

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

NANCY BATES, JIM AND MARCY)	
BICHLER, JOEL AND HEATHER)	DOCKET NO. UW-040792
BIRCHMAN, KEN CHISHOLM,)	
KEN AND LINDA COUNTER,)	
RONALD AND MARTHA DE LISLE,)	ORDER NO. 01
ROY AND DENISE DICKMEYER,)	
JIM AND CINDY DUFRAIN,)	PREHEARING CONFERENCE
ARNOLD AND SHARON EBY,)	ORDER
STEVE AND LORINDA EDWARDS,)	
CHAD EVERITT, GREG AND)	
ELAINE GALLOWAY, RICHARD)	
GROVES, NANCE' HAYDOCK-)	
KECK, RONALD AND SHARON)	
HOLLOWAY, RYAN IRVING AND)	
CATHERINE OSTBYE, MARGARET)	
LACOMBE AND DAVID)	
WILLIAMS, CHARLES AND)	
CATHERINE LEACH, GARTH AND)	
SHANNON LIEN, BARRY AND)	
RACHELLE MEEHAN, MARK AND)	
KAREN MOORE, DAVID AND)	
VIKKI POOLE, CONSTANCE R.)	
REID, ANDRE AND CHRISTINE)	
SINN, AND JIM AND TRACEY)	
SMITH,)	
)	
Complainants)	
)	
v.)	
)	
MARBELLO WATER COMPANY,)	
)	
Respondent.)	
)	
.....)	

1 **NATURE OF PROCEEDING.** Docket No. UW-040792 is a formal complaint filed by ratepayers of Marbello Water Company (Marbello) alleging that Marbello's rates are unfair, unreasonable and discriminatory; that the company's service quality and maintenance are poor; that it has provided erroneous information to customers: and that it failed to report the results of testing to ratepayers.

2 **CONFERENCE.** The Commission convened a prehearing conference in this docket at Olympia, Washington on June 29, 2004 before Administrative Law Judge Theodora Mace.

3 **APPEARANCES.** The following complainants entered appearances either in person or over the conference bridge: Joel Birchman, Ken Chisholm, Ken Counter, Ronald DeLisle, Roy Dickmeyer, Arnold Eby, Steve Edwards, Mary Everitt, Greg Galloway, Janine Groves, Ronald Holloway, Margaret Lacombe, Kathryn Ostbye, Constance Reid, Tracey Smith.¹ Richard A. Finnigan represents Marbello Water Company, Inc. (Marbello). Jonathan Thompson represents Commission Staff.

4 **PETITIONS FOR INTERVENTION.** The Commission received no requests for intervention.

5 **DISMISSAL OF COMPLAINTS.** The Commission provided notice of the prehearing conference to all complainants on June 3, 2004. The prehearing conference notice stated that any party who failed to attend or participate in the prehearing conference "may be held in default" and invoked the sanction provisions of WAC 480-07-450, allowing for dismissal or default for failure to appear. By notice issued on June 23, 2004, the Commission further notified the

¹ Complainants designated Joel Birchman and Steve Edwards as their spokespersons.

complainants of the requirement that they appear at the prehearing conference, either in person, or by telephone,

6 The following complainants failed to enter their appearances at the prehearing conference: Nancy Bates, Jim and Marcy Bichler, Jim and Cindy Dufrain, Nance Haydock-Keck, Charles and Catherine Leach, Gartth and Shannon Lien, Barry and Rachelle Meehan, Mark and Karen Moore, David and Vikki Poole, and Andre and Christine Sinn. **UNLESS THESE COMPLAINANTS NOTIFY THE COMMISSION IN WRITING BY JULY 16, 2004 THAT THEY WISH TO CONTINUE PROSECUTING THEIR COMPLAINTS, THEIR COMPLAINTS WILL BE DISMISSED PURSUANT TO WAC 480-07-450 FOR FAILURE TO APPEAR.**

7 **PROTECTIVE ORDER.** The parties asked the Commission to enter a protective order in this docket pursuant to RCW 34.05.446 and RCW 80.04.095, to protect the confidentiality of proprietary information. The request is granted, and a protective order will be entered.

8 **DISCOVERY.** The parties desire to engage in discovery of information in this proceeding. The proceeding qualifies under WAC 480-07-400 as a proceeding in which such inquiries may be made as provided in the Commission's rules. The discovery rule is invoked.

9 **AVAILABILITY OF COMMISSION RULES.** During the prehearing conference, the complainants requested information on where to obtain copies of the Commission's rules of procedure. The Commission's rules are available on the Commission's website at www.wutc.wa.gov. Other information on the Commission's regulatory mandate is also available at that site. Any party unable to access the Commission's website may contact the Commission at 360-664-1234 to obtain a hard copy of the rules.

