

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

WASHINGTON UTILITIES AND	)	DOCKET UW-091050
TRANSPORTATION COMMISSION,	)	
	)	ORDER 01
Complainant,	)	
	)	
v.	)	ORDER OF CONSOLIDATION AND
	)	NOTICE OF PREHEARING
BURTON WATER COMPANY, INC.,	)	CONFERENCE
	)	<b>(Set for December 11, 2009,</b>
Respondent.	)	<b>at 9:30 a.m.)</b>
	)	
.....	)	
	)	
WASHINGTON UTILITIES AND	)	DOCKET UW-091051
TRANSPORTATION COMMISSION,	)	
	)	ORDER 01
Complainant,	)	
	)	
v.	)	ORDER OF CONSOLIDATION AND
	)	NOTICE OF PREHEARING
BURTON WATER COMPANY, INC.,	)	CONFERENCE <sup>1</sup>
	)	<b>(Set for December 11, 2009,</b>
Respondent.	)	<b>at 9:30 a.m.)</b>
	)	
.....	)	

<sup>1</sup> On June 30, 2009, in Docket UW-091050, Burton Water Company, Inc., (Burton Water) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective Tariff WN U-2. The filing proposes to increase the Reconnection, Account Set-up, NSF Check, and Water Availability charges; adds new charges for Cross Connection Site Visit, Cross Connection Inspection, and Unauthorized Meter Lock Removal; clarifies rules related to

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<sup>1</sup> On November 17, 2009, the Commission issued a separate notice of prehearing conference in Docket UW-091051.

irrigation; and, adds language on Limitation of Liability, Unauthorized Use of Service and Cross Connection Control for customers on Vashon Island in King County.

2 Also on June 30, 2009, in Docket UW-091051, Burton Water filed with the Commission revisions to its currently effective Tariff WN U-2, designated as Fourth Revised Sheet No. 22 Canceling Third Revised Sheet No. 22, and Second Revised Sheet No. 23 Canceling First Revised Sheet No. 23, instituting a general rate increase for its Vashon Island customers.

3 On July 30, 2009, the Commission, by order, suspended the operation of the tariff revisions in Dockets UW-091050 and UW-091051, pending hearing or hearings concerning all proposed changes, including whether the changes are fair, just, reasonable and sufficient.

4 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**

5 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**

6 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 relating to rates, including but not limited to RCW 80.01.040, 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.

7 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.

8 **THE COMMISSION GIVES NOTICE That a prehearing conference in this matter will be held at 9:30 a.m., on Friday, December 11, 2009, in Room 206, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

9 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 the matter, as listed in WAC 480-07-430.

10 **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.**

11 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: Donald T. Trotter  
Assistant Attorney General  
1400 S. Evergreen Park Drive S.W.  
P.O. Box 40128  
Olympia, WA 98504-0128  
(360) 664-1189  
[dtrotter@utc.wa.gov](mailto:dtrotter@utc.wa.gov)

Respondent: Burton Water Company, Inc.  
10930 SW 238<sup>th</sup>  
Vashon, WA 98070

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

12 Administrative Law Judge Ann E. Rendahl, from the Utilities and Transportation  
Commission's Administrative Law Division, will preside during this proceeding.

13 Notice of any other procedural phase will be given in writing or on the record, as the  
Commission may deem appropriate during the course of this proceeding.

DATED at Olympia, Washington, and effective November 19, 2009.

**WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION**

**DAVID W. DANNER**  
Executive Director and Secretary

Inquiries may be address to:

Executive Director and Secretary  
Washington 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**

PLEASE NOTE: The hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and if limited English-speaking or 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.

The information needed to provide an appropriate interpreter or other assistance should be stated below and returned to Washington 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 No.: \_\_\_\_\_

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.: (\_\_\_\_) \_\_\_\_\_