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BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ROBERT A. HART,)
)
 Complainant,)
)
 vs.)
)
 EVERGREEN LAND AND WATER, INC.,)
)
 Respondent.)

DOCKET NO.
UW-901534

PAGES 1 - 76

ORIGINAL

Commission Hearing Room
1300 South Evergreen Park
Drive Southwest
Olympia, Washington

Friday,
June 7, 1991

This matter came on for hearing, pursuant to
Notice, at 10:40 a.m.

BEFORE: ALICE L. HAENLE, Senior,
Administrative Law Judge

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STATE OF WASH.
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APPEARANCES:

**On behalf of the Washington Utilities and
Transportation Commission Staff:**

**ANNE EGELER, Assistant Attorney General
1400 South Evergreen Park Drive Southwest
Olympia, Washington 98504-8002**

On behalf of Complainant:

**ROBERT A. HART, Pro Se
P. O. Box 178
Hoodsport, Washington 98548**

On behalf of Evergreen Land and Water, Inc:

**WILLIAM T. PETTY, President
P. O. Box 336
Hoodsport, Washington 98548**

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I N D E X

<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>EXAM</u>
ROBERT A. HART	9	20		41	37
WILLIAM T. PETTY	46	55			
PAT DUTTON	73				

<u>EXHIBITS</u>	<u>IDENTIFIED</u>	<u>ADMITTED</u>	<u>REJECTED</u>
1	6	13	
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4	36	36	
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JUDGE HAENLE: What is your position with that company, sir?

MR. PETTY: President.

JUDGE HAENLE: All right. And I forgot to ask you, Mr. Hart, are you representing yourself this morning?

MR. HART: Yes.

JUDGE HAENLE: All right. And for the Commission?

MS. EGELER: Anne Egeler, Assistant Attorney General appearing on behalf of the Commission staff. My address is 1400 South Evergreen Park Drive Southwest, Olympia, Washington 98504.

JUDGE HAENLE: Thank you. In the way of preliminary matters, this morning I discussed with you before we went on the record, that we would be taking Mr. Hart's testimony first about his complaint and the basis for it, and then we will be taking the testimony of Mr. Petty. And if Ms. Egeler has a witness, we will be taking the testimony from that witness next. All of you will have the opportunity to examine the witnesses after they have given their direct testimony.

When you came in, I asked you if you had brought materials with you that pertained to that complaint so that we can make them exhibits. We have marked a number

1 of documents for identification as follows: Marked as
2 Exhibit 1 for identification is a multi-page document,
3 which begins, "ADOPTIONS OF TARIFFS," and it's dated
4 June 11, 1975, on the first page. I've marked this as
5 Exhibit 1 for identification.

6 (EXHIBIT NO. 1 MARKED FOR
7 IDENTIFICATION)

8 JUDGE HAENLE: Exhibit 2 for identification
9 is some documents that were brought by Mr. Hart, which
10 he indicated were bills. We have not included all of
11 them, but I went through and took some from a time when
12 he was being billed jointly, and then a couple of the
13 most current bills, and the one transition bill in
14 between them.

15 Anyway, what I'm going to do is xerox both the
16 front and back of those bills, so it shows what the
17 billing amount is and to whom the bills were sent, since
18 that information is on the back. I intend to include in
19 the record and to distribute to the other parties the
20 xeroxes of these bills, rather than using the originals
21 in the record, so that we can give the originals back to
22 Mr. Hart.

23 Do you have any problem with that procedure, Mr.
24 Hart?

25 MR. HART: None at all.

JUDGE HAENLE: Mr. Petty?

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MR. PETTY: No, none at all.

MS. EGELER: I have one question, your Honor.
What was the total number of bills that are there?

JUDGE HAENLE: I have five here, beginning
with July 1st, 1990, to and going through the current,
which is 6/1/91. Is there any reason why you think they
all need to be included?

MS. EGELER: No. I was just concerned with
the numbers, that I could be certain that I received
them all.

JUDGE HAENLE: All right. There are five, two
combined ones and three of the separate ones.

(EXHIBIT NO. 2 MARKED FOR
IDENTIFICATION)

JUDGE HAENLE: And the third item is two
photographs that were brought by Mr. Hart. I'm going to
xerox them and give the parties xeroxes. I don't know
how good the xeroxes are going to be, but I'll mark the
two originals of the photographs as Exhibit 3 for
identification, and we will keep the originals for the
file.

(EXHIBIT NO. 3 MARKED FOR
IDENTIFICATION)

JUDGE HAENLE: Are there any other
preliminary matters we need to discuss before we take
Mr. Hart's testimony? Anyone?

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MR. PETTY: Excuse me, yes. I believe that there are more recent approved rates or tariff sheets than what we actually have.

JUDGE HAENLE: Let's go off the record for a moment, please, to try to determine whether the ones we have are current.

(PAUSE IN THE PROCEEDINGS)

JUDGE HAENLE: Let's be back on the record. During the time we were off the record, we checked and apparently there were some updates, so we have been provided with a different tariff group. I've now marked this as Exhibit 1 for identification. It says in the upper right-hand corner on the first page, "Received June 11, 1975." And the differences you were pointing to were only Rules 14, 15 and 16; and the new date at the bottom is effective January 1-- is it 1984? Is this different?

MR. PETTY: I think what you want to do is look at the second title sheet. All those-- each page is different.

JUDGE HAENLE: Okay. In any case, this is the updated one. This is absolutely up-to-date, and we're all set and ready to go. Anything else we need to discuss in the way of preliminary matters or procedural matters?

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As I indicated, we will take Mr. Hart's testimony first, and then take testimony from Mr. Petty. And if Ms. Egeler has a witness, we will take that witness last.

I suggest to you gentlemen that since you are not represented, I will be glad to ask you foundation-type questions, if that's all right with you, to establish who you are and what the problem is, and then give you the chance to give the testimony that you've come to give. Is that all right with you, Mr. Hart?

MR. HART: Uh-huh. (Nods head)

JUDGE HAENLE: Now you need to answer "yes" or "no" for the record.

MR. HART: Yes.

JUDGE HAENLE: You'll get used to answering "yes" or "no." Now for the record, is that all right with you, Mr. Petty?

MR. PETTY: Yes.

JUDGE HAENLE: Let's begin with you, Mr. Hart.

ROBERT A. HART, having been first duly sworn on oath, was called as a witness and testified as follows:

DIRECT EXAMINATION

JUDGE HAENLE: Would you as a witness, sir, state your full name and your business address.

THE WITNESS: My name is Robert A. Hart. My

1 business address is Hoodsport Market, P. O. Box 178,
2 Hoodsport, Washington 98548.

3 JUDGE HAENLE: And you are the gentleman who
4 brought the complaint in this matter?

5 THE WITNESS: Yes, I am.

6 JUDGE HAENLE: What is your occupation, sir?

7 THE WITNESS: I'm the owner of Hoodsport
8 Market.

9 JUDGE HAENLE: What is that?

10 THE WITNESS: It's a grocery store in
11 Hoodsport.

12 JUDGE HAENLE: And you are a customer of
13 Evergreen Land and Water, Inc.?

14 THE WITNESS: Yes, I have been a customer.

15 JUDGE HAENLE: Taking a look at what we have
16 marked as Exhibits 1, 2 and 3 for identification, are
17 you familiar with the water tariff, Mr. Hart?

18 THE WITNESS: Yes, I am.

19 JUDGE HAENLE: Taking a look at Exhibit 1 for
20 identification, is that the tariff?

21 THE WITNESS: Yes.

22 JUDGE HAENLE: And would you explain what
23 Exhibit 2 is, please?

24 THE WITNESS: Exhibit 2-- that is the stack of
25 bills?

HART - DIRECT BY JUDGE HAENLE

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JUDGE HAENLE: Yes, sir.

THE WITNESS: Yes, it's a stack of statements. I believe there's five in the exhibit, which were sent to me by Evergreen Land and Water for Hoodsport Market.

JUDGE HAENLE: You did bring, not just the five that are in the exhibit, but you brought the ones that were for the intervening months, as well as the closure bill, and amount per month; is that correct, sir?

THE WITNESS: Yes, I did.

JUDGE HAENLE: What is the amount per month that you have been billed?

THE WITNESS: \$17.40.

JUDGE HAENLE: And that amount, leading up to the amount of the most current bill of \$226.20 is the amount in contention in this matter, sir?

THE WITNESS: Yes, it is.

JUDGE HAENLE: All right. Can and would you tell me what Exhibit 3 is, please?

THE WITNESS: Exhibit 3 is two photographs, one each of a stand pipe that formerly served the Hoodsport Market from the Evergreen Water Service. In the photograph, it's capped off. The other is a stand pipe adjacent to the Hoodsport Market that previously had a hose bid on it.

1 JUDGE HAENLE: Why don't you tell me what the
2 picture on the left is first. Look at the xerox of that
3 I gave you. What is the picture on the left, please?

4 THE WITNESS: That is one-inch piping coming
5 from the service line that previously had an elbow in
6 place of the cap that's shown in the picture. Actually
7 it was a T, not an elbow. One leg of the T had a plug
8 in it; the other leg of the T went to the water system
9 inside the Hoodsport Market.

10 JUDGE HAENLE: All right. And the picture on
11 the right, sir?

12 THE WITNESS: The picture on the right is the
13 stand pipe adjacent to the Hoodsport Market that
14 previously had a hose bid on it.

15 JUDGE HAENLE: And you want to have these
16 documents entered into the record as part of your case,
17 sir?

18 THE WITNESS: Yes.

19 JUDGE HAENLE: Have you any objection into the
20 entry of these documents, Mr. Petty?

21 MR. PETTY: No.

22 JUDGE HAENLE: Ms. Egeler?

23 MS. Egeler: No, your Honor.

24 JUDGE HAENLE: All right. I have entered
25 Exhibits 1, 2 and 3.

1 (EXHIBIT NOS. 1, 2 and 3 FOR
2 IDENTIFICATION RECEIVED INTO
3 EVIDENCE)

4 JUDGE HAENLE: As I explained to all of you
5 before we went on the record, this will be your
6 opportunity to describe to the Commission what the
7 controversy is and how the controversy arose. The
8 Commission will only be able to consider your testimony
9 and the exhibits, so it's very important to include in
10 your testimony anything you want the Commission to
11 consider.

12 Do you currently take water services from Evergreen
13 Land and Water at any location?

14 THE WITNESS: Yes. I receive residential
15 service from Eevergreen.

16 JUDGE HAENLE: And would you describe what the
17 setup is? Is your residence and the Hoodspport Market
18 close to each other? Or why don't you tell me about the
19 setup.

20 THE WITNESS: Hoodspport Market and my personal
21 residence are two separate buildings; they're
22 approximately one foot apart. They are connected by a
23 breezeway.

24 JUDGE HAENLE: And the residence that you
25 describe, is that currently served by water?

THE WITNESS: Yes. I have residential service

1 from Evergreen at my home.

2 JUDGE HAENLE: And the charge for that
3 service, itself, is not at issue in this complaint?

4 THE WITNESS: No, not at all.

5 JUDGE HAENLE: How did this complaint arise?
6 Why have you filed the complaint?

7 THE WITNESS: In March of 1990, I removed a
8 sink from the Hoodspout Market. That was the only item
9 in the market that used water from the Evergreen system.
10 I capped the pipes, removed the sink, and then the
11 following month when I got a water bill, I realized that
12 I should have informed Evergreen to terminate the
13 service.

14 As a result, I, in accordance with Washington
15 Administrative Code 480-110-071 regarding the
16 discontinuance of service, and in accordance with
17 Evergreen Tariff, Rule 1, Section C, regarding
18 termination of service, I sent written notice to
19 Evergreen and requested that they terminate water
20 services effective the 1st of May.

21 JUDGE HAENLE: When did you send the written
22 notice?

23 THE WITNESS: It would have been the middle of
24 April, and I requested that it be terminated May 1st.

25 JUDGE HAENLE: All right. Go ahead, sir.

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THE WITNESS: Mr. Petty, president of Evergreen, had told me that he would not terminate the service because of Rule 14 of his tariff. And there's no water used from the system in the store; that's the crux of the matter.

JUDGE HAENLE: There is no toilet fixture or anything in the store, itself?

THE WITNESS: No, no, there's no running water in the building at all.

JUDGE HAENLE: Looking at Exhibit 1 and turning to Rule 14, are you contending from your complaint that Mr.-- when I say Mr. Petty, I'll mean the water company just for convenience.

THE WITNESS: Yes.

JUDGE HAENLE: Are you contending that Mr. Petty did not properly follow Rule 14?

THE WITNESS: I do not feel that Rule 14 applies.

JUDGE HAENLE: Why?

THE WITNESS: Because there's no joint use between my residence and the business.

JUDGE HAENLE: What do you mean when you say "no joint use"?

THE WITNESS: We just don't use water from the system in the store.

1 JUDGE HAENLE: Looking at Rule 14 and
2 referring to the second paragraph, it talks about
3 meters. Is your water service metered?

4 THE WITNESS: No.

5 JUDGE HAENLE: Looking at Exhibit 3, what is
6 the difference between the left picture and the right
7 picture? Are you attempting to show a difference
8 between the two pictures?

9 THE WITNESS: There are two taps on the
10 service line. One that went internally to the store
11 building, that provided the water.

12 JUDGE HAENLE: And that was the one on the
13 right?

14 THE WITNESS: The one on the left. The one on
15 the right is a-- was a hose bib that was adjacent to the
16 building. That was totally separate, though. There
17 were two separate lines that came off the service line.

18 JUDGE HAENLE: Did you cap the two on the same
19 date?

20 THE WITNESS: Within a day or two of the same
21 date. I didn't have a one-inch cap; I couldn't find one
22 in Hoodsport. But I took out the hose bib and plugged
23 it.

24 JUDGE HAENLE: All right. You have stated
25 that you feel that the tariff rule does not apply,

1 because there is no joint use between the residence and
2 the business. Is there anything else you want to
3 describe to the Commission about the basis for your
4 complaint or the circumstances involved in the
5 complaint, sir? I've kind of run out of foundation
6 questions now.

7 THE WITNESS: I can't think of anything else.

8 JUDGE HAENLE: You have requested several
9 things; one of them is that the matter be set for
10 hearing. We're in hearing today, so obviously the
11 Commission has done that. You've requested that the
12 Commission find violations of statutes. What statutes
13 did you have in mind?

14 THE WITNESS: Mr. Petty has ignored Washington
15 Administrative Code, Section 480-410-071, when I
16 requested discontinuance of service.

17 JUDGE HAENLE: Anything else?

18 THE WITNESS: That's it.

19 JUDGE HAENLE: You have also requested that
20 the company be subject to a penalty amount of \$1,000 for
21 each violation. How did you determine that?

22 THE WITNESS: I felt that that would be
23 appropriate. That's the maximum amount allowed per
24 statute.

25 JUDGE HAENLE: Why do you feel the maximum

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would be appropriate?

THE WITNESS: I guess we go for the maximum on any sort of negotiations.

JUDGE HAENLE: I don't have my RCW with me. In the complaint, you have cited 80.04.380, also 80.04.405. Why are you requesting two kinds of penalties?

THE WITNESS: I have cited-- I'm requesting, first of all, that the company-- the corporation be fined, and I'm requesting that the officers involved in the corporation, that have perpetrated this, also be fined.

JUDGE HAENLE: Why?

THE WITNESS: It's up to Mr. Petty to make the decision to comply or not comply with the law. He chose not to.

JUDGE HAENLE: And you have requested that the Commission order the company to terminate commercial water service effective May 1st, 1990. I assume by that, you mean you want the Commission to cancel the amount in controversy, as well, of \$226.20 to date, and that the company refrain from billing you in the future?

THE WITNESS: Yes.

JUDGE HAENLE: Okay. Is there anything else with regard to your complaint or the circumstances of

1 your complaint that you wanted to tell the Commission
2 about, Mr. Hart?

3 THE WITNESS: I can't think of anything.

4 JUDGE HAENLE: All right. Have you questions
5 of Mr. Hart, Mr. Petty? And I'll remind you that you
6 will have the opportunity to give your testimony in a
7 few moments. What I want you to do now is to ask
8 questions of Mr. Hart about the testimony he gave. I
9 hope that you can understand the difference. We will be
10 taking your testimony under oath in a few minutes about
11 what your view of this is and what you feel you need to
12 do. This is your opportunity to ask Mr. Hart questions
13 about the testimony he just gave.

14 MR. PETTY: I have some minor questions.

15 MS. EGELER: Your Honor, before we go begin, I
16 have questions also, and I wonder if it might be a
17 little more comfortable if the witness can sit next to
18 you in the chair, rather than turning?

19 JUDGE HAENLE: That sounds fine. If you want
20 to bring your papers up here; why don't you do that.
21 Remember, you need to speak loudly enough for everybody
22 to hear. Go ahead, Mr. Petty.

23 MR. PETTY: Is it my turn or did you want to--

24 MS. EGELER: It's your turn.

25 ///

1 CROSS-EXAMINATION

2 BY MR. PETTY:

3 Q My question to Mr. Hart is: Do you have a drawing of
4 the complete piping system for the store and house-- of
5 your house? How it comes off the service line?

6 A No, I have no drawing.

7 Q Even though I know the locations, could you explain to
8 us how that runs?

9 A The service line comes off the main, goes through a-- I
10 assume it's one-inch pipe, since that's what kind of--
11 there's a stop and waste valve, which is on my
12 property-- service line runs down an alley between the
13 Hoodsport Market and the True Value Hardware store,
14 which is approximately 12 feet south of Hoodsport
15 Market. Service line runs all the way down the alley,
16 off my property and onto the adjacent property on the
17 east side, which is a beach cabin, beach home. There
18 was a-- the stand pipe shown on the left side of Exhibit
19 1, it T's off that line.

20 JUDGE HAENLE: I think you mean Exhibit 3, sir?

21 THE WITNESS: Exhibit 3. That was it off that
22 line for the taps, pipe for the hose bib. There's a T
23 off this line that goes into the-- into the laundry room
24 of my home, where there is a shut-off valve. There is
25 another T off the line, that previously went to a meter.

HART - CROSS BY PETTY

20

1 The meter's been removed since the house was torn down,
2 and then the line goes to a meter which services the
3 house on the beach. So there are one, two, three,
4 four-- actually five taps on that line, four of which--
5 two of which are being used.

6 Q This, incidentally, is contrary to your-- the map of
7 your system that is on file with the Commission.

8 A Could be.

9 JUDGE HAENLE: Questions now, please.

10 Q (Mr. Petty) Have I asked you in the past to provide
11 drawings of how the piping system runs in the store and
12 the house?

13 A No, not that I recall.

14 Q Are there any other, or were there any other fixtures or
15 pipes in Hoodspout Market other than the two that you've
16 mentioned?

