

**NOTICE OF HEARING
UTILITIES**

Date served: 06-07-94

Docket No: UW-940325

Utility Mgrs. (7)
 Terry Simmonds
 Public Affairs
 Comm. Hemstad
 Comm. Casad
 Chrm. Nelson
 Steve McLellan
 Final Util. Sub. File
 Mert Lott
 Nancy Stanton

Pat Dutton
 Regulatory Affairs
 Admin. Law Judges (2)
 Docket Clerk
 Comm. AAG's (3)
 Policy Planning
 Continental Reporting Svc.
NO Bob James, Dept of Health
(Water Notices ONLY) on:
Alderton-McMillin Water
Stroh Water
Rainier View Water
View Royal Water

12-27-93

*Home Owners
Assoc.*

MESSAGE CONFIRMATION

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**Washington Utilities and Transportation Commission
FAX TRANSMITTAL**

Date: June 7, 1994

Telefax Number: 509-346-2464

To:

Name: Jerry Lease & Fred Barker

Telephone: _____ ext. _____

Company: Marine View Heights water

Section: _____

From:

Name: _____

Section: Regulatory Affairs

Telephone: 206-753-6439

Fax Number: (206) 586-1150

Number of Pages including this cover sheet: 5

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RECIP_ID	NAME	ADDRESS	CITY	STATE
3491	MANIFOLD, ROBERT F	Marine View Heights Water System; 6794 CANAL ST.;	MARINE VIEW HEIGHTS	WA 99344
26778	SNELSON, MARION	OFFICE OF THE ATTORNEY GENERAL; FAIR PRACTICES; State Mail Stop TB-14	OTHELLO	WA 99344
55068		MARINE VIEW HEIGHTS HOMEOWNERS ASSN; 8453 HIGHLAND DR SE	OTHELLO	WA 99344

JUN 07 1994

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARINE VIEW HEIGHTS)	
HOMEOWNERS ASSOCIATION,)	
)	DOCKET NO. UW-940325
Complainant,)	
)	NOTICE OF PREHEARING
v.)	CONFERENCE
)	(JUNE 15, 1994)
MARINE VIEW HEIGHTS)	
INCORPORATION,)	and
)	
Respondent.)	NOTICE OF HEARING
.)	(JULY 25, 1994)

The above-entitled matter, which is in the nature of a complaint against Marine View Heights Incorporation, was filed on March 9, 1994. Respondent filed its answer on April 8, 1994. The pleadings indicate a dispute exists between the complainants and respondent relating to, inter alia, the purity, quality, volume, and pressure of water; re-connection charges; and failure by respondent to 1) maintain a regular business location and telephone number at which it can be contacted by customers; 2) indicate the date on which bills would become delinquent and a means by which a customer could contact the nearest business office of respondent; 3) maintain its plant and system so as to be able to furnish adequate service; 4) provide a guide detailing the rights and responsibilities of its customers; 5) inform dissatisfied customers of the availability of the Commission for review of any disputes; 6) refrain from damaging a customer's property; 7) bill and collect in an even-handed manner from all customers; and, 8) properly state information on notices to water customers. Complainants also seek a refund under RCW 80.04.110 for alleged substandard water delivered to water customers and that the Commission determine that the water rates of respondent are unjust and unreasonable.

A more detailed account of the issues is reflected in the foregoing pleadings which are available for inspection at the Commission's office, Chandler Plaza Building, 1300 S. Evergreen Park Drive SW, Olympia, Washington. The response having been filed, it is appropriate that the matters raised in the pleadings be brought on for hearing before the Commission.

The hearing hereinafter set is being held pursuant to Part IV of chapter 34.05 RCW pertaining to adjudicative proceedings, including but not limited to RCW 34.05.413, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452. The Commission has jurisdiction over this matter pursuant to Title 80 RCW under which it regulates the rates, services, and practices of water companies providing service within the state of Washington. Statutes and rules cited by the complainants include Title 80 RCW, RCW 80.04.110, 80.04.120, 80.04.170, 80.04.220, 80.04.380, 80.04.385, 80.04.440, 80.28.010, 80.28.020, 80.28.030, 80.28.040. 80.28.050,

80.28.060, 80.28.080, 80.28.090, and 80.28.100; and WAC 480-110-041, 480-110-071, 480-110-076, 480-110-096, and 480-110-101. In addition to the foregoing, statutes involved are those within chapter 80.04, including but not limited to RCW 80.04.230, 80.04.240, 80.04.405, and RCW 80.04.450, as well as those within chapter 80.28 RCW relating to the charges and practices of water companies. Rules involved include WAC 480-110-111 and those within chapter 480-110 WAC relating to water service, and chapter 480-09 WAC.

In addition, complainants have raised the following statutes and rules: RCW 70.119 and WAC 246-290-020(3), 246-290-100, 246-290-120, 246-290-250(3), 246-290-300(2), 246-290-310(3), 246-290-320(1), 246-290-330, 246-290-330(h), 246-290-400, 246-290-420, 246-290-430, 246-290-440, and 246-290-480.

The issues involved are generally stated above and more specifically contained in the complaint herein. The burden of proving that effective water rates are unreasonable rests on the complainants.

NOTICE IS HEREBY GIVEN That a hearing will be held commencing at the hour of 9:30 a.m., Wednesday, June 15, 1994, at the Clubhouse at O'Sullivan's Sportsman's Resort, 6897 SR 262 SE, Othello, Washington, 99344, for the purpose of a prehearing conference. The parties to this proceeding have agreed to waive the notice requirement of WAC 480-09-700 for purposes of this hearing.

NOTICE IS HEREBY ALSO GIVEN That a hearing will be held commencing at the hour of 9:30 a.m., Monday, July 25, 1994, and continuing for such period of time as may be necessary, at the Clubhouse at O'Sullivan's Resort, 6897 SR 262 SE, Othello, Washington 99344, for the purpose of receiving the direct testimony and exhibits of all interested persons, including that of Commission Staff, and for the cross-examination of such testimony.

NOTICE IS FURTHER GIVEN THAT ANY PARTY WHO FAILS TO ATTEND OR PARTICIPATE IN THE HEARING SET HEREIN, OR OTHER STAGE OF THIS PROCEEDING, MAY BE HELD IN DEFAULT IN ACCORDANCE WITH THE TERMS OF RCW 34.05.440.

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

Complainants: Jim Gregg
President, Board of Directors
Marine View Heights Homeowners Association
8480 Aurora
Othello, WA 99344

Representative: Marion Snelson
8453 Highland Drive SE
Othello, WA 99344

Respondent: James J. Sahli
Marine View Heights Incorporated
6794 Canal Street
Othello, WA 99344

Fred Barker, Jr.
Marine View Heights Incorporated
P. O. Box 1745
Moses Lake, WA 98837

-or-

Fred Barker, Jr.
Marine View Heights Incorporated
6897 SR 262 SE
Othello, WA 99344

Representative: Unknown

Commission: Washington Utilities and
Transportation Commission
P. O. Box 47250
1300 S. Evergreen Park Drive SW
Olympia, WA 98504-7250
(206) 753-6423

Representative: Ann E. Rendahl
Assistant Attorney General
P. O. Box 40128
1400 S. Evergreen Park Drive SW
Olympia, WA 98504-0128
(206) 753-6443

An Administrative Law Judge from the Utilities and Transportation Subdivision of the Office of Administrative Hearings, Third Floor, 2420 Bristol Court SW, Building E, Olympia, Washington 98504, (206) 753-6403, will be designated to preside at the hearing.

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 the proceeding.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION


STEVE MCLELLAN
Secretary

June 7, 1994

Inquiries may be addressed to:

The Secretary
Washington Utilities and
Transportation Commission
Chandler Plaza Building
P O BOX 47250
1300 S. Evergreen Park Drive SW
OLYMPIA WA 98504-7250
(206) 753-6423