

[Service Date October 30, 2002]

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND	)	
TRANSPORTATION COMMISSION,	)	DOCKET NO. UW-020538
	)	
Complainant,	)	FIRST SUPPLEMENTAL
	)	ORDER: PREHEARING
v.	)	CONFERENCE ORDER
	)	
GAMBLE BAY WATER, INC.,	)	<b>NOTICE OF DATE FOR</b>
	)	<b>RESPONSE TO MOTION TO</b>
Respondent.	)	<b>DISMISS</b>
	)	(November 12, 2002)
.....	)	

1 **PREHEARING CONFERENCE:** On May 1, 2002, Gamble Bay Water, Inc. filed with the Commission certain tariff revisions designed to effect a general increase in its rates for water services it provides in this state. The Commission suspended the filing by order entered on May 24, 2002. On October 7, 2002, the Commission served written notice of a prehearing conference to be held at the Commission’s offices in Olympia, Washington, on October 28, 2002. The prehearing conference was conducted as scheduled. Appearances were taken in accordance with the notice. No one appeared for Gamble Bay Water, Inc.

2 **PETITION TO INTERVENE:** Julie Krucek petitioned orally at the prehearing conference to intervene on her own behalf and on behalf of an informal group of “concerned customers” of Gamble Bay Water, Inc. Ms. Krucek established a substantial interest in the proceeding and stated her intention to participate actively in the proceeding. Her petition was not opposed. Ms. Krucek’s petition to intervene is granted.

3 **PARTIES:** As previously stated, no one appeared to represent Gamble Bay Water, Inc. (“Gamble Bay”). The company’s rate filing, however, was made over the signature of one of its owners, Bill Randles, who is indicated to be the company’s President. The tariff sheets tendered with the filing bear the signature of the company’s Secretary, Cindy A. Randles, who co-owns the company, according to Staff. The company’s mailing address is indicated in the filing to be:

Gamble Bay Water, Inc.  
P. O. Box 657  
Neotsu, OR 97364

Julie Krucek, Poulsbo, Washington, appeared *pro se* to represent herself and an informal group of “concerned customers” of Gamble Bay. Mary M. Tennyson, Senior Assistant Attorney General, Olympia, Washington, appeared for and represents the Commission’s regulatory staff (“Commission Staff” or “Staff”).

4 **MOTION TO DISMISS; NOTICE OF RESPONSE DATE:** Staff made an oral motion to dismiss the proceeding, later reduced to writing and filed with the Commission on October 29, 2002. Staff argues that the proceeding should be dismissed pursuant to RCW 34.05.440, which provides that failure to appear or participate in a hearing or other stage of an adjudicative proceeding may result in a party being held in default. We note that the Commission’s procedural rule, WAC 480-09-700, also provides that failure to appear at the time and place set for hearing is a ground upon which the Commission may find a party in default. WAC 480-09-700 provides, *inter alia*, that “[d]efault may be appropriate in instances where the party is the initiator of the proceeding, such as an applicant, a petitioner, or a complainant.”

5 **Notice is hereby given that any response to “Staff’s Motion for Dismissal Pursuant to RCW 34.05.440” must be filed on or before November 12, 2002, in accordance with WAC 480-09-425(3)(c).**

6 **SCHEDULE:** Following consultation with the parties who appeared at the prehearing conference, and in consideration of the statutory deadline that is part of the Commission’s suspension authority, the following procedural schedule is established:

Responses to Staff’s motion to dismiss	November 12, 2002
Gamble Bay’s prefiled direct testimony and exhibits	November 12, 2002
Staff and Intervenor prefiled direct (response) testimony and exhibits	December 4, 2002
Gamble Bay’s prefiled rebuttal testimony and exhibits	December 18, 2002
Final Prehearing Conference	January 8, 2003
Evidentiary Hearing	January 9, 2003
Simultaneous post-hearing briefs	January 22, 2003

- 7 **FILING; COPIES OF MATERIALS:** Parties must submit an original and eight (8) copies of all documents filed. All filings should be directed to the Commission Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250, or by hand delivery to the Commission Secretary at the Commission's records center at the Washington Utilities and Transportation Commission, 1300 S. Evergreen Park Drive, S.W., Olympia, Washington, 98504. Both the post office box and street address are required to expedite deliveries by U.S. Postal Service.
- 8 **An electronic copy of all filings should be provided by e-mail delivery to <[records.wutc.wa.gov](mailto:records.wutc.wa.gov)>.** Alternatively, Parties may furnish an electronic copy by delivering with each filing a 3.5 inch IBM formatted high-density diskette including the filed document(s) in .pdf format, MS Word 97 (or later), or WordPerfect 5.1 (or later) format.
- 9 All paper copies of testimony, exhibits, and briefs are required to conform to the publication guidelines attached to this Order. Any filing that fails to conform to these standards may be required to be refiled.
- 10 **NOTICE TO PARTIES:** Any objection to the provisions of this Order must be filed within ten (10) days after the date of mailing of this statement, pursuant to WAC 480-09-460(2). Absent such objections, this prehearing conference order will control further proceedings in this matter, subject to Commission review.

DATED at Olympia, Washington and effective this 30<sup>th</sup> day of October, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DENNIS J. MOSS  
Administrative Law Judge

## Appendix

### I. Requirements for ALL paper copies of testimony, exhibits, and briefs

The following requirements are restated from and clarify the Commission's rules relating to adjudications.

A. All paper copies of briefs, prefiled testimony, and original text in exhibits must be

- On 8-1/2x11 paper, punched for insertion in a 3-ring binder,
- Punched with **OVERSIZED HOLES** to allow easy handling.
- Double-spaced
- 12-point or larger text and footnotes, Times New Roman or equivalent serif font.
- Minimum one-inch margins from all edges.

Other exhibit materials need not be double-spaced or 12-point type, but must be printed or copied for optimum legibility.

B. All electronic and paper copies must be

- **SEQUENTIALLY NUMBERED** (all pages). **THIS INCLUDES EXHIBITS**. It is not reasonable to expect other counsel or the bench to keep track of where we are among several hundred (or sometimes even just several) unnumbered pages.
- **DATED ON THE FIRST PAGE OF EACH ITEM** and on the label of every diskette. If the item is a revision of a document previously submitted, it must be clearly labeled (**REVISED**), with the same title, and with the date it is filed clearly shown. Electronic files must be designated **R** for revision, when applicable, with an ordinal number showing the revision number.

**II. Identifying exhibit numbers; Exhibits on cross-examination.**

A. **Identifying exhibits.** It is essential to mark documents so you, opposing counsel, and the Commission can find them. We ask you to comply with this clarification of prior practice, based on recent experience:

- **Use the witness's initials and add an ordinal number for each exhibit.** Identify testimony with a T and confidential exhibits with a C. Example: Witness Jane Quintessentia Public. Her original testimony would be JQP-1T or JQP-1TC, her first attached exhibit would be JQP-2, etc. NEVER identify the attachments merely with a single ordinal number, as that will provide the maximum confusion to everyone, including your witness.

B. Prepare a list of your exhibits with their title and designation (*e.g.*, JQP-1T) in digital form and in a format specified by the Commission. Send it to the presiding officer before the appropriate prehearing conference. That will simplify identification and ease administrative burdens.

**NOTE: Be prepared to submit all of your possible exhibits on cross examination several days prior to the hearing.** We will attempt to schedule a prehearing conference to deal with the exhibits as close as possible to the hearing itself, but we have administrative needs that require prefiling.