

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND	)	DOCKET UW-143181
TRANSPORTATION COMMISSION,	)	(<i>Consolidated</i>)
)	
Complainant,	)	ORDER 02
)	
v.)	
)	
NEWAUKUM WATER SYSTEM,)	
INC.,)	
)	
Respondent.)	
.....)	
)	
In the Matter of the Petition of	)	Docket UW-143330
	)	(<i>Consolidated</i>)
NEWAUKUM WATER SYSTEM,)	
INC.,	)	ORDER 01
)	
Petitioner,	)	PREHEARING CONFERENCE
	)	ORDER AND ORDER OF
Seeking Removal from Commission	)	CONSOLIDATION; NOTICE OF
Jurisdiction	)	HEARING
	)	(Set for May 5, 2015, at 9:30 a.m.)
.....)	

1 **NATURE OF PROCEEDING:** On November 21, 2012, the Washington Utilities and Transportation Commission (Commission) entered Order 01 in Docket UW-143181, which sets forth the Commission’s Complaint against the Company’s rates and charges, alleging that they may generate more revenue than the Company requires to pay reasonable expenses and earn a reasonable return, and therefore may be unjust and unreasonable.

2 On September 15, 2014, Newaukum Water System, Inc. (Newaukum or Company) filed a petition in Docket UW-143330 requesting to be removed from Commission jurisdiction.

3 **CONFERENCE/PRESIDING OFFICER.** The Commission convened a prehearing
conference in both proceedings at Olympia, Washington on October 23, 2014, before
Administrative Law Judge Rayne Pearson.

4 **PARTY REPRESENTATIVES:** Respondent Newaukum is represented by Maurice
Kurtz, Chairman of Newaukum's Board of Directors, Auburn, Washington. Brett
Shearer, Assistant Attorney General, Olympia, Washington, represents the
Commission's regulatory staff (Staff).¹ Contact information provided at the
conference for the parties' representatives is attached as Appendix A to this order.

5 **PETITION FOR INTERVENTION.** Henry Kelley, a Newaukum customer,
appeared at the prehearing conference and orally petitioned for intervention. In lieu
of intervention, Mr. Kelley was satisfied with being added to the interested persons
list, and agreed to communicate directly with Staff about his concerns.

6 **CONSOLIDATION.** Staff supports consolidating Dockets UW-143181 and UW-
143330, and Newaukum opposes it. The Company stated at the preconference
hearing that it would prefer to address the matters separately to avoid any delay in
resolving the threshold issue of jurisdiction.

7 Because they share common issues of law and fact, the Commission will consolidate
Dockets UW-143181 and UW-143330. Consolidation will increase administrative
efficiency and preserve both the Commission's and the parties' resources. We will,
however, entertain Motions for Summary Determination to establish sooner rather
than later whether Newaukum's operations are jurisdictional to the Commission,
which should alleviate the Company's timing concerns. To provide adequate time
for the parties to prepare written testimony, we recommend filing Motions for
Summary Determination no later than November 14, 2014, with responses due by
December 4, 2014.

¹ In formal proceedings, such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

8 **DISCOVERY.** Discovery will be conducted under the Commission’s discovery rules, WAC 480-07-400 – 425.

9 **PROCEDURAL SCHEDULE.** The Commission adopts the preliminary procedural schedule set forth in Appendix B to this Order.

10 **NOTICE OF HEARING.** The Commission will hold an evidentiary hearing in this matter on **Tuesday, May 5, 2015, at 9:30 a.m., in Room 206, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

11 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file the original plus **four (4)** copies of the unredacted versions of all pleadings, motions, briefs, and other prefiled materials. Parties must also file the original and one copy of any redacted version(s). These materials must conform to the format and publication guidelines in WAC 480-07-395 and WAC 480-07-460. The Commission prefers that materials 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.

12 All filings must be mailed or delivered to the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.

13 An electronic copy of all filings must be provided through the Commission’s Web Portal (www.utc.wa.gov/e-filing) or by e-mail delivery to (records@utc.wa.gov). Alternatively, parties may furnish an electronic copy by delivering with each filing a flash drive, 3.5-inch IBM-formatted high-density diskette or CD including the filed document(s). Parties must furnish electronic copies in MS Word 6.0 (or later) supplemented by a separate file in .pdf (Adobe Acrobat) format. Parties must follow WAC 480-07-140(5) in organizing and identifying electronic files.

14 **ELECTRONIC SUBMISSION OF DOCUMENTS.** The Commission grants a one-day extension of the paper-filing requirement under WAC 480-07-145(6), allowing electronic submission of documents with the Commission on the deadlines established

by the procedural schedule. Parties must submit documents through the Commission's Web Portal (www.utc.wa.gov/e-filing) or by e-mail to (records@utc.wa.gov), and file an original, plus **four (4)** paper copies, of the documents with the Commission by the following business day. Parties must provide courtesy copies of their electronic submissions to Judge Pearson and to the parties to the proceeding. Parties may agree to waive the requirement to serve paper copies of all documents on each other and may serve such copies electronically if they memorialize such agreement by letter and provide a courtesy copy of the letter to the Commission.

- 15 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission has a limited ability to provide dispute resolution services; if you wish to explore those services, please call the Director, Administrative Law Division, at 360-664-1355.
- 16 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within 10 calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective October 28, 2014.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

RAYNE PEARSON
Administrative Law Judge

APPENDIX A

PARTIES' REPRESENTATIVES
DOCKETS UW-143181 and UW-143330 (Consolidated)

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
Newaukum Water System, Inc.	Maurice Kurtz Chairman of the Board 38205 183 rd Ave SE Auburn, WA 98092	253-939-5739		myktz@yahoo.com
Commission Staff	Brett P. Shearer Senior Assistant Attorney General 1400 S. Evergreen Park Dr. SW P.O. Box 40128 Olympia, WA 98504-0128	360-664-1187	360-586-5522	bshearer@utc.wa.gov

APPENDIX B

PROCEDURAL SCHEDULE

DOCKETS UW-143181 and UW-143330 (*Consolidated*)

EVENT	DATE
Motions for Summary Determination	November 14, 2014
Responses to Motions for Summary Determination	December 4, 2014
Staff Testimony	January 16, 2015
Company Testimony	February 18, 2015
Staff Rebuttal Testimony	March 19, 2015
Discovery Cutoff	April 2, 2015
Evidentiary Hearing	May 5, 2015
Simultaneous Briefs	June 2, 2015
Reply Briefs	June 23, 2015