

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

| | | |
|---------------------------|---|---------------------------------------|
| WASHINGTON UTILITIES AND |) | DOCKET UW-140595 |
| TRANSPORTATION COMMISSION |) | |
| |) | |
| Complainant, |) | ORDER 01 |
| |) | |
| v. |) | |
| |) | PREHEARING CONFERENCE |
| EASTWOOD PARK WATER CO., |) | ORDER; NOTICE OF HEARING |
| INC. |) | (Set for December 15, 2014, at |
| |) | 1:30 p.m.) |
| Respondent. |) | |
| |) | |
| |) | |

1 **NATURE OF PROCEEDING.** This proceeding arises out of a complaint filed by the Washington Utilities and Transportation Commission (Commission) Staff on September 8, 2014, against Eastwood Park Water Co., Inc. (Eastwood Park Water). The complaint alleges that Eastwood Park Water committed 833 violations of Commission rules and state laws.

2 **CONFERENCE.** The Commission convened a prehearing conference in this docket at Olympia, Washington on October 2, 2014, before Administrative Law Judge Rayne Pearson.

3 **APPEARANCES.** Michael Fassio, Assistant Attorney General, Olympia, Washington, represents the Commission’s regulatory staff (Commission Staff or Staff).¹ Robert Green, manager and operator, represents Eastwood Park Water. Contact information provided at the conference for the parties’ representatives is attached as Appendix A to this order.

¹ In formal proceedings, such as this, the Commission’s regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners’ policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See*, RCW 34.05.455.

4 **PETITIONS FOR INTERVENTION.** No party appeared at the conference seeking to intervene.

5 **CONSENT TO ELECTRONIC SERVICE.** All parties have consented to service electronically. The Commission, therefore, may serve only electronic copies of notices and orders in this docket to the party and representative email addresses on file with the Commission.

6 **DISCOVERY.** Discovery will be conducted pursuant to the Commission's discovery rules, WAC 480-07-400 – 425. The Commission urges the parties to work cooperatively together to avoid having to bring discovery matters forward for formal resolution.

7 **PROCEDURAL SCHEDULE.** The parties agreed on a procedural schedule during the conference. The Commission adopts this procedural schedule, which is attached to this Order as Appendix B.

8 **EXHIBITS FOR CROSS-EXAMINATION.** Parties are required to file all proposed cross-examination exhibits by 5:00 p.m. on December 8, 2014. Except as otherwise agreed between parties, proposed cross-examination exhibits must be served on all parties at the time they are filed with the Commission. Two copies must be furnished to the party sponsoring the witness the party intends to cross examine with the exhibits. Parties may waive the right to service of cross-examination exhibits in whole or in part. This may be appropriate, for example, when a proposed exhibit has been previously furnished during the discovery process.

9 The exhibits must be accompanied by an exhibit list and must be organized into sets that are **tabbed, labeled, and grouped** according to the witness the party intends to cross examine with the exhibits. Cross-examination exhibits not conforming to these requirements may be rejected. Each party's cross-examination exhibit list must be filed with the Commission and served on all parties by 5:00 p.m. on December 8, 2014.

- 10 **CROSS-EXAMINATION TIME ESTIMATES.** Each party must provide a list of witnesses the party intends to cross-examine at the evidentiary hearing and an estimate of the time that party anticipates the cross-examination of that witness will take. Cross-examination time estimates are not filed but must be provided to the administrative law judge and the other party by 5:00 p.m. on December 8, 2014.
- 11 **NOTICE OF HEARING;** The Commission will hold an evidentiary hearing in this matter commencing on **Monday, December 15, 2014, at 1:30 p.m.**, in the Commission's Headquarters, Room 206, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.
- 12 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file an original plus two (2) copies of all pleadings, motions, briefs, and other prefiled materials. These materials must conform to the format and publication guidelines in WAC 480-07-395 and WAC 480-07-460. The Commission prefers that materials be three-hole 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 to the Executive Director and 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 through the Commission's Web Portal (www.utc.wa.gov/e-filing) or by e-mail delivery to records@utc.wa.gov. Alternatively, parties may furnish an electronic copy by delivering with each filing a flash drive, 3.5-inch IBM-formatted high-density diskette or CD including the filed document(s). Parties must furnish electronic copies in MS Word 6.0 (or later) supplemented by a separate file in .pdf (Adobe Acrobat) format. Parties must follow WAC 480-07-140(5) in organizing and identifying electronic files.

- 15 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Parties may submit documents electronically to the Commission on the filing deadline to expedite the filing process, but must file an original, plus two (2) paper copies, of the documents with the Commission by 12:00 noon on the first business day following the filing deadline established in the procedural schedule. WAC 480-07-145(6). Parties may submit documents electronically through the Commission's Web Portal (www.utc.wa.gov/efiling) or by e-mail to records@utc.wa.gov. **Finally, to perfect filing, parties must simultaneously provide e-mail courtesy copies of filings to the presiding administrative law judge, as well as to the other party.**
- 16 **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 360-664-1355.
- 17 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective October 2, 2014.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

RAYNE PEARSON
Administrative Law Judge

APPENDIX A

**PARTIES' REPRESENTATIVES
DOCKET UW-140595**

| PARTY | REPRESENTATIVE | PHONE | FACSIMILE | E-MAIL |
|-------------------------------------|--|--------------|------------------|--|
| Eastwood Park Water Co., Inc. | Robert Green P.O. Box 340 Spanaway, WA 98387 | 253-770-5268 | | robertg@johnlscott.com |
| Commission Staff | Michael Fassio Assistant Attorney General 1400 S. Evergreen Park Drive S.W. P.O. Box 40128 Olympia, WA 98504-0128 | 360-664-1192 | 360-586-5522 | mfassio@utc.wa.gov |

APPENDIX B
PROCEDURAL SCHEDULE
DOCKET UW-140595

| EVENT | DATE |
|--|-------------------|
| Settlement Conference (Parties only) | October 9, 2014 |
| Deadline for Filing Cross-Examination Exhibits | December 8, 2014 |
| Evidentiary Hearing | December 15, 2014 |