

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

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|-----------------------------|---|------------------------------------|
| WASHINGTON UTILITIES AND |) | DOCKET UW-091051 |
| TRANSPORTATION COMMISSION, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | NOTICE OF PREHEARING |
| |) | CONFERENCE |
| BURTON WATER COMPANY, INC., |) | (Set for December 11, 2009, |
| |) | at 9:30 a.m.) |
| Respondent. |) | |
| |) | |
| |) | |

1 On June 30, 2009, Burton Water Company, Inc., (Burton Water) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective Tariff WN U-2, designated as Fourth Revised Sheet No. 22 Canceling Third Revised Sheet No. 22, and Second Revised Sheet No. 23 Canceling First Revised Sheet No. 23, instituting a general rate increase for customers on Vashon Island in King County. The Commission, by order, has suspended the operation of the general tariff revisions pending hearing or hearings concerning all the proposed changes, including whether the changes are fair, just, reasonable and sufficient.

2 **STATUTORY AUTHORITY:** The Commission has jurisdiction over this matter under RCW Title 80, and has legal authority to regulate the rates, services, and practices of water companies providing service within the state of Washington. The statutes that apply to this matter include RCW 80.01, RCW 80.04, and RCW 80.28 relating to rates, including but not limited to RCW 80.01.040, RCW 80.01.040, RCW 80.04.020, RCW 80.04.130, RCW 80.28.010, RCW 80.28.020, RCW 80.28.030, RCW 80.28.040, RCW 80.28.060 and RCW 80.28.100. The rules that apply to this matter include those within WAC 480-07 and WAC 480-110.

3 The Commission will hear this matter under the Administrative Procedure Act (APA), particularly Part IV of RCW 34.05 relating to adjudications. The provisions of the APA that relate to this proceeding include, but are not limited to RCW 34.05.413, RCW 34.05.422, RCW 34.05.431, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452. The Commission will also follow its procedural rules in WAC 480-07 in this proceeding.

4 The ultimate issues include 1) whether the tariff revisions to increase the amount collected are just and reasonable; and 2) whether existing rates are fair, just, reasonable, and sufficient. In accordance with the provisions of RCW 80.04.130, the burden of proof to show that the increase is just and reasonable will be upon the respondent.

5 **THE COMMISSION GIVES NOTICE That it will hold a prehearing conference in this matter at 9:30 a.m., on Friday, December 11, 2009, in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

6 The purpose of the prehearing conference is to consider requests for intervention, resolve scheduling matters including establishing dates for distributing evidence and workpapers, to identify the issues in the proceeding and determine other matters to assist the Commission in resolving the matter, as listed in WAC 480-07-430.

7 **INTERVENTION:** Persons who wish to intervene should file a petition to intervene in writing at least three business days before the date of the prehearing conference. *See WAC 480-07-355(1)(a)*. The Commission will consider oral petitions to intervene during the conference, but strongly prefers written petitions to intervene. Party representatives must file a notice of appearance with the Commission no later than the business day before the conference. *See WAC 480-07-345(2)*. Any party or witness in need of an interpreter or other assistance should fill out the form attached to this notice and return it to the Commission. The Commission will set the time and place for any evidentiary hearings at the prehearing conference, on the record of a later conference or hearing session, or by later written notice.

8 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the prehearing conference set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**

9 The names and mailing addresses of all known parties and their known representatives are as follows:

Complainant: Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

Representative: Donald T. Trotter
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1189
dtrotter@utc.wa.gov

Respondent: Burton Water Company, Inc.
10930 SW 238th
Vashon, WA 98070

Representative: Richard A. Finnigan
Attorney at Law
2112 Black Lake Blvd. S.W.
Olympia, WA 98512
(360) 956-7001
rickfinn@localaccess.com

10 Administrative Law Judge Ann E. Rendahl, from the Utilities and Transportation Commission's Administrative Law Division, will preside during this proceeding.

- 11* The Commission will give parties notice of any other procedural phase of the proceeding in writing or on the record, as appropriate during this proceeding.

DATED at Olympia, Washington, and effective November 17, 2009.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER
Executive Director and Secretary

Inquiries may be address to:

Executive Director and Secretary
Washington Utilities and
Transportation Commission
Richard Hemstad Building
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

NOTICE

PLEASE NOTE: The hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and if limited English-speaking or hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

The information needed to provide an appropriate interpreter or other assistance should be stated below and returned to Washington Utilities and Transportation Commission, Attention: David W. Danner, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket No.: _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.:(____) _____