

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

WASHINGTON UTILITIES AND	)	DOCKET UW-060662
TRANSPORTATION COMMISSION,)	
	)	ORDER 02
Complainant,)	
	)	PREHEARING CONFERENCE
v.	)	ORDER
)	
FRAGARIA LANDING WATER	)	NOTICE OF PREHEARING
COMPANY,	)	CONFERENCE
	)	(Set for September 11, 2006)
Respondent.)	
	)	NOTICE OF HEARING
	)	(Set for September 14, 2006)
)	
	)	NOTICE OF ORAL ARGUMENT
.....	)	(Set for September 15, 2006)

1 **NATURE OF PROCEEDING.** Docket UW-060662 involves a Commission complaint against Fragaria Landing Water Company (Fragaria or Company) challenging the reasonableness of the Company’s rates and charges.

2 **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in this docket at Olympia, Washington on May 31, 2006, before Administrative Law Judge Karen Caillé upon notice to all interested parties.

3 **APPEARANCES.** Michael Fassio, Assistant Attorney General, Olympia, Washington, represents the Commission’s regulatory staff (“Commission Staff” or “Staff”).¹ Richard Finnigan, attorney, Olympia, Washington, represents Fragaria Landing Water Company. The contact information provided at the conference for the parties’ representatives is attached as Appendix A to this order.

¹ In formal proceedings, such as this case, the Commission’s regulatory staff functions as an independent party with the same rights, privileges, and responsibilities as any other party to the proceeding. There is an “*ex parte* wall” separating the Commissioners, the presiding Administrative Law Judge, and the Commissioners’ policy and accounting advisors from all parties, including advocacy Staff. RCW 34.05.455.

- 4 **PETITIONS FOR INTERVENTION.** No one petitioned to intervene in this proceeding.
- 5 **PROTECTIVE ORDER.** At the Company’s request, the Commission will enter a Protective Order in this proceeding pursuant to WAC 480-07-420 and -423, to facilitate the filing and exchange among parties, during discovery and otherwise, of information that is designated “Confidential” by the party in whose custody and control the information is held.
- 6 **DISCOVERY.** Commission Staff requests that the discovery rules be invoked, under WAC 480-07-400. The matter is one that qualifies for discovery, and the discovery rules, WAC 480-07-400 through 425, are invoked. The parties pledged to make best efforts to comply with the deadlines. It is especially important in times of tight deadlines that counsel be proactive about discussing potential delays with persons needing the data. Doing so will avoid the need for litigation and may identify less time-consuming alternatives.
- 7 **PROCEDURAL SCHEDULE.** The parties agreed to an accelerated procedural schedule in order to mitigate the effect of refunds, which Commission Staff will request if it prevails on the complaint. The Commission adopts the procedural schedule that is attached to this Order as Appendix B, which is incorporated into the body of this Order by this reference.
- 8 **NOTICE OF PREHEARING CONFERENCE.** The Commission will convene a prehearing conference in this docket on **September 11, 2006**, beginning at **1:30 p.m.** in the hearing room, Room 206, in the Commission’s headquarters office, 1300 South Evergreen Park Drive S.W., Olympia, Washington for the purpose of distributing exhibits to be used on cross examination, for marking exhibits, and for addressing any procedural questions the parties or the Commission may raise. Objections to prefiled exhibits must be made no later than the time of this conference.

