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BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

SARAH HAND AND GRETCHEN HAND,
a married couple

Complainant,

v.

RAINIER VIEW WATER COMPANY, INC.,

Respondent.

DOCKET UW 170924

**DECLARATION OF NIGEL MALDEN
IN SUPPORT OF COMPLAINANT'S
MOTION TO COMPEL WUTC TO
DESIGNATE SPEAKING AGENT(S) TO
TESTIFY AT DEPOSITION**

I, Nigel S. Malden, declare as follows:

1. I represent complainant, Sarah Hand.
2. I submit this declaration in support of Sarah Hand's Motion To Compel The WUTC To Designate Speaking Agent(s) To Testify At Deposition regarding the matters described in the Notice of Deposition attached as **Exhibit 1**.
3. This motion is necessary because (a) the WUTC has refused to voluntarily appear at a deposition in this case; (b) the testimony is crucial to matters at issue in this case; and (c) Sarah Hand has no other way to obtain the testimony necessary for the presentation of her case.

**DECLARATION OF NIGEL MALDEN IN SUPPORT
OF COMPLAINANT'S MOTION TO COMPEL
WUTC TO DESIGNATE SPEAKING AGENT(S) TO
TESTIFY AT DEPOSITION -
DOCKET UW 170924**

NIGEL S. MALDEN LAW, PLLC
711 Court A, Suite 200
Tacoma, Wa. 98402
253-627-0393 p
844-273-6067 f

- 1 4. A true and correct copy of my email to WUTC counsel, Jeff Roberson, is attached as
2 **Exhibit 2.**
3 5. Mr. Roberson responded that the WUTC objects to the request and will not voluntarily
4 designate or produce anyone to testify at deposition.
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6 I hereby declare under penalty of perjury under the laws of the State of Washington that the
7 foregoing is true and correct to the best of my knowledge and belief.
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10 Dated this 15th day of June, 2018

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13 Nigel S. Malden, WSBA No. 15643
14 Attorney for Sarah Hand, Complainant
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27 **DECLARATION OF NIGEL MALDEN IN SUPPORT**
28 **OF COMPLAINANT'S MOTION TO COMPEL**
WUTC TO DESIGNATE SPEAKING AGENT(S) TO
TESTIFY AT DEPOSITION -
DOCKET UW 170924

NIGEL S. MALDEN LAW, PLLC
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EXHIBIT 1

Exhibits

NIGEL S. MALDEN LAW, PLLC
711 Court A, Suite 200
Tacoma, Wa. 98402
253-627-0393 p 844-273-6067 f

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BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

SARAH HAND

DOCKET UW-170924

Complainant,

**NOTICE OF DEPOSITION OF THE
WASHINGTON STATE UTILITY AND
TRANSPORTATION COMMISSION**

v.

RAINIER VIEW WATER COMPANY, INC.,

Respondent.

TO: WASHINGTON STATE UTILITY AND TRANSPORTATION COMMISSION

AND TO: JEFF ROBERSON and SALLY BROWN, Office of The Attorney General, WUTC

AND TO: RICHARD A. FINNIGAN, Counsel for Rainier View Water Company, Inc.

AND TO: DAN RANKIN, Counsel for Rainier View Water Company, Inc.

Please take notice that Complainant shall take the deposition of the Washington Utility and Transportation Commission ("WUTC") at _____ a.m. on June ___, 2018 at the Washington State Utility and Transportation Commission located at 1300 S. Evergreen Park Dr. SW in Olympia, Washington.

1. The WUTC's legal authority and responsibility to regulate water quality in the state of Washington;
2. The WUTC's legal authority and responsibility to regulate Rainier View Water Company, Inc. ("Rainier View") as a water purveyor;

NOTICE OF DEPOSITION OF THE WASHINGTON STATE
UTILITY AND TRANSPORTATION COMMISSION
Hand v Rainier View Water Company, Inc.

NIGEL S. MALDEN LAW, PLLC
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253-627-0393 p
844-273-6067 f

- 1 3. The WUTC's delegation of authority to regulate water quality to the Washington
2 Department of Health;
- 3 4. The factual basis of Rachel Stark's statement to Sarah Hand in 2016 that Rainier
4 View is in full compliance with all Department of Health water quality standards;
- 5 5. Whether the water sold by Rainier View to Sarah Hand had levels of manganese that
6 exceeded the Secondary MCL in violation of WAC 246-290-310.
- 7 6. The definition of "impure" or "inadequate" under RCW 80.28.030(1).
- 8 7. The WUTC's knowledge of and response to water quality complaints made by
9 Rainier View customers from 1995 to the present;
- 10 8. Rainier View's duties under WAC 480-110-385;
- 11 9. Rainier View's duties under WAC 246-290-320(3)(d);
- 12 10. The WUTC's efforts to verify whether Rainier View complied with WAC 246-290-
13 320(3)(d) before passing along the cost of a water filtration system to the public.
- 14 11. The factual and legal basis of the WUTC's 2016 rejection of Ms. Hand's original
15 complaint regarding water quality for lack of jurisdiction.
- 16 12. The factual and legal basis of the WUTC's assertion of jurisdiction over Sarah
17 Hand's water quality complaints.
- 18 13. The factual and legal basis of Rachel Stark's January 5, 2017 statement to Rainier
19 View that the WUTC had closed the Hand complaint with "the disposition (of)
20 company upheld."
- 21 14. The potential risk, if any, to human and animal health (including to infants, the
22 elderly, and those with autoimmune diseases) of excess levels of manganese in the
23 drinking water;
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- 15. The WUTC's duties and responsibilities under any Memorandum of Understanding signed with the Washington State Department of Health;
- 16. The WUTC's policies, procedures, customs, or practices, if any, for forwarding customer water quality complaints to the Department of Health;
- 17. The WUTC's policies and procedures for informing the public where, when and how to file water quality complaints.

DATED: This 11th day of May, 2018



NIGEL S. MALDEN, WSBA#15643
Attorney for Sarah Hand

EXHIBIT 2

Exhibits

NIGEL S. MALDEN LAW, PLLC
711 Court A, Suite 200
Tacoma, Wa. 98402
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Nigel Malden

From: Nigel Malden
Sent: Friday, May 11, 2018 1:35 PM
To: Roberson, Jeff (UTC); Brown, Sally (UTC)
Cc: 'Daniel Rankin'; 'rickfinn@localaccess.com'; Anna Lee; DeMarco, Betsy (UTC)
Subject: FW: Hand v. Rainier View Water Company
Attachments: 20180511 Notice of Depo WUTC.pdf

Dear Jeff,

Given Rachel Stark's testimony and her continuing denial that your agency has jurisdiction over water quality (despite the UTC's forced assertion of jurisdiction over Ms. Hand's complaint which caused a court to dismiss her legal action), I must ask to depose a UTC officer, employee or agent authorized to speak for and bind the agency on the matters listed in the accompanying Notice. I would like to complete this deposition as soon as possible. Please provide some suggested dates and times so we can finalize the Notice. Thank you. Nigel

Nigel Malden | ATTORNEY | NIGEL MALDEN LAW, PLLC

nm@nigelmaldenlaw.com

Nigel Malden Law, PLLC
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Tacoma, Washington 98402

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