



STATE OF WASHINGTON
DEPARTMENT OF LABOR AND INDUSTRIES

Prevailing Wage
PO Box 44540 • Olympia, Washington 98504-4540
360/902-5335 Fax 360/902-5300

April 19, 2013

Richard O. Prentke
Perkins Coie
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099

Re: Puget Sound Energy – Kitsap Transit

Dear Mr. Prentke:

Thank you for your December 18, 2012 letter on behalf of Puget Sound Energy (PSE) regarding the question of whether prevailing wages must be paid to workers employed by a subcontractor to PSE for moving and supplementing PSE's street and area lighting. The project involved a request by Kitsap Transit for PSE to perform this specific work. The work was billed to and paid by Kitsap Transit according to the PSE tariff for such work under the Washington Utilities and Transportation Commission (WUTC).

You observe that the facilities in this question are owned, operated, and maintained by PSE. The PSE charges to Kitsap Transit were consistent with the tariffs set through the WUTC's action on Docket # UE-111048 which, according to the WUTC web site was filed on 06/13/2011 and effective on 07/14/2011.

This is a determination of the Industrial Statistician regarding coverage of the referenced work under Washington's prevailing wage laws and is made pursuant to RCW [39.12.015](#). See the enclosed document, "*Prevailing Wage Determination Request and Review Process*."

RCW [39.12.020](#) requires prevailing wages on public works. That statute provides an exception for the regular employees of the public entity (but not the employees of any private entity).

In your letter, you express an opinion that prevailing wages would not apply to this work based on a number of circumstances or assertions:

- WUTC orders (regarding rates and charges for electric utilities) are conclusive. Therefore the PSE charges to Kitsap Transit have the force and effect of law and are not susceptible to modification for prevailing wages. You cite RCW [80.04.410](#) and *General Telephone Co. of the Northwest, Inc. v. City of Bothell*, 105 Wn.2d 579, 585, 716 P.2d 879, 883 (1986) to support your conclusion.

- The prevailing wage requirements are applicable only to “public works” per RCW [39.12.020](#) and the PSE work is not “public work” based on the following factors:
 - PSE owns, maintains, and operates the facilities.
 - PSE is not a party to a contract containing a provision stating the required prevailing rate of wage per RCW [39.12.030](#).
 - The contract was not competitively bid (under chapter [39.04](#) RCW).
 - The “executed at a cost to the state or of any municipality” language in the definition of “public work” in RCW [39.04.010](#)(4) is intended to only address projects owned by the public entity. Since the facilities are owned by PSE, prevailing wages do not apply.
- A form of private work subject to prevailing wages was addressed in the turn-key statute, RCW [39.04.260](#). That statute applies prevailing wage requirements to a facility that a private entity built and sells or leases the facility to a public entity. You argue these facts differ from the work described in that statute and therefore prevailing wage do not apply to PSE’s work.

Let’s consider in turn whether these issues are determinative for the prevailing wage question.

Does the WUTC tariff preempt or override the prevailing wage law?

As you note, according to statute, the WUTC orders are conclusive:

In all actions between private parties and public service companies involving any rule or order of the commission, and in all actions for the recovery of penalties provided for in this title, or for the enforcement of the orders or rules issued and promulgated by the commission, the said orders and rules shall be conclusive unless set aside or annulled in a review as in this title provided.

RCW [80.04.410](#).

The PSE tariffs established by such WUTC orders regulate the amounts that PSE will charge for certain services. The tariffs do not regulate the wages PSE may pay to employees or the wages that PSE subcontractors may pay to their employees. Moreover, the tariffs do not regulate the minimum rate of wage that is established under Washington State law.

In the December 18th letter, you used some case law, *General Telephone Co. of the Northwest, Inc. v. City of Bothell*, 105 Wn.2d 579, 585, 716 P.2d 879, 883 (1986), for authority for your conclusion that PSE’s charges to Kitsap Transit and the City have “the force and effect of law,” and that the tariffs are not susceptible to modification for prevailing wages.

The *General Telephone Co.* case involved WUTC tariffs established in 1972 and 1977 that defined costs the telephone company would charge for undergrounding of aerial facilities. Later, the City of Bothell enacted a 1981 franchise agreement ordinance #999 providing that “...whenever a public right-of-way is improved, existing poles and related facilities are to be undergrounded at General’s expense.” *General* at 581. Then, in 1982, Bothell enacted a street improvement ordinance #1039 that, in part, ordered General to underground certain associated

utilities at general's expense. A similar fact set for the City of Redmond was also addressed in the case. In both instances, and contrary to the established tariff, the cities sought the undergrounding of utilities at no cost based on their city codes which were adopted after the tariffs were set for that exact same work, the undergrounding of utilities. Through city code, the cities tried to negate the tariff previously established under the authority of state law. The court ruled against the cities in favor of General Telephone.

Here, in this prevailing wage question, the facts are quite different. Unlike *General*, there is no effort by the prevailing wage law, chapter [39.12 RCW](#) to in any way stop the utility from billing for its services in full accordance with the established tariff. Further, unlike the after-the-fact actions by the cities in *General*, the prevailing wage law was in full effect when tariff at issue here was established. Such work executed at a cost to the state or of any municipality is within the prevailing wage law's definition of "public work." See WAC [296-127-010\(7\)\(a\)\(i\)](#). The hourly wages to be paid to the laborers, workers, or mechanics that perform a public work "shall be not less than the prevailing rate of wage..." See RCW [39.12.020](#).

The prevailing wage law and other laws that regulate wages including overtime and the minimum wage do not attempt to alter the tariff itself. I suppose paying employee wages is a cost that PSE might consider as one cost element of many relevant costs in filing for a tariff that the WUTC may adopt, but the rate of wage does not control or override the tariff. There is no conflict between the prevailing wage requirement and PSE's ability to bill at the rate established in the tariff.

Finding the argument on the tariff does not preclude a prevailing wage requirement, it is necessary to look at the other factors that you mention.

Is ownership of the project by a public entity an essential component of a prevailing wage requirement?

The definition of "public work" for the prevailing wage law does not contain such a criterion. See RCW [39.04.010\(4\)](#); WAC [296-127-010\(7\)](#). Further, the courts most often look at whether the work was executed at a cost to the state or a municipality to determine if the work is a "public work."

In determining whether a project is a public work required to pay prevailing wages, we look first to whether the project was "executed at the cost of the state."
See RCW [39.04.010](#).

Supporters of the Center, Inc. v. Moore, 119 Wn. App. 352, 358 (2003).

To have a prevailing wage requirement under chapter [39.12 RCW](#), it is not necessary for PSE to be a party to a public entity's contract, nor is it required that the project be procured through a public entity's competitive bid process.

SOC points to the statutory scheme of the public works act (chapter [39.04 RCW](#)) and argues that unless a governmental entity is a party to the contract, the project

is not a public work. In effect, SOC is claiming that unless a project is subject to all the requirements of the act, such as public bidding and duties of the awarding agency, it is not a public work and it need not pay a prevailing wage. But we look to both the source of the funding and the character of the project in deciding whether it is executed at the cost of the State.

Supporters at 359.

The court, in another instance, found case law from another state persuasive (see *Lycoming County Nursing Home Assn. v. Pennsylvania Dept. of Labor & Indus.*, 156 Pa. Commw. 280, 627 A.2d 238 (1993)) and arrived at the same conclusion that the public funds involved in a project contracted by a private entity caused that project to be a "public work" that had a prevailing wage requirement.

The definition for "public work" does not require that a "public body" must be directly involved with the project; only that the project must be paid for in whole or in part with public funds. The evidence here demonstrates that public funds paid for the project, thus, creating a "public work."

City of Spokane v. L&I, 100 Wn. App. 805, 814 (2000).

Case law also tells us the direct involvement of the public entity in the contract for the work performed is not required. Whether the work is executed at a cost to the public entity is the issue.

Similarly, Washington's statutory definition of "public work" does not mandate the City's direct involvement in the AMS work performed by Wheelabrator. RCW [39.04.010](#). Rather, it requires only that the work be "executed at the cost of" the City. That requirement is met here.

City of Spokane 814-15.

The prevailing wage requirement does not depend on the public entity owning the facilities, nor does it require there be a public entity contract for the work, only that the work be executed at a cost to the public entity.

Public entity contracts would include a provision stating the required RCW [39.12.030](#) and are competitively bid as required under chapter [39.04](#) RCW. Private contracts are not subject to the competitive bid process but may very well be executed at a cost to the state or a municipality. Here, PSE's charge to a public entity for relocating utilities is sufficient for such work to be executed at a cost to such a public entity. These facts meet the definition of "public work" in RCW [39.04.010](#)(4) and WAC [296-127-010](#)(7), and RCW [39.12.020](#) places a prevailing wage requirement on that public work.

Does RCW [39.04.260](#) preclude application of prevailing wage requirements to this project?

RCW [39.04.260](#), often referred to as the “turn-key” statute, provides for a prevailing wage requirement on certain private work caused to be performed as a result of public agency agreements to rent, lease, or purchase at least fifty percent (50%) of a project. This statute defines one possible way in which such private construction will have a prevailing wage requirement. The statute does not indicate that it is the exclusive means to any and all prevailing wage requirements that may apply to work contracted by a private party.

For the facts presented, there is a cost to Kitsap Transit (a municipality) for this work to relocate and supplement the PSE utilities (area lighting). Since the work is executed at a cost to a municipality, it meets the definition of “public work” in WAC [296-127-010\(7\)\(a\)\(i\)](#). RCW [39.12.020](#) places a prevailing wage requirement “upon all public works.” I must conclude the work in question has a requirement to pay at least the prevailing rate of wage and is subject to the requirements of chapter [39.12 RCW](#).

I hope this information is helpful. If you have additional questions, please let me know.

Sincerely,



L. Ann Selover
Industrial Statistician/Program Manager
Ann.Selover@Lni.wa.gov
(360) 902-5330

Enclosure

cc: Elizabeth Smith, L&I Assistant Director for Fraud Prevention and Labor Standards

Prevailing Wage Determination Request and Review Process

RCW 39.12.015 is the basis for requesting a determination, since it provides:

All determinations of the prevailing rate of wage shall be made by the industrial statistician of the department of labor and industries.

If you disagree with a determination the industrial statistician provides, WAC 296-127-060(3) provides for a review process:

(3) Any party in interest who is seeking a modification or other change in a wage determination under RCW [39.12.015](#), and who has requested the industrial statistician to make such modification or other change and the request has been denied, after appropriate reconsideration by the assistant director shall have a right to petition for arbitration of the determination.

(a) For purpose of this section, the term "party in interest" is considered to include, without limitation:

(i) Any contractor, or an association representing a contractor, who is likely to seek or to work under a contract containing a particular wage determination, or any worker, laborer or mechanic, or any council of unions or any labor organization which represents a laborer or mechanic who is likely to be employed or to seek employment under a contract containing a particular wage determination, and

(ii) Any public agency concerned with the administration of a proposed contract or a contract containing a particular wage determination issued pursuant to chapter [39.12](#) RCW.

(b) For good cause shown, the director may permit any party in interest to intervene or otherwise participate in any proceeding held by the director. A petition to intervene or otherwise participate shall be in writing, and shall state with precision and particularity:

(i) The petitioner's relationship to the matters involved in the proceedings, and

(ii) The nature of the presentation which he would make. Copies of the petition shall be served on all parties or interested persons known to be participating in the proceeding, who may respond to the petition. Appropriate service shall be made of any response.

If you choose to utilize this review process, you must submit your request within 30 days of the date of the applicable industrial statistician's determination or response to your request for modification or other change. Include with your request any additional information you consider relevant to the review.

Direct requests for determinations, and for modification of determinations via email or letter to the prevailing wage industrial statistician:

L. Ann Selover
Industrial Statistician/Program Manager
Department of Labor & Industries
Prevailing Wage
P O Box 44540
Olympia, WA 98504-4540
Ann.Selover@Lni.wa.gov

Prevailing Wage Determination Request and Review Process

Direct requests via email or letter seeking reconsideration (redetermination) by the assistant director to:

Elizabeth Smith, Assistant Director
Department of Labor & Industries
Fraud Prevention and Labor Standards
P O Box 44278
Olympia, WA 98504-4278
Elizabeth.Smith@Lni.wa.gov

Direct petitions for arbitration to:

Joel Sacks, Director
Department of Labor & Industries
P O Box 44001
Olympia, WA 98504-4001

If you choose to utilize this arbitration process, you must submit your request within 30 days of the date of the applicable assistant director's decision on reconsideration (redetermination). Submit an original and two copies of your request for arbitration to the Director personally, or by mail. The physical address for the Director is 7273 Linderson Way, SW, Tumwater, WA 98501.

WAC 296-127-061 also contains the following provisions regarding petitions for arbitration:

In addition, copies of the petition shall be served personally or by mail upon each of the following:

- (a) The public agency or agencies involved,
 - (b) The industrial statistician, and
 - (c) Any other person (or the authorized representatives of such person) known to be interested in the subject matter of the petition.
- (2) The director shall under no circumstances request any administering agency to postpone any contract performance because of the filing of a petition. This is a matter which must be resolved directly with the administering agency by the petitioner or other party in interest.
- (3) A petition for arbitration of a wage determination shall:
- (a) Be in writing and signed by the petitioner or his counsel (or other authorized representative), and
 - (b) Identify clearly the wage determination, location of project or projects in question, and the agency concerned, and
 - (c) State that the petitioner has requested reconsideration of the wage determination in question and describe briefly the action taken in response to the request, and
 - (d) Contain a short and plain statement of the grounds for review, and
 - (e) Be accompanied by supporting data, views, or arguments, and
 - (f) Be accompanied by a filing fee of \$75.00. Fees shall be made payable to the department of labor and industries.



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Richard O. Prentke

PHONE: (206) 359-8404

FAX: (206) 359-9404

EMAIL: RPrentke@perkinscoie.com

December 18, 2012

Ms. L. Ann Selover
Program Manager, Prevailing Wage
Department of Labor and Industries
PO Box 44000
Olympia, Washington 98504-4000

Re: Puget Sound Energy / Kitsap Transit

Dear Ann:

This will follow up our telephone conversation. As you will recall, Kitsap Transit requested Puget Sound Energy ("PSE") to move and to supplement area lighting owned, operated, and maintained by PSE. PSE did so, through its subcontractor, and charged Kitsap Transit as required by PSE's tariff under the Washington Utilities and Transportation Commission ("WUTC"). A question has arisen as to whether prevailing wages must be paid to workers employed by PSE's subcontractor for moving and supplementing PSE's street and area lighting.

A similar question has also arisen recently in the City of Renton's Jones Park project in which PSE was asked to de-energize a transformer. See Email from Nathan Peppin of L&I to Diane Wagner of the City, dated October 31, 2012. Once again, this involved facilities owned, operated, and maintained by PSE and charged under a WUTC tariff.

As we discussed, prevailing wages do not apply to this type of circumstance for a number of reasons.

PSE owns, operates and maintains facilities for street and area lighting and other purposes. RCW 80.28.020 requires the WUTC to determine, by order, rates and charges for electric utilities. The WUTC's orders are "conclusive." RCW 80.04.410. See also *General Telephone Co. of Northwest, Inc. v. City of Bothell*, 105 Wn.2d 579, 585, 716 P.2d 879, 883 (1986) (Under Washington law, "[o]nce a utility's tariff is filed and approved, it has the force and effect of law.")

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Perkins Coie LLP

The WUTC most recently exercised its authority to consider PSE's rates and charges under Docket No. UE-111048. The WUTC issued Order 08 to that effect, and it has issued similar orders in prior years. The tariff that addresses the rates and charges for street and area lighting is PSE's Electric Tariff G, Schedule 55 (attached). The tariff that addresses the transformer de-energization is PSE's Electric Tariff G, Schedule 85 (also attached). Both of these tariffs were explicitly issued by authority of the WUTC in Docket No. UE-111048.

Thus, PSE's charges to Kitsap Transit and the City have "the force and effect of law," and the tariffs are not susceptible to modification for prevailing wages. Even if they were, however, prevailing wages would still not apply to these situations under the applicable statutory scheme.

Under RCW 39.12.020, the requirement for payment of prevailing wages is applicable only to "public works" contracts of governmental entities.

The hourly wages to be paid ... upon all public works and under all public building service maintenance contracts of the state or any county, municipality or political subdivision created by its laws, shall be not less than the prevailing rate of wage...

The question therefore would be whether PSE's activities on its own facilities constitute "public work." One indicia is whether PSE is party to a contract containing a provision stating the prevailing wage, as is required by RCW 39.12.030(1). It is not.

The specifications for every contract for the construction, reconstruction, maintenance or repair of any public work to which the state or any county, municipality, or political subdivision created by its laws is a party, shall contain a provision stating the hourly minimum rate of wage, not less than the prevailing rate of wage...

A second indicia is whether the contract was competitively bid, as is required for "public work."

"Contract" means a contract in writing for the execution of public work for a fixed or determinable amount duly awarded after advertisement and competitive bid, or a contract awarded under the small works roster process...

RCW 39.04.010(2). PSE's activities were not and cannot be bid.

PSE is neither party to a contract stating the prevailing wage, nor is it party to a competitively bid contract. In fact, it would be impossible under the tariffs for PSE to charge Kitsap Transit or the City based on publicly bidding the movement and supplementation of PSE's own street and area lighting or de-energization of its facilities.

A third indicia of "public work" is whether PSE's moving and supplementing its own street and area lighting or de-energizing its facilities constitutes work, construction, alteration, repair, or improvement that is executed at the cost of a municipality.

"Public work" means all work, construction, alteration, repair, or improvement other than ordinary maintenance, executed at the cost of the state or of any municipality, or which is by law a lien or charge on any property therein. ..."

RCW 39.04.010(4). This is not as simple a question as it may initially seem. This definition was intended to address projects owned by the public entity. This is demonstrated by the fact that the legislature had to create new statutory provisions in 1987 and 1993—decades after the prevailing-wage statute was first introduced—to specify that work a public entity *causes* to be performed by a private party must comply with RCW 39.12 only if the public entity is renting, leasing or purchasing at least fifty percent of the project.

Any work, construction, alteration, repair, or improvement, other than ordinary maintenance, that the state or a municipality causes to be performed by a private party through a contract to rent, lease, or purchase at least fifty percent of the project by one or more state agencies or municipalities shall comply with chapter 39.12 RCW.

RCW 39.04.260. Since the facilities in question are owned, operated, and maintained by PSE, it is not public work, and prevailing wages do not apply.

The legislative history of RCW 39.04.260 strongly supports this conclusion. In 1987, Engrossed Substitute House Bill 95 was proposed at a time when the Washington Supreme Court's expansive reading of prevailing wage requirements in a number of cases was known. The bill was similar but not identical to the current statute. Supporters declared that the bill was necessary because "if a facility is built by a private contractor who then sells or leases the facility to a government entity, *the prevailing wage law does not apply to the construction of the facility.*" Laws 1987, ch. 321 § 1; SHB 95, C 321 L 87. The bill passed and was first codified as RCW 43.82.015. The Legislature's intention was to ensure that, since it did not consider this type of arrangement to be "public work," prevailing wages nonetheless should be paid on the project. In 1993, RCW 43.82.015 was repealed, and a new bill was proposed to replace it. The new bill (ESB 5217) passed and was codified as the current RCW 39.04.260.

