

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

WASHINGTON UTILITIES AND	)	
TRANSPORTATION COMMISSION,	)	DOCKET NO. UW-031284 &
	)	DOCKET NO. UW-010961
Complainant,	)	(consolidated)
	)	
v.	)	ORDER NO. 04
	)	
AMERICAN WATER RESOURCES,	)	
INC.,	)	PREHEARING CONFERENCE
	)	ORDER
Respondent.	)	

.....

1 **Proceeding:** Docket No. UW-031284 , consolidated with Docket No. UW-010961, is a complaint filed on the Commission’s own motion against American Water Resources, Inc. (AWR). The complaint alleges that that AWR has failed to comply with the Order Approving Settlement Agreement in Docket No. UW-010961. This proceeding would evaluate AWR’s rates to determine whether Docket No. UW-010961 should be amended to impose a refund obligation upon AWR, and to determine whether the set aside obligation approved in Docket No. UW-010961 should be canceled.

2 **Conference.** The Commission convened a prehearing conference in this docket at Olympia, Washington on September 9, 2003, before Administrative Law Judge Karen M. Caillé.

3 **Appearances.** Richard A. Finnigan, attorney, Olympia, WA, represents American Water Resources, Inc. Mary M. Tennyson, Senior Assistant Attorney General, Olympia, WA, and Lisa Watson, Assistant Attorney General, Olympia, WA, represent the staff of the Washington Utilities and Transportation

Commission (Commission Staff). Contact information provided at the conference for the parties' representative is attached as Appendix A to this order.

4 **Protective order.** The parties asked the Commission to enter a protective order in this docket pursuant to RCW 34.05.446 and RCW 80.04.095, to protect the confidentiality of proprietary information. The ALJ granted the request and the Commission entered a protective order on September 12, 2003.

5 **Discovery.** Parties desire to engage in discovery of information in the proceeding. The proceeding qualifies under WAC 480-09-480 as a proceeding in which inquiries may be made to the extent provided in the rule. The discovery rule is invoked.

6 **Motions.** Commission Staff moved for an order amending the Commission order accepting the settlement agreement in Docket No. UW-010961, dated December 18, 2001, and subsequently filed a written motion to that end. Counsel for AWR requested time to attempt to resolve the issue raised by the motion. If the parties are unable to reach agreement, AWR will respond to Staff's motion as scheduled below.

7 In addition, Commission Staff requested that the same Commission order be amended to release AWR from the obligation to file a rate case by December 2003, since Commission Staff will be pre-filing its testimony in this proceeding on December 16, 2003, and this proceeding will review the Company's rates.

8 **Issues.** The parties acknowledged that the issues are sufficiently set forth in the Complaint.

9 **Hearing Schedule.** The parties agreed to the following schedule for the proceeding.

AWR responds to Staff Motion for Order Amending Commission Order Accepting Settlement Agreement	September 22, 2003
Commission Staff prefiles testimony and exhibits Company prefiles testimony and exhibits	December 16, 2003 February 17, 2004
Commission Staff files rebuttal testimony and exhibits	March 30, 2004
Prehearing conference to mark exhibits	April 22, 2004 (9:30)
Evidentiary Hearings	April 26-27, 2004
Briefing Schedule	To be determined

10 **Document Preparation and process issues.** Parties must provide **an original plus 10 copies** of each document filed with the Commission. Appendix B states relevant Commission rules and other directions for the preparation and submission of evidence and for other process in this docket. Parties are expected to comply with these provisions.

11 **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 Bob Wallis, Director, Administrative Law Division, at (360) 664-1142.

Dated at Olympia, Washington, and effective this 16<sup>th</sup> day of September, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

KAREN M. CAILLÉ  
Administrative Law Judge

**NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the date of mailing of this statement, pursuant to WAC 480-09-460(2). Absent such objections, this prehearing conference order will control further proceedings in this matter subject to Commission review.**

**APPENDIX A**

**DOCKET UW-031284  
PARTIES' REPRESENTATIVES**

**For American Water Resources, Inc.**

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**For Commission Staff**

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## Appendix B

### I. Requirements for ALL paper copies of testimony, exhibits, and briefs

The following requirements are restated from and clarify the Commission's rules relating to adjudications.

A. All paper copies of briefs, prefiled testimony, and original text in exhibits must be

- On 8-1/2x11 paper, punched for insertion in a 3-ring binder,
- Punched with OVERSIZED HOLES to allow easy handling.
- Double-spaced
- 12-point or larger text and footnotes, Times New Roman or equivalent serif font.
- Minimum one-inch margins from all edges.

Other exhibit materials need not be double-spaced or 12-point type, but must be printed or copied for optimum legibility.

B. All electronic and paper copies must be

- SEQUENTIALLY NUMBERED (all pages). **THIS INCLUDES EXHIBITS.** It is not reasonable to expect other counsel or the bench to keep track of where we are among several hundred (or sometimes even just several) unnumbered pages.
- DATED ON THE FIRST PAGE OF EACH ITEM and on the label of every diskette. If the item is a revision of a document previously submitted, it must be clearly labeled (REVISED), with the same title, and with the date it is filed clearly shown. Electronic files must be designated R for

revision, when applicable, with an ordinal number showing the revision number.

**II. Identifying exhibit numbers; Exhibits on cross examination.**

A. **Identifying exhibits.** It is essential to mark documents so you, opposing counsel, and the Commission can find them. We ask you to comply with this clarification of prior practice, based on recent experience:

- **Use the witness's initials and add an ordinal number for each exhibit.** Identify testimony with a T and confidential exhibits with a C. Example: Witness Jane Quintessentia Public. Her original testimony would be JQP-1T or JQP-1TC, her first attached exhibit would be JQP-2, etc. NEVER identify the attachments merely with a single ordinal number, as that will provide the maximum confusion to everyone, including your witness.

B. Prepare a list of your exhibits with their title and (JQP) designation in digital form and in a format specified by the Commission. Send it to the presiding officer before the appropriate prehearing conference. That will simplify identification and ease administrative burdens.

**NOTE: Be prepared to submit all of your possible exhibits on cross examination several days prior to the hearing.** We will attempt to schedule a prehearing conference to deal with the exhibits as close as possible to the hearing itself, but we have administrative needs that require prefiling.