17 A There are no other pipes coming into the Hoodspout
18 Market, other than the two that come off the line-- the
19 service line.

20 Q Well, what my question or doubt in my mind is when you
21 say that there is a T coming off the line to this hose
22 bib, now the hose bib-- it appears in Exhibit 3-- is
23 coming out from the building. You have just capped it
24 off or plugged it?

25 A No. It's coming up out of the ground.

1 Q Oh, it was just the pipe coming out of the ground with a
2 faucet on it?

3 A Right, right; that froze up every winter.

4 Q Now, have you in the last, let's say, since March,
5 during the months of March and April, have you turned
6 the water services off, yourself, at the street or at
7 the main valve there?

8 MS. EGELER: Excuse me, your Honor. This
9 involves a couple of years here, and I appreciate you
10 stating what year you're talking about.

11 Q (By Mr. Petty) March and April of 1990, when you were
12 making changes at the store, did you turn the water off,
13 yourself?

14 A March, when I capped these lines, yes.

15 Q Have you turned the water off and on periodically since
16 that time?

17 (PAUSE IN THE PROCEEDINGS)

18 JUDGE HAENLE: There was a question from Mr.
19 Petty. The question was: Have you from time to time
20 since that time turned off the water. Sir?

21 THE WITNESS: Yes, I have.

22 JUDGE HAENLE: Go ahead.

23 Q (By Mr. Petty) You did this on your own without any
24 request to the company; right?

25 A Right.

1 Q Is that something a customer can do according to your
2 tariff?

3 A The-- well, the valve was on my property. I assume the
4 valve was mine.

5 Q And the valve you're talking about is the main valve
6 that turns off the store, the house, and the residence
7 on the beach?

8 A Yes.

9 Q Okay. Now another question is: Where do you and your
10 wife and your staff go to the restroom?

11 A We have a Sanikan that's located immediately adjacent to
12 the store that is used for the staff and the general
13 public. That's outside the building.

14 Q You're saying, then, that your wife, your staff and
15 yourself always use the Sanikan?

16 A The staff-- no, I won't say that. The staff uses the
17 Sanikan when they need to use it. Now, what they do all
18 the rest of the time during the day, I don't know. What
19 you're apparently driving up to is: Do they use the
20 toilet in my house? No, they do not.

21 Q But you and your wife do use your restroom in your
22 house?

23 A Yes. I go home to lunch, I go to the toilet, wash my
24 hands, wash the dishes, brush my teeth.

25 Q Now, do you obtain water for cleaning and using in the

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store?

A We use bottled water.

Q You use bottled water for cleaning and washing the store?

A Yes.

Q As we discussed before, is there only one main service valve that is used to turn off water to the store, the residence and the house on the beach?

A Yes.

MR. PETTY: No other questions.

JUDGE HAENLE: All right. Ms. Egeler?

MS. EGELER: Yes.

CROSS-EXAMINATION

BY MS. EGELER:

Q Is there any plumbing at all between your residence and the market?

A None at all.

Q No pipes, whatsoever--

A No.

Q -- in between?

A No.

Q In your store, do you sell any fruits and vegetables, fresh fruits and vegetables?

A Yes, we do.

Q Do you sell any uncooked meat?

HART - CROSS BY EGELER

1 A Yes, we do.

2 Q Is that prepackaged or do you have a standard meat case
3 that one would see in a market?

4 A We-- with regard to the meat we buy, we buy from a
5 restaurant supplier. We buy it in portions, and we
6 package it.

7 Q You package it inside the market?

8 A Yes.

9 Q Do you sell any sandwiches, hot dogs, the sort of thing
10 one would buy in a convenient store?

11 A No. The only-- no, no, we do not prepare any food in
12 the market.

13 Q Do you sell any soft drinks served through a fountain?

14 A No.

15 Q Coffee?

16 A No. We sell bottled beverages, cans, bottles.

17 Q Do you sell any live bait?

18 A No.

19 Q How many employees do you have?

20 A Oh, including members of my family, there are five.

21 Q And not including members of your family?

22 A Two.

23 Q Do they generally work 8-hour days?

24 A Well, the full shift is 7 and a half hours.

25 Q Okay. Does the front of the store have large windows or

1 any windows?

2 A I suspect they're probably 4-by-6, two of them, plus
3 glass doors.

4 Q How about the floor? Is it carpeted or is that a smooth
5 surface?

6 A It's vinyl tile.

7 Q When you sell the meats, do you have some sort of meat
8 case that they're kept in?

9 A It's a deli case; prepackaged meat.

10 Q Okay. The fruits and vegetables, what sort of
11 arrangement is there?

12 A Standard produce case.

13 Q Do your employees wash their hands after using the
14 restroom? How do they do that?

15 A I provide them with a wash basin and soap, bottled
16 water, sanitary towels as required by the State.

17 Q Is there any hot water available for washing hands?

18 A No.

19 Q And these employees may be touching the meat then and
20 packaging the meat?

21 A No.

22 Q Who packages the meat?

23 A I package the meat.

24 Q Do you ever use the Sanikan, yourself? Or do you always
25 run back to the house, yourself?

1 A Oh, I use it; it's very rare.

2 Q And then what do you do? Do you wash your hands with
3 the bottled water?

4 A Yes.

5 Q Is the floor mopped regularly?

6 A Damp mopped.

7 Q Is that done daily?

8 A When it's raining, yes.

9 Q How do you do that?

10 A Mop-- bucket and the mop.

11 Q Okay. And the bucket, is there water in the bucket?

12 A Bottled water.

13 Q So it's cold water then?

14 A Yes.

15 Q Do you use some sort of chemical on the floor then?

16 A And we use cold water, because that's what's recommended.

17 Q What do you use for cleaning the case?

18 A The deli case?

19 Q The case you're keeping the meat in.

20 A Glass wax, unless there's a big spill, which we use
21 paper towels to clean that up; that's rare.

22 Q So if there's a spill, again, no hot water is used?

23 A No.

24 Q How regularly are you inspected by the county health
25 department?

1 A Once a year.

2 Q When was the last time you were inspected?

3 A November 5th, 1990.

4 Q Was this before or after you disconnected the water?

5 A After.

6 Q Were they aware that there was no hot and cold running
7 water in the store?

8 A I don't know. The man has been inspecting the store for
9 a long time.

10 Q Who's the man that inspected the store?

11 A John Getty.

12 JUDGE HAENLE: Could you spell his last name,
13 please?

14 THE WITNESS: G-e-t-t-y.

15 Q (By Ms. Egeler) Were there any violations or problems
16 noted during that November inspection?

17 A Yes, he got on me about the door to the office-- needed
18 painting, and that I needed to clean the walls in the
19 walk-in.

20 Q How do you normally clean the walls?

21 A I guess I clean them with water; I can't recall.

22 Q And again, that would be cold water?

23 A Yeah.

24 Q Do you know if the grocery store, in order to become a
25 grocery store, needs any sort of certification? Any

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sort of permit?

A Yes, you have to have a health permit. You have to be inspected by the Mason County Health Department.

Q Do you know if you're required to have hot and cold running water by those health regulations?

A I do not know for certain.

Q I'd like to clarify a little bit further your capping of pipes. You say there's a valve outside that you used, and you did not contact the company at all before turning off the water?

A No.

Q Okay.

A We used that valve for years.

Q When you turn that, does the house down the beach get cut off from water?

A Yes.

Q Do you notify them?

A Yes, if there's someone home, I always notify them.

Q But you never notify the water company before doing so?

A No.

Q Is there an air space at this point between the capped pipe and the market?

A Yes.

Q But originally, if I understand you correctly, you could just shut it off inside the market; is that correct?

1 A Say-- repeat that.

2 Q Well, I'm a little bit confused. The picture you've
3 shown us shows a pipe that's been capped outside the
4 market. But from your earlier testimony, it appears to
5 me that you removed a faucet inside the store?

6 A Yes.

7 Q That was your way of cutting off the water?

8 A Yes.

9 Q And then capping outside the store was a second step; is
10 that correct?

11 A Yes.

12 Q When was the first step, cutting off the water inside
13 the store, taken?

14 A The middle of April.

15 Q April of 19--

16 A '89. What's this? '90.

17 Q Of 1990?

18 A What year is this?

19 Q '91.

20 A '91? It all started in April of 1990.

21 Q So April of 1990, you shut off the water inside the
22 store; correct?

23 A Yes.

24 Q At that time, did you inform the company that you had
25 done this?

1 A Yes-- well, no. It was almost a month later.

2 Q And you informed them in writing?

3 A Yes.

4 Q Did you get a response from the company?

5 A Yes.

6 Q Was that a verbal or a written response?

7 A Verbal.

8 Q Was that from Mr. Petty?

9 A Yes.

10 Q What did he tell you?

11 A Told me that he talked to Mr. Jerry Parks of the
12 Commission staff, and that Mr. Parks had told him that
13 he had to continue charging me for water.

14 Q Did he say what that was based upon?

15 A Rule 14.

16 Q Then what did you do?

17 A I'll have to refer to notes. (Witness reading)

18 "On April 25th, I contacted Mr. Parks to discuss
19 the failure of Evergreen to comply with a request for
20 termination of service."

21 Q And what did Mr. Parks tell you?

22 A He said he would investigate. And on May 8th, he called
23 me and stated Mr. Petty was adamant and that he continue
24 billing for this water service.

25 JUDGE HAENLE: The phone call was on the 5th

1 of May from Mr. Parks?

2 THE WITNESS: On May 5th, 1990.

3 Q (By Ms. Egeler) Mr. Petty continued billing for this
4 water, and was it after this conversation that you
5 disconnected it? Was it after this discussion with Mr.
6 Parks that you capped the pipe outside the market?

7 A I cannot recall the exact time, but I'm sure it was
8 after I talked to Mr. Parks.

9 Q Can you give me an approximate month and year that you
10 capped the pipes outside the market?

11 A I think it must have been in May.

12 Q Of 1990, again?

13 A 1990. I did not record that.

14 Q Is there any further correspondence or discussion you
15 had with Mr. Petty or the Commission staff?

16 A Well, to go on here, I continued to receive bills and
17 I-- maybe I should just relate what it says here:

18 "Approximately the 1st of June I received a
19 statement from Evergreen charging for my water use at
20 the Hoodspout Market--", or what I assume was my water
21 use. I understand there's nothing on the statement to
22 indicate whether you're paying for last month or the
23 next month. Somehow or other, I think there's something
24 in the tariff, which I have not seen, which says you're
25 paying in advance on the flat rate.

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So, essentially, anything I paid in the market would have been for the month in advance. So that would have been-- I thought I was paying for May use. If that is in fact true, I paid a month in advance for the month of June, and it does not state.

Q At that time did you pay for the commercial use, also?

A If there was commercial use.

Q So you paid in June the bill you received in June?

A Yeah. The one I received in June, which I thought was for May service, which may very well have been for June service. It does not state on the bill what it's for; just has a date. I also state here, "as had always been the case since Evergreen--" I'll start from the top.

"Approximately the 1st of June, 1990, I received a statement from Evergreen charging for my water use at the Hoodsport Market. I suspect that was really an advance for June, as had always been the case since Evergreen began a rating system. The market's bill was consolidated with my residential service. On June 5th, 1990, I sent a check to Evergreen for the amount due for residential service. The check was enclosed with a letter informing Evergreen that the payment was for residential service, and no payment was included for commercial service at the market.

In July, August and September the same sequence of

1 events took place. The September statement included
2 notification that water service would be cut off if the
3 combined account was not brought current. I contacted
4 Mr. Petty--"

5 JUDGE HAENLE: And that's, if you look at
6 Exhibit 2, on the last page of Exhibit 2, the bottom one
7 that was copied, is that the statement you're talking
8 about?

9 THE WITNESS: Yes.

10 JUDGE HAENLE: All right. Go ahead, sir.

11 THE WITNESS: (Witness reading) "I contacted
12 Mr. Petty by phone and was told it was-- it was his--
13 that my residential service would be cut off. I again
14 contacted Mr. Parks and expressed concern with a loss of
15 the residential service. On September, 1990, Mr. Parks
16 sent a letter to Evergreen, which stated that the
17 Commission staff had included, and I quote, that you
18 cannot disconnect a customers's residential account for
19 amounts past due, end quote.

20 On September 17th, 1990, Mr. Petty served me with a
21 water cut out order, which they intended to disconnect
22 my residential service if payment for commercial service
23 was not paid within 24 hours. For reasons unknown to
24 me, the water was not disconnected. Statements sent by
25 Evergreen in October, November and December were no

1 longer combined, and subsequent to that time also,
2 Evergreen has continued to accrue charges against the
3 Hoodspout Market for the nonexistent service." End of
4 statement.

5 Q Mr. Hart, would you accept-- we're here checking on this
6 to make sure that it's certain-- that actually you
7 capped the pipe outside the store on September 18th or
8 thereabouts in the month of September?

9 A I cannot recall. I mean, when it was done. It was
10 documented by the member of the Commission staff who
11 inspected it; it was originally capped inside.

12 Q You also spoke about a letter written by the Commission
13 staff, and you stated that that letter said that you
14 cannot disconnect residential service; is that correct?

15 A Well, let's see. I think Mr. Petty has the letter
16 there. This would be the September 12th letter
17 referring to UT-32846 filed with 192-16244.

18 MS. EGELER: Your Honor, the issue in this
19 letter was not whether or not you can disconnect service
20 for failure to pay, but whether you can disconnect
21 residential service for failure to pay a commercial
22 amount.

23 JUDGE HAENLE: Why don't we take a better look
24 at the letter, if we have a copy of that. Let's go off
25 the record.

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(SHORT RECESS TAKEN)

JUDGE HAENLE: Let's be back on the record.
During the time we were off the record, a document dated
May 25, 1990, was provided by Ms. Egeler. I have marked
it as Exhibit 4 for identification. Go ahead.

(EXHIBIT NO. 4 MARKED FOR
IDENTIFICATION)

Q (By Ms. Egeler) Mr. Hart, do you recognize what's been
marked for identification, Exhibit 4?

A Yes.

Q Is this the written correspondence you stated earlier
you had received from Commission staff?

A Yes.

MS. EGELER: I'd like to have Exhibit 4
admitted into the record.

JUDGE HAENLE: Any objection to the entry of
the document, Mr. Hart?

MR. HART: None.

JUDGE HAENLE: Mr. Petty?

MR. PETTY: None.

JUDGE HAENLE: Exhibit 4 then will be entered
into the record.

(EXHIBIT NO. 4 FOR
IDENTIFICATION RECEIVED
INTO EVIDENCE)

Q (By Ms. Egeler) Mr. Hart, have you continued to be
billed for residential service--

HART - CROSS BY EGELER

1 A Yes.

2 Q -- as well as commercial?

3 A Yes.

4 Q And your residential account is current?

5 A Yes, it's all paid up. The bill that I received the 3rd
6 of this month hasn't been paid yet, I don't believe.

7 MS. EGELER: I have no further questions, your
8 Honor.

9 JUDGE HAENLE: All right. I did have a couple
10 of questions. You've stated that you did not, at the
11 time you originally removed the sink, inform the company
12 in writing that you wanted the service disconnected,
13 that that was sometime the next month; is that correct?

14 THE WITNESS: Yes. It wasn't until after I
15 received the bill that it jogged my mind that I should
16 do something.

17 JUDGE HAENLE: So you are not disputing that
18 particular bill?

19 THE WITNESS: No.

20 JUDGE HAENLE: As I understand, your reasoning
21 was that you had not, at that point, complied with what
22 you needed to do to give the company official notice.
23 Is that what you're saying?

24 THE WITNESS: That's right. I did not-- I had
25 not-- I had not paid for water that I assumed that I

1 owed for the balance of the month for April-- or balance
2 for the month of March, and I felt that this was only
3 fair that I pay for the month of April-- which I
4 essentially was paying for the month of May, if it is,
5 in fact, paid in advance.

6 JUDGE HAENLE: What would be your response if
7 you found out that Mason County Health Department
8 regulations required that if you're doing meat packaging
9 and things, that you need running hot and cold water in
10 the structure?

11 THE WITNESS: I'd take care of the problem.

12 JUDGE HAENLE: By doing what?

13 THE WITNESS: Like putting in a water system
14 that provided hot water.

15 JUDGE HAENLE: How would you do that?

16 THE WITNESS: There's a-- with my background--
17 I lived full time in an R.V. for ten years, which I had
18 a self-contained water system-- I put in a
19 self-contained water system.

20 JUDGE HAENLE: When you say "self-contained,"
21 I assume that means you would not hook up to Evergreen?

22 THE WITNESS: I have no plans to.

23 JUDGE HAENLE: Okay. Does that answer my
24 question? If you put in something that you classify as
25 a self-contained hot and cold water system, would you do

1 that without hooking up to Evergreen?

2 THE WITNESS: Yes.

3 JUDGE HAENLE: I find it unusual that someone
4 would do cleaning chores with bottled water. Why do you
5 do it that way?

6 THE WITNESS: Because of this dispute. I
7 mean, it became fairly obvious that for the need of 8 to
8 10 gallons a month of water, that I was going to have to
9 pay an unreasonable amount.

10 JUDGE HAENLE: And is it your intent to
11 continue using bottled water?

12 THE WITNESS: Yes.

13 JUDGE HAENLE: What do you actually do with
14 the meat you described? How does to come in? What do
15 you do with it?

16 THE WITNESS: It comes in portions; we do not
17 do any meat cutting. We're not licensed to do any meat
18 cutting; it comes in portions. We handle the meat with
19 food service gloves, like these. (Witness demonstrating)

20 JUDGE HAENLE: Okay. What you're holding up
21 are plastic gloves?

22 THE WITNESS: Plastic throwaway food service
23 gloves, which is commonly used in the food service
24 industry, because people can't wash their hands all the
25 time.

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JUDGE HAENLE: What do you do with it? Where does the meat end up?

THE WITNESS: I put it in trays, plastic foam trays and then put it in string, wrap, seal it and put it in the deli case-- label it and put it in the deli case. And that is all done in the store building.

JUDGE HAENLE: Are you testifying that you and your wife always use the Sanikan during business hours and do not use your residence bathroom?

THE WITNESS: No, no, I'm not saying that at all.

JUDGE HAENLE: What are you saying then?

THE WITNESS: My wife and I are in and out of the store as long as it's open. And, generally, we try to be out of the store, full time, by 1 o'clock in the afternoon, by lunchtime, and the employees operate the store.

We still get called for-- to talk to salesmen and so forth, so we're in our residence generally all afternoon most days and, in fact, I like to take a nap every afternoon. And needless to say, when we're in our residence, we use the toilet, wash the dishes.

