

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

WASHINGTON UTILITIES AND)	DOCKET NO. UW-040367
TRANSPORTATION COMMISSION,)	
)	ORDER NO. 05
Complainant,)	
)	
v.)	ORDER MODIFYING ORDER
)	NO. 4; EXTENDING THE DATE
COUGAR RIDGE WATER SYSTEM,)	FOR TARIFF FILING UNTIL
)	FEBRUARY 14, 2005 OR UNTIL
Respondent.)	FIVE DAYS FROM THE DATE
)	OF A COURT ORDER DENYING
)	REQUEST FOR STAY
.....)	

1 **SYNOPSIS:** *The Commission extends the deadline for Cougar Ridge to file a tariff in this docket until February 14, 2005, or until five days from the Gray’s Harbor County Superior Court’s order denying Cougar Ridge’s motion for a stay of Order No. 03, whichever is later.*

2 **NATURE OF PROCEEDING.** Docket No. UW-040367 is a special proceeding to determine whether Cougar Ridge Water System (Cougar Ridge or the Company) is subject to regulation under Chapter 80. 28 RCW; and to determine whether, if Cougar Ridge is a company subject to regulation, its rates and charges are fair, just, reasonable and sufficient.

3 **BACKGROUND.** The Commission entered Order No. 03 on November 22, 2004, finding the Company subject to regulation. In that order the Commission directed the Company to file a tariff no later than December 22, 2004, to allow the Commission to determine whether the Company’s rates are fair, just, reasonable, and sufficient.

4 On December 15, 2004, the Commission entered Order No. 04, delaying the previously established tariff filing date because Cougar Ridge sought judicial review of Order No. 03 in Gray's Harbor County Superior Court and oral argument on Cougar Ridge's motion seeking a stay of Order No. 03 was scheduled in that court for January 10, 2005. It was expected that the court would rule from the bench on Cougar Ridge's motion. The Commission extended the date for Cougar Ridge's tariff filing to January 14, 2005, to allow Cougar Ridge sufficient time after the court's ruling to file its tariff.

5 **PROCEDURE.** Commission Staff has requested a further extension of the date for filing a tariff. Staff indicated that oral argument on Cougar Ridge's motion for a stay took place on January 10, 2005, but that the Grays County Superior Court has not yet ruled on Cougar Ridge's motion for a stay. Staff further stated that Cougar Ridge should be excused from filing a tariff until a week after the Court denies the motion, unless of course, the Court grants the stay, in which case a tariff need not be filed pending the Court's determination on the merits of Cougar Ridge's petition for judicial review.

6 **DECISION.** The Commission determines that the public interest will be best served by delaying the deadline for tariff filing until the later of February 14, 2005, or five days from the date the Gray's Harbor Superior Court issues a ruling denying Cougar Ridge's motion for a stay of Order No. 03.

ORDER

7 THE COMMISSION ORDERS That the deadline for receiving a tariff filing from Cougar Ridge Water System pursuant to Commission Order No. 03 in this docket is extended until the later of February 14, 2005, or five days from the

issuance by the Gray's Harbor Superior Court of an order denying Cougar Ridge's motion for a stay of Order No. 03.

DATED at Olympia, Washington and effective this 1st day of February, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner