

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of)	DOCKET UW-151740
)	
)	ORDER 01
MICHAEL MCCARTHY,)	
)	ORDER REMOVING COMPANY
)	FROM REGULATION; CANCELING
Requesting Removal from)	TARIFF AFTER TRANSFER TO
Commission Regulation)	MICHAEL MCCARTHY
.....)	

BACKGROUND

- 1 On April 23, 2015, Green Mountain H2O (Green Mountain) and Michael McCarthy (Mr. McCarthy) jointly filed an application for the transfer of ownership of the assets of three water system owned by Green Mountain to Mr. McCarthy. On September 10, 2015, Mr. McCarthy purchased the assets and took over operation and ownership of three of Green Mountain’s water systems. Mr. McCarthy seeks to remove these three systems from regulation and to cancel its tariff adoption.

- 2 Mr. McCarthy operates as a sole proprietor and provides water service to three water systems known as Columbia View 1, Columbia View 2, and Columbia View 3 (Department of Health ID# 08263V, 07762X, and 08265W, respectively). The three systems serve nine residential customers located near the City of Woodland in Cowlitz County.

- 3 Mr. McCarthy has demonstrated that the above three water systems’ total number of customers is below one hundred and that the average annual revenue collected from customers is below \$557. The customers are charged \$45 monthly, making the average annual revenue per customer \$540. Pursuant to WAC 480-110-255, the water company would not be jurisdictional.

- 4 The Commission may remove a water company from regulation under RCW 80.04.010. A water company cannot be removed from regulation without the Commission’s approval. Removing Mr. McCarthy’s three water systems from regulation will be consistent with the public interest because the water systems are below the jurisdictional threshold.

FINDINGS AND CONCLUSIONS

- 5 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the authority to regulate the rates, rules, regulations, practices, accounts, securities, transfers of property and affiliated interests of public service companies, including water companies. RCW 80.01.040, RCW 80.04, RCW 80.08, RCW 80.12, RCW 80.16 and RCW 80.28.
- 6 (2) Mr. McCarthy's sole proprietorship is an investor-owned water company and a public service company subject to Commission jurisdiction.
- 7 (3) Mr. McCarthy's three water systems' total number of customers and average annual revenue per customer are below jurisdictional threshold pursuant to WAC 480-110-255.
- 8 (4) This matter came before the Commission at its regularly scheduled meeting on September 10, 2015.
- 9 (5) After reviewing the information gathered in the investigation, and giving due consideration, the Commission finds it in the public interest to grant Mr. McCarthy's request for removal from regulation. Green Mountain no longer provides regulated service and the Commission finds it in the public interest to cancel the corresponding Green Mountain tariff.

ORDER

THE COMMISSION ORDERS:

- 10 (1) Michael McCarthy's three water systems are no longer subject to Commission jurisdiction under RCW 80.04.110.
- 11 (2) Michael McCarthy's tariff adoption is canceled.
- 12 (3) Michael McCarthy's three water systems are removed from regulation by this Commission and Green Mountain H2O's current tariff WN U-1 is canceled as of the effective date of this Order.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective September 10, 2015.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING, Executive Director and Secretary