure the Company's compliance filing, already made by the time Staff filed its motion, would be accurately prepared and presented. The Commission grants Pacificorp's supplemental motion for clarification of Order 08 to correct a technical error. (July 5, 2007)
- ✓ WUTC v. Puget Sound Energy, Inc. Docket UE-070565. Summary: In order 07 the Commission approves and adopts an uncontested Settlement Agreement that increases Puget Sound Energy, Inc's, electric rates by \$64,680,804, an average of 3.67 percent, to recover additional power costs the Company will incur providing electric service to its customers during the Power Cost Only Rate Case (PCORC) rate year: September 1, 2007, through August 31, 2008. The Settlement provides for a collaborative process in which interested persons, including the settling parties, will review the PCORC process to consider the scope and timing of the PCORC mechanism and whether the mechanism should continue. In addition, the Settlement provides for a stakeholder review to consider how all of the Company's gas assets can be used to maximize the benefit for all of the Company's electric and natural gas customers. The Commission, in adopting the Settlement Agreement, finds prudent PSE's acquisition of the Goldendale combined cycle gas turbine generating facility. (August 2, 2007)
- ✓ In the Matter of the Petition of Avista Corporation d/b/a Avista Utilities For Order Approving Journal Entries for Repurchased Office Building. Docket U-071805. Summary: Order 01 approve the journal entries used to record the repurchase transaction of its general office building located at 1411 E. Mission Avenue and adjacent properties. This Order shall not affect the Commission's authority over rates, services, accounts, evaluations, estimates, or determination of costs in any matters that may come before it, nor be construed as prior consent to any estimate or determination of costs claimed or asserted. (September 28, 2007)
- ✓ WUTC v. Puget Sound Energy, Inc.; In the Matter of the Petition of Puget Sound Energy, Inc. For an Order Regarding the Accounting Treatment For Certain Costs of the Company's Power Cost Only Rate Filing; and In the Matter of the Petition of Puget Sound Energy, Inc., For an Accounting Order Authorizing Deferral and Recovery of

Investment and Costs Related to the White River Hydroelectric Project. Dockets UG-040640, UE-040641, UE-031471, and UE-032043. Summary: Order 08 reopens these consolidated documents to clarify that Order 06 in this proceeding does not require any specific process for review of the catastrophic storm cost deferral mechanism or the currently effective \$7 million threshold that triggers its operation. The currently effective \$7 million threshold will remain effective after December 31, 2007, subject to further action by the Commission in an appropriate proceeding. (December 6, 2007)

- ✓ In the Matter of Puget Sound Energy, Inc. For a Declaratory Order on Schedule 74 and the Schedule 74 Design Agreement between Puget Sound Energy, Inc., and the City of Tumwater. Docket UE-061626. Summary: Order 04 is the Commission's Final Order on review of an Administrative Law Judge's Initial Order. The Commission denies Puget Sound Energy Inc.'s, Petition for Administrative Review and sustains the Initial Order's result denying PSE's motion for summary determination and granting Tumwater's motion for summary determination, interpreting Schedule 74 to require PSE to pay 60 percent of the cost of converting its overhead electrical facilities in the Tumwater Boulevard improvement project, and Tumwater to pay 40 percent of the conversion cost. Other than as expressly stated in this Final Order, however, the Commission rejects the reasons for this result stated in the Initial Order because it is not necessary to reach many of the issues discussed in the Initial Order. (December 19, 2007)

- ✓ WUTC v. Avista Corporation d/b/a Avista Utilities and In the Matter of the Petition of Avista Corporation d/b/a Avista Utilities, For an Accounting Order Regarding the Appropriate Treatment of the Net Costs Associated with the Repurchase of Debt. Dockets UE-070804, UG-070805, and UE-070311. Summary: Order 05 approves and adopts an uncontested Settlement Stipulation that increases Avista Corporation's electric rates by \$30,166,000, an average of 9.34 percent across all rate classes, and its natural gas rates by \$3,282,000, an average of 1.65 percent across all rate classes. The Commission authorizes increased funding for Avista's low income demand side management and low income rate assistance programs. The approved Settlement terms provide that Avista will charge against earnings \$3,850,000 of debt repurchase costs and pay a \$15,000 non-compliance penalty to resolve the issues raised by the Company's petition for an accounting order. (December 19, 2007)

Gas

- ✓ WUTC v. Puget Sound Energy, Inc. Dockets UE-060266 and UG-060267. Summary: Order 08 rejects revised tariff sheets Puget Sound Energy, Inc. (PSE or the Company), filed on February 15, 2006, but authorizes and requires the Company to file tariff sheets that will result in increases of about 1.0 percent for electric rates and 3.2 percent for natural gas rates, which are found on the record of this proceeding to be fair, just, reasonable and sufficient. The Commission rejects

PSE's, and others' proposals to implement novel mechanisms that would shift disproportional risks to customers. The record does not demonstrate that such programs are necessary for the Company, beneficial for customers, or in the public interest. The Commission approves a pilot, incentive-based program to promote electric conservation and increased funding for low-income assistance programs. (January 5, 2007)

- ✓ Cost Management Services, Inc. v. Cascade Natural Gas Corporation. Docket UG-061256. Summary: Order 03 grants CMS's motion for summary determination, in part, finding that Cascade cannot rely on FERC regulations to sell natural gas at retail to non-core customers and violates state law by failing to file with the Commission tariffs and special contracts for such sales. The Commission denies CMS's motion on the issue of Cascade's sales outside of its service territory, as the facts do not demonstrate a violation of law. The Commission finds CMS did not misuse the discovery process in Docket UG-060256, in filing this complaint and deny Cascade's motion on this issue. Finally, the Commission denies CMS' motion to take official notice of Cascade's recent regulatory filing. Cascade is responsible for complying with state law and accountable for any violations. Given that the Commission allowed Cascade to cancel its gas supply tariffs, the Commission finds it would be inequitable to assess penalties for violations resulting from Cascade's failure to have tariffs on file. The Commission finds a \$5,000 penalty is appropriate, however, for Cascade's failure to file its special contracts with the Commission. The Commission also requires Cascade to file with the Commission, within 30 days of the effective date of this Order, the necessary gas supply tariffs and contracts – including contracts for sales outside of Cascade's territory. (January 12, 2007)

- ✓ WUTC v. Cascade Natural Gas Corporation. Docket UG-060256. Summary: In Order 05 the Commission accepts, subject to conditions, the parties' multi-party settlement resolving all contested issues in Cascade's request for a general rate increase. The resulting increase in rates will allow Cascade to recover an additional \$7,061,536 in revenue, representing an increase in rates of approximately 2.7 percent. The Commission conditions its acceptance of the Settlement Agreement on the parties stipulating to an overall rate of return for Cascade of 8.85 percent for purposes of calculating the Company's cost of capital. Further, the Commission accepts the portion of the Settlement authorizing the establishment of a pilot program for decoupling, subject to its approval of a Conservation Plan which must include an earnings cap and penalties for failure to meet benchmarks. Cascade must also conduct an evaluation of the pilot decoupling program regardless of whether it seeks to continue the program after the three-year period expires. Finally, the Commission accepts the proposal for prospective treatment of gas management services revenues in paragraph 12(b)(ii), conditioned on the Company complying, within 30 days of the effective date of this Order, with statutory requirements to file tariffs and contracts with the Commission. (January 12, 2007)

- ✓ WUTC v. Puget Sound Energy, Inc. Docket U-061239. Summary: Order 02 finds that PSE violated Commission rules prohibiting the release of customer information as set out in the complaint. The Commission accepts the proposed settlement -- \$900,000 in penalties, a contribution of \$95,000 toward low-income heating assistance, and notice to customers of their privacy rights – on condition that the Company also notify its customers of PSE’s violation of those rights and the terms of this settlement. (January 22, 2007)

- ✓ In the Matter of the Petition of Avista Corporation, d/b/a Avista Utilities, For an Order Authorizing Implementation of a Natural Gas Decoupling Mechanism and to Record Accounting Entries Associated With the Mechanism. Docket UG-060518. Summary: Order 04 grants Avista’s request for approval of a decoupling mechanism pilot program, and requires an analysis of the pilot program’s results. The Order accepts a proposed multiparty settlement, subject to conditions limiting accumulation of interest and carry-over of benefits between periods, and denies requests by other parties to reject the proposal. (February 1, 2007)

- ✓ In the Matter of the Joint Application of MDU Resources Group, Inc. and Cascade Natural Gas Corporation For an Order Authorizing Proposed Transaction. Docket UG-061721. Summary: Order 06 approves and adopts an unopposed Stipulation that proposes by its terms to resolve all issues in this proceeding. The Stipulation includes 36 commitments from the applicants, including ring-fencing provisions to maintain Cascade Natural Gas Corporation’s financial independence from its new parent corporation and other corporate affiliates. The commitments preserve the Commission’s access to information necessary to its regulatory responsibilities, protect service quality, protect consumers from rate impacts and preserve low-income programs. Taken together, the commitments address the Commission’s concerns in connection with MDU Resources Group, Inc.’s proposed acquisition of Cascade Natural Gas Corporation. The Commission, by this Order, authorizes the proposed transaction. (June 27, 2007)

- ✓ WUTC v. Cascade Natural Gas Corporation. Docket UG-060256. Summary: Order 06 approves Cascade Natural Gas Corporation’s Conservation and Low Income Weatherization Plan, subject to conditions, including modifying Cascade’s conservation targets to increase total therm savings and include therm savings from the Company’s low income weatherization program, modifying the penalty mechanism to limit the maximum recovery of deferred revenue, and requiring the Company to provide specific reporting and accounting methods for implementing the Plan. Public Counsel’s motion for leave to file comments on Cascade’s response to bench requests is denied, because it is argument, not an objection to the Company’s response. (August 16, 2007)

- ✓ Cost Management Services, Inc. v. Cascade Natural Gas Corporation; WUTC v. Cascade Natural Gas Corporation; and In re Notification of Contract and Arrangement between Cascade Natural Gas Corporation and its subsidiary CGC Energy, Inc. Dockets UG-061256, UG-070332, and UG-

070639. Summary: In Order 06 (UG-061256), Order 03 (UG-0703320), and Order 01 (UG-070639) the Commission reverses in part the Initial Order, allowing CMS to continue and amend its complaint against Cascade. The Commission accepts CMS' petition for interlocutory review of the order denying intervention and consolidation with Cascade's tariff filing in Docket UT-070332, denies CMS' petition concerning intervention, and consolidates Dockets UG-070332 and UG-070639 on its own motion. (October 12, 2007)

- ✓ WUTC v. Puget Sound Energy, Inc.; In the Matter of the Petition of Puget Sound Energy, Inc. For an Order Regarding the Accounting Treatment For Certain Costs of the Company's Power Cost Only Rate Filing; and In the Matter of the Petition of Puget Sound Energy, Inc., For an Accounting Order Authorizing Deferral and Recovery of Investment and Costs Related to the White River Hydroelectric Project. Dockets UG-040640, UE-040641, UE-031471, and UE-032043. Summary: Order 08 reopens these consolidated documents to clarify that Order 06 in this proceeding does not require any specific process for review of the catastrophic storm cost deferral mechanism or the currently effective \$7 million threshold that triggers its operation. The currently effective \$7 million threshold will remain effective after December 31, 2007, subject to further action by the Commission in an appropriate proceeding. (December 6, 2007)

- ✓ WUTC v. Avista Corporation d/b/a Avista Utilities and In the Matter of the Petition of Avista Corporation d/b/a Avista Utilities, For an Accounting Order Regarding the Appropriate Treatment of the Net Costs Associated with the Repurchase of Debt. Dockets UE-070804, UG-070805, and UE-070311. Summary: Order 05 approves and adopts an uncontested Settlement Stipulation that increases Avista Corporation's electric rates by \$30,166,000, an average of 9.34 percent across all rate classes, and its natural gas rates by \$3,282,000, an average of 1.65 percent across all rate classes. The Commission authorizes increased funding for Avista's low income demand side management and low income rate assistance programs. The approved Settlement terms provide that Avista will charge against earnings \$3,850,000 of debt repurchase costs and pay a \$15,000 non-compliance penalty to resolve the issues raised by the Company's petition for an accounting order. (December 19, 2007)

Telecommunications

- ✓ In the Matter of the Petition for Arbitration of an Amendment to Interconnection Agreements of Verizon Northwest Inc. With Competitive Local Exchange Carriers and Commercial Mobile Radio Service Providers in Washington Pursuant to 47 U.S.C. Section 252(b) and the Triennial Review Order. Docket UT-043013. Summary: In Order 19 the Commission approves in part and rejects in part language in the proposed Amendment to Interconnection Agreement suggested by each of the parties based on whether the language is consistent with the Arbitrator's Decision and the Commission's final order in this proceeding. The Commission also rejects as procedurally

inappropriate proposed language relating to issues that parties did not bring up in the arbitration or on review. The Commission requires Verizon to file an amendment in compliance with this Order within 30 days following the service date of the Order. Finally, the Commission grants the motion of Verizon and Verizon Access to allow Verizon Access to withdraw from the proceeding. (February 2, 2007)

- ✓ In the Matter of the Investigation Concerning the Status of Competition and Impact of the FCC's Triennial Review Remand Order on the Competitive Telecommunications Environment in Washington State. **Docket UT-053025. Summary: Order 08** closes the proceeding in this docket after the Commission found that through orders and an interpretive statement, the Commission addressed all matters brought forward in this proceeding including the proper designation of wire centers in Washington meeting the FCC's non-impairment standards for high-capacity loops, circuits and transport. Furthermore, the Commission established a process for Qwest, Verizon, and CLECs requesting access to high-capacity loops and transport, to determine the impairment status of serving wire centers. The Commission also entertained, but declined, the Joint CLECs' request to initiate a proceeding to determine whether to require cost-based access to high-capacity loops and transport under Section 271 of the Act or to classify the services as intrastate private line services under state law. (April 2, 2007)

- ✓ In the Matter of the Petition of: Level 3 Communications, LLC, For Arbitration Pursuant to Section 252(b) of the Communications Act of 1934, As Amended by the Telecommunications Act of 1996, and the Applicable State Laws for Rates, Terms, and Conditions of Interconnection with Qwest Corporation. **Docket UT-063006. Summary: In Order 12** the Commission modifies the Arbitrator's Report and Decision, Order 10 in this proceeding, as follows:
 - Clarifying that the Commission will refrain from deciding the issue of how to apply the relative use factor until the Commission resolves the pending complaint in Docket UT-063038 and enters a remand order in Dockets UT-053036 and UT-053039.
 - Clarifying that the Commission will refrain from establishing compensation for exchanging VoIP traffic under the agreement until the FCC establishes intercarrier compensation for VoIP traffic.
 - Reversing the Arbitrator's decision on Qwest's proposed language for auditing Level 3's VoIP traffic, and adopting a modified version of Qwest's language.
 - Adopting a modified version of Qwest's proposed language in Section 9.1.1.4.2 concerning designation of additional non-impaired wire centers.

The Commission affirms the remainder of the Arbitrator's Report and Decision and requires the parties to file an interconnection agreement consistent with this Order within 30 days of the service date of this Order. (June 7, 2007)

- ✓ In the Matter of the Petition of Qwest Corporation For an Alternative Form of Regulation Pursuant to RCW 80.36.135. **Docket UT-061625. Summary: In Order 06** the Commission accepts,

subject to conditions, the multi-party Settlement Agreement and approves an Alternative Form of Regulation (AFOR) to be in effect for a four-year term. During the AFOR, Qwest will be allowed to determine the rates for many services formerly subject to Commission regulation and increase the monthly rates for residential basic service by \$1.00. Approval of the AFOR is subject to, among other things:

- Committing at least \$4 million in specific investments to increase the level of advanced telecommunications services investment in underserved areas and among underserved customer classes in Washington;
- Offering features à la carte and limiting bundle pricing to the sum of its elements;
- Maintaining certain filing requirements to monitor the progress of the AFOR;
- Providing specified customer notice; and
- Filing a plan to ensure carrier-to-carrier service quality standards.