It's telling that the Legislature chose not to expressly define these arrangements as public works, or, aside from RCW 39.12, refer to other statutes applicable to public works, such as RCW 39.08 (performance and payment bond), RCW 60.28 (retainage) or RCW 39.04 (definition of public work and competitive bidding). The Legislature may have considered the difficult practical ramifications of requiring a private party somehow to comply with public bidding issues, to

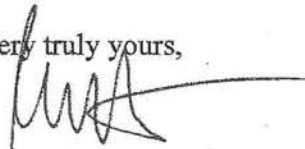
Ms. L. Ann Selover
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collect and hold statutory retainage while avoiding private property liens, and to administer public bonding requirements. If such projects were public work, then RCW 39.04.260 and its predecessor would be entirely superfluous; RCW 39.04.010 already expressly requires that prevailing wages be paid on all "public work." The Legislature had the opportunity but declined to define such projects to be "public work."

In summary, we request your clarification that PSE does not have a prevailing-wage obligation in these circumstances at the request of a public entity such as Kitsap Transit or the City

Thank you for your attention to this request.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Prentke', with a long horizontal line extending to the right.

Richard O. Prentke

From: Peppin, Nathan B (LNI) [mailto:pepn235@LNI.WA.GOV] **On**
Behalf Of LNI RE Prevailing Wage Worker 1
Sent: Wednesday, October 31, 2012 8:45 AM
To: Diane Wagner
Subject: RE: PSE Job 54871 Jones Park, City of Renton -
Statement of Intent to Pay Prevailing Wage/Affidavit of Wages Paid

Diane,

Work executed at a cost to a public agency requires the payment of prevailing wage and the filing of Intents and Affidavit, this appears to meet that framework. If Puget Sound Energy believes they are exempted from the **state's** prevailing wage statutes they would need to get such a clarification directly from L&I. Without such guidance from L&I directly I would proceed as though the work required prevailing wages and the filing of forms before payment was released.

While their analysis may be correct for a "federal" job, the Davis-Bacon Act is not determinative when the State's prevailing wage law is the governing authority.

Nathan Peppin

From: Diane Wagner [mailto:dwagner@Rentonwa.gov]
Sent: Wednesday, October 31, 2012 8:31 AM
To: LNI RE Prevailing Wage Worker 1
Subject: RE: PSE Job 54871 Jones Park, City of Renton - Statement of Intent to Pay Prevailing Wage/Affidavit of Wages Paid

yes, that is correct.

-Diane

-Diane Wagner
City of Renton

dwagner@rentonwa.gov

(425) 430-6609 Direct Line

(425) 430-6600

(425) 430-6603 Fax

From: Peppin, Nathan B (LNI) [<mailto:pepn235@LNI.WA.GOV>] **On Behalf Of** LNI RE Prevailing Wage Worker 1

Sent: Tuesday, October 30, 2012 4:56 PM

To: Diane Wagner

Subject: RE: PSE Job 54871 Jones Park, City of Renton - Statement of Intent to Pay Prevailing Wage/Affidavit of Wages Paid

Diane,

Your contractor would indicated that ultimately the cost was paid by you correct?

Nathan Peppin

From: Diane Wagner [<mailto:dwagner@Rentonwa.gov>]

Sent: Tuesday, October 30, 2012 4:53 PM

To: LNI RE Prevailing Wage Worker 1

Subject: RE: PSE Job 54871 Jones Park, City of Renton - Statement of Intent to Pay Prevailing Wage/Affidavit of Wages Paid

Our contractor, Holmes Electric...

Thanks,

-Diane

-Diane Wagner

City of Renton

dwagner@rentonwa.gov

(425) 430-6609 Direct Line

(425) 430-6600

(425) 430-6603 Fax

From: Peppin, Nathan B (LNI) [<mailto:pepn235@LNI.WA.GOV>] **On Behalf Of** LNI RE Prevailing Wage Worker 1

Sent: Tuesday, October 30, 2012 4:47 PM

To: Diane Wagner

Subject: RE: PSE Job 54871 Jones Park, City of Renton - Statement of Intent to Pay Prevailing Wage/Affidavit of Wages Paid

Diane,

The work is question was paid for by whom? The City of Renton?

Nathan Peppin

From: Diane Wagner [<mailto:dwagner@Rentonwa.gov>]

Sent: Tuesday, October 30, 2012 3:32 PM

To: LNI RE Prevailing Wage Worker 1

Cc: 'Laura Rivendell'

Subject: FW: PSE Job 54871 Jones Park, City of Renton - Statement of Intent to Pay Prevailing Wage/Affidavit of Wages Paid

Good afternoon,

Can you please reply to me if this is correct/the email below from Puget Sound Energy and filing Intents/Affidavits?

Thanks,
Diane

"From Puget Sound Energy: This bill was to de-energize a customer owned service which would not comply with a federally funded project requiring Prevailing Wage."

-Diane Wagner

City of Renton
dwagner@rentonwa.gov
(425) 430-6609 Direct Line
(425) 430-6600
(425) 430-6603 Fax

From: Laura Rivendell [<mailto:laura.rivendell@holmes.com>]
Sent: Tuesday, October 30, 2012 3:29 PM
To: Diane Wagner
Cc: Vicki Bernert
Subject: FW: PSE Job 54871 Jones Park, City of Renton - Statement of Intent to Pay Prevailing Wage/Affidavit of Wages Paid

Hi Diane,

Is the information provided by PSE's representative below correct?

Thanks.

Laura

From: Gallaher, Robert [<mailto:robert.gallaher@pse.com>]
Sent: Tuesday, October 30, 2012 2:52 PM
To: Vicki Bernert
Subject: RE: PSE Job 54871 Jones Park, City of Renton - Statement of Intent to Pay Prevailing Wage/Affidavit of Wages Paid

Vicki,

This bill was to de-energize a customer owned service which would not comply with a federally funded project requiring Prevailing Wage.

Thanks,

Bobby Gallaher

Electric First Response

Puget Sound Energy

E-mail: robert.gallaher@pse.com

Mailing Address: 6905 S 228th St, Kent, WA 98032

From: Vicki Bernert [<mailto:vicki.bernert@holmes.com>]

Sent: Friday, October 26, 2012 12:31 PM

To: Gallaher, Robert

Subject: PSE Job 54871 Jones Park, City of Renton - Statement of Intent to Pay Prevailing Wage/Affidavit of Wages Paid

Hello Robert,

Back on September 17, 2012, Laura Rivendell emailed a request to you to file the Statement of Intent to Pay Prevailing Wage and Affidavit of Wages Paid on the Jones Park in Renton job.

This has not been done and it is holding up our payment from the city.

Our intent ID is 534283. Please e-mail me your Intent ID and Affidavit ID number for this work so we can track it through L & I.

Thank you.

Vicki Bernert

Holmes Electric

PUGET SOUND ENERGY
Electric Tariff G

SCHEDULE 55
AREA LIGHTING SERVICE

AVAILABILITY:

1. This schedule applies to dusk-to-dawn lighting where 120 volt service is existing on the Company owned and installed pole upon which the fixture is to be installed. Where such secondary voltage service or pole is not available, service under this schedule will be available upon payment of the costs to provide such pole and/or secondary voltage service or pole and service as provided herein.
2. For lights installed prior to Nov. 1, 1999, service is for a term of twelve (12) months and removal charges do not apply. For lights and/or poles installed after Nov. 1, 1999, service under this schedule for periods of less than eight (8) years is subject to charges for removal as provided herein, unless a subsequent customer requests service.
3. Service under this schedule will be discontinued if the distribution facilities being utilized to serve are removed due to a conversion of such facilities to an underground system.
4. For lighting facilities installed after Nov. 1, 1999, where necessary, the Customer shall obtain for, or grant to, the Company necessary permits or operating rights to place lighting facilities without expense to the Company. In conditions where it is necessary to place any lighting facilities on private property, the customer shall obtain and furnish suitable easements without expense to the Company.

MONTHLY RATE PER LAMP:

Lamp Charges per month per lamp:

Sodium Vapor Lamp Wattage	Rate
70	\$10.74
100	\$12.08
150	\$14.40
200	\$17.27
250	\$19.47
400	\$26.27

(l)
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Metal Halide Lamp Wattage	Rate
250	\$22.47

(l)

FACILITIES CHARGE:

The Company's facilities will be extended to provide secondary voltage service to an existing pole or to a thirty foot wood pole (installed for the purpose of area lighting) at locations where such pole and/or service is not available under the following terms:

Facilities installed prior to November 20, 1975: Customers served by facilities extended prior to this date shall be subject to a charge of \$2.14 per month for each pole required for such extension.

(l)

Issued: May 9, 2012
Advice No.: 2012-10

Effective: May 14, 2012

By Authority of the Washington Utilities and Transportation Commission in Docket Nos. UE-111048 & UG-111049
Issued By Puget Sound Energy

By: Tom DeBoer Tom DeBoer

Title: Director, Federal & State Regulatory Affairs

PUGET SOUND ENERGY
Electric Tariff G**SCHEDULE 55**
AREA LIGHTING SERVICE
(Continued)

Facilities installed after November 1, 1999: Customers served by a 30 foot wood pole installed after this date shall have the option of paying the full cost of the extension and pole up-front or shall be subject to a charge of \$8.43 per month for each pole required for such extension. The cost of all other extensions of facilities to provide secondary voltage service shall be paid in advance of service.

