

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

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,	)	DOCKET UW-091034
	)	
Complainant,	)	ORDER 02
	)	ORDER OF CONSOLIDATION AND
v.	)	NOTICE OF PREHEARING
	)	CONFERENCE
SJM WATER SERVICES, INC.,	)	<b>(Set for March 24, 2010, at 1:30 p.m.)</b>
	)	
Respondent.	)	
.....	)	
	)	
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,	)	DOCKET UW-091035
	)	
Complainant,	)	ORDER 02
	)	ORDER OF CONSOLIDATION AND
v.	)	NOTICE OF PREHEARING
	)	CONFERENCE
FRAGARIA LANDING WATER COMPANY, INC.,	)	<b>(Set for March 24, 2010, at 1:30 p.m.)</b>
	)	
Respondent.	)	
.....	)	
	)	
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION	)	DOCKET UW-091036
	)	
Complainant,	)	ORDER 02
	)	ORDER OF CONSOLIDATION AND
v.	)	NOTICE OF PREHEARING
	)	CONFERENCE
ILIAD WATER SERVICE, INC.,	)	<b>(Set for March 24, 2010, at 1:30 p.m.)</b>
	)	
Respondent.	)	
.....	)	

	)	
WASHINGTON UTILITIES AND	)	DOCKET UW-091037
TRANSPORTATION COMMISSION,	)	
	)	ORDER 02
Complainant,	)	
	)	ORDER OF CONSOLIDATION AND
v.	)	NOTICE OF PREHEARING
	)	CONFERENCE
MARBELLO WATER CO., INC.,	)	<b>(Set for March 24, 2010, at 1:30 p.m.)</b>
	)	
Respondent.	)	
.....	)	

- 1 On June 29, 2009, in Docket UW-091034, SJM Water Services, Inc. (SJM Water) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective Tariff WN U-1. The filing proposes to increase ancillary charges for Reconnection, Late Payment, Cross Connection Site Visit and Cross Connection Premise Inspection; adds new charges for NSF Check, Account Set-Up, and Initial Meter Reading; clarifies rules related to irrigation; and adds language on Limitation of Liability for customers in Snohomish County. The original proposed effective date was July 31, 2009. SJM Water extended the effective date to September 1, 2009, by filings on July 15, 2009, and August 6, 2009.
  
- 2 On June 29, 2009, in Docket UW-091035, Fragaria Landing Water Company (Fragaria Landing Water) filed with the Commission revisions to its currently effective Tariff WN U-1. The filing proposes to increase ancillary charges for Reconnection, Late Payment, and Cross Connection Site Visit; adds new charges for NSF Check, Service Visit / Account Set-up, and Initial Meter Reading; clarifies rules related to irrigation; and adds language on Limitation of Liability for customers in Kitsap County. The original proposed effective date was July 31, 2009. Fragaria Landing Water extended the effective date to September 1, 2009, by filings on July 15, 2009, and August 6, 2009.
  
- 3 On June 29, 2009, in Docket UW-091036, Iliad Water Service, Inc., (Iliad Water) filed with the Commission revisions to its currently effective Tariff WN U-1. The filing proposes to increase ancillary charges for Reconnection, Service Visit, and Account Set-up; adds new charges for Late Payment, NSF Check, Cross Connection

Site Visit, and Cross Connection Premise Inspection; clarifies rules related to irrigation; and adds language on Limitation of Liability for customers in Kitsap County. The original proposed effective date was July 31, 2009. Iliad Water extended the effective date to September 1, 2009, by filings on July 15, 2009, and August 6, 2009.

- 4 On June 29, 2009, in Docket UW-091037, Marbello Water Co., Inc. (Marbello Water) filed with the Commission revisions to its currently effective Tariff WN U-1. The filing proposes to increase ancillary charges for Reconnection, Late Payment, Cross Connection Site Visit and Cross Connection Premise Inspection; adds new charges for NSF Check, Service Visit / Account Set-up, and Initial Meter Reading; clarifies rules related to irrigation; and adds language on Limitation of Liability. The original proposed effective date was July 31, 2009. Marbello Water extended the effective date to September 1, 2009, by filings on July 15, 2009, and August 6, 2009.
- 5 On August 27, 2009, the Commission, by order, suspended the operation of the tariff revisions in Dockets UW-091034, UW-091035, UW-091036 and UW-091037, pending hearing or hearings concerning all proposed changes, including whether the changes are fair, just, reasonable and sufficient.
- 6 Inasmuch as the foregoing matters involve related principles of law and fact, it is appropriate that they be consolidated for hearing and determination pursuant to WAC 480-07-320.

### **ORDER OF CONSOLIDATION**

- 7 THE COMMISSION ORDERS That these matters are consolidated for purposes of hearing and determination. The Commission reserves the right to hold separate hearings and to enter separate orders in the individual dockets as it deems appropriate.

### **NOTICE OF PREHEARING CONFERENCE**

- 8 The Commission has jurisdiction over this matter under RCW Title 80, and has legal authority to regulate the rates, services, and practices of water companies providing service within the state of Washington. The statutes that apply to this matter include RCW 80.01, RCW 80.04, and RCW 80.28, including but not limited to RCW 80.01.040, RCW 80.04.020, RCW 80.04.130, RCW 80.28.010, RCW 80.28.020, RCW 80.28.030, RCW 80.28.040, RCW 80.28.060 and RCW 80.28.100. The rules that apply to this matter include those within WAC 480-07 and WAC 480-110.

- 9 The Commission will hear this matter under the Administrative Procedure Act (APA), particularly Part IV of RCW 34.05 relating to adjudications. The provisions of the APA that relate to this proceeding include, but are not limited to RCW 34.05.413, RCW 34.05.422, RCW 34.05.431, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452. The Commission will also follow its procedural rules in WAC 480-07 in this proceeding.
- 10 The Commission commences an adjudicative proceeding for the following purposes: 1) to determine whether the tariff revisions to increase the amount collected are just and reasonable; 2) to determine whether existing rates are fair, just, reasonable, and sufficient, pure, or adequate; and 3) to make any other determinations and enter orders as may be just and reasonable. In accordance with the provisions of RCW 80.04.130 the burden of proof to show that the increase is just and reasonable will be upon the respondent.
- 11 **THE COMMISSION GIVES NOTICE That it will hold a prehearing conference in these consolidated matters at 1:30 p.m., on March 24, 2010, in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**
- 12 The purpose of the prehearing conference is to consider requests for intervention, resolve scheduling matters including establishing dates for distributing evidence and workpapers, to identify the issues in the proceeding and determine other matters to assist the Commission in resolving these cases, as listed in WAC 480-07-430.
- 13 **INTERVENTION:** Persons who wish to intervene should file a petition to intervene in writing at least three business days before the date of the prehearing conference. *See WAC 480-07-355(a)*. The Commission will consider oral petitions to intervene during the conference, but strongly prefers written petitions to intervene. Party representatives must file a notice of appearance with the Commission no later than the business day before the conference. *See WAC 480-07-345(2)*. Any party or witness in need of an interpreter or other assistance should fill out the form attached to this notice and return it to the Commission. The Commission will set the time and place for any evidentiary hearings at the prehearing conference, on the record of a later conference or hearing session, or by later written notice.

14 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the prehearing conference set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**

15 The names and mailing addresses of all known parties and their known representatives are as follows:

Complainant: Washington Utilities and  
Transportation Commission  
1300 S. Evergreen Park Drive S.W.  
P.O. Box 47250  
Olympia, WA 98504-7250  
(360) 664-1160

Representative: Jennifer Cameron-Rulkowski  
Assistant Attorney General  
1400 S. Evergreen Park Drive S.W.  
P.O. Box 40128  
Olympia, WA 98504-0128  
(360) 664-1186  
[jcameron@utc.wa.gov](mailto:jcameron@utc.wa.gov)

Respondents: SJM Water Services, Inc.  
P.O. Box 20429  
Seattle, WA 98102

Fragaria Landing Water Company  
P.O. Box 20429  
Seattle, WA 98102

Iliad Water Service, Inc.  
Derek Dorland, President  
P.O. Box 20429  
Seattle, WA 98102

Marbello Water Co., Inc.  
P.O. Box 20429  
Seattle, WA 98102

Representative:

Richard A. Finnigan  
Attorney at Law  
2112 Black Lake Blvd. SW  
Olympia, WA 98512  
(360) 956-7001  
[rickfinn@localaccess.com](mailto:rickfinn@localaccess.com)

- 16 Administrative Law Judge Marguerite E. Friedlander, from the Commission's Administrative Law Division, will preside during this proceeding.
- 17 The Commission will give parties notice of any other procedural phase of the proceeding in writing or on the record, as appropriate during this proceeding.

DATED at Olympia, Washington, and effective February 23, 2010.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER  
Executive Director and Secretary

Inquiries may be addressed to:

Executive Director and Secretary  
Washington State Utilities and  
Transportation Commission  
Richard Hemstad Building  
1300 S. Evergreen Park Drive S.W.  
P.O. Box 47250  
Olympia, WA 98504-7250  
(360) 664-1160

**NOTICE**

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

If you need an interpreter, or have other special needs, please fill out this form and return it to Washington State Utilities and Transportation Commission, Attention: David W. Danner, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket : \_\_\_\_\_

Case Name: \_\_\_\_\_

Hearing Date: \_\_\_\_\_ Hearing Location: \_\_\_\_\_

Primary  
Language: \_\_\_\_\_

Hearing Impaired (Yes) \_\_\_\_\_ (No) \_\_\_\_\_

Do you need a certified sign language interpreter:

Visual \_\_\_\_\_ Tactile \_\_\_\_\_

Other type of assistance needed: \_\_\_\_\_

English-speaking person who can be contacted if there are questions:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: (\_\_\_\_) \_\_\_\_\_