The thing about a small business is that you really work at it 24 hours a day. I start getting phone calls at 5 o'clock in the morning. Sometimes people call me

1 at home. So this is typical of any small business, I
2 suspect, including Mr. Petty. I'm sure he gets calls at
3 home.

4 JUDGE HAENLE: I think that's all of the
5 questions I had. Did you think of anything else that
6 you need to cover that we have not covered while you
7 were answering additional questions?

8 THE WITNESS: No.

9 JUDGE HAENLE: Okay. Anything Mr. Petty?

10 MR. PETTY: I have one question I might ask.

11 RE-CROSS-EXAMINATION

12 BY MR. PETTY:

13 Q Do you have a record or could you supply us with a
14 record of the amount of bottled water used in the store
15 and what that cost of that bottled water used is?

16 A Oh, I can tell you what the cost is, but as far as an
17 accurate record, well, that would be very difficult.

18 JUDGE HAENLE: What is the cost, sir?

19 THE WITNESS: It's less than 60 cents a
20 gallon; \$3.54 for six gallons. And we do ring it to
21 keep track of it, but we just ring it as store supplies.
22 So it's just lumped in with all the rest of the paper
23 towels, matches and the other things that are used in
24 the store. So there's no accurate record of exactly how
25 much is used.

1 JUDGE HAENLE: What do you use matches for?

2 THE WITNESS: People buy packages of
3 cigarettes and want packages of matches to go along with
4 it.

5 JUDGE HAENLE: All right. That kind of
6 matches. Any other questions? Anything more of the
7 witness?

8 MS. EGELER: Yes.

9 RE-CROSS-EXAMINATION

10 BY MS. EGELER:

11 Q You stated that you could use a self-contained water
12 system if the health code required you to. Well, where
13 would you get water for a self-contained system?

14 A Bottled water. We're talking about a small amount of
15 water.

16 Q Can you estimate how much water per month you use? How
17 many gallons a month?

18 A I guess we currently use less than 10 gallons.

19 Q And that includes a daily mopping of the floor, hand
20 washing, cleaning?

21 A We're talking about damp mopping the floor. I put 2
22 gallons in the bucket, and I push that bucket around all
23 week long to clean up footprints.

24 Q Let me clarify that. If you put 2 gallons of water in
25 the bucket, do you use the same water for the whole

HART - RE-CROSS BY EGELER

42

1 month in that bucket?

2 A No, about once a week I'll change it.

3 Q Once a week you change the 2-gallon bucket of water?

4 A Yeah.

5 Q Even if you're mopping daily on a muddy, rainy day?

6 A We're actually talking about very little clean up. I
7 mean, around the front door, around the check stands and
8 so forth.

9 Q Then by my calculations, if you use 2 gallons a week for
10 mopping, you just use 8 gallons in a four-week month?

11 A Well, you're-- as a Washingtonian, you're assuming it
12 rains here all the time; it doesn't.

13 Q So sometimes you use less than 2 gallons a week for
14 mopping?

15 A The floor does not get mopped every day.

16 Q How often does it get mopped? Let's say in the
17 summertime?

18 A If it doesn't rain, it doesn't get mopped at all, unless
19 there's a little spill of some sort.

20 Q If by some freak chance we had a summer that went three
21 months without rain, would you mop the floor during the
22 summer?

23 A Probably not. I wouldn't mop it if it didn't need it,
24 because I have to do it myself.

25 Q The health department does not require you to mop?

1 A They require that the floor be kept clean. We use a
2 chemically treated dust mop, and the floor is swept with
3 a chemically treated dust mop every day.

4 Q Okay. And let's look at a rainy season then, late fall,
5 wintertime, when we've we got a lot of rain. How often
6 do you mop the floor then?

7 A I'll mop up the footprints around the front door on a
8 daily basis. We have a mat inside the front door, which
9 hopefully people use to wipe their feet on. Most people
10 are pretty good, but there's always some footprints
11 around the front door.

12 Q So it's during those wintertime months that you'd be
13 using 2 gallons a week?

14 A Sometimes, I suspect.

15 Q To get back to my estimate then that would mean 8
16 gallons a week for mopping; correct?

17 A A month.

18 Q I'm sorry.

19 A Yeah, 8 to 10 gallons in the mop bucket.

20 Q How much water does it take to wash hands then?

21 A Oh, those girls get that water down for themselves; 1 or
22 2 gallons a month. Now you have to understand there are
23 not-- there are two girls that are working there, and
24 they rarely eat in the store. They go someplace else to
25 eat.

1 Q But working that 7 and a half hour shift, how many times
2 do you estimate they would use the restroom during that
3 time?

4 A A couple of times, and they wash their hands.

5 Q And are they allowed to get a drink of water from that
6 bottled water?

7 A Oh, yes. In fact, we keep bottled water in a walk-in
8 cooler so they can have cold water.

9 Q Is that bottled water used for any other cleaning
10 purposes?

11 A Not that particular bottle. There are other bottles, so
12 we only use that for drinking. I have a bottle of water
13 now that we have to sprinkle produce and so forth. I
14 have a bottle of water that I wrote "produce" on it, and
15 put it in there, so that they don't drink that water.
16 It's a separate bottle by itself.

17 Q So your primary purpose then in discontinuing water
18 service was to save money?

19 A No, no, I had to get the sink out of the store to gain
20 the room. There is no adequate space in that store for
21 a restroom or a sink.

22 Q So you had a restroom and a sink there, and you removed
23 them; correct?

24 A Well, they took the restroom out in about 1938 or '39
25 when they closed the soda fountain. The store has been

1 there since 1927, by the way. It's changed certainly
2 down through the years.

3 Q So you've always had a Sanikan?

4 A No, no, we've had a Sanikan for the last, I guess, it's
5 probably been 6 or 7 years.

6 Q Why did you get the Sanikan? What made you change?

7 A One of the things that became a problem was the
8 insurance company and the Department of Labor and
9 Industries did not like our employees using the restroom
10 in the house.

11 MS. EGELER: Okay. No further questions, your
12 Honor.

13 JUDGE HAENLE: Anything else for the witness?
14 Thank you, sir. You may step down. We will take a ten
15 minute recess at this time, and we will be coming back
16 and taking Mr. Petty's testimony. Be back at 11:30,
17 please.

18 (SHORT RECESS TAKEN)

19 JUDGE HAENLE: All right. Let's be back on
20 the record. After the morning recess, we will now take
21 Mr. Petty's testimony.

22 WILLIAM T. PETTY, having been first duly sworn on
23 oath, was called as a witness
 and testified as follows:

24 DIRECT EXAMINATION

25 BY JUDGE HAENLE:

PETTY - DIRECT BY JUDGE HAENLE

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JUDGE HAENLE: All right. This time as a witness, sir, would you state your full name and your business address.

THE WITNESS: William T. Petty, President of Evergreen Land and Water, Incorporated, Post Office Box 336, Hoodspport, Washington 98548.

JUDGE HAENLE: And you have been authorized to represent the company in this matter?

THE WITNESS: Yes.

JUDGE HAENLE: Are you familiar with the day-to-day operations of the company?

THE WITNESS: Yes.

JUDGE HAENLE: You're familiar with its tariffs, as well?

THE WITNESS: Yes.

JUDGE HAENLE: Do you recognize Exhibit 1 as the most current tariff?

THE WITNESS: Yes.

JUDGE HAENLE: All right. Is Mr. Hart a customer of your company?

THE WITNESS: Yes.

JUDGE HAENLE: I don't have any other foundation questions then. Why don't you tell me why the company is doing what it's doing, which as I understand is billing with the bills that are included

1 in Exhibit 2, for the total that we discussed earlier.
2 Go ahead, sir.

3 THE WITNESS: Okay. In-- and I'm not sure of
4 the exact dates, I think those are of record already--
5 Mr. Hart notified me that he was desiring to have his
6 service to the Hoodsport Market discontinued, but they
7 were no longer using water in the store or the facility
8 had been removed. And at that time, I said, well,
9 that's fine and good, but according to my tariff and
10 Rule 14, that there is-- or I considered it to be a
11 combination of use or joint use, in conjunction with his
12 housekeeping.

13 And if you'd like, let me read part of the first
14 paragraph of Rule 14, it states, "Each separate
15 housekeeping establishment or business using water,
16 regardless of joint use with other housekeeping
17 establishments or businesses, will each be considered a
18 customer." And it's basically because of that ruling, I
19 felt I was required to continue sending him statements
20 for the Hoodsport Market.

21 And the other reason is, as he has mentioned or we
22 have discussed earlier, there is one service connection
23 or valve controlling the store, the residence and the
24 private house on the beach. And so there is no way the
25 company can physically terminate or disconnect a service

1 by a separate valve going to the store.

2 JUDGE HAENLE: So, if I understand your last
3 testimony correctly, you are saying there was no way the
4 company can guarantee that water would not be provided
5 to the facility of the market again through that line?

6 THE WITNESS: You cannot permanently cut off
7 that line, no. The one line services all three
8 customers.

9 JUDGE HAENLE: And the fact that the line
10 services all three customers, why is that important to
11 you?

12 THE WITNESS: Well, if there was a separate
13 service there, then according to Rule 1, we could
14 disconnect that one service. But what I feel has
15 happened, being not able to do that, we have just
16 transferred the useage of the water-- by the removal of
17 the sink in the store, we have just transferred useage
18 to his residence.

19 JUDGE HAENLE: All right. Now you've been
20 present in the hearing room this morning at the time
21 that Mr. Hart gave his testimony in support of his
22 complaint, were you not, sir?