10 **SCHEDULE OF PROCEEDINGS.** The parties agreed on a procedural schedule of proceedings that is attached to this Order as Appendix B.

- 11 **LOCATION OF HEARING.** The hearing in this matter will be convened at the offices of the Commission in Olympia, Washington in hearing room 206, beginning at 9:30 a.m.
- 12 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file with the Commission an original plus nine (9) copies of all pleadings, motions, briefs, and other prefiled materials. Paper copies of these materials are required to conform to the format and publication guidelines set forth in WAC 480-07-395 and 480-07-460, and must be three-holed punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.
- 13 All filings must be mailed or delivered by hand to the Commission Executive Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.
- 14 An electronic copy of all filings must be provided by e-mail delivery to 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). The Commission prefers that parties furnish electronic copies in .pdf (Adobe Acrobat) format, supplemented by a separate file in MS Word 6.0 (or later), or WordPerfect 5.1 (or later) format. Parties are required to organize and identify electronic files as specified in WAC 48-07-140(5).
- 15 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission does have limited

ability to provide dispute resolution services; if you wish to explore those services, please call the Director, Administrative Law Division at 360-664-1142.

16 **NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective this 2nd day of July, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

THEODORA M. MACE
Administrative Law Judge

APPENDIX A

PARTIES' REPRESENTATIVES
DOCKET NO. UW-040792

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
	Nancy Bates 18527 – 126 St. SE Snohomish, WA 98290			
	Jim Bichler 18508 – 126 St. SE Snohomish, WA 98290			
	Joel Birchman 18715 – 126 th St. SE Snohomish, WA 98290	360-794-7513		joelb@perteet.com
	Ken Chisholm 12631 – 189 th Drive, SE Snohomish, WA 98290			
	Ken Counter 12715 – 189 th Drive, SE			
	Ronald De Lisle 12718 – 189 th Drive, SE Snohomish, WA 98290	360-794-3443		ron.de@comcast.net
	Roy Dickmeyer 18502 – 126 th St, SE	360-794-8841		
	Jim Dufrain 18722 El Bollo Paseo St., SE Snohomish, WA 98290	360-794-9286		
	Arnold Eby 18623 – 126 th St., SE Snohomish, WA 98290	360-794-4382		
	Steve Edwards 18820 – 126 th St., SE Snohomish, WA 98290	360-794-5024		stevee@h-ai.com
	Chad Everitt 18514 – 126 th St., SE Snohomish, WA 98290	360-805-0154		mk.chad@verizon.net
	Greg Galloway 18505 – 126 th St., SE Snohomish, WA 98290			
	Richard Groves 18607 – 126 th St., SE Snohomish, WA 98290			

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
	Nance Haydock-Keck 18529 – 126 th St., SE Snohomish, WA 98290			
	Ronald Holloway 18521 – 126 th St., SE Snohomish, WA 98290	360-794-8601		sha.ron@comcast.net
	Ryan Irving 18808 – 126 th St., SE Snohomish, WA 98290			
	Margaret Lacombe 18804 – 126 th St., SE Snohomish, WA 98290			
	Charles Leach 18717 El Bell Paseo, SE Snohomish, WA 98290	360-794-3640		
	Garthh Lien 18513 – 126 th St., SE Snohomish, WA 98290			
	Barry Meehan 12814 – 189 th Drive, SE Snohomish, WA 98290	360-794-6636		
	Mark Moore 18802 – 126 th St., SE Snohomish, WA 98290			
	David Poole 18529 – 126 th St., SE Snohomish, WA 98290			
	Constance R. Reid 18515 – 126 th St., SE Snohomish, WA 98290	360-794-9397		dibreid@yahoo.com
	Andre Sinn 19413 – 130 th Place, SE Snohomish, WA 98290			
	Jim Smith 18815 – 130 th St., SE Snohomish, WA 98290			
Marbello Water Company	Richard Finnigan Attorney at Law 2405 Evergreen Park Dr. SW Suite B-3 Olympia, WA 98502	360-956-7001	360-753-6862	rickfinn@ywave.com

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
Commission Staff	Jonathan Thompson Assistant Attorney General 1400 S. Evergreen Park Dr SW PO Box 40128 Olympia, WA 98504	360-664-1225	360-586-5522	jthomps@wutc.wa.gov

APPENDIX B
PROCEDURAL SCHEDULE
DOCKET NO. UW-040792

EVENT	DATE
Filing of dispositive motions	July 16, 2004
Filing of responses to dispositive motions	July 30, 2004
Complainants and staff prefiled testimony due (complainants to file witness statements and exhibit lists)	September 20, 2004
Marbello prefiled testimony due	November 15, 2004
Rebuttal testimony	November 24, 2004
Hearing	January 10-12, 2005
Initial briefs	February 6, 2005
Reply briefs	February 20, 2005
Target Order date	March 18, 2005