This Order will not take effect unless the conditions are accepted by parties to the Settlement Agreement. If the Order takes effect, the AFOR will expire in four years. Prior to its expiration, the Commission will undertake a thorough review of the AFOR's outcomes. (July 24, 2007)

- ✓ In the Matter of the Petition of: Ellensburg Telephone Company d/b/a FairPoint Communications For Minimal Regulation of Bundled Telecommunications Services. Docket UT-071571. Summary: Order 01 grants Ellensburg Telephone Company's petition in part for minimal regulation of its packaged and bundled offerings subject to the conditions stated in this Order. (September 18, 2007)
- ✓ In the Matter of the Petition of: YCOM Networks, Inc. d/b/a FairPoint Communications For Minimal Regulation of Bundled Telecommunications Services. Docket UT-071572. Summary: Order 01 grants YCOM Networks, Inc.'s petition in part for minimal regulation of its packaged and bundled offerings subject to the conditions stated in this Order. (September 18, 2007)
- ✓ In the Matter of the Petition of: Mashell Telecom, Inc. For Minimal Regulation of Bundled Telecommunications Services. Docket UT-071573. Summary: Order 01 grants Mashell Telecom, Inc.'s petition in part for minimal regulation of its packaged and bundled offerings subject to the conditions stated in this Order. (September 18, 2007)
- ✓ In the Matter of the Petition of: Verizon Northwest Inc. For Minimal Regulation of Bundled Telecommunications Services. Docket UT-071574. Summary: Order 01 grants Verizon Northwest Inc.'s petition in part for minimal regulation of its packaged and bundled offerings subject to the conditions stated in this Order. (September 18, 2007)

- ✓ In the Matter of the Petition of: United Telephone Company of the Northwest, d/b/a EMBARQ For Minimal Regulation of Bundled Telecommunications Services. Docket UT-071575. Summary: Order 01 grants United Telephone Company of the Northwest's petition in part for minimal regulation of its packaged and bundled offerings subject to the conditions stated in this Order. (September 18, 2007)

- ✓ In the Matter of the Petition of the Washington Independent Telephone Association For Establishment of a Moratorium on Designation of Competitive Eligible Telecommunications Carriers. Docket UT-073032. Summary: Order 01 denies the petition of the Washington Independent Telephone Association for a moratorium on hearing ETC designation petitions under WAC 480-123-040, because the petition is premised on factors beyond the scope or control of the Commission. (September 18, 2007)

- ✓ In the Matter of the Petition of Qwest Corporation For an Alternative Form of Regulation Pursuant to RCW 80.36.135. Docket UT-061625. Summary: Order 09 acknowledges Qwest's "Acceptance of the AFOR Described in Orders 06 and 08," dated September 14, 2007, and rejects Qwest's interpretive commentary. (September 20, 2007)

- ✓ In the Matter of the Petition of Sprint Nextel Corporation To Amend Its Designation as an Eligible Telecommunications Carrier and Request for an Exemption from WAC 480-123-070(6) and WAC 480-123-030(1)(g). Docket UT-073023. Summary: Order 01 designates Sprint Nextel Corporation as an eligible telecommunications carrier, denies the petition for a permanent exemption from WAC 480-123-070(6), and grants a partial exemption from the battery power requirements of WAC 480-123-030(1)(g) and the certification requirements of WAC 480-123-070(6) regarding the requirement for battery back-up power at cell sites for a period of two years from the date of this Order. (October 23, 2007)

- ✓ In the Matter of the Petition of: CenturyTel of Washington Inc., and CenturyTel of Cowiche, Inc. (both doing business as "CenturyTel") For Minimal Regulation of Bundled Telecommunications Services. Docket UT-071964. Summary: Order 01 grants CenturyTel's petition for minimal regulation of its packaged and bundled offerings subject to the conditions stated in this Order. (October 24, 2007)

- ✓ In the Matter of the Petition of: Asotin Telephone Company, Lewis River Telephone Company, and McDaniel Telephone Company, All Three Doing Business as TDS Telecom For Minimal Regulation of Bundled Telecommunications Services. Docket UT-072101. Summary: Order 01 grants TDS Telecom's petition for minimal regulation of its packaged and bundled offerings subject to the conditions stated in this Order. (November 28, 2007)

Water

- ✓ WUTC v. Iliad Water Service, Inc. Docket UW-060343. Summary: In Order 05 the Commission modifies an Initial Order rejecting a proposed water company tariff. We affirm a finding that the Company did not prove that its proposed tariff to fund water quality equipment met pertinent standards. We accept the Company's suggestion that further consideration of a surcharge tariff be deferred pending efforts to secure a subsidized-interest loan. Consistent with the Company's suggestion, we attempt to fashion an agreed longer-term solution to the Company's problems by ordering an investigation into the surcharge proposal and the Company. (February 28, 2007)

2008

Transportation:

Household Goods

In the Matter of the proposed adoption of Washington Utilities and Transportation Commission Tariff 15-C, relating to Household goods carriers, and Replacing existing Washington Utilities and Transportation Commission Tariff 15-B. Docket TV-072258. Summary: Order 01 adopts Tariff No. 15-C, setting rates, terms, and conditions for the transportation of household goods between points in Washington, and cancels Tariff No. 15-B. (January 31, 2008)

- ✓ In re Application of Allstar Movers, LLC, For a Household Goods Carrier Permit. Docket TV-071039. Summary: In order 02 the Commission denies Allstar Movers, LLC's Petition for Administrative Review and affirms the requirements in the Commission's Initial Order, including that Allstar Movers must remove the term "Allstar," or any variation on the term (e.g., "All Star" or "All-Star"), from its name to prevent confusion by the shipping public and the likelihood of unfair or destructive competitive activity. The Commission suspends Allstar Movers temporary permit and postpones consideration of the carrier's permanent authority for 90 days to allow Allstar Movers, LLC, to change its name, and to modify any equipment or materials that reference the company name, including advertising, business documents, phone directories, Internet web sites and labeling on its trucks and equipment. If Allstar Movers, LLC, does not meet these conditions within the 90-day period, the Commission will cancel the carrier's temporary permit and reject its application for permanent authority. (June 5, 2008)
- ✓ WUTC v. All My Sons Moving and Storage of Seattle, Inc. Docket TV-071125. Summary: In a final order (Order 05) the Commission finds All My Sons Moving and Storage of Seattle, Inc., in default for failing to appear at the hearing, cancels the company's household goods carrier permit for cause, and requires the company to cease and desist from operating as a household goods carrier in the state of Washington. Commission Staff sought a Final Order in this matter to

support a petition for enforcement of the Commission's decision in superior court. (November 13, 2008)

Passenger Transportation Companies (Buses)

- ✓ Seatac Shuttle, LLC v. Kenmore Air Harbor, LLC. **Docket TC-072180. Summary: In Order 03** the Commission denies in part Seatac Shuttle, LLC's Petition for Administrative Review of the Initial Order, and affirms the Initial Order's decision that federal law governing air carriers preempts the Commission from regulating the price, route or service of Kenmore Air Harbor, LLC,'s ground operations between Boeing Field and SeaTac Airport, and Lake Union and SeaTac Airport. This Order remands to the Administrative Law Judge the issue of whether the Commission is preempted from regulating the safety of Kenmore Air's ground transportation operations. This Order also affirms the Initial Order's denial of a petition to intervene by another auto transportation carrier. (October 31, 2008)

Pipelines

- ✓ WUTC v. Puget Sound Energy, Inc. **Docket PG-060215. Summary: In order 02** the Commission approves and adopts, with one condition, the full Settlement Agreement proposed by the parties. The Commission imposes a penalty of \$1.25 million on PSE for the fraudulent actions of certain of its contractor employees in falsifying pipeline leak inspection records. The Commission also requires a third-party audit of the company's gas safety program and a variety of additional quality control and quality assurance measures to ensure against future misconduct in recordkeeping. The condition eliminates provisions requiring Commission Staff to forbear from taking enforcement action against PSE unless any newly discovered violation amounts to a "serious" incident. The Commission emphasizes the responsibility of regulated utilities to ensure adequate safeguards are in place to protect the public, even when relying on contractor employees to achieve portions of their mission. (April 3, 2008)

- ✓ WUTC v. Puget Sound Energy, Inc. **Docket PG-060215. Summary: Order 03** clarifies the Commission's Final Order (Order 02) by requiring that paragraph 25 of the Settlement Agreement, instead of being eliminated as a condition to the Commission's approval, is amended to read as follows:

"Nothing in this Agreement affects the ability of the Staff to recommend penalties or other remedy for any intentional violation of any statute, rule or provision in PSE's gas safety standards manual that leads to personal injury, death, or property damage. PSE may contest any such enforcement action based on such a violation or violations, but PSE will not use anything in this Agreement as limiting any such enforcement action."

This change implements the Commission's decision in Order 02 that forbearance should not apply to intentional violations that cause actual harm, even below the proposed thresholds identified in original paragraph 25 of the Settlement Agreement. (April 9, 2008)

- ✓ In the Matter of the Petition of Puget Sound Energy, Seeking Authorization to Operate a Facility with a Maximum Allowable Operating Pressure Greater Than 250 pounds per square inch gauge, pursuant to WAC 480-93-020. Docket PG-080793 Summary: Order 01 grants Puget Sound Energy's petition to operate a pipeline at pressures exceeding 250 pounds per square inch gauge (psig), up to 500 psig, in Redmond, Washington, subject to certain conditions. (May 28, 2008)
- ✓ In re Commission Investigations of the Natural Gas Pipeline System and Drug and Alcohol Programs of Inland Empire Paper Company. Dockets PG-070010 and PG-072246. Summary: Order 01 accepts the settlement agreement between Commission Staff and Inland Empire Paper Company that resulted from the Commission Staff's investigation of the natural gas pipeline system and drug and alcohol programs of Inland Empire Paper Company, and closes the investigation. (July 31, 2008)
- ✓ In the Matter of the Petition of Cascade Natural Gas Corporation, Seeking Authorization to Operate a Pipeline with a Maximum Allowable Operating Pressure Greater Than 250 pounds per square inch gauge, pursuant to WAC 480-93-020. Docket PG-081274. Summary: Order 01 grants Cascade Natural Gas Company's petition to operate a pipeline at pressures exceeding 250 pounds per square inch gauge (psig), up to 500 psig, to a single residence in Belfair, Washington, subject to certain conditions. (July 31, 2008)

Solid Waste

✓ In the Matter of the Petition of Rabanco Ltd, d/b/a Eastside Disposal Requesting Rates To Become Effective January 1, 2009, on Less Than Statutory Notice, and Requesting Authority to Retain Thirty Percent of the Revenue Received From the Sale of Recyclable Materials Collected in Residential Recycling Service. Docket TG-082110. Summary: Order 01 approves revised commodity credits on less than statutory notice, authorizes revenue sharing, and requires deferred accounting treatment for recyclable commodities revenue. (December 23, 2008)

✓ In the Matter of the Petition of Rabanco Ltd, d/b/a Allied Waste Disposal, Sea-Tac Disposal Requesting Revised Rates To Become Effective January 1, 2009, on Less Than Statutory Notice, and Requesting Authority to Retain Thirty Percent of the Revenue Received From the Sale of Recyclable Materials Collected in Residential Recycling Service. Docket TG-082155. Summary: Order 01 approves revised commodity credits on less than statutory notice, authorizes revenue sharing, and requires deferred accounting treatment for recyclable commodities revenue. (December 23, 2008)

In the Matter of the Petition of Harold LeMay Enterprises, Inc., d/b/a City Sanitary, Joe's Refuse, and White Pass Garbage Seeking Exemption from the Provisions of WAC 480-70-351(2) to Extend the Current Commodity Credits for an Additional Six Months and Requesting Revised Rates to Become

Effective January 1, 2009, on Less Than Statutory Notice. **Docket TG-082201. Summary: Order 01** approves compliance filing, grants exemption from WAC 480-70-351(2), approves revised commodity credits on less than statutory notice, and requires deferred accounting treatment for recyclable commodities revenue. (December 23, 2008)

Utilities:

Electric

✓ WUTC v. Pacificorp d/b/a Pacific Power & Light Company. **Docket UE-080220. Summary: Order 05** approves and adopts a Settlement Stipulation filed by the parties to this general rate case that, among other things, establishes the rates customers will pay on a prospective basis beginning October 15, 2008, for electric service provided by PacifiCorp to customers in Washington. The Commission finds reasonable the parties' agreed \$20.4 million (8.5 percent) increase in the Company's electric revenue requirement. (October 8, 2008)

✓ WUTC v. Puget Sound Energy, Inc. **Dockets UE-072300 and UG-072301. Summary: Order 12** approves and adopts a set of five unopposed settlement stipulations filed by the parties to this general rate case that together resolve the question of what rates customers will pay on a prospective basis beginning November 1, 2008, for electric and natural gas service provided by Puget Sound Energy. In this Order, the Commission finds reasonable the parties' agreed \$130,179,688 addition to the Company's electric revenue requirement, a 7.09 percent increase over what is currently recovered in rates, and the parties' agreed \$49,212,697 addition to the Company's natural gas revenue requirement, a 4.60 percent increase over what is currently recovered in rates. The Commission will determine by separate order certain contested policy issues related to power cost recovery. (October 8, 2008)

✓ In the Matter of the Petition of Puget Sound Energy, Inc., For An Accounting Order Regarding the Accounting Treatment for Costs of its Electric Environmental Remediation Program. **Docket UE-070724. Summary: Order 01** grants Puget Sound Energy, Inc.'s request to defer the costs incurred in connection with the environmental remediation sites referred to as the "Lower Baker Power Plant Site," "Electron Flume Site," "Puyallup Service Center Site," and "Floyd Equipment Company Site," and consider such costs in determining future rates subject to conditions. (October 8, 2008)

✓ In the Matter of the Joint Application of Puget Holdings LLC and Puget Sound Energy, Inc. For an Order Authorizing Proposed Transaction. **Docket U-072375. Summary: Order 07** denies the Public Counsel's motion challenging the confidentiality of certain materials provided in discovery by the joint applicants. (November 13, 2008)

✓ WUTC v. Avista Corporation d/b/a Avista Utilities. **Dockets UE-080416 and UG-080417. Summary: In Order 08** the Commission approves and adopts the Multi-party Settlement Stipulation entered into among Avista, the Commission's Staff, Northwest Industrial Gas Users, and The Energy Project, and, in part, the Industrial Customers of Northwest Utilities as a reasonable resolution of Avista's request for increases in electric and natural gas rates. The Settlement resolves the issue of what rates consumers

will pay commencing January 1, 2009, for electric and natural gas service provided by Avista. The Commission finds reasonable the parties' agreed \$32.5 million, or 9.1 percent rate increase, in annual electric revenues, and a \$4.8 million, or 2.4 percent, rate increase in annual natural gas revenues. The Commission requires Avista to file electric service and natural gas service tariff sheets in compliance with the terms and conditions of the Settlement. (December 29, 2008)

✓ In the Matter of the Joint Application of Puget Holdings LLC and Puget Sound Energy, Inc. For an Order Authorizing Proposed Transaction. Docket U-072375. Summary: In Order 08 the Commission, approving and adopting subject to conditions a Settlement Stipulation proposed by all parties except Public Counsel, authorizes Puget Holdings LLC (Puget Holdings) to acquire Puget Energy, Inc. (Puget Energy), and its wholly-owned subsidiary Puget Sound Energy, Inc. (PSE). The Stipulation includes 63 commitments from the applicants, including ring-fencing provisions to maintain and protect PSE's financial independence from Puget Energy, Puget Holdings and other corporate affiliates. The commitments preserve the Commission's access to information necessary to its regulatory responsibilities, protect service quality, protect the environment, protect consumers from rate impacts and preserve low-income programs. Taken together, the commitments and the conditions in this Order reasonably assure that Puget Holdings' proposed acquisition of PSE will not harm the public interest. (December 30, 2008)

Gas

✓ Cost Management Services, Inc. v. Cascade Natural Gas Corporation; WUTC v. Cascade Natural Gas Corporation; In re Notification of Contract and Arrangement between Cascade Natural Gas Corporation, and its subsidiary CGC Energy, Inc.; and WUTC v. Cascade Natural Gas Corporation. Dockets UG-061256, UG-070332, UG-070639, and UG-072337. Summary: In Order 08 (UG-061256), Order 07 (UG-070332), Order 02 (UG-070639), and Order 01 (UG-072337) the Commission approves and adopts, with one condition, an uncontested Settlement Agreement that resolves all disputed issues in four dockets relating to Cascade's unbundled retail sales of natural gas to non-core customers. The condition requires Cascade to hold its core customers harmless should a replacement shipper default on the terms of a capacity release award under the Settlement. The Commission also approves revised tariff pages allowing Cascade to make unbundled retail sales under existing contracts and approves the transfer of the contracts from Cascade's affiliate, CGC Energy, to Cascade. (March 6, 2008)

✓ Cost Management Services, Inc. v. Cascade Natural Gas Corporation; WUTC v. Cascade Natural Gas Corporation; In re Notification of Contract and Arrangement between Cascade Natural Gas Corporation, and its subsidiary CGC Energy, Inc.; and WUTC v. Cascade Natural Gas Corporation. Dockets UG-061256, UG-070332, UG-070639, and UG-072337. Summary: In Order 09 (UG-061256), Order 08 (UG-070332), Order 03 (UG-070639), and Order 02 (UG-072337), the Commission grants Cascade Natural Gas Corporation's motion for clarification of Order 08, which approved the parties' Settlement Agreement subject to condition. The Commission clarifies the condition – that Cascade hold its core customers harmless should a replacement shipper default on the terms of a capacity release award under paragraph 22 of the Settlement – applies only to the capacity releases specified in paragraph 22 of the

Settlement. The Commission denies Cascade's petition for reconsideration of that portion of Order 08. (March 27, 2008)

✓ In the Matter of the Petition of Avista Corporation, d/b/a Avista Utilities, For an Order Authorizing Implementation of a Natural Gas Decoupling Mechanism and to Record Accounting Entries Associated With the Mechanism. **Docket UG-060518. Summary: In order 05** the Commission finds that Avista materially breached its obligations to work with Commission Staff, and other interested parties to develop and file a draft evaluation plan for Avista's pilot Decoupling Mechanism program. The Commission accepts the parties' representation that it is not currently evident that Avista's delay caused irreparable harm to the ability to evaluate the pilot program. Therefore, the Commission extends the deadlines for Avista to develop and file the required plan and to request continuation of the Decoupling Mechanism beyond its initial term, and reiterates all other deadlines previously adopted in Order 04. Finally, the Commission imposes a penalty of \$50,000 for Avista's non-compliance. (April 11, 2008)

✓ WUTC v. Puget Sound Energy, Inc. **Dockets UE-072300 and UG-072301. Summary: Order 12** approves and adopts a set of five unopposed settlement stipulations filed by the parties to this general rate case that together resolve the question of what rates customers will pay on a prospective basis beginning November 1, 2008, for electric and natural gas service provided by Puget Sound Energy. In this Order, the Commission finds reasonable the parties' agreed \$130,179,688 addition to the Company's electric revenue requirement, a 7.09 percent increase over what is currently recovered in rates, and the parties' agreed \$49,212,697 addition to the Company's natural gas revenue requirement, a 4.60 percent increase over what is currently recovered in rates. The Commission will determine by separate order certain contested policy issues related to power cost recovery. (October 8, 2008)

✓ In the Matter of the Joint Application of Puget Holdings LLC and Puget Sound Energy, Inc. For an Order Authorizing Proposed Transaction. **Docket U-072375. Summary: Order 07** denies the Public Counsel's motion challenging the confidentiality of certain materials provided in discovery by the joint applicants. (November 13, 2008)

✓ WUTC v. Northwest Natural Gas Company. **Docket UG-080546. Summary: In Order 04** the Commission approves and adopts a Full Settlement Stipulation filed by the parties to this general rate case that, among other things, establishes the rates customers will pay on a prospective basis beginning January 1, 2009, for natural gas service provided by NW Natural to its customers in Washington. The Commission finds reasonable the parties' agreed \$2.72 million (2.98 percent) increase in the Company's natural gas revenue requirement. (December 26, 2008)

✓ WUTC v. Avista Corporation d/b/a Avista Utilities. **Dockets UE-080416 and UG-080417. Summary: In Order 08** the Commission approves and adopts the Multi-party Settlement Stipulation entered into among Avista, the Commission's Staff, Northwest Industrial Gas Users, and The Energy Project, and, in part, the Industrial Customers of Northwest Utilities as a reasonable resolution of Avista's request for increases in electric and natural gas rates. The Settlement resolves the issue of what rates consumers

will pay commencing January 1, 2009, for electric and natural gas service provided by Avista. The Commission finds reasonable the parties' agreed \$32.5 million, or 9.1 percent rate increase, in annual electric revenues, and a \$4.8 million, or 2.4 percent, rate increase in annual natural gas revenues. The Commission requires Avista to file electric service and natural gas service tariff sheets in compliance with the terms and conditions of the Settlement. (December 29, 2008)

✓ In the Matter of the Joint Application of Puget Holdings LLC and Puget Sound Energy, Inc. For an Order Authorizing Proposed Transaction. Docket U-072375. Summary: In Order 08 the Commission, approving and adopting subject to conditions a Settlement Stipulation proposed by all parties except Public Counsel, authorizes Puget Holdings LLC (Puget Holdings) to acquire Puget Energy, Inc. (Puget Energy), and its wholly-owned subsidiary Puget Sound Energy, Inc. (PSE). The Stipulation includes 63 commitments from the applicants, including ring-fencing provisions to maintain and protect PSE's financial independence from Puget Energy, Puget Holdings and other corporate affiliates. The commitments preserve the Commission's access to information necessary to its regulatory responsibilities, protect service quality, protect the environment, protect consumers from rate impacts and preserve low-income programs. Taken together, the commitments and the conditions in this Order reasonably assure that Puget Holdings' proposed acquisition of PSE will not harm the public interest. (December 30, 2008)

Telecommunications

✓ In the Matter of the Petition for Arbitration of an Interconnection Agreement Between Sprint Communications Company L.P. with Whidbey Telephone Company Pursuant to 47 U.S.C. Section 252(b). Docket UT-073031. Summary: Order 05 denies Whidbey Telephone Company's Petition for Interlocutory Review of an Arbitrator's order which included a preliminary finding that Whidbey violated its duty to negotiate with Sprint Communications Company L.P. in good faith. The Commission closes this arbitration proceeding, because the parties now have a fully negotiated interconnection agreement. In this context, whether Whidbey should be sanctioned for its behavior does not warrant further proceedings, but the Commission admonishes the company for its conduct. (May 9, 2008)

✓ Qwest Corporation v. Level 3 Communications, LLC, et al. and In the Matter of the Request of MCI Metro Access Transmission Services, LLC d/b/a Verizon Access Transmission Services and Qwest Corporation For Approval of Negotiated Agreement Under the Telecommunications Act of 1996. Dockets UT-063038 and UT-063055. Summary: In Order 10 (UT-063038) and Order 03 (UT-063055) the Commission upholds the Initial Order's decision that Virtual NXX or VNXX traffic does not originate and terminate within a local calling area, that its compensation should be based on a bill and keep regime, and that the terminating carrier should be responsible for the cost of transporting the call. We grant in part petitions for review filed by Level 3 Communications, LLC (Level 3), Broadwing Communications, LLC (Broadwing), Pac-West Telecomm, Inc. (Pac-West), Advanced Telecom, Inc. (ATI), Electric Lightwave, Inc. (ELI), and Washington Independent Telephone Association (WITA) concerning the following issues:

- WITA's claim that VNXX traffic is interexchange traffic;

- Level 3's and Broadwing's claims that the Initial Order did not fully support its decision that classification and compensation of traffic exchanged between carriers should be based on a geographic method;
- ATI's, ELI's and Level 3's requests that we clarify how the Initial Order's transport compensation requirement applies when CLECs have deployed or obtained their own transport facilities;
- Pac-West's and Level 3's claims that the decisions in the Initial Order and this final order do not resolve all of the issues pending on remand from the District Court for the Western District of Washington.

The Commission denies the parties' petitions for review on the remaining issues; clarifies and amplifies the Initial Order's rationale for denying Broadwing's counterclaims; and modifies the Initial Order as Staff requests to (1) reflect that the Initial Order did not dismiss Qwest's complaint, but granted partial relief; (2) clarify that VNXX traffic is interexchange traffic; and (3) explain fully the Commission's authority to classify and establish compensation for VNXX traffic. Finally, the Commission denies Staff's requests to modify the Initial Order to remove statements regarding assumptions. (July 16, 2008)

✓ In the Matter of the Application of Qwest Corporation, For Order Approving an Agreement for Transfer of Land and Building located at 1600 – 7th Avenue, Seattle, Washington to INGCAL 7th AVENUE LLC. Docket UT-081501. Summary: Order 01 approves an agreement for sale of the land as described in the application. (September 25, 2008)

✓ In the Matter of the Petition of: Qwest Corporation and Eschelon Telecom, Inc. Pursuant to 47 U.S.C. Section 252(b). Docket UT-063061. Summary: In Order 18 the Commission grants, in part, both Eschelon's and Qwest's petitions for review as follows:

- Affirms the Arbitrator's decision on "discontinuation of order processing and disconnection" with modifying language agreed to by both parties.
- Reverses the Arbitrator's decision on the definition of the term "repeatedly delinquent" and adopts Qwest's proposed language.
- Affirms the Arbitrator's decision on "transit record charges and bill validation" with the modifying language proposed by Eschelon.
- Modifies the Arbitrator's decision regarding the conditions under which Qwest will provide "expedites" without a fee and adopts Qwest's proposed language for these "expedites."

The Commission affirms the remainder of the Arbitrator's Report and Decision and requires the parties to file an interconnection agreement consistent with this Order within 30 days of the service date of this Order. (October 16, 2008)

✓ In the Matter of the Petition of Qwest Corporation, For Commission Approval of Stipulation Regarding Certain Performance Indicator Definitions and Qwest Performance Assurance Plan Provisions. Docket UT-073034. Summary: Order 08 grants Qwest's petition for administrative review, reversing the Initial

Order's decision to defer two disputed issues to a five and one-half year review proceeding. On the merits, the Commission grants Qwest's request to modify the Qwest Performance Assurance Plan to provide for one allowable miss before Qwest makes Tier 1 payments on certain benchmarks or standards, and denies the request to modify the trigger for making Tier 2 payments under the Plan. (December 3, 2008)

2009

Transportation:

Ferries

✓ In the Matter of the Petition of San Juan Express, Inc. Relating to Discontinuance of Commercial Ferry Service Authorized by Certificate of Convenience and Necessity No. BC-117. **Docket TS-090424.**

Summary: The Commission determines that San Juan Express is not providing reasonable and adequate service pursuant to its certificate of public convenience and necessity due to circumstances within the control of its parent corporation, Clipper Navigation. The Commission nevertheless exercises its discretion to grant San Juan Express's request for authority to temporarily discontinue service, subject to condition. (June 22, 2009)

Household Goods

✓ Regarding Cancellation of Household Goods Permit No. THG-63200 and Dismissal of Application for Permanent Authority filed by V&K Delivery Services, LLC. **Docket TV-080054. Summary: Order 02** denies Commission Staff's Petition for Administrative Review and affirms the Initial Order's decision to allow V&K to continue operating under its temporary household goods permit and to reject Staff's request to dismiss the Company's application for permanent authority. The Order modifies the conditions imposed in the Initial Order by extending to one year the requirements that V&K obtain a surety bond and direct customers to fill out customer surveys before the Commission will consider V&K's application for permanent authority. (January 26, 2009)

Pipelines

✓ WUTC v. Puget Sound Energy, Inc. **Dockets PG-030080 & PG-030128. Summary: Order 04** grants the petition of Puget Sound Energy, Inc., to amend Order 03 in Dockets PG-030080 and PG-030128, and to amend the Isolated Facilities Program approved in Order 02 subject to conditions. (July 1, 2009)

Railroads

✓ BNSF Railway Company v. City of Mount Vernon. **Docket TR-070696. Summary: In Order 07** the Commission denies Western Valley Farms' petition for reconsideration of the final order closing the crossing of Burlington Northern Santa Fe tracks at Hickox Road in Skagit County, Washington. This Order

rejects Western Valley's claim of violations of the State Environmental Policy Law (SEPA) and its contentions that it should be allowed to participate, in addition to local governments, in establishing a private crossing agreement and to join a post-order review panel authorized to recommend changes to the crossing configuration. The Commission denies Western Valley's challenges to findings of fact and conclusions of law in the final order, but modifies the final order to require cul de sacs on both road approaches to the crossing unless a diagnostic team recommends, and the Commission agrees, that a second cul de sac is unnecessary. (January 14, 2009)

Solid Waste

✓ WUTC v. Points Recycling and Refuse, LLC; Whatcom County v. Points Recycling and Refuse, LLC; and Renee Coe, Shelley Damewood, and Shannon Tomsen v. Points Recycling and Refuse, LLC. Dockets TG-080913, TG-081089, and TG-082129. Summary: In Order 11 (TG-080913 and TG-081089) and Order 9 (TG-082129) the Commission grants Points Recycling and Refuse, LLC's request to cancel its solid waste certificate thereby making all three dockets moot and closing them without further action. (June 17, 2009)

✓ In the Matter of the Petition of Fiorito Enterprises, Inc. and Rabanco Companies d/b/a Kent Meridian Disposal Company Requesting Tariff Revisions To Commodity Credits Become Effective July 1, 2009, and Requesting Authority to Retain Thirty Percent of the Revenue Received From the Sale of Recyclable Materials Collected in Residential Recycling and Multi-Family Service. Docket TG-090737. Summary: Order 01 authorizes Fiorito Enterprises, Inc. and Rabanco Companies d/b/a Kent Meridian Disposal Company to retain thirty percent of the revenue it receives from the sale of recyclable materials collected in its residential and multi-family recycling programs from July 1, 2009, to June 31, 2010; requires Fiorito Enterprises, Inc. and Rabanco Companies d/b/a Kent Meridian Disposal Company to report to the Commission no later than August 1, 2010, the amount of revenue it retained, the amount of money it spent on the activities identified in its recycling plan and the effect the activities had on increasing recycling; and requires the use of deferred accounting treatment of the recycling commodity revenues and costs related to its residential and multi-family recycling services. (June 25, 2009)

✓ In the Matter of the Petition of Waste Management of Washington, Inc., d/b/a Waste Management – Northwest Requesting Tariff Revisions To Commodity Credits Become Effective July 1, 2009, and Requesting Authority to Retain Thirty Percent of the Revenue Received From the Sale of Recyclable Materials Collected in Residential Recycling Service. Docket TG-090759. Summary: Order 01 authorizes Waste Management of Washington, Inc., dba Waste Management – Northwest to retain thirty percent of the revenue it receives from the sale of recyclable materials collected in its residential and multi-family recycling programs from July 1, 2009, to June 31, 2010; requires Waste Management of Washington, Inc., dba Waste Management – Northwest to report to the Commission no later than July 1, 2010, the amount of revenue it retained, the amount of money it spent on the activities identified in its recycling plan and the effect the activities had on increasing recycling; and requires the use of deferred accounting treatment of the recycling commodity revenues and costs related to its residential and multi-family recycling services. (June 25, 2009)

In the Matter of the Petition of Waste Management of Washington, Inc., d/b/a Waste Management – Sno-King Requesting Tariff Revisions To Commodity Credits Become Effective July 1, 2009, and Requesting Authority to Retain Thirty Percent of the Revenue Received From the Sale of Recyclable Materials Collected in Residential Recycling Service. Docket TG-090760. Summary: Order 01 authorizes Waste Management of Washington, Inc., dba Waste Management – Sno-King to retain thirty percent of the revenue it receives from the sale of recyclable materials collected in its residential and multi-family recycling programs from July 1, 2009, to June 31, 2010; requires Waste Management of Washington, Inc., dba Waste Management – Sno-King to report to the Commission no later than July 1, 2010, the amount of revenue it retained, the amount of money it spent on the activities identified in its recycling plan and the effect the activities had on increasing recycling; and requires the use of deferred accounting treatment of the recycling commodity revenues and costs related to its residential and multi-family recycling services. (June 25, 2009)

In the Matter of the Petition of Waste Management of Washington, Inc., d/b/a Waste Management – South Sound, Waste Management of Seattle Requesting Tariff Revisions To Commodity Credits Become Effective July 1, 2009, and Requesting Authority to Retain Thirty Percent of the Revenue Received From the Sale of Recyclable Materials Collected in Residential Recycling Service. Docket TG-090761. Summary: Order 01 authorizes Waste Management of Washington, Inc., dba Waste Management – South Sound, Waste Management of Seattle to retain thirty percent of the revenue it receives from the sale of recyclable materials collected in its residential and multi-family recycling programs from July 1, 2009, to June 31, 2010; requires Waste Management of Washington, Inc., dba Waste Management – South Sound, Waste Management of Seattle to report to the Commission no later than July 1, 2010, the amount of revenue it retained, the amount of money it spent on the activities identified in its recycling plan and the effect the activities had on increasing recycling; and requires the use of deferred accounting treatment of the recycling commodity revenues and costs related to its residential and multi-family recycling services. (June 25, 2009)

In the Matter of the Petition of Mason County Garbage Co., Inc. Requesting a Deferred Accounting Mechanism for the Sale of Recyclable Materials, and Requesting Authority to Retain Thirty Percent of the Revenue Received From the Sale of Recyclable Materials Collected in the Residential Recycling Program. Docket TG-090899. Summary: Order 02 authorizes Mason County Garbage Co., Inc. to retain thirty percent of the revenue it receives from the sale of recyclable materials until its next deferred accounting commodity filing and requires Mason County Garbage Co., Inc., to report to the Commission no later than September 15, 2010, the amount of revenue it retained, the amount of money it spent on the activities identified in Mason County Garbage Co., Inc.'s recycling plan, and the effect the activities had on increasing recycling. (August 13, 2009)

Utilities:

Electric

✓ WUTC v. Puget Sound Energy, Inc. Dockets UE-072300 and UG-072301. Summary: In Order 13 the Commission determines that the Power Cost Only Rate Case mechanism and the Power Cost Adjustment mechanism, of which it is a part, should continue to be available to Puget Sound Energy, albeit with certain modifications to which Staff and the Company agree. The Commission, denying pending motions to strike portions of Public Counsel's and ICNU's briefs, considers and rejects certain other modifications to the PCORC proposed by these parties. (January 15, 2009)

✓ In the Matter of the Petition of Puget Sound Energy, Inc. For a Determination of Emissions Compliance and Proposed Accounting Treatment For the Mint Farm Energy Center; or, Alternatively For an Accounting Order. Docket UE-082128. Summary: In Order 03 the Commission approves and adopts a settlement agreement supported by all parties to this proceeding. By this Order, the Commission authorizes deferred accounting treatment with respect to fixed and net variable cost components of the Mint Farm generation facility that will be incurred prior to entry of a final Commission order in Puget Sound Energy, Inc.'s next rate proceeding. The parties' rights to challenge the prudence and recovery of these costs in rates, the deferral methodology used, compliance with RCW 80.80 (greenhouse gases emissions performance standard) and all other issues raised by the Company's Petition and prefiled testimony in this docket are reserved for consideration in the company's next general rate proceeding. (April 17, 2009)

✓ In the Matter of the Application of Puget Sound Energy, Inc. For an Order Authorizing the Transfer of White River Assets and an Order Waiving Prior Approval of the Transfer of Surplus Property. Docket UE-090399. Order 01 grants the application of Puget Sound Energy, Inc. to transfer assets to the Cascade Water Alliance and denies application for waiver of the requirements in RCW 80.12.020 and WAC 480-143-120 with regard to surplus property related to the project, but not part of the Cascade Water Alliance transaction. (May 14, 2009)

✓ WUTC v. Avista Corporation, d/b/a Avista Utilities and In the Matter of the Petition of Avista Corporation, d/b/a Avista Utilities For an Order Authorizing Implementation of a Natural Gas Decoupling Mechanism and to Record Accounting Entries Associated With the Mechanism. Dockets UE-090134, UG-090135, and UG-060518. Summary: In Order 07 (Supplemental Order) the Commission grants Avista's request for approval of an interim extension of its existing pilot decoupling mechanism until such time as a final decision is entered in Avista's natural gas general rate case, subject to conditions, and defers consideration of the merits of the program until the general rate case hearing. (June 30, 2009)

✓ WUTC v. PacifiCorp d/b/a Pacific Power & Light Company. Docket UE-090205. Summary: In Order 09 the Commission approves and adopts a Settlement Stipulation filed by the parties to this general rate case that, among other things, establishes the rates customers will pay on a prospective basis beginning January 1, 2010, for electric service provided by PacifiCorp to customers in Washington. The Commission finds reasonable the parties' agreed \$13.5 million (5.3 percent) increase in the Company's electric revenue requirement. (December 16, 2009)

✓ WUTC v. Avista Corporation, d/b/a Avista Utilities and In the Matter of the Petition of Avista Corporation, d/b/a Avista Utilities for an Order Authorizing Implementation of a Natural Gas Decoupling Mechanism and to Record Accounting Entries Associated With the Mechanism. Dockets UE-090134,

UG-090135, and UG-060518. Summary: In Order 10 the Commission rejects revised tariff sheets Avista Corporation (Avista) filed on January 23, 2009, but authorizes and requires the Company to file tariff sheets that will result in increases of about 2.8 percent for electric rates and 0.25 percent for natural gas rates, which are found on the record of this proceeding to be fair, just, reasonable and sufficient. In approving these rate increases, the Commission approves and adopts a Multi-Party Partial Settlement Stipulation filed by the parties to this general rate case that resolves the overall cost of capital, the majority of power supply costs, and various other issues. Among several contested issues, the Commission denies the Company's proposed pro forma adjustments that are not demonstrated to be known and measurable and not offset by other factors, but accepts many proposed by Commission Staff. Further, the Commission authorizes Avista to defer its costs associated with the Lancaster power purchase agreement for possible later recovery, determining that Avista failed to make various factual and other showings that are prerequisite to immediate inclusion of such power costs in rates. These include failure to make the requisite showing of a binding agreement to purchase the power from the Lancaster plant, failure to make the required affiliated interest filing in compliance with RCW 80.16, and failure to demonstrate that this new power purchase agreement complies with the greenhouse gas emissions limits in RCW 80.80. Accordingly, the Commission will consider the recovery of the Lancaster costs in a later proceeding once those prerequisite showings have been made. In addition, we decline the Company's request to prematurely terminate the energy recovery mechanism (ERM) surcharge. Finally, the Commission approves a continuation of Avista's decoupling mechanism, with modifications including a lower maximum deferral rate of recovery for lost margins. (December 22, 2009)

Gas

✓ WUTC v. Puget Sound Energy, Inc. **Dockets UE-072300 and UG-072301. Summary: In Order 13** the Commission determines that the Power Cost Only Rate Case mechanism and the Power Cost Adjustment mechanism, of which it is a part, should continue to be available to Puget Sound Energy, albeit with certain modifications to which Staff and the Company agree. The Commission, denying pending motions to strike portions of Public Counsel's and ICNU's briefs, considers and rejects certain other modifications to the PCORC proposed by these parties. (January 15, 2009)

✓ WUTC v. Avista Corporation, d/b/a Avista Utilities and In the Matter of the Petition of Avista Corporation, d/b/a Avista Utilities For an Order Authorizing Implementation of a Natural Gas Decoupling Mechanism and to Record Accounting Entries Associated With the Mechanism. **Dockets UE-090134, UG-090135, and UG-060518. Summary: In Order 07 (Supplemental Order)** the Commission grants Avista's request for approval of an interim extension of its existing pilot decoupling mechanism until such time as a final decision is entered in Avista's natural gas general rate case, subject to conditions, and defers consideration of the merits of the program until the general rate case hearing. (June 30, 2009)

✓ WUTC v. Avista Corporation, d/b/a Avista Utilities and In the Matter of the Petition of Avista Corporation, d/b/a Avista Utilities for an Order Authorizing Implementation of a Natural Gas Decoupling Mechanism and to Record Accounting Entries Associated With the Mechanism. **Dockets UE-090134, UG-**

090135, and UG-060518. Summary: In Order 10 the Commission rejects revised tariff sheets Avista Corporation (Avista) filed on January 23, 2009, but authorizes and requires the Company to file tariff sheets that will result in increases of about 2.8 percent for electric rates and 0.25 percent for natural gas rates, which are found on the record of this proceeding to be fair, just, reasonable and sufficient. In approving these rate increases, the Commission approves and adopts a Multi-Party Partial Settlement Stipulation filed by the parties to this general rate case that resolves the overall cost of capital, the majority of power supply costs, and various other issues. Among several contested issues, the Commission denies the Company's proposed pro forma adjustments that are not demonstrated to be known and measurable and not offset by other factors, but accepts many proposed by Commission Staff. Further, the Commission authorizes Avista to defer its costs associated with the Lancaster power purchase agreement for possible later recovery, determining that Avista failed to make various factual and other showings that are prerequisite to immediate inclusion of such power costs in rates. These include failure to make the requisite showing of a binding agreement to purchase the power from the Lancaster plant, failure to make the required affiliated interest filing in compliance with RCW 80.16, and failure to demonstrate that this new power purchase agreement complies with the greenhouse gas emissions limits in RCW 80.80. Accordingly, the Commission will consider the recovery of the Lancaster costs in a later proceeding once those prerequisite showings have been made. In addition, we decline the Company's request to prematurely terminate the energy recovery mechanism (ERM) surcharge. Finally, the Commission approves a continuation of Avista's decoupling mechanism, with modifications including a lower maximum deferral rate of recovery for lost margins. (December 22, 2009)

Telecommunications:

✓ In the Matter of the Petition of Qwest Corporation For Commission Approval of Stipulation Regarding Certain Performance Indicator Definitions and Qwest Performance Assurance Plan Provisions. Docket UT-073034. Summary: In Order 09 the Commission defers the "five and one-half year" proceeding identified in Qwest Corporation's Performance Assurance Plan (QPAP) until at least one year prior to the expiration of Qwest's Alternative Form of Regulation (AFOR) Plan, consistent with the Commission's order granting Qwest's AFOR. This Order also clarifies that consistent with the AFOR orders, all measures, submeasures, Tier 1 and Tier 2 payments remain in effect past December 23, 2008, until the Commission approves a change to the QPAP. (January 5, 2009)

✓ In the Matter of the Petition of Qwest Corporation For Commission Approval of Stipulation Regarding Certain Performance Indicator Definitions and Qwest Performance Assurance Plan Provisions. Docket UT-073034. Summary: In Order 10 the Commission denies Qwest's Petition for Reconsideration of the final order in this proceeding, and denies Qwest's request, in the alternative, to initiate a five-and one-half year review of the Qwest Performance Assurance Plan now, rather than one year prior to the expiration of the AFOR. Under the Commission's AFOR orders in Docket UT-061625, Qwest may propose changes to the Plan at any time. (February 3, 2009)

✓ In the Matter of the Petition of Washington Independent Telephone Association and Lewis River Telephone Company, d/b/a TDS Telecom For a Declaratory Ruling. Docket UT-083056. Summary: Order

02 dismisses WITA's and TDS' petition for a declaratory order to determine whether TDS is required to negotiate terms of interconnection with Comcast for the provision of fixed VoIP service. The Commission need not enter such an order as the same issues will be addressed in the pending petition for arbitration of an interconnection agreement between Comcast and TDS. Because the primary issue in dispute is whether Comcast is a telecommunications carrier providing telecommunications service through its fixed VoIP service, the issue is more appropriately addressed in the arbitration. (March 12, 2009)

✓ In the Matter of the Joint Application of Embarq Corporation and CenturyTel, Inc. For Approval of Transfer of Control of United Telephone Company of the Northwest d/b/a Embarq and Embarq Communications, Inc. **Docket UT-082119. Summary: In Order 05** the Commission approves and adopts subject to conditions, a Settlement Agreement filed by the Applicants (Embarq Corporation and CenturyTel, Inc.), Public Counsel and Staff on April 22, 2009, in resolution of the issues in this proceeding. The Commission authorizes the proposed merger between Embarq Corporation and CenturyTel, Inc., subject to the terms of the Settlement Agreement and the additional reporting requirements imposed by this Order. (May 28, 2009)

✓ In the Matter of the Petition of Bellingham Cellular Partnership, Bremerton Cellular Telephone Company, Hood River Cellular Telephone Company, New Cingular Wireless PCS, LLC and Olympia Cellular Telephone Company For Clarification of Order 01 and an Exemption from WAC 480-123-070(6) and WAC 480-123-030(1)(g). **Docket UT-063060. Summary: In Order 03** the Commission revises paragraph 15 of Order 02 and clarifies that under Order 01, Bellingham Cellular Partnership, Bremerton Cellular Telephone Company, Hood River Cellular Telephone Company, New Cingular Wireless PCS, LLC and Olympia Cellular Telephone Company (collectively AT&T Mobility f/k/a Cingular) were not required to install additional back-up power at non-priority cell sites before February 15, 2009. (October 8, 2009)

✓ In the Matter of the Petition of New Cingular Wireless PCS, LLC; Bellingham Cellular Partnership; Bremerton Cellular Telephone Company; Hood River Cellular Telephone Company; and Olympia Cellular Telephone Company Inc. d/b/a AT&T Mobility For Amendment of its Designation as an Eligible Telecommunications Carrier to Include Additional Wire Centers. **Docket UT-043011. Summary: Order 03** grants the petition of New Cingular Wireless PCS, LLC; Bellingham Cellular Partnership; Bremerton Cellular Telephone Company; Hood River Cellular Telephone Company; and Olympia Cellular Telephone Company Inc., subsidiaries of AT&T Mobility LLC d/b/a AT&T Mobility to amend its designation as an eligible telecommunications carrier to include wire centers in Washington Rural Service Areas 2 and 3. (October 15, 2009)

✓ Verizon Select Services, Inc.; MCIMetro Access Transmission Services, LLC; MCI Communications Services, Inc.; Teleconnect Long Distance Services and Systems Co. d/b/a Telecom USA; and TTI National, Inc. v. United Telephone Company of the Northwest, d/b/a Embarq. **Docket UT-081393. Summary In Order 05** the Commission approves and adopts a Multi-Party Settlement Agreement filed by Verizon Access and Embarq that, among other things, eliminates Embarq's originating intrastate carrier common line access charge and reduces Embarq's originating intrastate local switching rate, both effective

January 1, 2010. The Settlement Agreement also phases in a 50 percent reduction of Embarq's interim terminating access charge (ITAC) over the next several years. The Commission finds these access charge rate reductions a reasonable step toward a more competitive telecommunications marketplace and the Settlement Agreement as a whole consistent with the public interest. (November 13, 2009)

2010

Transportation:

Household Goods

✓ WUTC v. Abizer A. Raj & Amar S. Dosanjh d/b/a A & A Moving and Delivery, Barnoli, Inc., Andy Chen d/b/a Hing's Professional Moving, Maskelyne Transfer & Storage, Inc., Orca Moving Systems, LLC, T & S Transportation & Installation, Inc., and T & T Milk Transport, Inc. **Docket TV-091665. Summary: Order 02** grants the Petition for Administrative Review of Maskelyne Transfer & Storage, Inc., reverses the Initial Order, in part, and dismisses the complaint against Maskelyne. The Order denies the Petition for Administrative Review filed by T & S Transportation & Installation, Inc., and affirms the Initial Order with regard to T & S. Therefore, this Order cancels the household goods carrier permits of Abizer A. Raj & Amar S. Dosanjh d/b/a A & A Moving and Delivery; Barnoli, Inc.; Orca Moving Systems, LLC; T & S Transportation & Installation, Inc.; and T & T Milk Transport, Inc. This Order dismisses the Complaint against Andy Chen d/b/a Hing's Professional Moving and Maskelyne Transfer & Storage, Inc. (March 4, 2010)

✓ WUTC v. Abizer A. Raj & Amar S. Dosanjh d/b/a A & A Moving and Delivery, Barnoli, Inc., Andy Chen d/b/a Hing's Professional Moving, Maskelyne Transfer & Storage, Inc., Orca Moving Systems, LLC, T & S Transportation & Installation, Inc., and T & T Milk Transport, Inc. **Docket TV-091665. Summary: In Order 03** the Commission denies Barnoli, Inc.'s petition for reconsideration of Order 02, the Final Order in this proceeding. The Commission finds no basis for reconsideration, as the company does not claim that the decision was in error, but seeks reconsideration based on the company's and the owner's financial difficulties. The Final Order cancelling Barnoli, Inc.'s household goods carrier permit is affirmed. (March 26, 2010)