23 THE WITNESS: Yes.

24 JUDGE HAENLE: Okay. You heard the way he
25 describes how operations are conducted in the store.

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Has his testimony affected your conclusions on this in any way?

THE WITNESS: No.

JUDGE HAENLE: You have requested a number of things. What I'm going to do is, as I did with Mr. Hart's complaint, go through the prayer for relief that you're asking. You have asked that the Commission find that Mr. Hart has violated state statutes and company tariff. What do you have in mind specifically?

THE WITNESS: Well, he has changed useage of water where it is used. He has also, as he has admitted, turned the water off and on without permission or without request from the company to provide this service.

JUDGE HAENLE: So you're saying that was a violation of Tariff 14, in what you characterize as moving the use of the water and a violation of-- is it some other tariff in turning the water off and on, or what are you talking about?

THE WITNESS: I'm not sure exactly which one that is, but it is-- I'd have to look through the rules to see which regulation that would refer to. But it is basically a recognized and common practice that if there is a need to turn the water off at the service connection, that a request is presented to the owner/

1 operator, and that service is provided then. But I'm
2 not sure exactly which rule.

3 JUDGE HAENLE: Why don't you take a look
4 through it, if it's a tariff or whatever, because this
5 is your chance to tell the Commission what you think Mr.
6 Hart has violated. And that's why I'm going through
7 this a piece at a time, because I need to know what it
8 is you're contending, Mr. Petty.

9 MS. EGELER: Mr. Petty, you may want to look
10 at Rule 1, Section B, second paragraph. Section B talks
11 about discontinuance.

12 THE WITNESS: Yes, 1-B.

13 JUDGE HAENLE: All right. And that's what
14 you're relying on?

15 THE WITNESS: Yes.

16 JUDGE HAENLE: Okay. You have also asked that
17 the Commission order Mr. Hart to bring current the past
18 due billing, that's the amount of, to date, \$226.20; is
19 that right?

20 THE WITNESS: Yes.

21 JUDGE HAENLE: You request, essentially, that
22 there be no penalty or fine assessed against the
23 company. Is that what you mean by Paragraph 11?

24 THE WITNESS: Yes.

25 JUDGE HAENLE: And I don't understand what you

1 mean by your last-- look at Paragraph 12 of your
2 response. I don't know what you're asking the
3 Commission to do.

4 THE WITNESS: I'm not sure if I'm asking
5 something to do, but I'm just asking a question of why
6 it appears in his complaint that some staff person from
7 the State Utilities and Transportation Commission typed
8 it up for him, and he signed it, and I'm wondering why
9 that service was provided and if it's allowable? And if
10 so, why wasn't it offered also to me then?

11 JUDGE HAENLE: So this isn't any request on
12 the part of the Commission?

13 THE WITNESS: No.

14 JUDGE HAENLE: Are there any others? I assume
15 that you are asking that the complaint be dismissed
16 against your company?

17 THE WITNESS: Yes.

18 JUDGE HAENLE: Okay. I think that's all of
19 the questions that I had of a general nature. Is there
20 anything else about your response to the complaint or
21 anything else you feel that would be useful for the
22 Commission to know?

23 THE WITNESS: Well, this is not necessarily a
24 unique situation. There are a number of services in the
25 company that have multiple uses. We have trailer parks;

1 I've got five customers on one meter. I've got another
2 place where there are anywhere from two to three
3 customers on a service, and normally they are a
4 housekeeping or a separate business.

5 And in most cases, what we've done is if there is
6 no business or no occupancy or no physical-- like a
7 trailer, they can move it out-- if there's nothing
8 there, then it's been our practice not to charge them.

9 And there are other combined uses in the water
10 company where maybe a couple of different businesses are
11 using the same bathroom facilities. And I think in one
12 case, Mr. Hart has even talked to the owner/operators of
13 some of these companies and as a result, we have ended
14 up with them not paying their bills, either.

15 And this is basically the question of-- is going to
16 be settled, you know-- it's going to be a help to me, is
17 does Rule 14 apply or doesn't it, or how? If it
18 doesn't, does it need to be rewritten or clarified, so
19 that there shall be no doubts in anyone's mind? And I
20 think that is the main issue we're trying to resolve.
21 If there is joint use, you have to pay. If there's not
22 joint use, it will be clarified and there will be no
23 question.

24 JUDGE HAENLE: How do you define "joint use"?

25 THE WITNESS: Well, my understanding is if you

1 have a business or, like I said, housekeeping facility
2 that is being used by other businesses or people, then
3 it's going to be a joint use. Although the facility may
4 be controlled by one, it can be used or be available to
5 other people.

6 JUDGE HAENLE: Looking at the page of Exhibit
7 1 that contains Rule No. 14, that shows a recent date at
8 the top of November, 1983. Has this same rule been in
9 effect since November of 1983 to your knowledge?

10 THE WITNESS: Yes, or since about that time.

11 JUDGE HAENLE: In any case, during the time
12 this complaint has been running; is that correct?

13 THE WITNESS: True.

14 JUDGE HAENLE: Anything else that you would
15 want the Commission to know in assisting it in
16 evaluating the complaint and your responses to it, sir?

17 THE WITNESS: The only other question I have--
18 and I don't know, Mr. Hart, I believe I've asked him
19 through this complaint-- is to provide us with a drawing
20 of exactly where the service lines are, how they are
21 hooked to the different-- his house and the store, and
22 how the plumbing runs, which I have not received.

23 JUDGE HAENLE: How would that assist you?

24 THE WITNESS: Well, then we would know that
25 the plumbing from the store is not-- or the plumbing

1 from the house or the store is not intertied in any way.

2 JUDGE HAENLE: Well, if such a drawing were
3 provided, and if it showed that the two were not
4 intertied in any way, how would that affect this
5 situation?

6 THE WITNESS: More likely, it wouldn't.

7 JUDGE HAENLE: All right.

8 THE WITNESS: Just information I'd like to
9 have.

10 JUDGE HAENLE: Anything else, sir?

11 THE WITNESS: Nope.

12 JUDGE HAENLE: All right. Mr. Hart, do you
13 have questions of the witness about his testimony?

14 CROSS-EXAMINATION

15 BY MR. HART:

16 Q Have you looked at these two photographs, Mr. Petty,
17 that are exhibits?

18 A Yes.

19 Q You say you have no way to turn the water off to the
20 store, but if those two stand pipes are, in fact, the
21 two pipes going into the building-- or one for the hose
22 outside, the other one for service inside-- is the fact
23 that they're capped, is that satisfactory as far as your
24 company's terminating the service to the building?

25 A No, because there are no separate service connection

1 valves that I can turn as a company service.

2 Q I see.

3 A See, the only service valve that I have is in the
4 sidewalk. That turns off all three services.

5 Q Yes. If you had put the cap on, yourself, would that be
6 adequate that the water was shut off?

7 A Wouldn't make any difference because, again, what I'm
8 saying, according to Rule 1, there has to be some valve
9 there that I can turn off service to that building,
10 which there isn't. As you said earlier all there is is
11 a T off that line coming down the alley, and it goes to
12 your-- the store and apparently there's two T's there.
13 So there'd actually be two different services, two
14 separate services for your house.

15 JUDGE HAENLE: Which portion of Rule 1 are you
16 referring to specifically, sir, that requires a valve?

17 THE WITNESS: C. See, there is no way--

18 JUDGE HAENLE: Just a minute. I don't see
19 that "C" refers to a valve there anywhere.

20 THE WITNESS: Well, how can I terminate
21 service, unless there is a valve?

22 JUDGE HAENLE: Well, go ahead, Mr. Hart.

23 Q (By Mr. Hart) Now, is this situation, regarding one
24 line with numerous customers, an unusual thing in
25 Hoodspout or is it just peculiar to my situation?

1 A It is peculiar to you.

2 Q Do you furnish water to the Nelson's True Value
3 Hardware?

4 A Yes.

5 Q Do you have any idea where the water lines are?

6 A No.

7 Q There's a residence behind Nelson's True Value Hardware
8 on the beach. Do you furnish water to that residence?

9 A Yes.

10 Q Were you aware that the water line to that residence
11 runs through the True Value Hardware building and out
12 the back?

13 A No.

14 Q In other words, if Mr. Nelson were to abandon his
15 business and wanted to turn the water off, would it be
16 the same situation or--

17 A No, because if he, like you say, abandoned his business,
18 there's no business there; he's not going to be charged.

19 Q I see. I'd like to go back to this business of caps on
20 the line. Do you acknowledge that the line is capped?

21 A I acknowledge that there are two stand pipes with
22 service caps on them, yes. Where they come from--
23 whether there's possibly any other piping, I don't have
24 the slightest idea.

25 Q But would you accept the cap as fact that the line has

1 been cut, and the cap put on it, that the water is no
2 longer flowing through it?

3 A That portion, yes.

4 Q Okay. Now you're saying that you do not totally concur
5 with my statement that there are five T's along there,
6 and you don't know where they are, so you don't know
7 whether they serve-- who they serve or whether there's
8 more water coming into the building?

9 A I don't have the slightest idea.

10 Q Okay. Do you have a metal detector--

11 A No.

12 A -- for locating pipes?

13 A No.

14 Q Strange.

15 JUDGE HAENLE: This is a time for questions,
16 Mr. Hart, about the witness's testimony. Please confine
17 yourself to questions.