(I)

SPECIAL TERMS AND CONDITIONS:

1. Ownership & Operations: The Company will own, operate, and maintain the facilities for supplying area lighting service utilizing its overhead circuits in accordance with the Company's standards. The Company will furnish the necessary energy, repairs, and maintenance. Repairs and maintenance work will be performed by the Company as required during regularly scheduled working hours of the Company.
2. Notification of Inoperable Lights: It shall be the responsibility of the Customer to notify the Company of lights that are not working. Upon notification, within seventy-two (72) hours, excluding Saturdays, Sundays and holidays, the Company will investigate and take corrective action if such action is the responsibility of the Company. If such Company investigation/corrective action is not taken within seventy-two (72) hours for each such light, the Customer's billing shall be credited an amount equal to the monthly Lamp Charges normally billed for that light. This seventy-two (72) hour guarantee of service is in lieu of the provisions of Schedule 130 which are not available under this schedule. The Company will be excused from providing maintenance service within seventy-two (72) hours in the event of significant adverse events, such as storms, earthquakes, or other events beyond the Company's control including those enumerated in Schedule 80, paragraph 12.a. of this tariff.
3. Hours of service: Service under this schedule is for dusk-to-dawn lighting, or lighting service for the average number of hours of darkness per month (approximately 4,200 hours per year)

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Tom DeBoer

Title: Director, Federal & State Regulatory Affairs

PUGET SOUND ENERGY
Electric Tariff G

SCHEDULE 55
AREA LIGHTING SERVICE
(Continued)

4. Removal, Relocation or Modification of Lighting Facilities: Lighting facilities will be removed, turned off, relocated or modified only after receipt of a letter signed by the Customer or its assignee who is in authority to order such action. Only the Company may remove, relocate or modify Company-owned lighting facilities. Modification includes changes in type of lighting fixture or changes in bracket length or mounting height due to Customer, city, county or state requests or requirements. Relocation includes relocation of supporting poles due to Customer, city, county or state request or requirement. In advance of any removal, relocation or modification, the Customer shall pay an amount equal to the estimated cost of such removal, relocation or modification. This estimated charge shall include the cost of removal of facilities that now serve lighting load only. All facilities installed or removed remain the sole property of the Company. The cost of removal, relocation or modification also includes any costs of traffic control or other associated costs. Charges for removal apply to lights that are removed (i.) due to Customer request or (ii.) because there is no longer a Customer to accept service. Where there is no longer a Customer to accept service, the removal will be considered a removal requested by the last Customer of record for the purposes of assessing the charges contained in this schedule. Where a pole is removed and the customer had paid the full cost of installation of the pole up-front, the cost of removal shall be credited with the amount of salvage value and (i) receive any excess over cost or (ii) pay any deficiency. The salvage value shall be based on the remaining depreciable life on a straight line basis.
5. Additional Removal Charges: In addition to the charge for the cost of the removal, the following charge applies: If a light to be removed has been installed for less than eight (8) years, a charge equal to the total original estimated installed cost less (i) any up-front customer contribution toward the cost of salvageable items and (ii) estimated salvage value of the facilities removed.
6. Applicability of Removal, Relocation and Modification Charges: Relocation, modification and removal charges apply as follows: (i) for lighting facilities installed prior to Nov. 1, 1999, charges shall not be assessed; (ii) for lighting facilities installed on or after Nov. 1, 1999, removal, relocation and modification charges shall be assessed as provided herein.

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Advice No. 99016

Effective: October 28, 1999

Issued By Puget Sound Energy

By: _____ Director, Rates & Regulation
Christy A. Omohundro

PUGET SOUND ENERGY
Electric Tariff G

SCHEDULE 55
AREA LIGHTING SERVICE
(Continued)

Lighting Trespass: For lights installed after Nov. 1, 1999, where light from an area light crosses a property line and lights neighboring property, the Company will make modifications or remove the luminaire as needed upon request of the local government in order to comply with the local governmental body's ordinance. One such trip to make modifications or removal will be made at no cost to the Customer, additional trips may be charged on a time and materials basis to the Customer or in absence of a local ordinance, the requesting party. Modifications to mitigate lighting trespass of lights installed at any time is limited to adjusting the angle of the luminaire and/or installation of a shield.

Existing Mercury Vapor Facilities:

Customers previously taking service under Schedule 55, LIMITED AREA LIGHTING, (mercury vapor service) shall continue to receive such service under Schedule 55, AREA LIGHTING SERVICE. Customers utilizing 175-watt mercury vapor lamps shall pay the rate reflected in this schedule for 100-watt sodium vapor lamps; customers utilizing 400-watt mercury vapor lamps shall pay the rate reflected in this schedule for 200-watt sodium lamps. Upon failure of mercury vapor lamps, the Company will install sodium vapor luminaires as replacements.

TREE TRIMMING:

It shall be the responsibility of the Customer to provide tree trimming services in areas that are below the height of luminaires installed under this schedule except when luminaires are installed within the area of energized electrical wires that is restricted to qualified utility workers. The Company shall be responsible for tree trimming within this restricted area.

LINE EXTENSIONS:

The Company's primary or secondary distribution circuits will be extended by the Company for service under this schedule at the Customer's expense.

THIRD PARTY DAMAGE:

If lighting facilities experience malicious and/or recurring damage caused by actions of third parties the Company may remove such facilities or, alternatively, such facilities may remain in place upon payment by the Customer for such damage.

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Advice No. 2001-41

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Issued By Puget Sound Energy

By:


Steve Secrist

Director, Rates & Regulation

WN U-60

First Revised Sheet No. 55-d
Canceling Original
Sheet No. 55-d

PUGET SOUND ENERGY
Electric Tariff G

SCHEDULE 55
AREA LIGHTING SERVICE
(Continued)

GOVERNMENT AUTHORITY:

The manner and type of construction, maintenance or outdoor lighting standards shall be subject to applicable governmental authority or law, and any increase in costs above contemporary standard equipment costs resulting therefrom not reimbursed by an agency of the government or other person or entity shall be paid by the Customer except as provided in the "Lighting Trespass" paragraph above.

ADJUSTMENTS:

Rates in this schedule are subject to adjustment by such other schedules in this tariff as may apply.

GENERAL RULES AND PROVISIONS:

Service under this schedule is subject to the General Rules and Provisions contained in this tariff.

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Director, Rates & Regulation

PUGET SOUND ENERGY
Electric Tariff G

SCHEDULE 85
LINE EXTENSIONS AND SERVICE LINES

The Company will extend and construct new or modify existing electric distribution facilities upon written (or verbal, at the discretion of the Company) request based upon the terms and conditions outlined in this tariff. The Company will evaluate the request to identify any required Customer or Applicant payments based upon the following formula (each element of the formula is as further described in this schedule):

	Primary Voltage Line Extension Costs (including Transformation Cost)
+	Secondary Voltage Line Extension Costs
+	Exceptional Transmission & Substation Costs
-	Margin Allowance
=	Line Extension Cost
+	Service Line Costs
=	Total Cost to Customer or Applicant

This Schedule 85 also sets forth the circumstances, terms and conditions under which the Company is responsible for the ownership, installation, maintenance, repair or replacement of electric distribution facilities, including facilities on the Customer's or Applicant's side (the load side) of the Point of Delivery.

Definitions

Applicant – Any person, partnership, firm, corporation, municipality, cooperative organization, governmental agency, etc., who or which is requesting any service under this schedule from the Company. The Applicant may or may not be or become a Customer. For purposes of the General Rules and Provisions contained in this tariff, Applicant shall be included within the term Customer.

Design Costs – Costs include, but are not limited to, costs to produce an estimate of costs, or for engineering, surveying, pre-construction coordination, and for reviewing plans and proposals. (N)

Margin Allowance – The amount the Company will contribute toward construction costs for new or modified electric distribution facilities as described in this schedule. (N)

Multi-Family Residential Structure – A structure containing two or more single-family dwelling units, including duplexes, triplexes, condominiums and apartment buildings; provided that for purposes of the charges for transformation, Multi-Family means a structure of five or more units.

Non-Residential – Service to commercial, industrial or lighting (excluding street lighting circuitry) Customers/Applicants and recreational facilities, or to multi-family residential structures (whether through one meter for the structure or individual meters for each unit), mobile home parks or manufactured housing communities in which the individual park/community residents do not own the real property on which their individual mobile or manufactured homes are located (whether through one meter for the park or individual meters for each mobile/manufactured home).

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Title: Director, Rates & Regulatory Affairs

PUGET SOUND ENERGY
Electric Tariff G**SCHEDULE 85**
LINE EXTENSIONS AND SERVICE LINES
(Continued)

(T)

Non-Residential service also includes service to parks/communities that were mobile home parks or manufactured housing communities at the time service was initially installed but that have since been converted to cooperative ownership of the entire park/community or individual ownership of spaces within the park/community with joint ownership of common areas or rights of way by the residents through a cooperative, homeowners association or otherwise.

(N)(K)

(N)

Normal Construction Costs – Costs for construction consistent with PSE's least cost, based upon application of standard design and construction practices.

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Point of Delivery – see description in the Additional Terms of Service section of this schedule.

(N)

Residential – Service to a Single-Family Residence or to a residential end-use contiguous to a Single-Family Residence.

Service Lines – For underground service: Secondary voltage electric lines and facilities, excluding metering equipment provided by the Company and service entrance facilities such as meter bases, pedestals or enclosures, that are located on the Customer (load) side of the transformer or secondary voltage handhole that is installed and designated by the Company to provide service to a structure *except that* where a Secondary voltage electric line crosses a property line between the transformer or secondary voltage handhole and the structure being served, that Service Line begins at the property line. Underground Service Lines may or may not be owned by the Company, as further described in this schedule. Underground Service Lines that are owned by the Company end at the Point of Delivery.

For overhead service: Secondary voltage electric lines and facilities, excluding metering equipment provided by the Company and service entrance facilities such as meter bases or enclosures, that are located between the point that a line leaves the Company's distribution system (typically at a Company-owned pole) and the point of attachment to the structure that is being served by the lines (or other customer-provided point of attachment such as a customer-owned meter pole). All overhead Service Lines are owned by the Company. All overhead Service Lines end at the Point of Delivery.

(N)

Single-Family Residence – A Single-Family Residence is a structure that is located on a legal residential lot that is not within a mobile home park or manufactured housing community and is approved for occupancy as a permanent single family residence by the local governing agency or agencies. A mobile or manufactured home will be considered a Single-Family Residence if it meets the above requirements; is located on a foundation; has had the axles and wheels removed; and meets all other requirements for a mobile/manufactured home permit as required by the local governing agency or agencies.

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(M) Both Transferred from Sheet No. 85

(K) Transferred to Sheet Nos. 85-b and 85-c Respectively

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Tom DeBoer

Tom DeBoer

Title: Director, Rates & Regulatory Affairs

PUGET SOUND ENERGY
Electric Tariff G**SCHEDULE 85**
LINE EXTENSIONS AND SERVICE LINES
(Continued)**Margin Allowance**

1. New Residential Service

The Company will construct new distribution facilities, including Primary or Secondary voltage line extension facilities and line transformers but not including Service Lines, subject to the following terms:

- a) The Company will provide the following Margin Allowance for each residence unit initially served:

Type of residential service	Margin Allowance		
	Eff. Date - 12/31/02	1/1/03 - 12/31/03	Effective 1/1/04
Full-Time	\$1,478	\$1,297	\$1,117
Part-Time	\$739	\$649	\$559

- b) The Margin Allowance may be applied to Normal Construction Costs related to Primary and Secondary voltage line extension costs and costs of overhead or surface mounted distribution transformers, but shall not be applied to any other distribution facilities costs, e.g., costs associated with permitting, trenching, backfill, or restoration. Unused Margin Allowances are not refundable and shall not be applied to other uses, sites, or times, including the cost of construction of other facilities (such as facilities of a different Secondary voltage or to serve an adjacent structure).
- c) No Margin Allowance is provided for the construction of Service Lines.
- d) In the event that construction costs or projected operation or maintenance costs or consumption are significantly different from the standard amounts, the Company may utilize the electric Financial Investment Analysis (FIA) model to determine the costs and Margin Allowance. The electric FIA is a discounted cash flow calculation for determining the Applicant contribution toward the cost of a line extension. (A copy of the FIA computer algorithm on electronic medium is on file with the Washington Utilities and Transportation Commission.)
- e) The Margin Allowance may not be applied to costs of conversion to underground facilities, modification of existing facilities, or Applicant requests to replace existing facilities that are sufficient to serve the existing load.
- f) The Margin Allowance is available only to offset the costs of facilities used (in the sole judgment of the Company) to provide service to a point at which the Company has the Operating Rights (as described herein) necessary to extend the line to serve additional Customers.

(M) Transferred from Sheet Nos. 85 and 85-a Respectively

(K) Transferred to Sheet Nos. 85-c and 85-d Respectively

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Tom DeBoer

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PUGET SOUND ENERGY
Electric Tariff G

SCHEDULE 85
LINE EXTENSIONS AND SERVICE LINES
(Continued)

2. New Non-Residential Service

The Company will construct new distribution facilities, including Primary and Secondary voltage line extension facilities and line transformers but not including Service Lines, subject to the following terms.

- a) Applicants for Non-Residential service will receive a Margin Allowance credit based upon the anticipated distribution margin and the Company's estimate of forecasted electricity usage. Credits applicable January 1, 2003, and thereafter, under Section 17, Additional Terms of Service, shall be based upon the anticipated distribution margin and the Company's estimate of one year's forecasted annual electricity usage. (The forecast shall reflect the assumption that the Applicant's facilities comply with but do not exceed energy-efficiency specifications of applicable building codes; i.e., the Margin Allowance will not be reduced if the Applicant's facilities are designed to exceed code minimum energy efficiencies.) In the event that an Applicant (other than an Applicant or Customer that will be or is served under Schedule 7) is increasing load at an existing location, the Margin Allowance will be limited to the incremental consumption. An Applicant or Customer that is increasing load at an existing location and receiving Electric Service under Schedule 7 will receive no additional Margin Allowance. The Margin Allowance will be determined in accordance with the following schedule:

Class of Non-Residential Service	Margin Allowance Eff. 1/1/04
Schedule 7	**
Schedule 24*	\$0.076430
Schedules 7A, 25, 29*	\$0.063648
Schedule 26*	\$0.050697
Schedules 31, 35*	\$0.031436
High Voltage Service	\$0.00
Special Contract Service	\$0.00
Outdoor Lighting Service	\$0.00

*Or Equivalent, i.e., Residential/Farm Schedule

**Same Margin Allowance as for New Residential Service in 1.a) above

- b) The Margin Allowance can be applied to Normal Construction Costs related to Primary and Secondary voltage line extension costs and cost of distribution transformers, but shall not be applied to any other distribution facilities costs, e.g., associated with permitting, trenching, backfill, or restoration. The Margin Allowance does not apply to any necessary construction of transmission facilities, substations, dedicated feeders, or other facilities dedicated to providing service to the Premises where Electric Service is requested or improving the reliability of Electric Service to the Premises. Unused Margin Allowance is not refundable and shall not be applied to other uses, sites, or times, including the cost of construction of other facilities (such as facilities of a different Secondary voltage or to serve an adjacent structure).

(M) Transferred from Sheet Nos. 85-a and 85-b Respectively

(K) Transferred to Sheet Nos. 85-d and 85-e Respectively

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PUGET SOUND ENERGY
Electric Tariff G**SCHEDULE 85**
LINE EXTENSIONS AND SERVICE LINES
(Continued)

- c) Margin Allowances up to a maximum of \$75,000 may be applied to offset initial construction costs. The balance of the Margin Allowance will be refunded as a distribution credit ("Distribution Credit") based on each kWh purchased starting at the first regular meter reading date one year after permanent service is established. The maximum period for the Distribution Credit is four years and the maximum refund will be determined by the actual allowable construction costs, less the amount applied in the initial offset.

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At Company's discretion, Company may enter into a security agreement for the Company to offset construction costs in lieu of and in the forecasted amount of the Margin Allowance credits provided in section 2(a), but not to exceed the amount of the construction costs, with any Applicant whose line extension exceeds \$75,000. Such security agreement shall provide for the Applicant to pay the positive difference between the amount of the offset to construction costs provided under this paragraph minus the amount of the Distribution Credit Applicant would have received based on its actual load during the maximum period specified in section 2(c). A security agreement may, at the Company's discretion, be a guarantee by Applicant to pay the refundable portion of the line credits, a letter of credit, or other financial assurance acceptable to Company.

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Any payment of refundable up-front construction costs is a customer deposit against future Distribution Credits and the Company shall pay interest at the Commission-approved rate while such deposit is held.

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- d) No Margin Allowances offset the cost for the construction or connection of Secondary voltage Service Line facilities or for facilities on the Applicant's side (load side) of a Primary voltage meter.

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- e) The Margin Allowance may not be applied to costs of conversion to underground facilities, modification of existing facilities, or Applicant requests to replace existing facilities that are sufficient to serve the existing load. However, the Margin Allowance may be applied to costs related to modification of existing facilities when the Applicant is adding new load or requesting three-phase service where such service is not available, subject to the conditions in this schedule. An Applicant that is receiving or will receive Electric Service under Schedule 7 is not eligible unless additional residential units are being connected.

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- f) The Margin Allowance is available only to offset the costs of facilities used (in the sole judgment of the Company) to provide service to a point at which the Company has the Operating Rights as described in this schedule necessary to extend the line to serve additional Customers.

(M)(K)

(M) Transferred from Sheet Nos. 85-b and 85-c Respectively

(K) Transferred to Sheet Nos. 85-e, 85-e and 85-f Respectively

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PUGET SOUND ENERGY
Electric Tariff G**SCHEDULE 85**
LINE EXTENSIONS AND SERVICE LINES
(Continued)

- g) Where the service requested by the Applicant will have little or no initial load or where kWh use is difficult to assess, the Company, in its sole judgment, may agree with the Applicant to calculate and refund the Margin Allowance (subject to the limitations in this schedule) at a date up to two years after the line extension is energized.

Primary and Secondary Voltage Line Extensions (Excluding Service Lines)

- The Applicant is responsible for all permitting, trenching, excavation and restoration required for the installation of the Company's underground (UG) electric facilities.
- PSE will provide electric line extensions for Single-Family Residences under the following standardized fee schedule:

Effective 1/1/09

Component / Type of Line Extension	Base Cost Per Extension	Cost (\$ / foot) For all Footage
Single Phase UG – Primary Voltage	\$3,150	\$ 5.59
Single Phase UG – Secondary Voltage	\$1,150	\$10.52
Single Phase OH – Primary Voltage	\$4,173	\$ 9.75
Single Phase OH – Secondary Voltage	\$1,850	\$14.07

Effective 1/1/10

Component / Type of Line Extension	Base Cost Per Extension	Cost (\$ / foot) For all Footage
Single Phase UG – Primary Voltage	\$3,800	\$ 4.79
Single Phase UG – Secondary Voltage	\$1,254	\$10.00
Single Phase OH – Primary Voltage	\$4,361	\$ 8.00
Single Phase OH – Secondary Voltage	\$2,500	\$ 9.73

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However, the Company shall charge the Applicant actual construction costs in the event that the Applicant requires or requests three-phase service or requests a modification of Company facilities.