- 9 **NOTICE OF HEARING:** Hearing in this matter is set for **September 14, 2006**, beginning at **9:30 a.m.** in the hearing room, Room 206, in the Commission's headquarters office, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.
- 10 **NOTICE OF ORAL ARGUMENT.** As an accommodation to the accelerated procedural schedule, the parties agreed to oral argument instead of filing briefs. Oral argument is set for **September 15, 2006**, beginning at **2:00 p.m.** in the hearing room, Room 206, in the Commission's headquarters office, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.
- 11 **SERVICE AND COMMUNICATION AMONG PARTIES AND WITH BENCH.** The parties agree to provide courtesy electronic copies on the date of filing and will include the administrative law judge when providing electronic copies of filed materials to the Commission and other parties.
- 12 **FORMAT OF ELECTRONIC DOCUMENTS.** Parties must include an electronic file of each document in Word or Excel, as appropriate, unless such a file is not available and cannot be reasonably created (an extensive passage from a printed document not created by the parties, for example). Excel files must include and enable all entries and formulas necessary to produce the result shown on the printed version. Parties should take care to delete metadata not needed for hearing purposes, such as identities of authors and editing trails.
- 13 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file an original plus **ten** copies of all pleadings, motions, briefs, and other prefiled materials. These materials must conform with the format and publication guidelines set forth in WAC 480-07-395 and 480-07-460, and must be three-hole punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.
- 14 Parties must also file **one** copy of a complete redacted version of any document containing confidential information, plus the needed appropriate electronic versions of the redacted text. Each redacted document must be plainly labeled on its cover sheet, first page, and media.

- 15 All filings must be mailed to the Commission Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250, or delivered (by hand or courier) to the Commission's Records Center at the Washington Utilities and Transportation Commission, 1300 S. Evergreen Park Drive, S.W., Olympia, Washington, 98504. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.
- 16 Parties must provide an electronic copy of all filings by web portal or e-mail delivery to <records@wutc.wa.gov>. Alternatively, parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette including the filed document(s). Parties must furnish an electronic file in MS Word or MS Excel, supplemented by a separate file in .pdf (Adobe Acrobat) format. Parties must organize and identify electronic files as specified in WAC 480-07-140(5).
- 17 **ELECTRONIC FILING.** Parties may only file documents electronically with the Commission in this proceeding with the permission of the administrative law judge. Under WAC 480-07-145(6), electronic filing of documents provides a one-day extension of the paper-filing requirement. If, at any time during this proceeding, parties are authorized to file documents with the Commission electronically under WAC 480-07-145(6), Parties must submit the document to records@wutc.wa.gov, and file an original, plus **ten** copies, of the document with the Commission by the following business day. Parties must also file the required redacted version of any confidential document.
- 18 **ALTERNATE DISPUTE RESOLUTION.** The parties have agreed to reserve time for settlement discussions in late June. The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission does have limited ability to provide dispute resolution services; if you wish to explore those services, please call the Director, Administrative Law Division, at 360-664-1142.

19 **NOTICE TO PARTIES.** Any objection to the provisions of this Order must be filed within ten (10) days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.

Dated at Olympia, Washington, and effective June 1, 2006.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

KAREN M. CAILLÉ
Administrative Law Judge

APPENDIX A

**PARTIES' REPRESENTATIVES
DOCKET UW-060662**

COMPANY	REPRESENTATIVE and ADDRESS	PHONE NUMBER	FAX NUMBER	E-MAIL ADDRESS
Commission Staff	Michael Fassio Assistant Attorney General 1400 S. Evergreen Park Drive SW P.O. Box 40128 Olympia, WA 98504-0128	360-664-1192	360-586-5522	mfassio@wutc.wa.gov
Fragaria Landing Water Company	Richard Finnigan 2112 Black Lake Blvd SW Olympia, WA 98512	360-956-7001	360-753-6862	rickfinn@localaccess.com
Administrative Law Judge	Karen M. Caillé 1300 S. Evergreen Park Dr. SW P.O. Box 47250 Olympia, WA 98504-7250	360- 664-1136	360- 664-2654	kcaille@wutc.wa.gov

**APPENDIX B
PROCEDURAL SCHEDULE
DOCKET UW-060662**

EVENT	DATE
Date reserved for parties' settlement discussions	June 30, 2006
Staff files testimony	July 31, 2006
Company files response testimony	August 18, 2006
Staff files rebuttal testimony	September 1, 2006
Prehearing Conference	September 11, 2006
Evidentiary hearing	September 14, 2006
Oral Argument in lieu of briefs	September 15, 2006 2:00 p.m.