18 MR. HART: Okay. I'll go back. This was with
19 regard to the drawing of the system, when I brought this
20 up. Now, I can provide it as an example, your Honor. I
21 can provide a drawing, but there's no way for Mr. Petty
22 to confirm that it's true without a metal detector.

23 JUDGE HAENLE: What we're asking you now, is
24 to ask Mr. Petty questions about his testimony.

25 Q (By Mr. Hart) Okay. We'll go back. We were talking

1 about my turning the water on and off as a violation of
2 your rules, with the valve that's in the street. Now
3 this valve is on my property, and I suppose that since
4 it's on my property, it belongs to me. Does that belong
5 to you or does it belong to me?

6 A It belongs to me.

7 Q It belongs to you? On what basis does it belong to you?

8 A It is common practice that the service lines are
9 extended for, in our case, to the edge of the customer's
10 property where the valve is located. And then from the
11 valve or valve/meter combination onto where the customer
12 uses the water is their responsibility. And it's just
13 standard recognized practice to have the valve nearer
14 the edge of the customer's property.

15 Q Okay. So the valve-- as I read various different things
16 here-- the valve and the meter should be at the
17 customer's property line, right?

18 A Near there, yes.

19 Q The fact that it's five feet inside my property line
20 doesn't mean it belongs to me?

21 A Not at all.

22 Q Okay. Let's go back to joint use. I still don't
23 understand where you're coming from on joint use. Why
24 did you feel that just because I live in the house
25 behind the grocery store, why do you feel that is joint

1 use with the operation of the grocery store?

2 A Well, basically referring back to your own words, that
3 you go in and out of the store, you and your wife, both
4 in and out of the store, and you're using water in your
5 home as part of the operation of the business.

6 Q No, I never said I was using water in my home in the
7 operation of the business.

8 A Well, anytime you use the restroom facility, wash your
9 hands, drink water, whatever, and go back and forth,
10 would appear to be joint use.

11 Q If I lived in the house that's on the beach, which is
12 50, 60 feet away from the store building, and I
13 conducted my day-to-day business exactly the same,
14 running back and forth to my house to eat lunch and take
15 a nap and whatever, would you consider that joint use?

16 A Be the same thing.

17 Q It's 50 feet away.

18 A I know. Distance is immaterial.

19 Q If it was a mile away, would that be joint use?

20 A It could be; I don't know. That's one of the reasons
21 why we're here.

22 Q Seems like it-- seems like it doesn't make any
23 difference. If I lived in Shelton and worked in
24 Hoodsport, it wouldn't make any difference.

25 JUDGE HAENLE: Let's confine this to

1 questions, Mr. Hart. I think it's very clear that
2 neither one of you is going to convince the other of his
3 point of view. What we're trying to do is take your
4 testimony, each of you, about what your point of view is
5 and what you base it on.

6 MR. HART: Then I don't have any further
7 questions.

8 JUDGE HAENLE: Ms. Egeler, do you have
9 questions?

10 MS. EGELER: Yes, I do, your Honor.

11 CROSS-EXAMINATION

12 BY MS. EGELER:

13 Q Could you please state what the commercial rates and the
14 residential rates are that are paid by Mr. Hart?

15 A The commercial rate, flat rate, is \$17.40 a month. The
16 flat rate residential amount is \$16.30.

17 Q Now, was that the rate when this dispute started?

18 A Yes, and it's still the rate today. And one thing to
19 help clarify. They are always billed in the arrears.
20 All of my billings are all the same; the meters and the
21 flat rates are all billed in the arrears.

22 JUDGE HAENLE: So in following up on that then
23 if, as Mr. Hart indicated, he received a bill dated June
24 1, that means that that would cover service for the
25 month of May; is that right?

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THE WITNESS: Exactly.

JUDGE HAENLE: Go ahead, Ms. Egeler.

Q (By Ms. Egeler) When were you first informed by Mr. Hart that he wanted to discontinue service?

A In April, 1990.

Q And at that time, had Mr. Hart already capped off the service?

A No.

Q Was he requesting that you shut something off then?

A No. He just wanted to inform me that they no longer physically had a sink, and he didn't want to pay the bill anymore.

Q When he capped off the part outside the market in the manner that's shown in, I believe it's Exhibit No. 3, the two photographs, were you informed of that?

A Yes.

Q And at that time, were you satisfied that he was no longer receiving water through those pipes?

A No.

Q When were you told about that outside capping that's shown in those photographs?

A I don't remember. It was later; later in the summer or could have been at least in September, October, I'm not-- there should be a record someplace when someone from the State Utilities staff was there and looked at

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those with me and Mr. Hart.

Q You said that you were not satisfied that they were no longer receiving water through those pipes. Why is that?

A I have no idea where the plumbing in the building is and how the building and the residence are intertwined with, or if they are intertwined, and where the lines come off of the service line that runs down the alley. Although, it may truly be it.

I honestly have never crawled under the building and checked out the plumbing or seen any drawings, so I can't say for sure beyond a doubt that there are live pressure pipes to the building.

Q Is there any way that you, yourself, could check it out and see if there is plumbing between the two buildings or if there's another line running into the market?

A Probably could, you know, we'd certainly try.

Q So you definitely could check that out? You would be capable of that?

A Let's say I could try.

Q Have you tried?

A No, I have not.

Q Why haven't you?

A I have not been asked to. It's in his, you know, business, and I have not been asked to come in and look,

1 and he hasn't supplied me with a drawing or anything, so
2 I don't know.

3 JUDGE HAENLE: You did just testify that even
4 if you did receive a drawing, you wouldn't rely on it
5 anyway. Was that not correct?

6 THE WITNESS: Well, yeah. If I could receive
7 a drawing, then that would be one good indication, but
8 you still don't know unless you actually physically look
9 also.

10 JUDGE HAENLE: Okay. Maybe I should ask, what
11 would need to happen for to you conclude that-- if it is
12 indeed true and obvious. See, I have no idea whether
13 the two pipes that are capped are the only pipes that
14 have to do with the store. What would you need to do or
15 see to be convinced of that?

16 THE WITNESS: I think on that specific point,
17 we'd have to crawl underneath the building and also
18 check the plumbing in the building to see if it is
19 intertied or if there are any pipes that possibly, you
20 know, could be uncapped and used again.

21 JUDGE HAENLE: Which building?

22 THE WITNESS: The market.

23 JUDGE HAENLE: Go ahead, Ms. Egeler.

24 Q (By Ms. Egeler) Mr. Petty, if you were given the
25 opportunity to crawl around under the buildings to your

1 heart's content and you did not see any further
2 connections between the water main and the market, or
3 between the residence and the market, would you be
4 satisfied at that point with discontinuing billing of
5 the market?

6 A No.

7 Q Why?

8 A Because of the joint use of the home and the market,
9 without having to have any plumbing in the store.
10 Again, I don't know. According to Rule 14, it says if
11 there is joint use, I have to bill him.

12 Q What evidence do you have of joint use?

13 A His own words, as he goes back and forth between the
14 store and his residence.

15 Q Now, I personally heard Mr. Hart say that he goes during
16 his lunch hour to his own home. If he is off duty at
17 that time, and he has stopped work at 1 o'clock and is
18 at home on his own time rather than working, would you
19 call that joint use? If those were no longer his work
20 hours, if he was taking a break and on his own time and
21 went home, would you consider that joint use?

22 A Possibly. He owns and operates a store, and like he
23 said, he's on duty off and on almost 24 hours a day.
24 And any-- you know, again, where do we draw the line?
25 Good question. I don't know.

1 Q Do you have any reason to believe that he is taking
2 water from the home for market use, other than going
3 home to use the restroom and wash his hands?

4 A I don't have any evidence of that. I haven't followed
5 him around and checked at all.

6 Q Well, one of the means I was thinking of was installing
7 a meter to see if the use has increased. Since the time
8 that this dispute began, have you placed a meter on the
9 home?

10 A There's no way. The piping is buried underneath
11 asphalt, it runs down the alley, and I don't even know
12 where the service lines go, and he said there are two of
13 them, in fact. One goes to the laundry and one goes to
14 the rest of the house, so I don't know where they are.

15 Q So, are you certain that it would be physically
16 impossible to install a meter?

17 A It's not impossible; practical.

18 Q Could you have installed some sort of meter at the main
19 line to see if the amount of water taken into that
20 main-- I know my terminology is wrong here-- I assume
21 there's a main line, and then there's a branch from it
22 which goes to the market, residence and the beach house.
23 Could you have installed a meter at that joint to see if
24 there's an increase in use to those three offshoots, the
25 market, the house and the beach house?

1 A Could have.

2 Q Would that have been exorbitantly expensive?

3 A Benefit/ratio would not make it practical.

4 Q What would the cost have been, if you can estimate?

5 A Well, see, again, it's asphalt, and the time you dig
6 down-- and I'm assuming it's galvanized pipe-- well,
7 we're assuming it is, and I'm going to say \$150 to \$200,
8 maybe, to put in a meter.

9 Q Okay. There was discussion about a valve that Mr. Hart
10 was using to turn the water on and off. Is that valve
11 on Mr. Hart's property?

12 A Could be.

13 Q You don't know where it is?

14 A I don't know. I know where the valve is, yes, but I
15 don't know where the property line is.

16 Q Do you know who owns the valve? Do you own it or does
17 Mr. Hart?

18 A I'm assuming the company does.

19 Q Who maintains the valve?

20 A I do.

21 Q Do you know what your total number of customers is?

22 A There are approximately 230 different services.

23 Q And do you know of those customers how many are in
24 similar situations to this one involving Hoodspout
25 Market?

1 A There are more likely about six.

2 MS. EGELER: No further questions, your Honor.

3 JUDGE HAENLE: Okay. I don't think I have any
4 questions, either. Anything else that you have thought
5 of during the time the questions were being posed that
6 we have not covered?

