BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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| WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,  Complainant,  v.  SANDY POINT IMPROVEMENT COMPANY,  Respondent. | DOCKET UW-121408  MOTION ON BEHALF OF COMMISSION STAFF TO DISMISS, WITHOUT PREJUDICE |

1. Commission Staff seeks a Commission order dismissing this proceeding without prejudice, upon the conditions stated in Paragraph 3 below. By “this proceeding” we refer to the entire proceeding, not just the current phase addressing jurisdictional issues.
2. Among other things, this docket involves application of WAC 480-110-255(2)(e) and (f), which describe certain entities that are exempt from Commission regulation. Based on the issues raised in this docket to date, Commission Staff is concerned that the rule may be interpreted broader than justified by the law, and thus it may be read to exempt entities that are not otherwise exempt. After thorough consideration, Commission Staff concludes that it is preferable for the Commission to dismiss this docket without prejudice, and address the rule via a rulemaking proceeding.
3. If there is a subsequent classification proceeding involving Sandy Point Improvement Company (Sandy Point), Commission Staff would request the Commission initiate such a proceeding only after the rulemaking proceeding is concluded, and Commission Staff would not seek remedies for any conduct of Sandy Point prior to May 2013.
4. Therefore, the Commission Staff requests the Commission issue an order dismissing this proceeding without prejudice, upon the conditions stated in Paragraph 3 above. Staff requests the Commission suspend the filing date for responses to cross-motions for summary determination until this motion is resolved.

Dated this 24th day of May 2013.

Respectfully submitted,

ROBERT W. FERGUSON

Attorney General

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DONALD T. TROTTER

Assistant Attorney General

Counsel for Washington Utilities and

Transportation Commission Staff