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5 BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
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7 WASHINGTON UTILITIES AND
8 TRANSPORTATION COMMISSION.

9 Complainant,

10 v.

NO.: UW-230997

11 WASHINGTON WATER SUPPLY, INC.,

12 Respondent.

RESPONDENT'S ANSWER TO
COMPLAINT

13 Respondent Washington Water Supply, Inc. ("WWS"), through its undersigned counsel
14 at the address below, answers the Complaint in the above action and moves for reconsideration
15 of Order 01 pursuant to WAC 480-07-375.

16 1. Respondent admits.
17 2. Respondent admits.
18 3. Respondent admits, and avers that UTC staff have taken inconsistent positions on
19 the completion of the well rehabilitation. The "boil water advisory" was the result of a
20 precautionary agreement between the Washington Department of Health ("DOH") and
21 Respondent with no involvement of UTC. All water sampling was completed per the
22 requirements of DOH, tested by a certified third-party laboratory, and revealed no water quality
23 issues.

24 4. Respondent admits, and avers that UTC staff approved the \$13,710 surcharge
25 recovery amount after receipt of Respondent's supporting documentation as required by the
26 Washington Administrative Code.

ANSWER TO COMPLAINT

SEATTLE-KITSAP LAW, PLLC

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1 5. Respondent denies, and avers that UTC staff agreed with Respondent's supported
2 calculation of the surcharge monthly amount of \$60.00, per the August 2023 tariff filing, as
3 necessary to recover the entire system expense that was the basis of the approved surcharge. The
4 August 2023 approved surcharge provided that "Company may file to update with additional
5 invoices," which Respondent accomplished. UTC staff rejected Respondent's update containing
6 additional invoices despite the specific language allowing such in the August 2023 surcharge.

7 6. Respondent admits, and avers that it notified UTC staff that it disagreed with
8 staff's calculated rate and repeatedly requested an explanation and information supporting staff's
9 calculated rate. UTC staff did not provide the requested explanation and information justifying
10 the rejection of Respondent's calculated rate, and the first time that Respondent received notice
11 of UTC staff's rejection of its request for information was the Notice of Hearing setting the
12 January 11, 2024 hearing date.

13 7. Respondent denies.

14 8. Except as specifically addressed infra, Respondent denies based on a lack of
15 information or belief. Respondent admits that it relied on one customer to provide information to
16 other customers because that is what the customers of the water system requested of Respondent.
17 UTC staff was aware of how Respondent communicated with customers via email, and approved
18 of that process. The other customer comments vaguely referred to were irrelevant to the tariff
19 application or surcharge. Moreover, the customer complaint regarding well repair and the costs
20 of trucking water were the subject of a complaint to UTC staff in June and July 2023, and UTC's
21 investigation resulted in a finding favoring Respondent and dismissal of the customer complaint.
22 From paragraph 8 it appears that this occurrence was not disclosed by UTC staff to the
23 Commission.

24 9. Respondent denies, and avers that UTC staff expressly agreed that Respondent's
25 total surcharge amount of \$13,710 was fair and reasonable, and that the recovery period of six
26 months was fair and reasonable. UTC staff failed to explain how Respondent's calculation of

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1 \$60 per month was erroneous or inconsistent with the surcharge tariff application. Respondent
2 has emailed UTC staff several times requesting an explanation of why Respondent's calculation
3 of the monthly surcharge amount is incorrect, and UTC staff have not responded or offered any
4 assistance.

5 10. Respondent denies, and avers that the UTC staff has already found that the Echo
6 Glen water system is properly maintained, that customer complaints regarding the system were
7 unfounded, that DOH has not found any lack of maintenance, that Respondent's surcharge
8 amount of \$13,710 was fully supported, fair, and reasonable, and that UTC staff failed to comply
9 with the August 2023 directive to Respondent to apply for a revision of a surcharge amount.

10 11. Respondent admits.

11 12. Respondent admits.

12 13. Respondent admits, and avers that it was prevented from participating in the
13 hearing by virtue of the UTC's virtual hearing access being disabled without prior notice to
14 Respondent. UTC staff have admitted that the virtual hearing access was inoperable the day of
15 the hearing.

16 14. Respondent denies.

17 15. Respondent denies.

18 16. Respondent denies.

19 17. Respondent admits, and avers that it satisfied its burden of proof which was
20 admitted by UTC staff.

21 18. Respondent denies.

22 19. Paragraph 19 does not require an admission or denial.

23 Respectfully submitted this 30th day of January, 2024.
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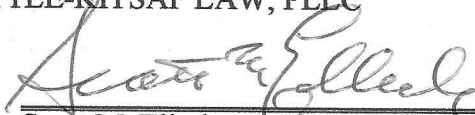
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1 SEATTLE-KITSAP LAW, PLLC

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3 By:


Scott M. Ellerby, WSBA No. 16277
Counsel for Washington Water Supply, Inc.

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5 **DECLARATION OF SERVICE**

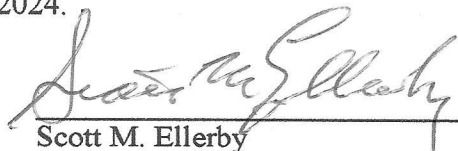
6 I declare that on this date I caused to be served a true and correct copy of the within and
7 foregoing Answer on the following, in the manner indicated:

8
9 *Washington Utilities and Transportation
10 Commission Staff*

- Via first class mail, postage prepaid
 Via facsimile
 Via Legal Messengers
 Electronic filing via UTC website

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12
13
14 I declare, under penalty of perjury under the laws of the State of Washington, that the
15 foregoing is true and correct.

16 DATED this 30th day of January, 2024.

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18 
Scott M. Ellerby

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