- The Company shall install underground line extensions using surface mounted transformers within platted new residential developments with an average lot size of one (1) acre or less and serving Single-Family Residences under the following standardized fee schedule where only single-phase service is provided within the plat.

Component / Type	Charge (\$ / center-line foot)	
	Effective 1/1/09	Effective 1/1/10
Single phase	\$36.45	\$34.36

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PUGET SOUND ENERGY
Electric Tariff G**SCHEDULE 85**
LINE EXTENSIONS AND SERVICE LINES
(Continued)

- b) The Company shall install underground line extensions using surface mounted transformers within platted new residential developments with an average lot size of greater than one (1) acre and serving Single-Family Residences subject to the Applicant paying an estimated charge to provide such service. If Secondary voltage service is not provided to each lot corner, the cost of extending Secondary voltage service to the lot corner (including transformer cost) will be subtracted from any Margin Allowance available to the Applicant.
- c) The Company shall charge the Applicant actual construction costs in the event that the Applicant requires three-phase service or requests a modification of Company facilities.
4. Construction or modification of Non-Residential distribution facilities shall be subject to the Applicant paying an initial estimated charge. If the actual cost is less than or greater than the initial estimated charge by more than ten percent (10%) of the estimate, the Company shall refund the excess payment to the Applicant or bill the Applicant for the underpayment so that the Applicant pays the actual cost.

5. Applicants requesting service at Secondary voltage will be required to purchase primary transformation from the Company under the following fee schedule:

Service Type	Residential Charge (per service panel amp)	
	Effective 1/1/09	Effective 1/1/10
Single Family Overhead (up to 4 units)	\$2.04	\$2.35
Single Family Pad Mount (up to 4 units)	\$2.09	\$2.27
Multi-Family OH (5 or more units)	\$1.21	\$1.66
Multi Family Pad Mount (5 or more units)	\$1.26	\$1.40
Non-Residential	Company cost*	Company cost*

* Including direct overheads

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Applicants requiring total underground transformers (TUT) or any other specialized transformer, except a reduced flammability minipad transformer (RFMT), will be required to pay the full cost (including overheads) for such facilities. In addition, when a TUT is installed, the Applicant must pay the present value of the incremental administrative and maintenance costs associated with the TUT calculated over a forty year period; such maintenance costs shall include the cost of one transformer replacement in year 21. When other specialized transformers (other than an RFMT) are installed the Company will determine the appropriate additional charges. The installation of other specialized transformers is subject to approval by the Company and at the sole discretion of the Company. Applicants requiring an RFMT shall pay the incremental costs associated with such transformer, including additional administrative and maintenance costs. Costs of TUT, RFMT or other specialized transformers shall not be reduced by the Margin Allowance.

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PUGET SOUND ENERGY
Electric Tariff G**SCHEDULE 85**
LINE EXTENSIONS AND SERVICE LINES
(Continued)

6. In the event that costs (including, but not limited to, construction, operation, maintenance and future replacement costs) are significantly different from the standard amounts, the Company may utilize the electric FIA model to determine the costs and Margin Allowance.

Service Lines

1. Residential Underground Service Lines

The Company will provide residential underground Service Lines according to the following conditions and fee schedule.

- a) The Applicant is responsible for permitting, trenching, backfill, conduit under driveways and similar obstructions, and restoration, all to the Company's specifications, for all underground electric Service Lines.
- b) Applicants requesting new underground service in a single-family residential plat are responsible for providing and installing conduit which meets the Company's requirements from the point of connection to the Company's Secondary voltage system to the meter base.
- c) Service Lines are measured from the property line of the property being served by the Service Line along the path of construction to the Point of Delivery. Except when converting a service line from overhead to underground, the new service line is measured from the point of connection to the Company's distribution system (often the transformer) to the Point of Delivery.

Service Line Type	Job Charge		
	Effective 1/1/09	Effective 1/1/10	
UG From OH Distribution up to 250 feet in length	\$806	\$786	(C) (R)
UG From OH Distribution greater than 250 feet in length	\$806 + \$5.00 per foot for the length in excess of 250 feet	\$786 + \$7.13 per foot for the length in excess of 250 feet	(R)(I)
UG From UG Distribution up to 250 feet in length	\$458	\$479	(I)
UG From UG Distribution greater than 250 feet in length	\$458 + \$5.00 per foot for the length in excess of 250 feet	\$479 + \$7.13 per foot for the length in excess of 250 feet	(I)(I)
Three Phase UG from OH Distribution or UG from UG Distribution	Estimated Costs	Estimated Costs	

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PUGET SOUND ENERGY
Electric Tariff G**SCHEDULE 85**
LINE EXTENSIONS AND SERVICE LINES
(Continued)**2. Non-Residential Underground Service Lines**

- a) In the case of Multi-Family Residential Structures, mobile home parks and manufactured housing communities, the Multi-Family Residential Structure owner or park/community property owner shall be responsible for ownership and operation of all new and existing underground Service Lines and for all costs for installation, maintenance, repair and replacement thereof; provided that the Company shall be responsible for existing underground Service Lines that the Company installed prior to May 1, 2006, as determined and as qualified in Section 1 of the Additional Terms of Service of this schedule. In the case of any other Non-Residential underground Service Lines, the Applicant or Customer (as determined by the Company) shall be responsible for ownership and operation of all underground Service Lines and for all costs for installation, maintenance, repair and replacement thereof.
- b) Connection of underground Service Lines that are not owned by the Company to Company facilities shall be subject to the Customer paying an estimated charge based on the Company's cost of making the connections(s). Such charge shall not be reduced by the Margin Allowance credit.

3. Overhead Service Lines

The Company will provide overhead Service Lines according to the following conditions and fee schedule.

- a) The Applicant is responsible for permitting and for providing a structurally sound point of attachment for the Company's Service Lines.
- b) Service Lines are measured from the property line along the path of construction to the Point of Delivery on the Applicant's Premises.

Service Line Type	Job Charge	
	Effective 1/1/09	Effective 1/1/10
Single Phase Overhead up to 250 feet in length	\$499	\$521
Single Phase Overhead greater than 250 feet in length	\$499 + \$5.00 per foot for the length in excess of 250 feet	\$521 + \$7.31 per foot for the length in excess of 250 feet
Three Phase Overhead	Estimated Costs	Estimated Costs

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Applicant Line Extension Costs - Payment Options

1. Applicants for New Residential Service
<Reserved.>

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PUGET SOUND ENERGY
Electric Tariff G**SCHEDULE 85**
LINE EXTENSIONS AND SERVICE LINES (Continued)

2. New Residential Plats - Applicants constructing new single-family residential plats shall pay all line extension charges in advance or shall provide a letter of credit, contractor's bond, or other credit instrument in form and substance satisfactory to the Company. Interest shall be charged and collected by the Company in advance, based on the term of the applicable credit instrument. Interest shall not be refundable. The interest rate shall be equal to the prime interest rate published in the *Wall Street Journal* on the date the credit instrument is issued or entered into for the benefit of the Company. The full amount of the remaining balance shall be immediately due and payable by the Applicant upon the expiration or earlier termination of the applicable credit instrument. The maximum term of any credit instrument shall be five years. The Margin Allowance shall be available for each new Single-Family Residence connected within a plat for the first five consecutive years after the plat is energized and shall be provided on a per-Single-Family-Residence basis after the permanent hook-up of such Single-Family Residences.
3. New Non-Residential Service - All estimated construction costs in excess of the Margin Allowance credit shall be paid to the Company by the Applicant in advance of construction. If the actual costs of construction are (a) less than or greater than the initial estimated costs by more than 10% of the estimated costs, and (b) if the actual costs of construction differ from the estimated costs by at least \$1,000, then the Company shall refund the excess payment to the Applicant or bill the Applicant for the underpayment so that the Applicant pays the actual costs.
4. Adjustment of Applicant Payments for Federal Income Tax - In the event that any payment to the Company for service under this schedule that is deemed by the Company to subject the Company to taxation under Internal Revenue Service regulations, the amount of such payment shall be adjusted for taxes in accordance with Schedule 87.
5. Design Costs - In the event that the Company estimates that Design Costs for any line extension or modification will exceed \$500, the Company may require that such Design Costs be paid in advance by the Applicant. If the line extension or modification is constructed within twelve months of the Applicant's request, Design Costs that result in a tangible design product that is used and useful in the construction of a line extension or modification shall be included in the Normal Construction Costs if consistent with the definition of Normal Construction Costs. All other Design Costs are non-refundable. Amounts paid in advance for Design Costs that are included in the Normal Construction Costs are refundable under the provisions of this schedule. Design Costs that are not used and useful in the construction of a line extension or modification or are not included in Normal Construction Costs are non-refundable and include, but are not limited to, costs of Applicant requested redesign(s) of the line extension. Any line extension or modification where Design Costs are incurred at an Applicant's request but the line extension or modification is not under construction or considered active by the Company one (1) year following such request shall be deemed to be canceled. The Company may bill the Applicant for the Design Costs of any canceled work. (C)

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PUGET SOUND ENERGY
Electric Tariff G

SCHEDULE 85
LINE EXTENSIONS AND SERVICE LINES (Continued)

Refund Policies

An Applicant that has paid for a new primary voltage line extension shall, under limited circumstances, be entitled to a refund if additional residence units or other additional Customers served by the line extension that were not included at the time the Margin Allowance was calculated subsequently permanently hook up to the line extension facilities within five years following energization of the facilities. Such refund shall be calculated based on the rates in effect at the time the line extension was installed. Refunds associated with subsequent connections to line extensions for Single-Family Residences and to residential end-uses contiguous to a Single-Family Residence not in platted new residential developments shall be made to the existing property owner at the time of the refund. Refunds associated with subsequent connections to all other line extensions shall be to the Applicant.

