

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

WASHINGTON UTILITIES AND	)	DOCKET UW-110892
TRANSPORTATION COMMISSION,	)	
	)	
Complainant,	)	
	)	
v.	)	NOTICE OF PREHEARING
	)	CONFERENCE
LOWPER, INCORPORATED,	)	<b>(Set for August 17, 2011, 1:30 p.m.)</b>
	)	
Respondent.	)	
	)	
.....	)	

1 On May 13, 2011, Lowper, Incorporated (Lowper or Company) filed with the Washington Utilities and Transportation Commission (Commission) an initial tariff and supporting financial information in Docket UW-110871. The tariff became effective May 14, 2011.

2 Staff’s initial review of the Company’s financial information filed in Docket UW-110871 shows that the Company’s current rates may generate more revenue than the Company requires to pay reasonable operating expenses and earn a reasonable return. Thus Lowper’s rates may be unjust and unreasonable.

3 On June 14, 2011, the Commission issued Order 01 – Complaint Against Rates for the following purposes:

1. To determine whether Lowper’s current rates and charges provide the Company with an excessive return.
2. To determine whether the Commission should set new rates and charges for Lowper and require Lowper to file revised tariffs that reflect those new rates and charges.

3. To determine whether Lowper should be required to refund to customers any portion of rates charged after the effective date of this order.
4. To make any other determinations and enter orders as may be just and reasonable.

4     **STATUTORY AUTHORITY:** The Commission has jurisdiction over this matter under RCW Title 80, and has legal authority to regulate any water system meeting the definition of “Water company” set forth in RCW 80.04.010. The statutes that apply to this matter include RCW 80.01, RCW 80.04, RCW 80.28, and RCW 34.05 relating to rates, including but not limited to RCW 80.01.040, RCW 80.04.020, RCW 80.04.110, RCW 80.04.210, RCW 80.28.010, and RCW 80.28.020. The rules that apply to this matter include those within WAC 480-110 and WAC 480-07.

5     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.

6     **THE COMMISSION GIVES NOTICE That it will hold a prehearing conference in this matter at 1:30 p.m., on Wednesday, August 17, 2011, in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

7     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.

8     **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.

9 **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.**

10 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

Representative: Michael A. Fassio  
Jennifer Cameron-Rulkowski  
Assistant Attorneys General  
1400 S. Evergreen Park Drive S.W.  
P.O. Box 40128  
Olympia, WA 98504-0128  
(360) 664-1192  
(360) 664-1186  
[mfassio@utc.wa.gov](mailto:mfassio@utc.wa.gov)  
[jcameron@utc.wa.gov](mailto:jcameron@utc.wa.gov)

Respondent: Lowper, Incorporated  
P.O. Box 20429  
Seattle, WA 98102

Representative: Richard A. Finnigan  
2112 Black Lake Blvd. SW  
Olympia, WA 98512  
(360) 753-6862  
[rickfinn@localaccess.com](mailto:rickfinn@localaccess.com)

- 11 Administrative Law Judge Gregory J. Kopta, from the Commission's Administrative Law Division, will preside during this proceeding.
- 12 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 July 14, 2011.

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