

BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND	)	
TRANSPORTATION COMMISSION,	)	DOCKET NO. UW-051444
	)	ORDER NO. 02
Complainant,	)	
	)	PREHEARING CONFERENCE
v.	)	ORDER
	)	
KAYAK ESTATES WATER, LLC,	)	NOTICE OF HEARING
	)	(To be held on May 11, 2006 at
Respondent.	)	9:30 a.m.)
.....	)	

1 **NATURE OF PROCEEDING.** Docket No. UW-051444 involves the filing by Kayak Estates Water, LLC (Kayak Estates) of its revision to Tariff WN U-1 and the suspension of that tariff revision by order of the Commission dated October 28, 2005.

2 **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in this docket at Olympia, Washington on February 6, 2006, before Administrative Law Judge Theodora M. Mace.

3 **APPEARANCES.** Richard A. Finnigan, attorney, Olympia, represents Kayak Water. Jennifer Cameron-Rulkowski, Assistant Attorney General, Olympia, Washington, represents the Commission’s regulatory staff (“Commission Staff” or “Staff”).<sup>1</sup>

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<sup>1</sup> In formal proceedings, such as this case, the Commission’s regulatory staff functions as an independent party with the same rights, privileges, and responsibilities as any other party to the proceeding. There is an “*ex parte* wall” separating the Commissioners, the presiding Administrative Law Judge, and the Commissioners’ policy and accounting advisors from all parties, including Staff. RCW 34.05.455.

Contact information provided at the conference for the parties' representatives is attached as Appendix A to this order.

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

5 **PROTECTIVE ORDER.** A protective order will be entered in this docket.

6 **DISCOVERY.** The parties asked that the discovery rules be invoked in this docket, pursuant to WAC 480-07-400. The matter is one that qualifies for discovery, and the rules are invoked.

7 **PROCEDURAL SCHEDULE.** The Commission adopts the following procedural set forth in Appendix B to this order.

8 **WAIVER OF SUSPENSION DATE.** Kayak Estates has waived until September 27, 2006 the date for suspension of the tariff filing. The company's tariff revision was suspended by the Commission on October 28, 2005. The initial suspension deadline was August 28, 2006.

9 **NOTICE OF EVIDENTIARY HEARING:** The Commission will convene an evidentiary hearing in this matter. **The hearing will be held on May 11, 2006 at 9:30 a.m. in Room 108 of the Commission's headquarters, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.** Parties unable to appear may enter their appearance via the Commission's teleconference bridge, by calling 3650-664-3486 five minutes prior to the time of the hearing.

10 **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-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.

- 11 All filings must be mailed to the Commission Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250, or delivered by hand to the Commission Secretary at the Commission's Records Center at the Washington Utilities and Transportation Commission, 1300 S. Evergreen Park Drive, S.W., Olympia, Washington, 98504. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.
- 12 An electronic copy of all filings must be provided by e-mail delivery to <[records@wutc.wa.gov](mailto: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 480-07-140(5).
- 13 **ELECTRONIC FILING.** Parties may only file documents electronically with the Commission in this proceeding with the permission of the administrative law judge. Under WAC 480-07-145(6), electronic filing of documents provides a one-day extension of the paper-filing requirement. If, at any time during this proceeding, parties are authorized to file documents with the Commission electronically under WAC 480-07-145(6), Parties must submit the document to [records@wutc.wa.gov](mailto:records@wutc.wa.gov), and file an original, plus nine (9) copies, of the document with the Commission by the following business day.

14 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. In this case, the parties have requested that a settlement judge be assigned to assist with negotiations scheduled for March 16, 2006 (see the schedule in Appendix B attached to this order). The Commission will separately advise the parties whether a judge will be available to provide this service.

15 **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 7th day of February, 2006.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

THEODORA M. MACE  
Administrative Law Judge

**APPENDIX A**

**PARTIES' REPRESENTATIVES  
DOCKET NO. UW-051444**

<b>PARTY</b>	<b>REPRESENTATIVE</b>	<b>PHONE</b>	<b>FACSIMILE</b>	<b>E-MAIL</b>
Kayak Estates Water, LLC.	Richard A. Finnigan Attorney at Law 2112 Black Lake Blvd. S.W. Olympia, WA 98512	360-956-7001	360-753-6862	rickfinn@localaccess.com
Commission Staff	Jennifer Cameron- Rulkowski Assistant Attorney General 1400 S. Evergreen Park Drive S.W. P.O. Box 40128 Olympia, WA 98504	360-664-1186	360-556-5522	jcameron@wutc.wa.gov

**APPENDIX B**  
**PROCEDURAL SCHEDULE**  
**DOCKET NO. UW-051444**

<b>EVENT</b>	<b>DATE</b>	<b>INTERVAL</b>
Commission suspension of tariff filing	October 26, 2005	
Company and Staff direct filing	February 28, 2006	125 days
Settlement conference	March 16, 2006 (pending availability of judge)	16 days
Response testimony	March 22, 2006	6 days
Rebuttal testimony	April 11, 2006	20 days
Exhibit and witness lists due	May 9, 2006 (electronically)	29 days
Evidentiary Hearing	May 11, 2006	2 days
Initial briefs	June 9, 2006	29 days
Reply briefs	June 23, 2006	14 days
Initial Order	July 28, 2006	35 days
Petition for review	August 18, 2006	21 days
Reply to petition	August 28, 2006	10 days
End of suspension period	September 27, 2006	30 days