Passenger Transportation Companies (Buses)

✓ In re Application of Shuttle Express, Inc. for Extension of Authority under Certificate No. C-975, For a Certificate of Public Convenience and Necessity to Operate Motor Vehicles in Furnishing Passenger and Express Service as an Auto Transportation Company. **Docket TC-091931. Summary: In Order 02** the Commission grants Seatac Shuttle's petition for administrative review of the interlocutory and initial order in this proceeding. In granting administrative review, the Commission modifies the interlocutory order's determination that Seatac Shuttle's protest should be stricken as untimely filed and that the prehearing conference should be canceled. This Order also modifies the initial order's determination

that the adjudicative proceeding addressing Shuttle Express, Inc.'s application should be terminated. The Commission accepts Seatac Shuttle's protest, finds that the prehearing conference should be rescheduled and that this application should be addressed in an adjudicative proceeding. (August 25, 2010)

✓ In re Joint Application to transfer a portion of rights under certificate of public convenience and necessity from Evergreen Trails, Inc., d/b/a Evergreen Trailways; Grayline of Seattle, C-819 to Shuttle Express, Inc., d/b/a Shuttle Express; Go Shuttle Express; Limos by Shuttle Express, C-975. Docket TC-101813. Summary: Order 01 grants the application of Evergreen Trails, Inc. and Shuttle Express, Inc. to amend their respective certificates and transfer a portion of Evergreen Trails, Inc.'s authority to Shuttle Express, Inc. (December 21, 2010)

Railroads

✓ Washington State Department of Transportation v. Central Puget Sound Regional Transportation Authority (Sound Transit), City of Lakewood and Tacoma Rail. Dockets TR-081229, TR-081230, TR-081231, and TR-081232. Summary: In Order 02 the Commission denies the City of Lakewood's motions to rescind four final orders entered on September 24, 2008, which authorized certain safety improvements at four highway-railroad grade crossings in the northern portion of Lakewood. WSDOT's petitions and the Commission's final orders provided full and proper notice regarding the purpose, context, and extent of the requested safety upgrades. WSDOT's current petitions seeking authority for similar safety improvements at three other highway-railroad grade crossings in the southern portion of Lakewood, as well as one additional crossing in the City of DuPont, do not justify rescinding the Commission's prior approvals. (April 15, 2010)

✓ Washington State Department of Transportation v. Central Puget Sound Regional Transportation Authority (Sound Transit), City of Lakewood and Tacoma Rail. Dockets TR-081229, TR-081230, TR-081231, and TR-081232. Summary: In Order 03 the Commission denies the City of Lakewood's motion to reconsider an order denying the City's motions to rescind final orders entered in September 2008 which authorized safety improvements at four highway-railroad grade crossings in Lakewood. The Commission previously considered the City's repeated assertion that it waived its right to a hearing based on insufficient, incomplete, or incorrect information. The Commission denies reconsideration. (May 14, 2010)

Solid Waste

✓ In the Matter of the Application of Freedom 2000, LLC d/b/a Cando Recycling and Disposal For a Certificate of Public Convenience and Necessity to Operate Motor Vehicles in Furnishing Solid Waste Collection Service and In the Matter of the Application of Points Recycling and Refuse, L.L.C. d/b/a Point Recycling and Refuse Company For a Certificate of Public Convenience and Necessity to Operate Motor Vehicles in Furnishing Solid Waste Collection Service. Dockets TG-081576 and TG-091687. Summary: In

the Final Order for both these matters, the Commission grants the application of Freedom 2000 to provide solid waste collection service in Point Roberts, Washington, on condition that the company initiate service within 45 days (Order 05), and denies the application of Point Recycling to provide on-call drop box and special clean up service in the same territory (Order 02) One Commissioner dissented arguing that both applications should be denied. (January 27, 2010)

✓ WUTC v. Waste Management of Washington, Inc., d/b/a Waste Management of Sno-King and In the Matter of the Petition of Waste Management of Washington, Inc. d/b/a Waste Management of Sno-King For Rule Interpretation or Alternatively For Modification or Exemption of WAC 480-07-520(4). Dockets TG-091933 and TG 091945. Summary: In these consolidated dockets, the Commission denies Waste Management's Petition for Rule Interpretation seeking a determination that the work papers Waste Management filed in Docket TG-091933 comply with the requirements of Washington Administrative Code (WAC) 480-07-520(4). The Commission's rule governing solid waste companies filing requests for general rate increases requires submission of work papers that contain detailed financial data for a company, its affiliated interests, and its subsidiaries. The plain language of the rule requires these work papers to address company finances as a whole, not a limited subset of one or more subsidiary entities. This remains true even when only a single subsidiary of a larger company seeks a rate increase. However, the Commission recognizes the administrative burden placed on Waste Management due to its chosen corporate structure and, rather than reject Sno-King's rate case filing, grants an exemption to the rule in this case. (March 23, 2010)

✓ WUTC v. Waste Management of Washington, Inc. d/b/a Waste Management of Greater Wenatchee. Docket TG-091127. Summary: In Order 03 the Commission grants in part Waste Management of Wenatchee's petition for administrative review of the initial order in this proceeding. The Commission upholds the initial order's determination that penalties should be imposed, but substantially less than Staff originally requested. The Commission strikes the requirement that the remaining portion of the penalty be suspended on condition for one year. (May 7, 2010)

✓ In re the Matter of Determining the Proper Carrier Classification of Glacier Recycle, LLC; Hungry Buzzard Recovery, LLC; and T&T Recovery, Inc. Docket TG-072226. Summary: In Order 08 the Commission approves and adopts, subject to condition, a multiparty Settlement Agreement filed by Commission Staff and the Respondent Companies that, among other things, confirms that the transportation of construction and demolition debris for deposit into a landfill constitutes disposal, allows the Respondent Companies to temporarily continue limited hauling of residual post-sorted waste loads, and requires each Respondent Company to file its annual report summarizing amounts of materials handled and disposed of each year. The Commission finds the proposed Settlement Agreement, subject to a temporary exemption regarding hauling frequency, implements a reasonable resolution to the remaining issues in this docket. (July 9, 2010)

✓ In the Matter of the Petition of Waste Management of Washington, Inc. d/b/a Waste Management-Northwest Requesting Authority to Retain Fifty Percent of the Revenue Received From the Sale of Recyclable Materials Collected in Residential Recycling Service. Docket TG101220. Summary: In order 01

the Commission authorizes Waste Management of Washington, Inc. d/b/a Waste Management-Northwest to retain fifty percent of revenue received from sale of recyclable materials collected in its residential recycling program on an interim basis and subject to refund. Waste Management of Washington, Inc. d/b/a Waste Management-Northwest must meet all reporting requirements, work with Snohomish County on a budget consistent with Snohomish County's Comprehensive Solid Waste Management Plan, and submit a plan detailing the amount of revenue it expects to retain and the amount it plans to spend on activities identified in its recycling plan together with the anticipated effect the activities will have on increasing recycling. (August 31, 2010)

✓ In the Matter of the Petition of Waste Management of Washington, Inc. d/b/a Waste Management-Sno-King Requesting Authority to Retain Fifty Percent of the Revenue Received From the Sale of Recyclable Materials Collected in Residential Recycling Service. **Docket TG101221. Summary: In order 01** the Commission authorizes Waste Management of Washington, Inc. d/b/a Waste Management-Sno-King to retain fifty percent of revenue received from sale of recyclable materials collected in its residential recycling program on an interim basis and subject to refund. Waste Management of Washington, Inc. d/b/a Waste Management-Sno-King must meet all reporting requirements, work with King County on a budget consistent with King County's Comprehensive Solid Waste Management Plan, and submit a plan detailing the amount of revenue it expects to retain and the amount it plans to spend on activities identified in its recycling plan together with the anticipated effect the activities will have on increasing recycling. (August 31, 2010)

✓ In the Matter of the Petition of Waste Management of Washington, Inc. d/b/a Waste Management-South Sound and Waste Management of Seattle Requesting Authority to Retain Fifty Percent of the Revenue Received From the Sale of Recyclable Materials Collected in Residential Recycling Service. **Docket TG101222. Summary: In order 01** the Commission authorizes Waste Management of Washington, Inc. d/b/a Waste Management-South Sound and Waste Management of Seattle to retain fifty percent of revenue received from sale of recyclable materials collected in its residential recycling program on an interim basis and subject to refund. Waste Management of Washington, Inc. d/b/a Waste Management-South Sound and Waste Management of Seattle must meet all reporting requirements, work with King County on a budget consistent with King County's Comprehensive Solid Waste Management Plan, and submit a plan detailing the amount of revenue it expects to retain and the amount it plans to spend on activities identified in its recycling plan together with the anticipated effect the activities will have on increasing recycling. (August 31, 2010)

✓ In the Matter of the Petition of Rabanco Ltd. d/b/a Lynnwood Disposal, Maltby Division Requesting Authority to Retain Fifty Percent of the Revenue Received From the Sale of Recyclable Materials Collected in Residential Recycling Service. **Docket TG101224. Summary: In order 01** the Commission authorizes Rabanco Ltd. d/b/a Lynnwood Disposal, Maltby Division to retain fifty percent of revenue received from sale of recyclable materials collected in its residential recycling program on an interim basis and subject to refund. Rabanco Ltd. d/b/a Lynnwood Disposal, Maltby Division must meet all reporting requirements, work with Snohomish County on a budget consistent with Snohomish County's Comprehensive Solid Waste Management Plan, and submit a plan detailing the amount of revenue it

expects to retain and the amount it plans to spend on activities identified in its recycling plan together with the anticipated effect the activities will have on increasing recycling. (August 31, 2010)

✓ WUTC v. Harold LeMay Enterprises, Inc. d/b/a Joe's Refuse Service. **Docket TG-091769. Summary: In Order 04** the Commission approves and adopts a Settlement Stipulation, establishing permanent rates for solid waste collection and recycling services provided by Joe's Refuse in Thurston County, Washington that are reasonable and just. The Commission finds that increased rates are necessary to provide the Company an opportunity to recover its full revenue requirement, determined on the basis of Staff's review of its financial records. (October 14, 2010)

✓ WUTC v. Harold LeMay Enterprises, Inc. d/b/a Rural Garbage Service. **Docket TG-091774. Summary: In Order 05** the Commission approves and adopts a Settlement Stipulation, establishing permanent rates for solid waste collection and recycling services provided by Rural Garbage in Thurston County, Washington that are reasonable and just. The Commission finds that rate adjustments are necessary, including rate increases for some services to provide the Company an opportunity to recover its full revenue requirement, and rate decreases relative to current temporary rates, which will result in refunds for residential and commercial garbage service. (October 14, 2010)

✓ In the Matter of the Petition of Mason County Garbage Co., Inc. d/b/a Mason County Garbage Requesting Authority to Retain Thirty Percent of the Revenue Received From the Sale of Recyclable Materials Collected in Residential Recycling Service. **Docket TG-101542. Summary: Order 01** authorizes revenue sharing for recyclable commodities revenue, and requires revenue not spent during the prior plan period and the current plan period to be carried forward to the following plan period. (October 29, 2010)

✓ In the Matter of the Petition of Murrey's Disposal Company, Inc. Requesting Authority to Retain Fifty Percent of the Revenue Received From the Sale of Recyclable Materials Collected in Residential Recycling Service. **Docket TG-101545. Summary: Order 01** authorizes revenue sharing for recyclable commodities revenue, and requires revenue not spent during the prior plan period and the current plan period to be carried forward to the following plan period. (October 29, 2010)

✓ In the Matter of the Petition of American Disposal Company, Inc. Requesting Authority to Retain Fifty Percent of the Revenue Received From the Sale of Recyclable Materials Collected in Residential Recycling Service. **Docket TG-101548. Summary: Order 01** authorizes revenue sharing for recyclable commodities revenue, and requires revenue not spent during the prior plan period and the current plan period to be carried forward to the following plan period. (October 29, 2010)

✓ In the Matter of the Petition of Rabanco LTD., d/b/a Allied Waste Services of Kent, Rabanco Companies and Sea-Tac Disposal Requesting Authority to Retain 50 Percent of the Revenue Received From the Sale of Recyclable Materials Collected in Residential Recycling Service. **Docket TG-101857. Summary: Order 01** authorizes revenue sharing for recyclable commodities revenue, and requires revenue not spent during the prior plan period and the current plan period to be carried forward to the following plan period. (December 30, 2010)

✓ In the Matter of the Petition of Rabanco LTD., d/b/a Eastside Disposal, Container Hauling, Rabanco Connections and Rabanco Companies Requesting Authority to Retain 50 Percent of the Revenue Received From the Sale of Recyclable Materials Collected in Residential Recycling Service. **Docket TG-101858. Summary: Order 01** authorizes revenue sharing for recyclable commodities revenue, and requires revenue not spent during the prior plan period and the current plan period to be carried forward to the following plan period. (December 30, 2010)

✓ In the Matter of the Petition of Rabanco LTD., d/b/a Lynnwood Disposal Requesting Authority to Retain 50 Percent of the Revenue Received From the Sale of Recyclable Materials Collected in Residential Recycling Service. **Docket TG-101224. Summary: Order 03** lifts the interim status, authorizes permanent revenue sharing for recyclable commodities revenue, and requires revenue not spent during the current plan period to be carried forward to the following plan period. (December 30, 2010)

Utilities:

Electric

✓ WUTC v. Puget Sound Energy, Inc. **Dockets UE-090704 and UG-090705. Summary: In Order 11** the Commission rejects revised tariff sheets Puget Sound Energy, Inc. (PSE or the Company) filed on May 8, 2009, by which the Company proposed to increase electric rates by 7.4 percent and natural gas rates by 2.2 percent. In lieu of the Company's proposed increases in rates, the Commission authorizes and requires PSE to file tariff sheets that will result in fair, just, reasonable and sufficient increases of approximately 2.8 percent for electric rates and 0.8 percent for natural gas rates. The Commission accepts a number of uncontested pro forma adjustments proposed by PSE and approves and adopts two uncontested settlement agreements that resolve, respectively, issues of electric and natural gas rate spread and rate design. Among several contested issues, the Commission denies the Company's proposed pro forma adjustments that were not demonstrated to be known and measurable and not offset by other factors. The Commission, for example, rejected PSE's proposal to reduce electric load to account for conservation load loss the Company claimed was not accounted for in the 2008 test year. However, the Commission adjusted rates through the application of a "production factor" to account for the reduced load PSE projects for the 2010-2011 rate year, including load loss attributable to conservation. The Commission sets the Company's authorized rate of return, allowing a 10.1 percent return on the 46 percent of PSE's capital structure that represents equity investment, a 6.7 percent cost of long-term debt that represents 50 percent of the Company's capital structure and a 2.5 percent cost of short-term debt that represents the balance of PSE's capital structure. Overall, this results in an 8.10 percent rate of return for the Company. The Commission determines that PSE's acquisition of the Mint Farm combined cycle combustion turbine generation facility was prudent and allows for recovery of the associated costs in rates. In addition, the Commission finds prudent on the basis of uncontested evidence the Company's acquisition of a number of other power assets and finds reasonable the sale of PSE's White River assets. (April 2, 2010)

✓ WUTC v. Puget Sound Energy, Inc. **Dockets UE-090704 and UG-090705. Summary: In Order 12** the Commission extensively clarifies Order 11 and requires Puget Sound Energy to file tariff sheets sufficient to effectuate the terms of Order 11 as clarified by this Order. (April 8, 2010)

✓ In the Matter of Avista Corporation's Ten-Year Achievable Conservation Potential And Biennial Conservation Target Under RCW 19.285.040 and WAC 480-109-010. **Docket UE-100176. Summary: In Order 01** the Commission approved Vista Corporation's Ten-Year Conservation Potential and 2010-2011 Biennial Conservation Target, as identified in Avista Corporation's revised report, subject to a number of conditions. (May 13, 2010)

✓ WUTC v. Avista Corporation d/b/a Avista Utilities. **Dockets UE-100467 and UG-100468. Summary: In Order 05** the Commission denied Public Counsel's motion for payment of its expert witness costs by Avista. (May 25, 2010)

