

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION

DAVID and JANIS STEVENS, PAUL	)	
CARRICK, ALAN and JIM WIEMEYER,	)	
CHRIS and CECILY FLAVELL, STAN	)	
and KAY MILLER, MICHAEL and	)	DOCKET NO. UW-011320
COLLEEN STOVER, RICHARD and	)	
PAULA RUSSELL, BEN G. MARCIN,	)	
RONALD and VICTORIA	)	
MONTGOMERY, CHARLES and	)	
MICHELLE CLARK, PAUL SCHULTE,	)	
SUE PERRAULT, and JORG REINHOLT,	)	
	)	
Complainants,	)	
	)	
v.	)	NOTICE OF PREHEARING
	)	CONFERENCE
ROSARIO UTILITIES, LLC,	)	(January 23, 2002)
	)	
Respondent.	)	
.....	)	

1 On September 24, 2001, David and Janis Stevens, Paul Carrick, Alan and Jim Wiemeyer, Chris and Cecily Flavell, Stan and Kay Miller, Michael and Colleen Stover, Richard and Paula Russell, Ben G. Marcin, Ronald and Victoria Montgomery, Charles and Michelle Clark, Paul Schulte, Sue Perrault, and Jorg Reinholt (Complainants) filed with the Commission a complaint against Rosario Utilities, LLC (Respondent). The Complainants own real property in the service area of Respondent. Respondent is a public service company that owns and operates a water system on Orcas Island, Washington. Respondent is owned by Oly Rose, LLC. The Complainants allege that Respondent has given preferential rights to available water connections to Rosario Resort which is also owned by Oly Rose, LLC. A more detailed account of the dispute is reflected in the complaint which is available for inspection at the Commission's office located at Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington. It is appropriate that the matters raised in the pleadings be brought for hearing before the Commission.

2 Hearing in this matter is being held pursuant to Part IV of chapter 34.05 RCW pertaining to adjudicative proceedings, including but not being limited to RCW 34.05.413, RCW 34.05.431, RCW 34.05.440, RCW 34.05.443, RCW 34.05.449, RCW 34.05.452, and RCW 34.05.455. The Commission has jurisdiction over this matter under Title 80 RCW, having legal authority to regulate the rates, services, and practices of water companies providing service within the state of Washington. Statutes and rules cited in the

complaint include RCW 80.04.405, RCW 80.04.440, RCW 80.16.020, RCW 80.28.010, RCW 80.28.020, RCW 80.28.040, RCW 80.28.090, RCW 80.28.110, RCW 80.28.270, WAC 480-110-325, WAC 480-110-345, WAC 480-110-385, WAC 480-146-350, and WAC 480-146-360. In addition to the foregoing, statutes and rules involved include those within chapter 80.04 RCW, chapter 80.28 RCW, chapter 480-09 WAC, and chapter 480-110 WAC. The issues involved are generally stated above and more specifically contained in the complaint.

3 NOTICE IS GIVEN That a prehearing conference in this matter will be held at 9:30 a.m., on Wednesday, January 23, 2002, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington

4 The purpose of the prehearing conference is to consider formulating the issues in the proceeding, and to determine other matters to aid in its disposition, as specified in WAC 480-09-460. Petitions to intervene should be made in writing prior to the hearing date or made orally at the hearing. The time and place for the evidentiary hearing will be set at the prehearing conference or by later written notice. Appearances will be taken.

5 If any party or witness needs an interpreter or other assistance, please fill out the form attached to this notice and return it to the Commission.

6 NOTICE IS FURTHER GIVEN THAT ANY PARTY WHO FAILS TO ATTEND OR PARTICIPATE IN THE HEARING SET BY THIS NOTICE, OR ANY OTHER STAGE OF THIS PROCEEDING, MAY BE HELD IN DEFAULT IN ACCORDANCE WITH RCW 34.05.440. THE PARTIES ARE FURTHER ADVISED THAT THE SANCTION PROVISIONS OF WAC 480-09-700(4) ARE SPECIFICALLY INVOKED.

7 The names and mailing addresses of all parties and their known representatives are as follows:

Complainants: David and Janis Stevens  
2900 Park Newport, Apt. 236  
Newport Beach, CA 92660

Paul Carrick  
93 Veneda Trail  
Eastsound, WA 98245

Alan and Jim Wiemeyer  
P. O. Box 1587  
Eastsound, WA 98245

Chris and Cecily Flavell  
6516 24<sup>th</sup> Avenue N.W.  
Seattle, WA 98117  
Stan and Kay Miller

P. O. Box 1983  
Eastsound, WA 98245

Michael and Colleen Stover  
7731 S.W. Stillman Road  
Powell Butte, OR 97753-1554

Richard and Paula Russell  
P. O. Box 208  
Eastsound, WA 98245

Ben G. Marcin  
P. O. Box 1316  
Eastsound, WA 98245

Roland and Victoria Montgomery  
30254 25<sup>th</sup> Avenue S.W.  
Federal Way, WA 98023-2316

Charles and Michelle Clark  
P. O. Box 1162  
Oracle, AZ 85623

Paul Schulte  
P. O. Box 5606  
Sun City West, AZ 85376

Sue Perrault  
6925 N.E.170<sup>th</sup>  
Kenmore, WA 98028

Jorg Reinholt  
28 Cliffhouse Court  
Eastsound, WA 98245

Representatives:

Michael M. Hanis  
Hanis & Olson  
Attorneys at Law  
3900 East Valley Highway, Suite 203  
Renton, WA 98055  
(425) 251-9313

Respondent : Rosario Utilities, LLC  
1400 Rosario Road  
Eastsound, WA 98245  
(360) 376-2700

Representative: Thomas M. Pors  
Joseph A. Brogan  
Foster Pepper & Shefelman PLLC  
1111 Third Avenue, Suite 3400  
Seattle, WA 98101  
(206) 447-4400

- 8 Karen Caillé has been designated as the Administrative Law Judge from the Utilities and Transportation Commission's Administrative Law Division, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-7250, and will preside at the prehearing conference.
- 9 Notice of any other procedural phase will be given in writing or on the record as the Commission may deem appropriate during the course of this proceeding.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN  
Executive Secretary

December 27, 2001

Inquires may be addressed to:

Executive Secretary  
Washington Utilities and  
Transportation Commission  
Chandler Plaza Building  
1300 S. Evergreen Park Drive S.W.  
P. O. Box 47250  
Olympia, WA 98504-7250  
(360) 664-1160

## NOTICE

PLEASE BE ADVISED that the hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and that if limited English-speaking or hearing impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

The information needed to provide an appropriate interpreter or other assistance should be designated below and returned to:

Carole J. Washburn, Executive Secretary  
Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Drive S.W.  
P. O. Box 47250  
Olympia, WA 98504-7250.

### (SUPPLY ALL REQUESTED INFORMATION)

Docket No.: **UW-011320**

Case Name: **David Stevens, et al vs. Rosario Utilities, LLC**

Hearing Date: \_\_\_\_\_ Hearing Location: \_\_\_\_\_

Primary Language: \_\_\_\_\_

Hearing Impaired (Yes) \_\_\_\_\_ (No) \_\_\_\_\_

Do you need a certified sign language interpreter: (Yes) \_\_\_\_\_ (No) \_\_\_\_\_

Visual \_\_\_\_\_ Tactile \_\_\_\_\_

Other type of assistance needed: \_\_\_\_\_

English-speaking person who can be contacted if there are questions:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone No.: (\_\_\_\_) \_\_\_\_\_