

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND)	DOCKET UW-090839
TRANSPORTATION COMMISSION,)	
)	
Complainant,)	ORDER 02
)	
v.)	PREHEARING CONFERENCE
)	ORDER;
CRISTALINA, LLC,)	
)	NOTICE OF HEARING
Respondent.)	(Set for January 8, 2010, at
)	10:00 a.m.)
.....)	

1 **NATURE OF PROCEEDING.** On April 8, 2009, Cristalina, LLC (Cristalina) filed with the Washington Utilities and Transportation Commission (Commission) a revision to its currently effective Tariff WN U-1 (Docket UW-090516), reflecting a surcharge to service a \$555,000 Drinking Water State Revolving Fund (DWSRF) loan approved by the Public Works Board (PWB). The Commission approved the surcharge effective June 1, 2009, in Docket UW-090516.

2 The Commission’s regulatory staff (Commission Staff or Staff)¹ performed an initial review of Cristalina’s financial information in Docket UW-090516 and found that the company’s current rates may generate more revenue than is necessary for the company to pay reasonable operating expenses and earn a reasonable return. Thus, Staff alleges, in Order 01 in this proceeding, that Cristalina’s rates may be unjust and unreasonable.

3 **CONFERENCE.** The Commission convened a prehearing conference in this docket at Olympia, Washington on July 29, 2009, before Administrative Law Judge (ALJ) Marguerite E. Friedlander.

¹ In formal proceedings, such as this, the Commission’s regulatory staff functions as an independent party with the same rights, privileges, and responsibilities as other parties to the proceeding. There is an “*ex parte* wall” separating the Commissioners, the presiding Administrative Law Judge, and the Commissioners’ policy and accounting advisors from all parties, including regulatory staff. *RCW 34.05.455*.

4 **APPEARANCES.** Maria Lindberg, owner, Bellingham, Washington, represents
Cristalina. Jennifer Cameron-Rulkowski, Assistant Attorney General, Olympia,
Washington, represents Commission Staff. Contact information provided at the
conference for the parties' representatives is attached as Appendix A to this order.

5 **PETITIONS FOR INTERVENTION.** No party appeared at the conference seeking
to intervene.

6 **PROTECTIVE ORDER.** No protective order is required in this proceeding.

7 **DISCOVERY.** The parties asked that the discovery rules be invoked in this docket,
under WAC 480-07-400. The matter is one that qualifies for discovery, and the
discovery rules, WAC 480-07-400 – 425, are invoked.

8 **PROCEDURAL SCHEDULE.** The parties agreed on a procedural schedule during
the conference. The Commission adopts this procedural schedule, which is listed
below and attached to this Order as Appendix B.

Deadline for Cristalina to Submit Financial Information to Staff	August 21, 2009
Settlement Conference (parties only)	September 25, 2009
Prefiled Direct Testimony and Exhibits of Commission Staff	November 6, 2009
Prefiled Responsive Testimony and Exhibits of Cristalina, LLC	December 4, 2009
Prefiled Rebuttal Testimony and Exhibits of Commission Staff	December 18, 2009
Deadline for Parties to Distribute Cross- Examination Exhibits, Witness Lists, and Cross-Examination Time Estimates	December 28, 2009
Distribution by ALJ of Draft Exhibit List via E-mail	January 4, 2010
Deadline for Parties to Submit Revisions to Exhibit List to ALJ via E-Mail	January 6, 2010
Evidentiary Hearing	January 8, 2010
Simultaneous Post-hearing Briefs	February 10, 2010
Initial Order	April 1, 2010

- 9 **NOTICE OF HEARING.** The Commission will hold a hearing in this matter, to commence on **Friday, January 8, 2010, at 10:00 a.m., in Room 206 of the Commission’s headquarters, Richard Hemstad Building, 1300 S. Evergreen Park Drive SW, Olympia, Washington.**
- 10 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file an original plus **seven (7)** copies of all pleadings, motions, briefs, and other prefiled materials. 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.
- 11 All filings must be mailed or delivered to David W. Danner, 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.
- 12 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 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.
- 13 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Parties may submit documents electronically to the Commission on the filing deadline to expedite the filing process, but must file an original, plus **seven (7)** paper copies, of the documents with the Commission by 12:00 noon on the first business day following the filing deadline established in the procedural schedule. *WAC 480-07-145(6)*. Parties may submit documents electronically through the Commission’s Web Portal (www.utc.wa.gov/e-filing) or by e-mail to records@utc.wa.gov. Finally, to perfect filing, parties must simultaneously provide e-mail courtesy copies of filings to the presiding administrative law judge and advisory staff identified on Appendix A to this Order as well as to the parties to the proceeding.

- 14 **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 does have limited ability to provide dispute resolution services; if you wish to explore those services, please call the Director, Administrative Law Division, at 360-664-1144.
- 15 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (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 July 30, 2009.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARGUERITE E. FRIEDLANDER
Administrative Law Judge

APPENDIX A

**PARTIES' REPRESENTATIVES
DOCKET UW-090839**

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
Commission Staff	Jennifer Cameron-Rulkowski Assistant Attorney General 1400 S. Evergreen Park Dr. SW P.O. Box 40128 Olympia, WA 98504-0128	(360) 664-1186	(360) 586-5522	Jcameron@utc.wa.gov
Cristalina, LLC	Maria Lindberg Cristalina, LLC 1200 Old Fairhaven Parkway Bellingham, WA 98225	(360) 296-7321	Not Available	mariarealtor@gmail.com
Administrative Law Judge	Marguerite E. Friedlander Washington Utilities and Transportation Commission 1300 S. Evergreen Park Drive SW P.O. Box 47250 Olympia, WA 98504-7250	(360) 664-1285	(360)664-2654	mfriedla@utc.wa.gov

APPENDIX B
PROCEDURAL SCHEDULE
DOCKET UW-090839

EVENT	DATE
Discovery Deadline For Cristalina, LLC to Submit Financial Information to Staff	August 21, 2009
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