✓ In the Matter of Pacific Power & Light Company Ten-Year Achievable Conservation Potential And Biennial Conservation Target Under RCW 19.285.040 and WAC 480-109-010. **Docket UE-100170. Summary: In order 02** the Commission approved Pacific Power & Light Company's Ten-Year Conservation Potential and 2010-2011 Biennial Conservation Target subject to a number of conditions. (July 29, 2010)

✓ WUTC v. Puget Sound Energy, Inc. **Dockets UE-072300 and UG-072301. Summary: In Order 16** the Commission grants on an interim basis Puget Sound Energy's request to eliminate Service Quality Index: Disconnection Ratio (SQI-9). The Commission reserves the question whether to eliminate SQI-9 permanently until Puget Sound Energy's next general rate proceeding. (August 31, 2010)

✓ In the Matter of the Amended Petition of Puget Sound Energy, Inc. for an Order Authorizing the Use of the Proceeds from the Sale of Renewable Energy Credits and Carbon Financial Instruments. **Docket UE-070725. Summary: In Order 05** the Commission denies the petitions for reconsideration from Puget Sound Energy and the Energy Project, and grants the petition of Commission Staff in part to modify Order 03 to provide that up to \$2.285 million of the proceeds from the sale of renewable energy credits and carbon financial instruments are authorized for expenditure by Puget Sound Energy to capture additional cost-effective conservation under the low income conservation program during 2011, instead of the \$4.57 million originally authorized. (August 31, 2010)

✓ WUTC v. Puget Sound Energy, Inc. **Dockets UE-011570, UG-011571 and UE-100177. Summary: In Order 06** the Commission grants Commission Staff's requests for corrections and modifications to Order 05. (October 8, 2010)

✓ WUTC v. Puget Sound Energy, Inc. **Dockets UE-011570, UG-011571 and UE-100177. Summary: In Order 05 (As amended by order 06)** the Commission approves and adopts the Settlement Agreement; approves Puget Sound Energy's revised report identifying its ten-year conservation potential and biennial target, subject to conditions; and grants the joint motion to modify the Twelfth Supplemental Order in Dockets UE-011570 and UG-011571. (October 13, 2010)

In the Matter of the Amended Petition of Puget Sound Energy, Inc. For an Order Authorizing the Use of the Proceeds from the Sale of Renewable Energy Credits and Carbon Financial Instruments and In the Matter of the Petition of Puget Sound Energy, Inc., Commission Staff and the Industrial Customers of Northwest Utilities For an Order Authorizing Accounting Treatment of Offsets to the Balance of Production Tax Credits. Dockets UE-070725 and UE-101581. Summary: In Order 06 (UE-070725) and Order 01 (UE-101581) the Commission approves an unopposed proposal submitted by Puget Sound Energy, Inc. (PSE), Commission Staff, and the Industrial Customers of Northwest Utilities that will result in bill credits to customers during the period November 2010 through March 2011, based on proceeds PSE received from sales of Renewable Energy Credits (RECs) through November 2009. In addition, this Order authorizes PSE to use a portion of the proceeds it receives from sales of RECs after November 30, 2009, to offset Production Tax Credits already credited to PSE's customers but which the Company has not recovered via tax savings. RECs in excess of those provided to customers in the form of bill credits will be used to offset rate base in future rate proceedings, thus providing additional benefits to PSE's ratepayers. (October 26, 2010)

✓ WUTC v. Avista Corporation d/b/a Avista Utilities. Dockets UE-100467 and UG-100468. Summary: In Order 07 the Commission approves and adopts an all-party full settlement that increases Avista Corporation's electric rates by \$29,501,000, an average of 7.4 percent across all rate classes, and its natural gas rates by \$4,554,000, an average of 2.9 percent across all rate classes. The Commission, in adopting the Settlement Stipulation, also authorizes increased funding for Avista's low income demand side management and low income rate assistance programs. (November 19, 2010)

Gas

✓ WUTC v. Northwest Natural Gas Company. Docket UG-080546. Summary: In Order 05 the Commission amends Order 04 to permit Northwest Natural Gas Company to continue to rely on the Energy Trust of Oregon to administer its pilot programs for energy efficiency until such time as Northwest Natural Gas Company selects a permanent administrator for these new programs. (March 19, 2010)

✓ WUTC v. Puget Sound Energy, Inc. Dockets UE-090704 and UG-090705. Summary: In Order 11 the Commission rejects revised tariff sheets Puget Sound Energy, Inc. (PSE or the Company) filed on May 8, 2009, by which the Company proposed to increase electric rates by 7.4 percent and natural gas rates by 2.2 percent. In lieu of the Company's proposed increases in rates, the Commission authorizes and requires PSE to file tariff sheets that will result in fair, just, reasonable and sufficient increases of approximately 2.8 percent for electric rates and 0.8 percent for natural gas rates. The Commission accepts a number of uncontested pro forma adjustments proposed by PSE and approves and adopts two uncontested settlement agreements that resolve, respectively, issues of electric and natural gas rate spread and rate design. Among several contested issues, the Commission denies the Company's proposed pro forma adjustments that were not demonstrated to be known and measurable and not offset by other factors. The Commission, for example, rejected PSE's proposal to reduce electric load to account for conservation load loss the Company claimed was not accounted for in the 2008 test year.

However, the Commission adjusted rates through the application of a “production factor” to account for the reduced load PSE projects for the 2010-2011 rate year, including load loss attributable to conservation. The Commission sets the Company’s authorized rate of return, allowing a 10.1 percent return on the 46 percent of PSE’s capital structure that represents equity investment, a 6.7 percent cost of long-term debt that represents 50 percent of the Company’s capital structure and a 2.5 percent cost of short-term debt that represents the balance of PSE’s capital structure. Overall, this results in an 8.10 percent rate of return for the Company. The Commission determines that PSE’s acquisition of the Mint Farm combined cycle combustion turbine generation facility was prudent and allows for recovery of the associated costs in rates. In addition, the Commission finds prudent on the basis of uncontested evidence the Company’s acquisition of a number of other power assets and finds reasonable the sale of PSE’s White River assets. (April 2, 2010)

✓ WUTC v. Puget Sound Energy, Inc. **Dockets UE-090704 and UG-090705. Summary: In Order 12** the Commission extensively clarifies Order 11 and requires Puget Sound Energy to file tariff sheets sufficient to effectuate the terms of Order 11 as clarified by this Order. (April 8, 2010)

✓ WUTC v. Avista Corporation d/b/a Avista Utilities. **Dockets UE-100467 and UG-100468. Summary: In Order 05** the Commission denied Public Counsel’s motion for payment of its expert witness costs by Avista. (May 25, 2010)

✓ WUTC v. Puget Sound Energy, Inc. **Dockets UE-072300 and UG-072301. Summary: In Order 16** the Commission grants on an interim basis Puget Sound Energy’s request to eliminate Service Quality Index: Disconnection Ratio (SQI-9). The Commission reserves the question whether to eliminate SQI-9 permanently until Puget Sound Energy’s next general rate proceeding. (August 31, 2010)

✓ WUTC v. Puget Sound Energy, Inc. **Dockets UE-011570, UG-011571 and UE-100177. Summary: In Order 06** the Commission grants Commission Staff’s requests for corrections and modifications to Order 05. (October 8, 2010)

✓ WUTC v. Puget Sound Energy, Inc. **Dockets UE-011570, UG-011571 and UE-100177. Summary: In Order 05** (As amended by Order 06) the Commission approves and adopts the Settlement Agreement; approves Puget Sound Energy’s revised report identifying its ten-year conservation potential and biennial target, subject to conditions; and grants the joint motion to modify the Twelfth Supplemental Order in Dockets UE-011570 and UG-011571. (October 13, 2010)

✓ WUTC v. Avista Corporation d/b/a Avista Utilities. **Dockets UE-100467 and UG-100468. Summary: In Order 07** the Commission approves and adopts an all party full settlement that increases Avista Corporation’s electric rates by \$29,501,000, an average of 7.4 percent across all rate classes, and its natural gas rates by \$4,554,000, an average of 2.9 percent across all rate classes. The Commission, in adopting the Settlement Stipulation, also authorizes increased funding for Avista’s low income demand side management and low income rate assistance programs. (November 19, 2010)

Telecommunications

✓WUTC v. Advanced Tel, Inc., Air Speed, LLC, Airnex Communications, Inc., Clertech.com, Digitline Express, LLC, Eman Networks, Fox Communication, LLC, Global Telecom & Technology Americas, Inc., Globetel, INC., GTC Telecom Corp., LSSI Data Corporation, Momentum Telecom, Inc., Quality Telephone, Inc., V-Global Communications, Inc. and WTI, LLC. **Docket UT-091666. Summary: In Order 02** the Commission grants the Petition for Administrative Review of Momentum Telecom, Inc., reverses the Initial Order, in part, and dismisses the complaint against the carrier. This Order also affirms the Initial Order with regard to the remaining carriers. Therefore, this Order cancels the telecommunications company registrations of Advanced Tel, Inc.; Airnex Communications, Inc.; Clertech.com; Fox Communication, LLC; Global Telecom & Technology Americas, Inc.; Globetel, Inc.; GTC Telecom Corp.; V-Global Communications, Inc.; and WTI, LLC, as the companies have failed to file their annual reports as required by RCW 80.04.080, and to pay regulatory fees as required by RCW 80.24.010. This Order affirms the Initial Order's dismissal of the Complaint against Air Speed, LLC; DigitLine Express, LLC; EMAN Networks; LSSI Data Corporation; and Quality Telephone, Inc. (March 5, 2010)

✓In the Matter of the Joint Application of Verizon Communications, Inc., and Frontier Communications Corporation For an Order Declining to Assert Jurisdiction Over, or, in the Alternative, Approving the Indirect Transfer of Control of Verizon Northwest, Inc. **Docket UT-090842. Summary: In Order 06** the Commission approves and adopts, subject to conditions, five multiparty settlement agreements proposed by all parties, except Public Counsel and the Broadband Communications Association of Washington, and authorizes Frontier Communications Corporation to acquire indirect control of Verizon Northwest, Inc. The five agreements include commitments to ensure a smooth transition to replicated back-office and operations support systems, expand access to broadband service, and protect the financial integrity of Washington operations. The commitments also preserve Commission access to information necessary to perform its regulatory duties, protect service quality to retail and wholesale customers, protect customers, including low-income customers, from rate impacts, and preserve service offerings. The commitments, together with the settlement modifications and additional conditions imposed in this Order, reasonably assure that Frontier Communications Corporation's proposed acquisition of Verizon Northwest, Inc. will not harm the public interest. (April 16, 2010)

✓In the Matter of the Petition of Tracfone Wireless, Inc. for Exemption from WAC 480-123-030(1)(d),(f) and (g); and Designation as an Eligible Telecommunications Carrier for the Purpose of Receiving Lifeline Support from the Federal Universal Service Fund. **Docket UT-093012. Summary: In Order 03** the Commission adopts the settlement agreement between TracFone Wireless, Inc., and Commission Staff, accepting the conditions for granting the Company designation as an eligible telecommunications carrier, and imposing an additional condition that the designation of TracFone as an eligible telecommunications carrier shall be for a one year interim period, after which TracFone may seek to renew its designation. Under this condition, the Company's interim designation shall continue until the Commission's final decision on designation. (June 24, 2010)

✓WUTC v. Qwest Corporation. **Docket UT-091870. Summary: In order 03** the Commission approves the Settlement Agreement between Commission Staff and Qwest Corporation for violations of the Commission's service quality rules. Qwest is required to pay \$34,500 within thirty days. (August 27, 2010)

✓ In the Matter of the Petition for Arbitration of an Interconnection Agreement Between North County Communications Corporation of Washington and Qwest Corporation Pursuant to 47 U.S.C. Section 252(b). **Docket UT-093035. Summary: In order 09** the Commission finds that the Commission has jurisdiction to require the parties to arbitrate the terms of a successor agreement and denies North County's petition for review of Order 06. (October 1, 2010)

✓ In the Matter of the Petition of Tracfone Wireless, Inc. for Exemption from WAC 480-123-030(1)(d),(f) and (g); and Designation as an Eligible Telecommunications Carrier for the Purpose of Receiving Lifeline Support from the Federal Universal Service Fund. **Docket UT-093012. Summary: In Order 05** the Commission grants the Joint Motion of TracFone and Commission Staff and approves the proposed modifications to their settlement agreement subject to the parties filing a modified Settlement Agreement that includes the proposed modifications and the Commission's modification in Order 03. (October 13, 2010)

✓ In the Matter of the Petition of T-Mobile West Corporation for Designation as an Eligible Telecommunications Carrier and a Temporary Partial Exemption from WAC 480-123-030(1)(g) and WAC 480-123-070(6). **Docket UT-101060. Summary: In Order 01** the Commission grants T-Mobile's request for a temporary exemption from the requirement of four hours back-up power at each cell site and designates T-Mobile as an Eligible Telecommunications Carrier to receive support from the Universal Service Fund. (October 14, 2010)

✓ In the Matter of the Petition of Virgin Mobile USA, L.P. for an Exemption from WAC 480-123-030(1)(d) and Designation as an Eligible Telecommunications Carrier. **Docket UT-100203. Summary: Order 01** grants Virgin Mobile's request for an exemption from the requirement to provide a two-year investment plan for initial federal support and designates Virgin Mobile as an Eligible Telecommunications Carrier to receive Lifeline support from the Universal Service Fund. (November 10, 2010)

✓ Qwest Corporation v. McLeod Telecommunications Services, Inc., d/b/a PAETEC Business Services. **Docket UT-090892. Summary: In Order 02** the Commission denies Qwest Corporation's Petition for Administrative Review of Order 05. The Commission determines that by including the Wholesale Service Ordering Charge (WSOC) in their Interconnection Agreement (ICA) as a fully negotiated amendment, Qwest Corporation (Qwest) and McLeod Telecommunications Services, Inc., d/b/a PAETEC Business Services (McLeod) resolved Qwest's federal law cause of action by settlement, obviating the need for further consideration on Qwest's complaint in this proceeding. The Commission also determines that in gaining approval of the WSOC Amendment by which the parties included the WSOC in their ICA as a fully negotiated matter, Qwest's representations to the Commission that the WSOC "does not discriminate against non-party carriers, . . . is consistent with state and federal law, and . . . is in the public interest" resolves, as a matter of law, any claim Qwest may now make that the WSOC violates state or federal law. (December 1, 2010)

2011

Transportation:

Household Goods

✓ In the Matter of Amending Washington Utilities and Transportation Commission Tariff 15-C, Relating to Intrastate Transportation of Household Goods. **Docket TV-111855. Summary: Order 01**, in response to a petition from the Washington Movers Conference, adopts changes to Tariff 15-C, effective December 30, 2011, raising certain rates and charges applying to household moves for front loading washing machines. (December 29, 2011)

Passenger Transportation Companies (Buses)

✓ In re Application of Shuttle Express, Inc. for Extension of Authority under Certificate No. C-975, For a Certificate of Public Convenience and Necessity to Operate Motor Vehicles in Furnishing Passenger and Express Service as an Auto Transportation Company. **Docket TC-091931. Summary: In Order 05** the Commission grants the request of Shuttle Express, Inc., to remove language in its certificate of public convenience and necessity that limits the size of the vehicles the company may use to provide its regulated service. (April 14, 2011)

✓ In re Application of Excalibur Limousine LLC d/b/a Seattle Green Limo For a Certificate of Public Convenience and Necessity to Operate Motor Vehicles in Furnishing Passenger and Express Service as an Auto Transport Company. **Docket TC-110733. Summary: Order 02** is the Final Order in this matter denying the applicant's motion to vacate a finding of default and dismissal of the application without prejudice to refile after the applicant failed to appear at the prehearing conference scheduled in this docket. Applicant knew of circumstances that might make his participation difficult, but did not inform the Commission until after he failed to appear at the conference and was found in default. (August 31, 2011)

Pipelines

✓ In the Matter of the Petition of Puget Sound Energy Seeking Authorization to Operate a Facility with a Maximum Allowable Operating Pressure Greater Than 250 PSIG Pursuant to WAC 480-93-020. **Docket PG-110814. Summary: Order 01** grants Puget Sound Energy approval to operate a pipeline at up to 500 psi along Union Hill Road at Evans Creek in Redmond, Washington, if it meets certain design, construction, operation, and maintenance conditions. (July 28, 2011)

✓ In the Matter of the Petition of Cascade Natural Gas Corporation Seeking Authorization to Operate a Facility with a Maximum Allowable Operating Pressure Greater Than 250 PSIG Pursuant to WAC 480-93-020. **Docket PG-110896. Summary: Order 01** grants Cascade Natural Gas Corporation approval to operate a pipeline in rural Mason County at up to 500 psi connecting the Shelton Gate Station and

Kitsap Transmission Line if it meets certain design, construction, operation, and maintenance conditions. (July 28, 2011)

✓ In the Matter of the Petition of Puget Sound Energy Seeking Authorization to Operate a Facility with a Maximum Allowable Operating Pressure Greater Than 250 PSIG Pursuant to WAC 480-93-020. Docket PG-111037. Summary: Order 01 grants Puget Sound Energy approval to operate a pipeline at up to 500 psi in the vicinity of Coal Creek Road in Chehalis, Washington, if it meets certain design, construction, operation, and maintenance conditions. (July 28, 2011)

✓ In the Matter of the Petition of Cascade Natural Gas Corporation Seeking Authorization to Operate a Facility with a Maximum Allowable Operating Pressure Greater Than 250 PSIG Pursuant to WAC 480-93-020. Docket PG-111061. Summary: Order 01 grants Cascade Natural Gas Corporation approval to operate a pipeline at up to 500 psi at the Sedro-Woolley Gate Station if it meets certain design, construction, operation, and maintenance conditions. (July 28, 2011)

✓ In the Matter of the Petition of Cascade Natural Gas Corporation Seeking Authorization to Operate a Facility with a Maximum Allowable Operating Pressure Greater Than 250 PSIG Pursuant to WAC 480-93-020. Docket PG-111196. Summary: Order 01 grants Cascade Natural Gas Corporation approval to operate a pipeline at up to 500 psi alongside the BNSF tracks near the intersection with Sapp Road in Sedro-Woolley, Washington, if it meets certain design, construction, operation, and maintenance conditions. (July 28, 2011)

✓ Companies, Interstate Gas Pipeline Companies, and Hazardous Liquid Pipeline Companies under Establishing Fees to be Paid to the Washington Utilities and Transportation Commission by Gas Provisions of RCW 80.24.060 and RCW 81.24.090. Docket P-111197. Summary: Order 01 sets the pipeline safety fees for fiscal year 2012, requires them to be paid quarterly, and requires any entity required to pay the fees and seeks to contest the fees imposed to first pay the fee and then request a refund within six months of the due date. (August 11, 2011)

✓ In the Matter of the Petition of Puget Sound Energy Seeking Authorization to Operate a Facility with a Maximum Allowable Operating Pressure Greater Than 250 PSIG Pursuant to WAC 480-93-020. Docket PG-111454. Summary: Order 01 grants Puget Sound Energy approval to operate a pipeline at up to 350 psi at the Little Rock Gate Station if it meets certain design, construction, operation, and maintenance conditions. (September 15, 2011)

✓ In re Commission Investigation of the Natural Gas Pipeline System of Avista Utilities. Docket PG-100049. Summary: Order 01 accepts agreement between Avista and Commission Staff as appropriate resolution of issues raised by Commission Staff's inspection of Avista's gas distribution system in its Spokane and Ritzville districts. (November 23, 2011)

Solid Waste

✓ In the Matter of the Petition of Mason County Garbage Co., Inc., Murrey's Disposal Company, Inc., and American Disposal Company, Inc. Requesting Authority to Retain Percent of the Revenue Received From the Sale of Recyclable Materials Collected in Residential Recycling Service. Dockets TG-101542, TG-

101545, and TG-101548. Summary: Order 05 sets forth the Commission's conclusions from its interpretation of RCW 81.77.185. The statute (1) requires the Commission, not local government, to determine whether the plan that a solid waste company submits to the Commission demonstrates how the revenue from the sale of recyclable material the company retains will be used to increase recycling; (2) does not require the company to spend all retained revenue on recycling activities; (3) does not authorize the Commission to require a company to carry over to a subsequent plan period the retained revenue that the company does not spend on recycling activities within a given plan period; and (4) requires all revenue from the sale of recyclable materials, including retained revenue, that is not used to increase recycling to be passed on to residential customers. (May 6, 2011)

✓ Stericycle of Washington, Inc v. Waste Management of Washington, Inc. **Docket TG-110553. Summary: In Order 02**, the Commission, finding there are no material facts in dispute concerning the issues raised by Stericycle of Washington, Inc.'s Complaint and Petition, and determining on the basis of undisputed facts that Waste Management of Washington, Inc., has not abandoned its authority under certificate G-237 to collect and transport biomedical waste, grants summary determination in favor of Waste Management of Washington, Inc., and dismisses the complaint. (July 13, 2011)

✓ WUTC v. Waste Management of Washington, Inc. **Dockets TG-101220, TG-101221 & TG-101222 (Consolidated) Summary: Order 09** allows Waste Management of Washington, Inc. under 2010-11 Recycling and Commodity Revenue Sharing Plans with King and Snohomish Counties to retain up to 50 percent of revenues generated from sale of recyclable materials if the retained revenues are used to increase recycling, denies Waste Management request to keep eight percent of retained revenues as a financial incentive and reward because there is no showing that those revenues will be used to increase recycling, rejects tariffs previously suspended and requires refiling revised tariffs that include revenues the company retained as a financial incentive so that those revenues are passed to residential customers. (August 26, 2011)

✓ WUTC v. Waste Management of Washington, Inc. **Dockets TG-101220, TG-101221 & TG-101222 (Consolidated) Summary: Order 10** approves and adopts Order 09, the Administrative Law Judge's Initial Order, concluding that Waste Management of Washington, Inc., will not be authorized to keep eight percent of the revenues it retains from the sale of recyclable materials collected from its customers as a financial incentive and reward pursuant to the 2010-11 recycling plans between the company and King and Snohomish Counties. The Company has failed to demonstrate that those revenues will be used to increase recycling as required by RCW 81.77.185 and therefore must pass the revenues to residential customers. The Commission, however, modifies Order 09 to delete the ordering paragraph requiring refiling of the applicable tariffs. (October 25, 2011)

✓ WUTC v. Rabanco, LTD. **Docket TG-111689. Summary: Order 03** dismisses complaint and suspension of Rabanco's proposed solid waste tariff revisions, finds the proposed rates are fair, just, reasonable and sufficient, and allows them to go into effect. (November 23, 2011)

Utilities:

Electric

✓ In the Matter of the Petition of Puget Sound Energy, Inc. For a Declaratory Order Regarding the Transfer of Assets to Jefferson County Public Utility District. **Docket U-101217. Summary: In Order 03** the Commission approves and adopts an unopposed Settlement Stipulation in full resolution of the issues in this proceeding. The Commission grants PSE's Petition for a Declaratory Order determining, among other things, that its transfer of assets to JPUD is exempt from the Commission's statutes governing transfers of property and that the purchase price of \$103 million is sufficient to fully compensate PSE. (February 1, 2011)

✓ WUTC v. PacifiCorp d/b/a Pacific Power & Light Company. **Docket UE-100749. Summary: In Order 06** the Commission rejects revised tariff sheets PacifiCorp filed on May 4, 2010, but authorizes and requires the Company to file tariff sheets stating rates that will recover approximately \$38 million in additional revenue, an increase that the Commission finds to be reasonable. At the same time, the Commission requires the Company to establish a "tracker" mechanism to return to customers through a monthly bill credit revenues the Company receives from the sale of Renewable Energy Credits (RECs). For the first year, the credit mechanism will be sized to return \$4.8 million to customers, thereby offsetting, in part, the impact of the rate increase. The increase results from a balancing of the statutory factors that rates must be fair, just, reasonable, and sufficient. The Company's increased revenue requirement is being driven by a number of factors, including an increase in net power costs caused by the expiration of certain low-priced natural gas contracts and expiration of Bonneville Power Administration and Mid-Columbia wholesale power contracts; the collection of costs, previously deferred, and return on equity associated with the Chehalis natural gas generation plant approved in the last general rate case, and a substantial amount of investments in transmission and distribution. The Commission is mindful that including these costs in PacifiCorp's rates requires an unusually large increase, particularly in these economic times, but the Commission also recognizes that the Company must be able to recover its prudently incurred costs to be able to provide the service on which its customers depend. The resulting revenue requirement is based on a capital structure of 49.1 percent equity and 50.6 percent debt, with a 9.8 percent return on equity resulting in an overall rate of return of 7.81 percent. The Commission also makes specific revenue, tax, and rate base adjustments proposed by the parties. The Commission increases, by 21 percent, funding for its Low Income Bill Assistance Program. Finally, the Commission concludes that the rate increase should be spread to all rate schedules, other than street lighting, on an equal percentage basis. (March 25, 2011)

✓ WUTC v. PacifiCorp d/b/a Pacific Power & Light Company. **Docket UE-100749. Summary: Order 07** denies petitions for reconsideration, but clarifies the Commission's ruling on arbitrage sales revenues and its policy regarding tax normalization. (May 12, 2011)

✓ In the Matter of the Commission's Policies Relating to Implementation of RCW 19.285. **Docket UE-111016. Summary:** This Policy Statement describes (1) how the Washington Utilities and Transportation Commission (Commission), through its staff, will provide technical assistance to utilities and developers

of renewable energy projects regarding whether electric generation projects qualify as “eligible renewable resources under RCW 19.285 and WAC 480-109 and (2) how utilities and developers of projects may file petitions for declaratory orders with the Commission on whether such projects are “eligible renewable resources.” (June 7, 2011)

WUTC Report on the Potential for Cost-effective distributed Generation in Areas Served by Investor-owned Utilities in Washington State. **Docket UE-110667. Summary:** Study of distributed generation issues applicable to investor-owned electric utilities as requested by the House Technology, Energy and Communications Committee. (October 7, 2011)

✓ In the Matter of Pacific Power and Light Company Petition for Waiver from Certain Request for Proposals Requirements. **Docket UE-111418. Summary: Order 01** grants waivers to requests for proposals. Pacific Power and Light Company has shown that the waivers are consistent with the public interest, the purposes underlying regulation and applicable statutes and therefore, granting the requested waivers is appropriate. (October 14, 2011)

In the Matter of the Petition of Puget Sound Energy, Inc. For a Declaratory Order on the Extra Credits for Apprentice Labor Provision of RCW 19.285.040(2)(h). **Docket U-111663. Summary: Declaratory Order** interpreting RCW 19.285.040(2)(h), the provision of Washington’s Energy Independence Act providing extra credits toward renewable portfolio standards for use of apprentice labor. (December 1, 2011)

In the Matter of the Petition of Puget Sound Energy, Inc. For a Declaratory Order and Accounting Order Regarding the Reclassification of Certain Facilities and Accounting Treatment. **Docket UE-111701. Summary: Order 01** is a Declaratory Order and Accounting Order that approves PSE’s unopposed Petition to reclassify its 55 kV-115 kV distribution facilities as transmission facilities and to apply such reclassification in the Company’s accounts and reports to the Commission. The Commission imposed conditions, consistent with the recommendations of its regulatory staff to protect ratepayers and preserve the Commission’s discretion in exercising its jurisdiction in the future. (December 14, 2011)

✓ WUTC v. Avista Corporation d/b/a Avista Utilities. **Dockets UE-110876 and UG-110877 (Consolidated). Summary: The Commission’s Final Order (Order 06)** rejects revised tariff sheets filed by Avista on May 16, 2011, which would have increased the Company’s electric rates by \$38.3 million and natural gas rates by \$6.2 million. The Commission instead approves and adopts a Settlement that allows Avista to increase electric rates by \$20 million, an average of 4.6 percent, and that increase Avista’s natural gas rates by \$3.75 million, an average of 2.4 percent. The Commission finds the rates resulting from these increases to be fair, just, reasonable, and sufficient. In authorizing these rates, the Commission also approves the parties’ proposal to increase the funding for the low income rate assistance program by \$550,000. This Order also directs Avista to make a subsequent filing containing specific data related to the compensation packages of Avista executives by February 29, 2012. (December 16, 2011)

Gas

✓ WUTC v. Puget Sound Energy, Inc. **Docket UG-101644. Summary: In Order 04** the Washington Utilities and Transportation Commission (Commission) rejects revised tariff sheets Puget Sound Energy, Inc.

(PSE) filed on October 1, 2010, by which PSE proposed to increase natural gas rates by approximately \$24 million. In lieu of PSE's proposed increase in rates, the Commission approves and adopts a Settlement Agreement entered into by all parties to this proceeding that results in an increase of \$19 million. Additional settlement terms provide for an adjustment to water heater rental depreciation rates, maintenance of the status quo in terms of rate spread and rate design, support for increased funding for low-income program support, and ongoing study and discussion concerning cost of service study methodology. (March 15 2011)

✓ WUTC v. Avista Corporation d/b/a Avista Utilities, Dockets UE-110876 and UG-110877 (Consolidated), Summary: The Commission's Final Order (Order 06) rejects revised tariff sheets filed by Avista on May 16, 2011, which would have increased the Company's electric rates by \$38.3 million and natural gas rates by \$6.2 million. The Commission instead approves and adopts a Settlement that allows Avista to increase electric rates by \$20 million, an average of 4.6 percent, and that increase Avista's natural gas rates by \$3.75 million, an average of 2.4 percent. The Commission finds the rates resulting from these increases to be fair, just, reasonable, and sufficient. In authorizing these rates, the Commission also approves the parties' proposal to increase the funding for the low income rate assistance program by \$550,000. This Order also directs Avista to make a subsequent filing containing specific data related to the compensation packages of Avista executives by February 29, 2012. (December 16, 2011)

Telecommunications

✓ In the Matter of the Joint Application of Qwest Communications International Inc. and CenturyTel, Inc. For Approval of Indirect Transfer of Control of Qwest Corporation, Qwest Communications Company LLC, and Qwest LD Corp. Docket UT-100820. Summary: In Order 14 The Washington Utilities and Transportation Commission (Commission) approves and adopts, subject to conditions, five multiparty settlement agreements resolving all of the disputed issues among Qwest Communications International Inc. and CenturyTel, Inc.(CenturyLink) and 360networks(USA), Integra Telecom, Commission Staff, Public Counsel, the Department of Defense, and tw telecom. The five settlement agreements contain commitments that expand broadband service to unserved and underserved areas of Washington, protect consumers from merger-related costs, and provide rate stability for residential and business retail customers. The agreements also protect service quality performance and provide advanced notice of any modifications to operational support systems. The commitments, together with settlement modifications and additional conditions imposed in this Order, provide sufficient assurance that the proposed merger will be in the public interest. As a result, the Commission authorizes CenturyLink to acquire indirect control of Qwest Corporation, Qwest Communications Company LLC, and Qwest LD Corp. (March 14, 2011)

✓ In the Matter of the Petition of YourTel America, Inc. For an Exemption from WAC 480-123-030(1)(d), (f) and (g), and Designation as an Eligible Telecommunications Carrier. Docket UT-110423. Summary: Order 01 grants an exemption to YourTel America, Inc. from three regulations which require a telecommunications carrier seeking designation as an Eligible Telecommunications Carrier for the

purpose of receiving Lifeline and Link Up support from the federal Universal Service Fund to provide a substantive two-year plan of the investments to be made with initial federal support and the associated customer benefits, to provide a digital map of its wireless network, and to show compliance with specific power backup standards. (June 16, 2011)

✓ In the Matter of Determining the Enhanced 911 Excise Tax. **Docket UT-111571. Summary: Order 01** requires each local exchange company and each interconnected Voice over Internet Protocol service company to collect a state enhanced 911 excise tax in the amount of twenty-five cents per month for each switched access or interconnected VoIP service line and remit the amount collected directly to the Department of Revenue pursuant to RCW 82.14B.030. (October 13, 2011)

✓ Pac-West Telecomm, Inc. v. Qwest Corporation. **Docket UT-053036 (consolidated with) Level 3 Communications, LLC v. Qwest Corporation. Docket UT-053039. Summary: Final Order (Order 12)** on remand from the United States District Court for the Western District of Washington grants Qwest's motion for summary determination as to issues of law, including of the Federal Communication Commission's 2001 ISP Remand Order, dealing with rates for terminating ISP-bound calls. Qwest's motion for summary determination as to the compensation it is entitled to is denied and will be dealt with in a separate evidentiary proceeding that the Commission will initiate. Pac-West's and Level 3's motions for summary determination are denied. (November 14, 2011)

In the Matter of the Request of Adams Technology Group, Corp., d/b/a ATG Corp. and Qwest Corporation d/b/a CenturyLink QC For Approval of Negotiated Agreement Under the Telecommunications Act of 1996. **Docket UT-113201. Summary: Order 01** rejects without prejudice the negotiated agreement for resale of services by Adams Technology Group, Corp d/b/a ATG Corp and Qwest Corporation d/b/a CenturyLink QC because Adams Technology Group, Corp d/b/a ATG Corp is not a registered provider of telecommunications services in the state of Washington. This Order does not preclude the two companies from filing another request for approval of a negotiated agreement for resale of services once Adams Technology Group, Corp d/b/a ATG Corp has become a registered provider of telecommunications services in the state of Washington. (December 12, 2011)

Water

✓ WUTC v. Summit View Water Works, LLC. **Docket UW-110107. Summary: Final Order (Order 05)** approves and adopts a Settlement Stipulation filed by the parties to this tariff revision that that accepts a one-time Facilities Charge of \$1,402 for new domestic water service customers, certain accounting and reporting requirements, and waives WAC 480-110-455(3)(a)(i) and (b) which would otherwise prohibit the Facilities Charge from funding 100 percent of the total cost of a new domestic water well. The Facilities Charge will be applicable to new domestic water service customers on a prospective basis beginning December 12, 2011. (November 14, 2011)

✓ WUTC v. Summit View Water Works, LLC. **Docket UW-110220. Summary: Final Order (Order 05)**

approves and adopts a Settlement Stipulation filed by the parties to this tariff revision that recommends a \$15,518 increase in annual revenues from irrigation service. It supports a rate design consisting of an annual outlet fee of \$215 prorated for new customers to reflect the actual number of days of service during the irrigation season and an annual irrigation fee of \$280 per acre, prorated to reflect the actual size of a customer's lot and, for new customers, the actual number of days of service during the irrigation season.. The new rates and charges will be applicable to irrigation service on a prospective basis beginning January 1, 2012. (November 14, 2011)

2012

Transportation:

Ferries

Household Goods

Motor Carriers

Passenger Transportation Companies (Buses)

Pipelines

Railroads

Solid Waste

WUTC v. Harold LeMay Enterprises, Inc., d/b/a Pierce County Refuse. **Docket TG-120073. Summary: Order 01** authorizes Harold LeMay Enterprises, Inc., d/b/a Pierce County Refuse to retain up to fifty percent of the revenue from the sale of recyclable materials collected in its residential recycling program on a temporary basis, subject to refund or credit. (February 23, 2012)

In the Matter of the Commission's Investigation of Recycling Revenue Sharing Plans. **Docket TG-112162. Summary: Interpretive and Policy Statement on RCW 81.77.185.** Specifically, the Commission interprets the statute and establishes policies with respect to the following issues: (1) how Plans can demonstrate that retained recycling revenues will be used to "increase recycling" as required by the statute; (2) permissible Plan expenditures; (3) budgets for Plan revenues and expenditures; (4) the role of local governments in developing and implementing Plans; (5) the role of Commission Staff in Plan review and approval; and (6) Plan filing process. (May 30, 2012)

Utilities:

Electric

✓ In the Matter of the Request of Puget Sound Energy For an Order Approving a Service Area Agreement and an Agreement for Transfer and Joint Use of Distribution Facilities to Tanner Electric Cooperative.

Docket U-120025. Summary: Order 01 approves Puget Sound Energy's application for the proposed Service Area Agreement and Transfer and Joint Use of Distribution Facilities Agreement with Tanner Electric Cooperative filed by Puget Sound Energy, on January 4, 2012. (January 26, 2012)

✓ In the Matter of Avista Corporation's 2012-2021 Ten-Year Achievable Conservation Potential and 2012-2013 Biennial Conservation Target Under RCW 19.285.040 and WAC 480-109-010. **Docket UE-111882. Summary: Order 01** approves Avista Corporation's 2012-2021 achievable conservation potential and 2012-2013 conservation target subject to conditions. (February 10, 2012)

✓ In the Matter of Pacific Power & Light Company 2012-2021 Ten-Year Achievable Conservation Potential and 2012-2013 Biennial Conservation Target Under RCW 19.285.040 and WAC 480-109-010. **Docket UE-111880. Summary: Order 01** approves Pacific Power & Light Company's 2012-2021 achievable conservation potential and 2012-2013 conservation target subject to conditions. (April 26, 2012)

✓ WUTC v. Puget Sound Energy, Inc. **Dockets UE-111048 and UG-111049. Summary: In Order 08** the Commission rejects previously suspended tariff sheets Puget Sound Energy, Inc. (PSE or the Company) filed on June 13, 2011, by which the Company proposed to increase electric rates by 8.1 percent and natural gas rates by 3.0 percent. In lieu of the Company's proposed increases in rates, the Commission authorizes and requires PSE to file tariff sheets that will result in fair, just, reasonable and sufficient rates that will increase electric rates by approximately 3.2 percent and natural gas rates by approximately 1.3 percent. The Commission reduces PSE's overall rate of return but increases the percent of equity in the Company's capital structure. This gives ratepayers the benefit of lower debt costs that reflect the Company's financial strength while providing support to PSE's ability to earn its authorized return during a period of heightened capital investment. The Commission recognizes PSE's current need to replace aging transmission and distribution infrastructure and to add cost-effective renewable resources to its portfolio of power production assets to meet Renewable Portfolio Standards mandated by the Energy Independence Act. This is exemplified in this case by the approval of PSE's acquisition and construction of the first phase of the Lower Snake River wind power project as a prudent investment. This Order requires PSE to update its power costs to a point contemporaneous in time with its effectiveness. This gives the Company's customers the full benefit of declining natural gas prices that are a key driver of these costs. At the same time, this protects the Company by authorizing for recovery in rates a level of power costs that best reflect what its power cost model forecasts for the rate year. The Commission also authorizes and requires PSE to update and use its most recent actual property tax liability when calculating rates that comply with the requirements of this Order. The Commission considered generally in this case the possibility of full decoupling for PSE and specifically considered

such a proposal presented by the Northwest Energy Coalition. Full decoupling would separate PSE's recovery of its fixed costs from the level of its energy sales, thus insulating the Company from the effects of load reductions due to conservation and other factors. PSE, however, made clear its opposition to full decoupling as discussed in the Commission's 2010 Interpretive and Policy Statement. The Commission agrees with PSE in this Order that it should not impose on the Company a decoupling mechanism that it not only did not request, but affirmatively opposed. The Commission rejects PSE's proposed new Conservation Savings Adjustment tariff (CSA) that the Company proposed as a means to insulate itself from revenue losses it attributes to electric load lost due to its conservation efforts. The record establishes that the CSA is foundationally flawed because it depends on fixed costs that are not reliably measured and engineering estimates of conservation savings that are ill-suited to development of a revenue requirement, as PSE proposes. In addition, the Commission finds the CSA, as proposed, produces unacceptable results, including significant potential for recovery of revenue not actually lost due to the Company's conservation efforts. Finally, the Commission recognizes throughout this Order, and specifically in connection with suggestions that the challenges evident in this period when PSE faces the need for unusually high levels of capital investment can be met by established ratemaking mechanisms such as the use of "end of period" rate base, the inclusion of CWIP (construction work in progress) in rate base, the allowance of new generation plant in rate base even when the new facilities are placed in service after the test period, fully supported attrition adjustments, or by the establishment of new regulatory processes. (May 7, 2012)

Gas

✓WUTC v. Puget Sound Energy, Inc. **Dockets UE-111048 and UG-111049. Summary: In Order 08** the Commission rejects previously suspended tariff sheets Puget Sound Energy, Inc. (PSE or the Company) filed on June 13, 2011, by which the Company proposed to increase electric rates by 8.1 percent and natural gas rates by 3.0 percent. In lieu of the Company's proposed increases in rates, the Commission authorizes and requires PSE to file tariff sheets that will result in fair, just, reasonable and sufficient rates that will increase electric rates by approximately 3.2 percent and natural gas rates by approximately 1.3 percent. The Commission reduces PSE's overall rate of return but increases the percent of equity in the Company's capital structure. This gives ratepayers the benefit of lower debt costs that reflect the Company's financial strength while providing support to PSE's ability to earn its authorized return during a period of heightened capital investment. The Commission recognizes PSE's current need to replace aging transmission and distribution infrastructure and to add cost-effective renewable resources to its portfolio of power production assets to meet Renewable Portfolio Standards mandated by the Energy Independence Act. This is exemplified in this case by the approval of PSE's acquisition and construction of the first phase of the Lower Snake River wind power project as a prudent investment. This Order requires PSE to update its power costs to a point contemporaneous in time with its effectiveness. This gives the Company's customers the full benefit of declining natural gas prices that

are a key driver of these costs. At the same time, this protects the Company by authorizing for recovery in rates a level of power costs that best reflect what its power cost model forecasts for the rate year. The Commission also authorizes and requires PSE to update and use its most recent actual property tax liability when calculating rates that comply with the requirements of this Order. The Commission considered generally in this case the possibility of full decoupling for PSE and specifically considered such a proposal presented by the Northwest Energy Coalition. Full decoupling would separate PSE's recovery of its fixed costs from the level of its energy sales, thus insulating the Company from the effects of load reductions due to conservation and other factors. PSE, however, made clear its opposition to full decoupling as discussed in the Commission's 2010 Interpretive and Policy Statement. The Commission agrees with PSE in this Order that it should not impose on the Company a decoupling mechanism that it not only did not request, but affirmatively opposed. The Commission rejects PSE's proposed new Conservation Savings Adjustment tariff (CSA) that the Company proposed as a means to insulate itself from revenue losses it attributes to electric load lost due to its conservation efforts. The record establishes that the CSA is foundationally flawed because it depends on fixed costs that are not reliably measured and engineering estimates of conservation savings that are ill-suited to development of a revenue requirement, as PSE proposes. In addition, the Commission finds the CSA, as proposed, produces unacceptable results, including significant potential for recovery of revenue not actually lost due to the Company's conservation efforts. Finally, the Commission recognizes throughout this Order, and specifically in connection with suggestions that the challenges evident in this period when PSE faces the need for unusually high levels of capital investment can be met by established ratemaking mechanisms such as the use of "end of period" rate base, the inclusion of CWIP (construction work in progress) in rate base, the allowance of new generation plant in rate base even when the new facilities are placed in service after the test period, fully supported attrition adjustments, or by the establishment of new regulatory processes. (May 7, 2012)

✓ WUTC v. Puget Sound Energy, Inc. **Docket UG-110723. Summary: In Order 07** the Commission remains committed to its long-standing pipeline safety program and to enhancing the safety of the natural gas distribution system of Puget Sound Energy, Inc., as well as the systems of other companies the Commission regulates. Although the record in this proceeding reflects party agreement that PSE's existing pipeline distribution system is safe, the evidence also demonstrates that a program to accelerate the replacement of some higher risk plastic pipe could enhance public safety. However, the record raises more questions than it answers about the desired scope of such a program. In any event, the Company's tariff filing to create a Pipeline Integrity Program would not result in an appropriate cost recovery mechanism. The Commission, therefore, rejects the tariff but initiates an investigation to promptly determine the extent to which more needs to be done to decrease the risks associated with older pipe. As part of that investigation, the Commission will examine replacement requirements and cost recovery methods, including properly designed incentive mechanisms, taking into consideration the companies' financial requirements and the impacts to ratepayers. (May 18, 2012)

✓ WUTC v. Northwest Natural Gas Company. **Docket UG-111233. Summary: In Order 05** the Commission approves and adopts the Settlement Stipulation filed by NW Natural and Commission Staff on April 24, 2012, which fully resolves this matter by its terms, and authorizes and requires NW Natural to withdraw its tariff filing in this matter. NW Natural will not include in its Washington rates any of the costs or

benefits associated with the Encana transaction discussed in the body of this Order, and will maintain a Washington-specific gas supply portfolio consistent with past practice, using a mix of financial hedges, storage inventories, and market purchases, designed to produce an optimal level of risk and the least cost to customers. The Commission will continue to evaluate the prudence of NW Natural's resource acquisitions for Washington customers via the PGA process. (May 25)

Telecommunications

✓ Pac-West Telecomm, Inc. v. Qwest Corporation and Level 3 Communications, LLC v. Qwest Corporation. **Dockets UT-053036 and UT-053039. Summary: Order 13** denies petitions for reconsideration made by Pac-West Telecomm, Inc. and Level 3 Communications, LLC of Order 12 issued by the Commission on remand from the United States District Court for the Western District of Washington. (February 10, 2012)

✓ In the Matter of the Joint Application of Verizon Communications, Inc. and Frontier Communications Corporation For an Order Declining to Assert Jurisdiction Over, or, in the Alternative, Approving the Indirect Transfer of Control of Verizon Northwest Inc. **Docket UT-090842. Summary: Order 08** grants an extension of the deadline for Frontier to expand broadband service to the unserved and underserved wire services, requires updated reports, and dismisses as moot Frontier's request to confirm confidentiality. (May 9, 2012)

✓ In the Matter of the Petition of Cricket Communications, Inc., For an Exemption from WAC 480-123-030(1)(d), and Designation as an Eligible Telecommunications Carrier. **Docket UT-111534. Summary: In Order 01** the Commission grants the petition of Cricket Communications, Inc., for an exemption from WAC 480-123-030(1)(d), which requires an ETC applicant to provide a substantive two-year plan of the investments to be made with initial federal support and the associated customer benefits. The Commission also grants the petition of Cricket Communications, Inc., for designation as an Eligible Telecommunications Carrier for the purpose of receiving Lifeline support from the federal Universal Service Fund in service areas specified in Appendix A to this Order. The designation is subject to the conditions set forth in Appendix B to this Order. (May 10, 2012)

✓ In the Matter of the Petition of Ellensburg Telephone Company, Seeking Exemption from the Provisions of WAC 480-07-510 (General Rate Proceedings); or, in the alternative, WAC 480-120-339 (Streamlined Filing Requirements for Class B Telecommunications Company Rate Increases). **Docket UT-120585. Summary: Order 01** grants exemption from the rules on general rate proceedings or streamlined filing requirements because the increase requested is required by FCC order. The exemption is in the public interest because the financial data submitted to the Commission is adequate to ensure the increases in local residential rates are fair, just, reasonable, and sufficient. (May 31, 2012)

✓ In the Matter of the Petition of New Cingular Wireless PCS, LLC and AT&T Mobility Wireless Operations Holdings, Inc. (Collectively "AT&T Mobility") For Permanent Waiver or in the Alternate a Temporary Waiver of WAC 480-123-070(6) [and WAC 480-123-030(1)(g)] Regarding Eligible Telecommunications Carrier Requirements. **Docket UT-063060. Summary: Order 04** denies the petition for a permanent exemption from WAC 480-123-070(6) and WAC 480-123-030(1)(g) for the two non-priority capacity cell sites, but grants as reasonable and consistent with public order the petition for a temporary exemption

of one year from WAC 480-123-070(6) and WAC 480-123-030(1)(g) for the two non-priority capacity cell sites, subject to the condition that the Company must provide a minimum of four hours of back-up power at all new cell sites. (May 31, 2012)

Water

✓ In the Matter of the Petition of MacKaye Harbor Water Company, Inc., To Initiate a Rulemaking, Pursuant to WAC 480-07-240, to Increase the Average Annual Revenue Per Customer, Which Relates to Commission Jurisdiction of Water Companies. Docket UW-120246. Summary: Order 01 grants the petition to initiate rulemaking to increase from \$471 to \$557 the maximum average annual revenue per customer a water company may generate without becoming subject to Commission jurisdiction. The Commission finds that the proposed rulemaking is in the public interest and is not prohibited by Executive Orders that suspended non-critical rule development, because non-critical rules do not include rules that are beneficial to or requested or supported by the regulated entities. (May 17, 2012)