

[Service Date March 8, 2011]

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

In the Matter of the Penalty Assessment	)	DOCKET UW-110213
Against	)	
	)	
LOWPER, INC.	)	
	)	NOTICE OF HEARING
In the Amount of \$10,500	)	<b>(Set for April 27, 2011, 1:30 p.m.)</b>
	)	
	)	
.....	)	

- 1 On February 14, 2011, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment in Docket UW-110213 against Lowerper, Inc. (Lowerper) in the amount of \$10,500, alleging multiple violations of WAC 480-110, which governs the regulation of water companies. Specifically, the penalty assessment alleged violations of WAC 480-110-433(3), Charging rates subject to regulation.
  
- 2 On February 23, 2011, Lowerper filed with the Commission a request for hearing stating that it has not received a list of the violations. Lowerper also states that on February 24, 2010, it informed the Commission that the Clallam County Public Utility District would be taking over the Lowerper Water System.
  
- 3 On March 3, 2011, the Commission’s regulatory staff (Staff) filed a Response stating that it disagrees with Lowerper’s contention that the violations did not occur, and does not oppose Lowerper’s request for hearing. Further, Staff requests that the hearing be scheduled on April 27, 2011, coincident with the hearing in Docket UW-091006.<sup>1</sup>
  
- 4 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

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<sup>1</sup> *In the Matter of Determining the Proper Carrier Classification of Lowerper, Inc., d/b/a Lowerper Corporation, a/k/a “Lowerper Water Company” and “Iliad Inc. d/b/a Lowerper Water System”, Docket UW-091006.*

34.05.452. Statutes involved, in addition to those previously cited, include those within RCW 80.01, RCW 80.04 and RCW 80.28, including but not limited to RCW 80.01.040, RCW 80.04.020, and WAC 480-110-433. The Commission will follow its procedural rules in WAC 480-07 in this proceeding.

5 The ultimate issues include whether the penalty should be mitigated and what actions are necessary for Lowerper to maintain future compliance, pursuant to statutory provisions of RCW 80.04.

6 **THE COMMISSION GIVES NOTICE That it will hold a hearing in this matter at 1:30 p.m., on Wednesday, April 27, 2011, in Room 206, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**  
The hearing is set at the same time as the hearing in Docket UW-091006.

7 Petitions to intervene should be made in writing prior to the hearing date or made orally at the hearing. Appearances will be taken. If any party or witness needs an interpreter or other assistance, please fill out the form attached to this notice and return it to the Commission.

8 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the brief adjudicative proceeding 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.**

9 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  
Assistant Attorney General  
1400 S. Evergreen Park Drive S.W.  
P.O. Box 40128  
Olympia, WA 98504-0128  
(360) 664-1192

[mfassio@utc.wa.gov](mailto:mfassio@utc.wa.gov)

Respondent: David Dorland  
Lowper, Inc.  
P.O. Box 20429  
Seattle, WA 98102

Representative: Unknown

10 Administrative Law Judge Marguerite E. Friedlander, from the Commission's  
Administrative Law Division, will preside during this proceeding.

11 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 March \_\_, 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.: (\_\_\_\_) \_\_\_\_\_