- a) Refunds shall not apply to charges for line transformers, substations, feeders constructed for dedicated purposes, and any transmission facilities or to any other charges under this schedule that are not eligible to be offset against the Margin Allowance.
- b) Applicants or, where applicable, property owners, are responsible for making all refund requests. Refund requests must be made within six (6) years of the date on which the facilities installed under this schedule are energized. Refunds, other than refunds of Margin Allowance amounts within plats, may be requested one time within the five (5) year eligibility period.
- c) Refunds, other than refunds of Margin Allowance amounts within plats or where the Margin Allowance exceeds \$75,000, shall be based upon the five-year distribution incremental margins of the subsequent additional Customers. Incremental margins are based upon distribution margins paid by the subsequent additional Customers, less costs paid by the Company to construct primary distribution facilities (including, without limitation, primary transformers) for the subsequent additional Customers.
- d) For refunds of Margin Allowance amounts for permanent connections within a plat, the Company shall process refunds on an annual basis, commencing with the first anniversary of facilities energization for the five (5) year eligibility period. In addition, for plats with a written application dated on or after March 3, 2005, the Company may process refunds on a quarterly basis if the Applicant or property owner provides complete and accurate information regarding the lots eligible for refund, commencing with the first quarter following facilities energization for the five (5) year eligibility period.
- e) In no case shall refunds paid to the Applicant or property owner exceed the amount of line extension construction costs paid by the Applicant which are refundable under a) above.

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(M)(K)(C)

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Electric Tariff G

SCHEDULE 85
LINE EXTENSIONS AND SERVICE LINES
(Continued)

(T)

Additional Terms of Service

1. A. **OWNERSHIP OF FACILITIES:** The Company shall own, operate, maintain and repair all electric distribution facilities installed by or for the Company under this schedule, including replacement of such facilities if necessary so long as such replacement is not inconsistent with this schedule or a contract governing such facilities. Other than as provided in section 1.B., below, the Company shall not own and shall have no responsibility to operate, maintain, repair or replace any electric distribution facilities that were not installed by or for the Company under this schedule.

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B.(i) With respect to underground Service Lines at mobile home parks or manufactured housing communities in which the individual park residents do not own the property on which their individual mobile or manufactured homes are located and in the case of Multi-Family Residential Structures, the park/community property owner or Multi-Family Residential Structure owner shall be responsible for ownership and operation of all new and existing underground Service Lines (as well as service entrance equipment including meter bases, pedestals and enclosures) and for all costs for installation, maintenance, repair and replacement thereof, *provided that* the Company shall be responsible for existing underground Service Lines that the Company installed prior to May 1, 2006, as determined and as qualified below:

(K)

- (a) For underground electric facilities constructed prior to October 21, 1977, there shall be a presumption that the Company installed the Service Lines. This presumption can be overcome if PSE can show that the Company did not install the Service Line that needs repair. PSE shall bear the burden of proving that it did not install the Service Line. Where PSE has records showing that it did not install the Service Line or can show that a Service Line is labeled with a "UL®" (Underwriters Laboratories, Inc.®) designation or similar marking, this is sufficient to prove that the Service Line was not installed by the Company, as neither PSE nor its predecessors install or installed "UL®" designated facilities.

(K)

- (b) For underground electric facilities constructed on or after October 21, 1977, there shall be a presumption that the property owner installed the Service Lines. This presumption can be overcome if the property owner can show that the Company in fact installed the Service Line that needs repair. The property owner shall bear the burden of proving installation by the Company.

(N)(K)

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(K) Transferred to Sheet No. 85-n and 85-o Respectively

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Electric Tariff G**SCHEDULE 85**
LINE EXTENSIONS AND SERVICE LINES
(Continued)

(T)

(c) In some cases determination of the construction date of underground electric facilities or the party that installed the Service Lines may take some time to resolve. In the meantime, the Company, its service providers, or the property owner may perform the work that is required on a Service Line without waiving the ability of the Company or the property owner to later show that the other is responsible to pay the costs of such work. Similarly, prior repairs by either the Company or a property owner to a Service Line shall not be considered to be evidence that the Company or the property owner installed the Service Line if disputes later arise with respect to subsequent repairs to the same Service Line.

(N)(K)

(d) In applying the above dates and presumptions, because some developments were constructed in phases over time, Service Lines serving some areas of a mobile home park, manufactured community, or Multi-Family Residential Structure may be the Company's responsibility while Service Lines serving other areas of a mobile home park, manufactured community, or Multi-Family Residential Structure may be the property owner's responsibility.

(e) The Company's obligation to perform any work related to Service Lines shall be conditioned on the property owner providing access to the Service Line and a clear working area on the ground above the portion of the Service Line that requires work that is sufficiently large to permit the work to be performed. In cases where access to a Service Line is obstructed (for example, because a mobile/manufactured home or other structure is located on top of the line), the property owner, at the property owner's option, may clear the obstruction to provide access sufficient to perform the work on the Service Line or may choose to install a new Service Line that is routed around the obstruction. If the property owner chooses installation of a new Service Line, the new Service Line shall be installed by the Company or the Company's service providers at the property owner's expense and the Company shall own the new Service Line and shall be responsible for operation, maintenance and repair of the new service line, including subsequent replacement of the Service Line if necessary.

(K)(K)

B.(ii) In the case of parks/communities that were mobile home parks or manufactured housing communities at the time Service Lines were initially installed but that have since been converted to cooperative ownership of the entire park/community or individual ownership of spaces within the park/community with joint ownership of common areas or rights of way by the residents through a cooperative, homeowners association or otherwise, the foregoing references to "property owner" shall apply to the cooperative, homeowners association, or other entity with authority over the common areas or rights of way.

(N) (K)

(K) Transferred to Sheet No. 85-o and 85-p Respectively

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Electric Tariff G**SCHEDULE 85**
LINE EXTENSIONS AND SERVICE LINES
(Continued)

B.(iii) The foregoing obligations of the "property owner" are set forth in this schedule to define the point at which the Company's obligations regarding Service Lines end. This schedule is not intended to determine the rights or obligations that may exist as between a property owner and tenants on the property or as between a cooperative or homeowners association and its members (such as any rights a property owner may have as against such tenants or members for reimbursement of costs incurred pursuant to this schedule).

2. **UNUSED FACILITIES:** If the Applicant or a Customer fails to commence using line extension facilities within one year from the date of installation, the Company may bill the Applicant for all costs and expenses incurred by the Company in connection with such facilities. Facilities constructed for an Applicant but not used for a continuous five-year period shall be classified as unused. Unused facilities may be removed by the Company. The Applicant shall not be given any credit (Margin Allowance or otherwise) against reconstruction costs should line extension facilities be required for the same or similar location subsequent to such removal.
3. **OPERATING RIGHTS:** All legal rights necessary, in the Company's sole judgment, for the installation, operation, maintenance, repair or replacement of all electric facilities provided pursuant to this schedule, including, without limitation, rights of access over, under, across, or through real property, including real property not owned by the Applicant ("Operating Rights") shall be obtained by the Applicant for the Company prior to the commencement of construction of such facilities. Operating Rights shall be evidenced by one or more written instruments in form and substance satisfactory to the Company. Where a Margin Allowance is to be applied toward the cost of line extension construction pursuant to this schedule, Operating Rights shall include, but not be limited to, the right of the Company to extend electrical facilities across, over, under, or through the property on which the line extension is being constructed to connect additional Customers to the Company's electric system. The Company shall not be required to provide service, and may interrupt or discontinue service, if all or any portion of its facilities or Operating Rights are taken through the exercise of the power of eminent domain or are taken under threat thereof or are otherwise lost, terminated, or canceled. Where Operating Rights are subject to fee, the Applicant shall be responsible for payment of such fee. Where zoning or other land use regulations allow for limited or zero set-back of structures from the property line, thereby leaving inadequate space for the Company's equipment that is usually installed on private property, the Company, in its sole discretion, may request that the space and rights be within the structure and meet the Company's specifications.

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(C)(C)
(K)(C)

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(M) (K)

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PUGET SOUND ENERGY
Electric Tariff G**SCHEDULE 85**
LINE EXTENSIONS AND SERVICE LINES
(Continued)

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| 4. EASEMENTS - PLATS: When an underground electric distribution line extension is to be installed in a platted tract, the owner thereof shall, as a condition to service under this schedule, grant a utility easement to the Company for all facilities to be installed within the plat and shall also record with the plat a restrictive covenant (in a form acceptable to the Company) providing that all permanent electric utility service lines shall be underground. | (M)(K)(C) |
| 5. EXTENSION FACILITIES AND COST: The Company, in its sole judgment, shall determine the appropriate location, design, phase, voltage, and capacity for the line extension or service line installed pursuant to this schedule and, where applicable, the Company shall determine line extension costs using its own cost estimating system in conjunction with sound engineering practices. | |
| 6. LEAST COST DESIGN: The Company shall determine the location of the service and meter in accordance with Company standards and least cost design principles. Any additional expense incurred by the Company resulting from a different service or meter location requested by the Applicant shall be the responsibility of the Applicant. | (C)
(C) |
| 7. TEMPORARY SERVICE: This schedule does not apply to temporary service. Such service is subject to the provisions of Schedule 80 in this tariff. | (M) (C) |
| 8. TRENCHING: For underground service, the Applicant shall (a) provide all necessary trenching, including, but not limited to, any or all of the following, whether in public rights-of-way or on private property: breakup of sidewalks, driveways, street surfaces and pavements; disturbance or removal of landscaping; excavating for vaults; trenching for ducts or cable; shoring, flagging, barricading and backfilling; installation of concrete structure around ducts (if necessary); compaction; and restoration of public rights-of-way and private property after accomplishing any of the foregoing; all in accordance with the Company's specifications applicable thereto, or (b) contract with the Company to provide such work at the Company's estimated costs (including overheads). Payments to the Company for such work shall not be refundable. | (C)
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| 9. CLEARING AND GRADING: | |
| a) It shall be the Applicant's responsibility to provide a route for construction that is to final grade, free of all obstructions, and along which all rights-of-way, easements, and property lines are clearly and accurately delineated. | (C) |
| | (M)(K) |

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(K) Transferred to Sheet No. 85-r and 85-s Respectively

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PUGET SOUND ENERGY
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SCHEDULE 85
LINE EXTENSIONS AND SERVICE LINES
(Continued)

- b) The Applicant shall provide written notice to the Company that the provisions of 9.a) have been complied with prior to commencement of installation of the line extension. The Applicant shall be responsible for the cost of relocating the facilities installed under this schedule if due to a change in grade within five (5) years of the date the facilities were installed if such grade change is due to errors, omissions or changes by the Applicant or the Applicant's agents. (M)(C)
10. GOVERNMENTAL AUTHORITY: The manner and type of construction of any extension of the Company's distribution system shall be subject to applicable governmental authority or law, and any increase in costs resulting therefrom and not reimbursed by an agency of the government or other person or entity shall be paid by the Applicant. (C)
11. POINT OF DELIVERY: (M)
- a) Primary voltage: The Primary voltage Point of Delivery will normally be that location which is, in the Company's reasonable judgment, most conveniently located with respect to the Company's transmission or distribution facilities. (C)
- (i) Primary voltage below 50,000 volts: For service at Primary voltages below 50,000 volts, this Point of Delivery will normally be at a point on the property line of the Premises to be serviced or, if acceptable to the Company, on the Applicant's Premises adjacent to such property line, where Applicant and Company facilities interconnect. (C)
- (ii) Primary voltage above 50,000 volts: For service at Primary voltages of 50,000 volts or more, this Point of Delivery will normally be at the point within a substation or on an electrical line where the Applicant-provided facilities and the Company facilities of 50,000 volts or more interconnect. Where such substation is not on the Applicant's Premises, the Applicant-provided facilities connecting to such remote substation must be Applicant-provided overhead or underground dedicated feeder(s) rated at 600 amps or more. Applicant shall be responsible for all operating rights necessary for such Applicant-provided feeder(s). The Applicant may, if acceptable to the Company, provide such feeder(s) through a separate agreement with and acceptable to the Company. Any such agreement shall only be available as part of the Company's bundled retail service. (C)
- Each Customer/Applicant, regardless of the voltage at which distribution service is provided, shall be deemed to be connected at the Point of Delivery to the Company's distribution system facilities that are subject to the jurisdiction of the Washington Utilities and Transportation Commission. (M)

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SCHEDULE 85
LINE EXTENSIONS AND SERVICE LINES
(Continued)

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The Company shall provide Primary metering facilities at the Point of Delivery, and the incremental cost of such facilities in excess of Secondary metering facilities shall be included in the total costs to provide service under this schedule, and shall not be subject to offset against any Margin Allowance. The Company shall have no obligation to install, own, operate, maintain, repair or replace any facilities on the Customer's (load) side of the Primary metering facilities.

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- b) Non-Residential secondary voltage – underground: For Non-Residential underground service at Secondary voltages, the Point of Delivery shall be at (i) the Customer (load) side of the transformer or secondary handhole if located on the private property being served or (ii) the property line if the distribution facilities are located on a public right-of-way. The location of the transformer or handhole shall be at the point that is, in the Company's opinion, most conveniently located with respect to the Company's distribution facilities. With the exception of Service Lines serving certain Multi-Family Residential Structures, mobile home parks and manufactured housing communities that the Company owns, as determined and as qualified in Section 1 of the Additional Terms of Service of this schedule, the Customer/Applicant shall install, own, operate, maintain, repair or replace all Secondary facilities beyond the Point of Delivery, except for metering equipment and metering circuitry provided by the Company.

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- c) Residential secondary voltage – underground: For underground service at Secondary voltages to Single-Family Residences and to residential end-uses contiguous to a Single-Family Residence where there are no metering transformers, the Point of Delivery shall be at the Company side of the Customer's meter base and the Company shall have no obligation to install, own, maintain, repair or replace any facilities beyond the Company side of the meter base. When such service facilities include metering transformers, the Point of Delivery shall be at the Customer's (load) side of such metering transformers and the metering transformers, circuitry between the metering transformers and the meter base and the meter shall be provided, installed, maintained and repaired by the Company. The Company shall have no obligation to install, own, maintain, repair or replace any service entrance equipment, including but not limited to meter bases, pedestals or the enclosure for metering equipment.

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(M) Transferred from Sheet No. 85-l

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Electric Tariff G

SCHEDULE 85
LINE EXTENSIONS AND SERVICE LINES
(Continued)

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| <p>d) <u>Overhead secondary voltage</u>: For overhead service at Secondary voltages, the Point of Delivery shall be at a point where the Company's and the Customer's/Applicant's circuitry interconnect on the outside of the structure to be served and that is, in the Company's judgment, most conveniently located with respect to the Company's distribution facilities. The Company shall have no obligation to install, own, operate, maintain, repair or replace any Secondary facilities beyond the Point of Delivery, except for metering equipment and metering circuitry provided by the Company.</p> <p>e) Any cost for service to a Point of Delivery requested by a Customer/Applicant in addition to the costs contemplated in this schedule shall be paid by the Customer/Applicant in advance of construction, and such amounts shall be in addition to any other amounts the Customer/Applicant may be required to pay in accordance with this schedule and shall not be subject to offset against any Margin Allowance.</p> <p>12. VOLTAGE FLICKER: Voltage flicker is a momentary fluctuation in the voltage at the Point of Delivery caused by motor starting currents, switching currents or fault currents that exceed the Company's voltage limits under stable operating conditions. The Company is responsible to provide service where the voltage does not deviate beyond certain standards with loads operating under stable conditions. Customers must control or operate their equipment in such a way that their motor starting and operating characteristics will not cause an instantaneous voltage drop of more than four percent of the standard voltage as measured at the Point of Delivery. Should a Customer's existing or an Applicant's planned equipment cause or be expected to cause voltage flicker beyond Company limits at the Point of Delivery or at any other Customer's Point of Delivery, the Customer or Applicant must either install sufficient controls on equipment or reimburse the Company its costs of reducing voltage flicker to within Company limits.</p> <p>13. APPLICANT-PROVIDED FACILITIES: When the Applicant provides or installs any portion of the facilities to be owned by the Company that are described in this schedule, the cost of inspection of the facilities and/or their installation shall be included in the Company's costs to provide service under this schedule. If such facilities and/or their installation are included in the charges to Applicant under this schedule, such charges shall be adjusted based on the facilities installed and/or provided by the Applicant. Any such provision of facilities and/or installation by an Applicant, shall be subject to approval by the Company and the Company has no obligation to allow such provision of facilities and/or their installation.</p> | <p>(M)(C)</p> <p>(C)</p> <p>(C)</p> <p>(C)</p> <p>(C)</p> <p>(C)</p> <p>(C)</p> <p>(C)</p> <p>(C)</p> <p>(C)</p> <p>(C)</p> <p>(C)</p> <p>(C)</p> <p>(M)</p> |
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SCHEDULE 85
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(Continued)

14. **APPLICANT UNABLE TO ACCEPT SERVICE:** If the Company shows up to a scheduled appointment to install a line extension or service line and the Applicant has not complied with Company specifications, such as having the construction route cleared and to grade, providing trench, or obtaining necessary inspections or permits, the Applicant may be charged a penalty of \$250.00.
15. **SCHEDULE 87:** The installation or modification of facilities under the provisions of this schedule shall be subject to the provisions of Schedule 87, Income Tax Rider.
16. **GENERAL RULES AND PROVISIONS:** Service under this schedule is subject to the General Rules and Provisions contained in this tariff.
17. **IMPLEMENTATION OF MARGIN ALLOWANCE AND RATE CHANGES:** Margin Allowances and rates under this schedule change over time upon approval by the Washington Utilities and Transportation Commission. In general, the date of the written application for service under this schedule will determine which Margin Allowance and rates apply.
- In order to qualify for the Margin Allowance or rate for a specific time period, the Applicant:
- a) must submit a complete written application for service within the time period, and
 - b) make any required payment in full within ninety (90) days of the Company's request for such payment, and
 - c) the work required by the Company to complete the line extension must be able to be started when scheduled by the Company and such scheduled start date must be within ninety (90) days following payment by Applicant (unless delayed by the Company), and
 - d) work by the Company shall be continuous until completed, unless interrupted or delayed by the Company, and
 - e) the Customer or Applicant must begin using service as described in the application for service within ninety (90) days of completion of work by the Company.

Should any of the above conditions not be met, the Margin Allowance or rate applicable at the time the Customer or Applicant begins using service as described in the application for service will apply. Delays caused by the Company in completing engineering or construction shall not cause the Applicant to be subject to the Margin Allowance or rate of a subsequent time period.

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SCHEDULE 85
LINE EXTENSIONS AND SERVICE LINES
(Continued)

A complete application means that the Applicant has supplied the Company all necessary information so that the Company is able to complete design and engineering of the line extension.

Substantial changes requested by the Applicant which require the Company to re-design or re-engineer the line extension will be considered a cancellation of the application for service and submittal of a new application. The Margin Allowance and rates shall be based on the date of that new application.

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