

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

In the Matter of the Application of	)	DOCKET NO. UW-030662
	)	
W.B. WATER WORKS,	)	ORDER NO. 02
	)	
Applicant,	)	
	)	
	)	ORDER REMOVING COMPANY
Requesting Removal from	)	FROM REGULATION AND
Commission Regulation	)	CANCELLING TARIFF
.....	)	

**BACKGROUND**

- 1 On September 16, 2002, W. B. Water Works (WB Water or Company) filed an application for sale and transfer of assets to Lehman Enterprises, Inc., (Lehman Enterprises). On May 28, 2003, this Commission entered into an Order Granting Application for Sale and Transfer of Asset and Tariff Adoption in the matter of the application of W B. Water Works. Lehman Enterprises took over operation and ownership of the W.B. Water Works on June 10, 2003. The water system is located near Freeman on Whidbey Island and serves approximately 383 customers in Island County.
  
- 2 On February 18, 2004, the Commission received a letter from Lehman Enterprises requesting that the tariff of W. B. Water Works be canceled. Former customers of W. B. Water Works are being served by Lehman Enterprises, Inc.
  
- 3 As a result of this investigation, W.B. Water Works, is determined to no longer provide regulated water service. The Commission can remove a water company from regulation under the provisions of RCW 80.04.010. A water company cannot be removed from regulation except with the approval of the Commission. Removing W.B. Water Works, from regulation will be consistent with the public interest, because the water system is now operated and owned by Lehman Enterprises, which continues to be regulated by the Commission.

## FINDINGS AND CONCLUSIONS

- 4 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the authority to regulate rates, rules, regulations, practices, accounts, securities, and transfers of public service companies, including water companies. *RCW 80.01.040; Chapter 80.04 RCW and Chapter 80.28 RCW.*
- 5 (2) W.B. Water Works, is an investor-owned water company and is a public service company subject to the jurisdiction of the Commission.
- 6 (3) Lehman Enterprises, Inc., is an investor-owned water company and is a public service company subject to jurisdiction of the Commission under the provisions of Chapter 80.12 RCW.
- 7 (4) This matter was brought before the Commission at its regularly scheduled meeting on June 30, 2004.
- 8 (5) From all indications, it appears to be in the public interest to grant the request of removal from regulation and cancel the corresponding tariff.

## ORDER

### THE COMMISSION ORDERS:

- 9 (1) W.B. Water Works, is hereby determined not to be jurisdictional pursuant to the Commission Staff's investigation and documents filed with the Commission.

- 10 (2) W.B. Water Works is removed from regulation by this Commission and its current tariff WN U-1 is cancelled as of the effective date of this Order.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective this 30<sup>th</sup> day of June, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary