

[Service Date June 3, 2004]

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

NANCY BATES, JIM AND MARCY)	
BICHLER, JOEL AND HEATHER)	DOCKET NO. UW-040792
BIRCHMAN, KEN CHISHOLM,)	
KEN AND LINDA COUNTER,)	
RONALD AND MARTHA DE LISLE,)	
ROY AND DENISE DICKMEYER,)	
JIM AND CINDY DUFRAIN,)	NOTICE OF PREHEARING
ARNOLD AND SHARON EBY,)	CONFERENCE
STEVE AND LORINDA EDWARDS,)	(Set for Tuesday, June 29, 2004,
CHAD EVERITT, GREG AND)	1:30 p.m.)
ELAINE GALLOWAY, RICHARD)	
GROVES, NANCE' HAYDOCK-)	
KECK, RONALD AND SHARON)	
HOLLOWAY, RYAN IRVING AND)	
CATHERINE OSTBYE, MARGARET)	
LACOMBE AND DAVID)	
WILLIAMS, CHARLES AND)	
CATHERINE LEACH, GARTH AND)	
SHANNON LIEN, BARRY AND)	
RACHELLE MEEHAN, MARK AND)	
KAREN MOORE, DAVID AND)	
VIKKI POOLE, CONSTANCE R.)	
REID, ANDRE AND CHRISTINE)	
SINN, AND JIM AND TRACEY)	
SMITH,)	
)	
)	
Complainants)	
)	
v.)	
)	
MARBELLO WATER COMPANY,)	
)	
Respondent.)	
)	
.....)	

- 1 On April 29, 2004, Nancy Bates, Jim and Marcy Bichler, Joel and Heather Birchman, Ken Chisholm, Ken and Linda Counter, Ronald and Martha de Lisle, Roy and Denise Dickmeyer, Jim and Cindy DuFrain, Arnold and Sharon Eby, Steve and Lorinda Edwards, Chad Everitt, Greg and Elaine Galloway, Richard Groves, Nance' Haydock-Keck, Ronald and Sharon Holloway, Ryan Irving and Catherine Ostbye, Margaret LaCombe and David Williams, Charles and Catherine Leach, Garth and Shannon Lien, Barry and Rachelle Meehan, Mark and Karen Moore, David and Vikki Poole, Constance R. Reid, Andre and Christine Sinn, and Jim and Tracey Smith (Complainants) filed with the Commission a complaint against Marbello Water Company (Respondent). The complainants are customers in the service area of Respondent. The respondent is a privately-owned water system purchasing water from the City of Monroe and operating in Snohomish County. The complainants allege the respondent is charging unfair and unreasonable water rates. 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 and on the Commission's web site at www.wutc.wa.gov/040792. It is appropriate that the matters raised in the pleadings be brought for hearing before the Commission.

- 2 The Commission will hear this matter pursuant to Part IV of chapter 34.05 RCW pertaining to adjudicative proceedings, including but not limited to RCW 34.05.413, RCW 34.05.422, RCW 34.05.431, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452. The Commission has jurisdiction over this matter pursuant to 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 80.04.110, RCW 80.04.220, RCW 80.04.230, RCW 80.28.010, RCW 80.28.040, WAC 480-110-255, WAC 480-110-275, WAC 480-110-315, WAC 480-110-365, WAC 480-110-375, and WAC 480-110-385. Statutes involved, in addition to those previously cited, include those within chapters 80.01 RCW, 80.04 RCW, 80.28 RCW, 480-07 WAC, and 480-110 WAC,

including but not limited to RCW 80.01.040 and RCW 80.04.020, RCW 80.28.020, and RCW 80.28.040.

3 The ultimate issues involved are generally stated above and more specifically contained in the complaint.

4 **THE COMMISSION GIVES NOTICE That a prehearing conference in this matter will be held at 1:30 p.m., on Tuesday, June 29, 2004, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

5 The purpose of the prehearing conference is to take appearances and interventions, establish dates for the distribution of evidence and workpapers and other scheduling matters, consider formulating the issues in the proceeding and to determine other matters to aid in its disposition, as specified in WAC 480-07-430.

6 Petitions to intervene should be made in writing at least three business days prior to the date scheduled for the prehearing conference, as required in WAC 480-07-355(a). The Commission will consider petitions to intervene made orally during the conference, but strongly prefers written petitions to intervene. In addition, party representatives must file notices of appearance with the Commission, as required by WAC 480-07-345(2), no later than the day prior to the conference. 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. The time and place for any evidentiary hearings will be set at the prehearing conference, on the record of a later conference or hearing session, or by later written notice.

7 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the prehearing conference 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 480-07-450 are specifically invoked.**

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

Complainants:

Nancy Bates
18527 126th Street SE
Snohomish, WA 98290

Jim and Marcy Bichler
18508 126th Street SE
Snohomish, WA 98290

Joel and Heather Birchman
18715 126th Street SE
Snohomish, WA 98290

Ken Chisholm
12631 189th Drive SE
Snohomish, WA 98290

Ken and Linda Counter
12715 189th Drive SE
Snohomish, WA 98290

Ronald and Martha de Lisle
12718 189th Drive SE
Snohomish, WA 98290

Roy and Denise Dickmeyer
18502 126th Street SE
Snohomish, WA 98290

Jim and Cindy DuFrain
18722 El Bello Paseo Street SE
Snohomish, WA 98290

Arnold and Sharon Eby
18623 126th Street SE
Snohomish, WA 98290

Steve and Lorinda Edwards
18820 126th Street SE
Snohomish, WA 98290

Chad Everitt
18514 126th Street SE
Snohomish, WA 98290

Greg and Elaine Galloway
18505 126th Street SE
Snohomish, WA 98290

Richard Groves
18607 126th Street SE
Snohomish, WA 98290

Nance' Haydock-Keck
18529 126th Street SE
Snohomish, WA 98290

Ronald and Sharon Holloway
18521 126th Street SE
Snohomish, WA 98290

Ryan Irving and Catherine Ostbye
18808 126th Street SE
Snohomish, WA 98290

Margaret LaCombe and David Williams
18804 126th Street SE
Snohomish, WA 98290

Charles and Catherine Leach
18717 El Bello Paseo SE
Snohomish, WA 98290

Garth and Shannon Lien
18513 126th Street SE
Snohomish, WA 98290

Barry and Rachelle Meehan
12814 189th Drive SE
Snohomish, WA 98290

Mark and Karen Moore
18802 126th Street SE
Snohomish, WA 98290

David and Vikki Poole
18529 126th Street SE
Snohomish, WA 98290

Constance R. Reid
18515 126th Street SE
Snohomish, WA 98290

Andre and Christine Sinn
19413 130th Place SE
Snohomish, WA 98290

Jim and Tracey Smith
18815 130th Street SE
Snohomish, WA 98290

Respondent: Marbello Water Company
P.O. Box 20429
Seattle, WA 98102
(800) 928-3750

Representative: Richard A. Finnigan
Attorney at Law
2405 Evergreen Park Drive S.W.
Suite B-1
Olympia, WA 98502
(360) 956-7001

Commission Staff: Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

Representative: Jonathan Thompson
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1225

9 Administrative Law Judge Theodora M. Mace, from the Utilities and Transportation Commission's Administrative Law Division, will preside during this proceeding.

10 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.

DATED at Olympia, Washington, and effective this 3rd day of June, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN
Executive Secretary

Inquiries may be address to:

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 NOTE: The hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and 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 stated below and returned to Washington Utilities and Transportation Commission, Attention: Carole J. Washburn, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket No.: _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

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

Name: _____

Address: _____

Phone No.: (____) _____