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May 24, 2013

Steven V. King, Acting Executive Director and Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P.O. Box 47250
Olympia, Washington 98504-7250

RE: *WUTC v. Sand Point Improvement Company*
Docket UW-121408

Dear Mr. King:

Enclosed for filing in the above-referenced docket are the original and four copies of the Motion on Behalf of Commission Staff to Dismiss, Without Prejudice, and Certificate of Service.

I bring to your attention the last sentence of the motion, which requests the Commission suspend the filing date for responses to cross-motions for summary determination until this motion is resolved.

Sincerely,

DONALD T. TROTTER
Assistant Attorney General

DTT:klg
Enclosures
cc: Parties

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

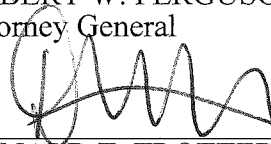
Commission Staff would not seek remedies for any conduct of Sandy Point prior to May 2013.

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

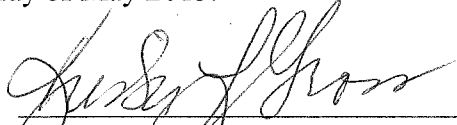


DONALD T. TROTTER
Assistant Attorney General
Counsel for Washington Utilities and
Transportation Commission Staff

Docket UW-121408
CERTIFICATE OF SERVICE

I hereby certify that I have this day served the attached Motion on Behalf of Commission Staff to Dismiss, Without Prejudice upon the persons and entities as listed on the Service List below.

DATED at Olympia, Washington this 24th day of May 2013.



KRISTA L. GROSS

Via Electronic Mail and Hand Delivery

For Sandy Point Improvement Co.:

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