7 THE WITNESS: Not that I can think of.

8 JUDGE HAENLE: All right.

9 MS. EGELER: I'm sorry. I forgot to deal with
10 this letter, and I guess I do have one more thing.

11 JUDGE HAENLE: All right. Would you
12 distribute it, please.

13 MS. EGELER: Yes. Can I have this marked for
14 identification?

15 JUDGE HAENLE: You have handed me a two-page
16 document. The date on the first page is September 12,
17 1990. I will mark this as Exhibit 5 for identification.

18 (EXHIBIT NO. 5 MARKED FOR
19 IDENTIFICATION)

20 Q (By Ms. Egeler) Mr. Petty, looking at what has been
21 marked for identification as Exhibit 5, do you recognize
22 it as a letter you received from J. R. Parks of the
23 Commission staff?

24 A Yes.

25 MS. EGELER: I'd like to move for admission of
Exhibit No. 5.

PETTY - CROSS BY EGELER

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JUDGE HAENLE: All right. Any objection to entry of the document, Mr. Petty?

MR. PETTY: None.

JUDGE HAENLE: Mr. Hart?

MR. HART: None.

JUDGE HAENLE: Exhibit 5 will be entered into the record.

(EXHIBIT NO. 5 FOR IDENTIFICATION RECEIVED INTO EVIDENCE)

Q (By Ms. Egeler) I have one more question for you, also. Mr. Petty, is it your understanding that the Commission staff informed you that you could not cut off residential service, or rather that you could not cut off residential service for nonpayment of the commercial service?

A Yes.

JUDGE HAENLE: I think that's an either or question.

THE WITNESS: The way that it's worded would be questionable. It is our conclusion that you cannot disconnect the customer's residential account for an amount past due. It doesn't say who's past due, but I understood it to be that I can't disconnect it because of the past due for the commercial account.

And which we didn't do, because he had been paying

1 his residential bill; that's no problem. But in turning
2 off one, you turn off everybody, was the problem. So
3 there was no way, you know, to actually physically turn
4 it off and harass him or whatever else, because of the
5 way the plumbing is.

6 Q (By Ms. Egeler) That leads me to one more question.
7 When you were proposing disconnecting the residential
8 service, you said--

9 A No.

10 Q You have just testified, have you not, Mr. Petty, that
11 you could not cut off service to one of those three
12 customers without cutting off all three; is that
13 correct?

14 A See, if I was to--

15 Q Just "yes" or "no," please.

16 A Yes. If I was to disconnect one, they'd all be
17 disconnected.

18 Q When you proposed in September of 1990, disconnecting
19 services to Mr. Hart, would that have disconnected
20 service to the beach house, also?

21 A Exactly.

22 Q And does Mr. Hart own that beach house?

23 A No, I don't think so; I don't know.

24 Q Was this just an idle threat? Were were you prepared to
25 actually--

1 A Yes.

2 JUDGE HAENLE: Okay. Now "yes" to what?

3 THE WITNESS: Yes, I was prepared to turn it
4 off.

5 Q (By Ms. Egeler) And you were prepared to cut off water
6 to a second party, who was completely uninvolved in this
7 dispute? How would that person have gotten water?

8 A At that time, he wouldn't have. Or I would have
9 obtained through another service line to provide him
10 water; it could have been done.

11 Q At what cost to you?

12 A Nothing, hardly.

13 Q It would cost you hardly anything to bring in another
14 line to the beach house?

15 A No, I didn't say that. I could provide water through
16 another means for no cost.

17 Q What means would that be?

18 A Does that pertain to this hearing?

19 Q Yes, it does. It's for the Judge to rule on, but--

20 A What I could have done was interconnect with his
21 next-door neighbor.

22 Q If that could have solved the problem for that beach
23 house, could that same solution have been used with Mr.
24 Hart's residence, and thereby allowed you to cut off the
25 store?

1 A No.

2 Q Why not?

3 A Because it would only be on a very temporary situation.

4 Q I don't understand.

5 A To provide service on a very temporary basis for the
6 beach house, I could have ran a connecting hose from one
7 neighbor to his.

8 Q Something like a garden hose?

9 A (Witness nods head)

10 JUDGE HAENLE: You need to answer "yes" or
11 "no," please.

12 THE WITNESS: Yes.

13 Q (By Ms. Egeler) What would have been done on a
14 permanent basis?

15 A That would be much more difficult, because I'd have to
16 run another whole service line individually to that one
17 customer.

18 Q Okay. And at what cost would that have been?

19 A Considerable.

20 MS. EGELER: I have no further questions, your
21 Honor.

22 JUDGE HAENLE: Anything more of the witness?
23 All right. Thank you, sir. You may step down.

24 MS. EGELER: At this time, your Honor, I would
25 like to put one witness on for the Commission, just for

1 a very few questions.

2 JUDGE HAENLE: All right. Why don't you come
3 on up and be sworn.

4 PAT DUTTON, having been first duly sworn on
5 oath, was called as a witness
and testified as follows:

6 DIRECT EXAMINATION

7 BY MS. EGELER:

8 Q Would you state your name and business address for the
9 record, please.

10 A My name is Pat Dutton. I work for Washington Utilities
11 and Transportation Commission. The business address is
12 1300 South Evergreen Park Drive Southwest, Olympia,
13 Washington 98504.

14 Q What is your position?

15 A I'm the Consumer Affairs Manager.

16 Q Do you supervise J. R. Parks?

17 A I did.

18 Q Is he still with the Commission?

19 A Mr. Parks retired.

20 Q Did he inform you of what was going on in this situation?

21 A Yes.

22 Q Do you know when the pipes outside the Hoodspout Market,
23 the two pipes shown in Exhibit 3, were capped?

24 A Our records indicate that those pipes were capped,
25 according to Mr. Hart, on September the 18th.

DUTTON - DIRECT BY EGELER

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1 Q How did the Commission gain knowledge of that?

2 A Mr. Hart reported that to us at our request. We had
3 talked to him earlier and explained to him that we
4 believed that it might be helpful if he would cap it on
5 the outside. It might be a helpful effort to convince
6 the company. And he called us back on September the
7 18th, and told us that the service had been capped
8 outside the market.

9 Q One other area. Was it Commission staff's position that
10 the residence could not have its service cut off, or was
11 it the position that the residence could not have
12 service disconnected for failure to pay the commercial
13 bill?

14 A It's the position of staff that you cannot disconnect
15 service to a residence because of nonpayment for a
16 commercial account or for any other reason. It has to
17 be very specific to that account.

18 MS. EGELER: I have no further questions, your
19 Honor.

20 JUDGE HAENLE: All right. Have you any
21 questions of the witness, Mr. Hart?

22 MR. HART: None.

23 JUDGE HAENLE: Mr. Petty?

24 MR. PETTY: None.

25 JUDGE HAENLE: All right. Thank you for your

1 testimony. You may step down.

2 Do you want the chance to just give me a short, 25
3 words or less, first, on why you think the complaint
4 should be granted. And from you, sir, why you feel the
5 complaint should be dismissed. Just a very, very short
6 summary.

7 MR. HART: My feeling is there is no service
8 from the system in the Hoodspout Market, and I do not
9 consider my personal use of my own home as joint use
10 with the market.

11 JUDGE HAENLE: My, that was succinct; good
12 job. Mr. Petty?

13 MR. PETTY: And I feel that where the business
14 and the residence are located in the way that he, Mr.
15 Hart, has indicated, how he operates the two, physically
16 and in combination with each other, that according to
17 Rule 14, it has to apply as joint use.

18 JUDGE HAENLE: All right. Ms. Egeler?

19 MS. EGELER: Staff is not taking a position.

20 JUDGE HAENLE: All right. Is there anything
21 more to come before the Commission at this time then?

22 MR. HART: No.

23 MR. PETTY: No.

24 JUDGE HAENLE: After the hearing, and once I
25 have received the transcript, I will write and issue an

1 initial order over my signature. Now this will be a
2 proposal only, and when you receive it, look it over
3 very carefully. I'm assuming that one or the other of
4 you will not agree with what's in that order.

5 There will be specific instructions on the order
6 for what you should do if you happen to be the one who
7 does not agree with it. It gives you a 20-day time
8 period in which to write to the Commission stating
9 specifically why you do not agree. And it's very
10 important that it be received by the Commission within
11 that time period.

12 Once that time period has gone by, the Commission
13 will consider any petitions for review of my order that
14 are received, and the Commission will then issue an
15 order. It has the choice of accepting my order,
16 reversing it in part or reversing it entirely.

17 The matter has not been settled, until the
18 Commission order comes out. So please be sure you
19 follow the instructions on the initial order, if you
20 don't agree with it, and then the matter will be settled
21 finally by the Commission order.

22 Is there anything further to come at this time,
23 then? All right. The hearing will be adjourned, and an
24 initial order will be issued. Thank you.

25 (HEARING WAS ADJOURNED AT 12:15 P.M.)

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C E R T I F I C A T E

This is to certify that the attached proceedings before
the WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of:

ROBERT A. HART

and

EVERGREEN LAND AND WATER, INC.

June 7, 1991

Olympia, Washington

were had as therein appears, and that this is the
original transcript thereof for the files of the
Commission.

Debra M. Galvin

Debra M. Galvin, CSR