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August 29, 2014

Steven V. King, Executive Director and Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P.O. Box 47250
Olympia, Washington 98504-7250

RE: *Washington Utilities and Transportation Commission v. Cristalina, LLC*
Docket UW-090516
Washington Utilities and Transportation Commission v. Cristalina, LLC
Docket UW-132013
In the Matter of the Penalty Assessment against Maria K. Lindberg in the Amount of \$14,600
Docket UW-140820
In the Matter of Cristalina, LLC, Joint Application for an Order Approving Sale and Transfer of Assets and Removal of Cristalina, LLC from Regulation
Docket UW-141301

Dear Mr. King:

Enclosed for filing in the above-referenced dockets is the original and three copies of Commission Staff's Motion to Consolidate and Request for Extension, and Certificate of Service.

Sincerely,

BRETT P. SHEARER
Assistant Attorney General

BPS/emd
Enclosures
cc: Richard A. Finnigan w/enc.

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

CRISTALINA LLC,

Respondent.

DOCKET UW-090516

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

CRISTALINA LLC,

Respondent.

DOCKET UW-132013

In the Matter of the Penalty Assessment
Against

MARIA K. LINDBERG

In the Amount of \$14,600

DOCKET UW-140820

In the Matter of

CRISTALINA LLC

Joint Application for an Order Approving
Sale and Transfer of Assets and Removal of
Cristalina LLC from Regulation.

DOCKET UW-141301

COMMISSION STAFF'S MOTION
TO CONSOLIDATE AND
REQUEST FOR EXTENSION

I. INTRODUCTION

1 Commission Staff (Staff) moves to consolidate all pending dockets involving
Cristalina LLC (Cristalina or Company) or its owner, Maria K. Lindberg. Staff further
requests the Commission postpone the evidentiary hearing and brief adjudicative proceeding
scheduled for September 9, 2014, and suspend the procedural schedules in Dockets UW-
132013 and UW-140820, respectively. Staff proposes that the Commission schedule a
prehearing conference for September 24, 2014 for the proposed consolidated docket.

II. MOTION TO CONSOLIDATE

2 Pursuant to WAC 480-07-320, the Commission may consolidate two or more
proceedings in which the facts or principles of law are related. The several dockets
currently open and involving Cristalina or Ms. Lindberg are related both factually and
legally. Furthermore, a consolidated docket would serve the dual purposes of consistency
and judicial economy.

III. NATURE OF THE DOCKETS

3 Docket UW-090516. On April 8, 2009, Cristalina LLC filed a request with the
Commission to bill and collect a surcharge of \$32.00 per month from each customer. The
requested surcharge amount corresponded to the Company's repayment obligations for a
State Revolving Fund (SRF) loan for infrastructure improvements. The Commission
granted the Company's request subject to a series of conditions outlined in Order 01 issued
on May 28, 2009. Commission Staff plans to move to reopen this docket based on
allegations of wrongdoing and diversion or misappropriation of these surcharge funds by
Ms. Lindberg, as discussed at the Commission's August 28, 2014, Open Meeting.

4 **Docket UW-132013.** On May 21, 2014, the Commission issued a Complaint against Cristalina for failure to comply with Order 01 in Docket UW-090516. The Complaint alleges that the Company failed to file quarterly reports for the second- and fourth-quarter of 2013 in compliance with the Commission's order.

5 **Docket UW-140820.** On May 21, 2014, the Commission issued a penalty assessment against Maria K. Lindberg in her individual capacity as owner and manager of Cristalina for failure to comply with Order 01 in Docket UW-090516. The penalty alleges that Ms. Lindberg is responsible for failing to file quarterly reports for the second- and fourth-quarter of 2013 in compliance with the Commission's order.

6 **Docket UW-141301.** On June 17, 2014, Cristalina filed a joint application to allow the sale and transfer of substantially all of its assets to Washington Water Service Company. Cristalina further requested the Commission remove it from regulation.

IV. ARGUMENT FOR CONSOLIDATION

7 Presently-open dockets involving Cristalina and Ms. Lindberg share common issues of law and fact. Furthermore, consolidation would promote judicial economy and a more comprehensive review process.

8 Dockets UW-090516, UW-132013, and UW-140820 each derive from the same circumstances and legal obligations facing Cristalina and Ms. Lindberg. The Company took out an SRF loan, and subsequently sought and received the Commission's permission to bill customers a surcharge in order to repay debt obligations tied to the SRF loan. The Commission outlined a series of conditions, namely that Cristalina must track all surcharge revenue, deposit surcharge revenue into a separate account, and file quarterly reports with the Commission demonstrating compliance. In addition to the above dockets, in Docket

UW-141301, Cristalina has requested the Commission grant a joint application for the sale and transfer of substantially all of the Company's assets and remove the Company from regulation. Because Cristalina and Ms. Lindberg are currently subject to complaints and penalties, any transfer of the Company's assets or permanent removal of Cristalina from regulation should be considered in the context of the existing dockets involving Cristalina and Ms. Lindberg. Therefore, in the interests of judicial economy and due diligence, the Commission should consolidate the above dockets into one proceeding and engage in a comprehensive review process of the matters involving Cristalina and Ms. Lindberg, and explore in a comprehensive fashion the myriad options available for resolving these matters.

V. MOTION FOR A CONTINUANCE AND SUSPENSION OF PROCEDURAL SCHEDULE

9 Staff requests the Commission grant a continuance and suspend the procedural schedules in Dockets UW-132013 and UW-140560. Under WAC 480-07-385, any party may request a continuance or extension of time. The Commission will consider whether the moving party has shown good cause and whether prejudice to other parties or to the Commission will result from such a continuance.

VI. ARGUMENT FOR A CONTINUANCE

10 The Commission should grant Staff's motion for a continuance based on scheduling difficulties that would derive from a proposed consolidation and the existing confusion over various related dockets. Presently, Dockets UW-132013 and UW-140560 involving Cristalina and Ms. Lindberg, respectively, are scheduled for hearing on September 9, 2014, with witness and exhibit lists due Tuesday, September 2, 2014. Consolidation with additional dockets requires additional review and preparation, which further requires additional time.

A continuance would also benefit the Commission's decisionmaking process and promote judicial economy. Absent additional time, Staff's recommendations, and thus the Commission's decisionmaking, would be subject to limited, piecemeal analyses separated by individual dockets. Due to the common issues of law and fact in the above-noted dockets, the Commission's decisionmaking process would benefit from a continuance to allow consolidation and a more thorough, complete analysis of the relevant circumstances and their subsequent presentation to the Commission. The opportunity for a more comprehensive review process and the interest of judicial economy provide good cause for a continuance. Furthermore, the continuance will benefit other parties in these proceedings by establishing a more organized, comprehensive process to resolve dockets involving Cristalina or Ms. Lindberg.

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VII. CONCLUSION

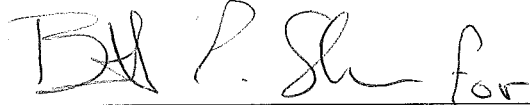
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For the above reasons, the Commission should grant Staff's motions to consolidate open dockets involving Cristalina and Maria K. Lindberg, as well as suspend the procedural schedules and continue the adjudicative proceedings scheduled in Dockets UW-132013 and UW-140820.

DATED this 29th day of August 2014.

Respectfully submitted,

ROBERT W. FERGUSON
Attorney General

Handwritten signature of Sally Brown in cursive, appearing to read "Sally Brown for".

SALLY BROWN
Senior Assistant Attorney General

Handwritten signature of Brett Shearer in cursive.

BRETT SHEARER
Assistant Attorney General

Counsel for Washington Utilities and
Transportation Commission Staff

Dockets UW-140820/090516/132013/141301
CERTIFICATE OF SERVICE

I hereby certify that I have this day served the attached Motion to Consolidate and Request for Extension upon the persons and entities listed on the Service List below by depositing a copy of said document in the United States mail, addressed as shown on said Service List, with first class postage prepaid.

DATED at Olympia, Washington this 29th day of August, 2014.



ELIZABETH M. DeMARCO

For Cristalina LLC:

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