

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

In the Matter of the Petition of)	DOCKET UW-100710
)	
SOUTH BAINBRIDGE WATER)	ORDER 01
SYSTEMS, INC.,)	
)	
Petitioner,)	
)	
Seeking Exemption from the)	
Provisions of WAC 480-110-445 (5))	
Relating to the Service Connection)	
Location, Delivery Point of Water and)	
Responsibility to Maintain Customer)	ORDER GRANTING
Service Line)	EXEMPTION FROM RULE
.....)	

BACKGROUND

- 1 On April 28, 2010, South Bainbridge Water Systems, Inc. (South Bainbridge or Company) filed with the Washington Utilities and Transportation Commission (Commission) a Water Service Agreement (Agreement) to provide water service and a letter requesting an exemption from WAC 480-110-445 (5). On May 20, 2010, the Company filed a letter clarifying its request for exemption.
- 2 WAC 480-110-445 (5) requires the Company to install the service connection to the property line, property corner, or to a location on the property mutually agreed upon, and to install a meter or valve at any point along the service connection line or at a different mutually agreed location provided that in such event the property line will nevertheless be deemed the point of delivery.
- 3 The Agreement between South Bainbridge and the customer requires an exemption from WAC 480-110-445 (5) to allow the Company to: install the service connection at a mutually agreed location not on the customer’s property; install the meter on the service connection at the point closest to the customer’s property; designate the meter, instead of the customer’s property line, as the point of delivery; and, require the customer to be responsible for all maintenance and service beyond the water meter (located at the street), through an easement on a separate lot to the customer’s property line.

- 4 The Company states that the service connection and meter location is due to the arrangement of the customer's lot, Parcel ID No. 4149-003-001-0007, which is located behind the street lot of Parcel ID No. 8188-000-000-0007. The Company will install the service connection and meter at the standard location, the outside edge of the street utility easement that runs parallel to the water distribution main and closest to the customer's property line. The customer is responsible to construct, maintain the service line from the meter, across an easement contained on Parcel ID No. 8188-000-000-0007 to the customer's property line.
- 5 Commission Staff reviewed the request and recommended granting South Bainbridge's request for exemption from WAC 480-110-445 (5) to allow the Company to: install the service connection at a mutually agreed location not on the customer's property; install the meter on the service connection at the point closest to the customer's property; designate the meter, instead of the property line, as the point of delivery; and, require the customer to be responsible for all maintenance and service beyond the water meter (located at the street), through an easement on a separate lot to the customer's property line.

FINDINGS AND CONCLUSIONS

- 6 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the authority to regulate the rates, rules, regulations, practices, accounts, securities, transfers of property and affiliated interests of public service companies, including water companies. *RCW 80.01.040, RCW 80.04, RCW 80.08, RCW 80.12, RCW 80.16 and RCW 80.28.*
- 7 (2) South Bainbridge is engaged in the business of providing water services within the state of Washington and is a public service company subject to Commission jurisdiction.
- 8 (3) South Bainbridge is subject to WAC 480-110-445 (5), which requires the Company to install the service connection to the property line, property corner, or to a location on the property mutually agreed upon, and to install a meter or valve at any point along the service connection line or at a different mutually agreed location provided that in such event the property line will nevertheless be deemed the point of delivery.

- 9 (4) Under WAC 480-110-215, the Commission may grant an exemption from the provisions of any rule in WAC 480-110, if consistent with the public interest, the purposes underlying regulation and applicable statutes. *See also WAC 480-07-110.*
- 10 (5) South Bainbridge requests an exemption to allow the Company to: install the service connection at a mutually agreed location not on the customer's property; install the meter on the service connection at the point closest to the customer's property; designate the meter, instead of the property line, as the point of delivery; and, require the customer to be responsible for all maintenance and service beyond the water meter (located at the street), through an easement on a separate lot to the customer's property line. This request is due to the arrangement of the customer's lot, Parcel ID No. 4149-003-001-0007, which is located behind the street lot of Parcel ID No. 8188-000-000-0007.
- 11 (6) This matter came before the Commission at its regularly scheduled meeting on August 26, 2010.
- 12 (7) After review of the request filed in Docket UW-100710 by South Bainbridge on April 28, 2010, as amended on May 20, 2010, and giving due consideration, the Commission finds that the exemption is in the public interest and is consistent with purposes underlying the regulation and applicable statutes and should be granted.

ORDER

THE COMMISSION ORDERS:

- 13 (1) After the effective date of this Order, South Bainbridge Water Systems, Inc., is granted an exemption from WAC 480-110-445 (5), to allow the Company to: install the service connection at a mutually agreed location not on the customer's property; install the meter on the service connection at the point closest to the customer's property; designate the meter, instead of the property line, as the point of delivery; and, require the customer to be responsible for all maintenance and service beyond the water meter (located at the street), through an easement on a separate lot to the customer's property line.

- 14 (2) The Commission retains jurisdiction over the subject matter and South Bainbridge Water Systems, Inc., to effectuate the provisions 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 August 26, 2010.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary