

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

In the Matter of the Petition of	)	DOCKET UW-110786
	)	
ORTING VALLEY WATER CO.,	)	ORDER 02
LLC,	)	
	)	
Petitioner,	)	
	)	
	)	ORDER GRANTING
Seeking Exemption from the	)	EXEMPTION FROM RULE;
Provisions of WAC 480-110-505	)	GRANTING COMPANY
Requiring Water Companies to File the	)	ADDITIONAL TIME TO FILE
2010 Annual Report by May 1, 2011	)	ANNUAL REPORT
.....	)	

**BACKGROUND**

- 1     On April 29, 2011, Orting Valley Water Co., LLC (Orting Valley or Company), filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting an extension of time to file its 2010 annual report pursuant to WAC 480-110-505. Orting Valley stated that it was unable to prepare the report because the company’s accountant had not completed the Federal Income Taxes for 2010 and needed that information to correctly submit the water utility annual report. Orting Valley requested an extension of time until June 1, 2011.
- 2     Commission granted Orting Valley’s request for exemption, subject to the condition that the Company file its completed report by June 1, 2011.
- 3     On May 31, 2011, the Company again filed a petition requesting an extension of time to file its 2010 annual report pursuant to WAC 480-110-505. Orting Valley states that it is unable to prepare the report because the Company’s accountant has not completed the Federal Income Taxes for 2010 and needs additional time to do more research before final completion of the 2010 tax return and to correctly submit the water utility annual report. Orting Valley requests an additional extension of 60 days until August 1, 2011.
- 4     Commission Staff reviewed the second request and recommended granting Orting Valley’s request for exemption, subject to the condition that the Company file its completed report by August 1, 2011.

**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) Orting Valley is a water company and a public service company subject to Commission jurisdiction.
- 7 (3) Orting Valley is subject to WAC 480-110-505, which requires water companies to file an annual report by May 1 of each year.
- 8 (4) Under WAC 480-110-215, the Commission may grant an exemption from the provisions of any rule in WAC 480-110, if consistent with the public interest, the purposes underlying regulation and applicable statutes. *See also WAC 480-07-110.* In addition, under WAC 480-110-505(4), the Commission may grant an extension of time allowing the Company to file its annual report after the May 1 due date if the Commission receives a request for extension before May 1.
- 9 (5) This matter came before the Commission at its regularly scheduled meeting on June 16, 2011.
- 10 (6) After review of the petition filed in Docket UW-110786 by Orting Valley on May 31, 2011, and giving due consideration, the Commission finds that the exemption is in the public interest and is consistent with the purposes underlying the regulation and applicable statutes and should be granted.

**ORDER**

**THE COMMISSION ORDERS:**

- 11 (1) The request by Orting Valley Water Co., LLC, for an exemption from WAC 480-110-505 and for an extension until August 1, 2011, to file its 2010 annual report is granted.

- 12 (2) Failure by Orting Valley Water Co., LLC, to file its 2010 annual report by August 1, 2011, may result in the Commission invoking RCW 80.04.405, which allows the Commission to assess penalties for violations of statute, rule and Commission orders.
- 13 (3) The Commission retains jurisdiction over the subject matter and Orting Valley Water Co., LLC, to effectuate the provisions 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 June 16, 2011.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary