

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND)	DOCKET UW-110054
TRANSPORTATION COMMISSION)	
)	ORDER 06
Complainant,)	
)	
v.)	ORDER GRANTING IN PART AND
)	DENYING IN PART REQUEST
RAINIER VIEW WATER)	FOR EXTENSION OF TIME TO
COMPANY, INC.,)	FILE A PETITION FOR
)	RECONSIDERATION AND
Respondent.)	RESPONSES AS REQUIRED IN
)	ORDER 05
.....)	

MEMORANDUM

- 1 On October 17, 2012, the Washington Utilities and Transportation Commission (Commission) entered Order 05, Final Order Rejecting Tariff Sheets, Accepting in Part, Rejecting in Part Settlement Agreement, and Requiring Compliance Filing (Order 05). Order 05, among other things, rejected the portion of the Settlement Agreement between Rainier View Water Company, Inc. (Rainier View) and the Commission’s regulatory staff (Staff or Commission Staff) that would have imposed Lakewood Pipeline Surcharges and a Lakewood Pipeline Facilities Charge. As a result, the Commission directed both Rainier View and Staff to respond within ten days of service of Order 05 as to how they wish to proceed.

- 2 **REQUEST FOR EXTENSION.** On October 22, 2012, Rainier View filed a request for an extension of time for “all options discussed in Order 05 or available by rule (such as reconsideration or clarification)”¹ until November 9, 2012. Specifically, Rainier View states that a “key personnel for Rainier View is unavailable for the next two weeks and the ramifications of the Commission’s Order 05 require serious consideration and joint discussion with Staff that requires the involvement of this person.” Staff does not oppose this request.

¹ Letter from Richard A. Finnegan, attorney on behalf of Rainier View, to David Danner, Executive Director and Secretary, Washington Utilities and Transportation Commission, dated October 22, 2012, at 1.

3 ***Discussion and Determination.*** While the Commission can extend a deadline the agency itself imposed, Rainier View has not identified the legal basis of the Commission's authority to extend the statutory deadline for filing a petition for reconsideration within ten days of service of a final order.² Nor are we aware of such authority. Accordingly, we deny Rainier View's request for an extension of the time for filing a petition for reconsideration.

4 With regard to the response from parties required under Order 05, paragraph 71, WAC 480-07-385(2) authorizes the Commission to grant a timely request for extension to which all parties agree unless it is inconsistent with the public interest or the Commission's administrative needs. Rainier View's request does not identify the "key personnel" who is apparently unreachable by any means for an extended period of time or explain why this person's participation is indispensable to the Company's preparation of the required response. Staff, however, will not be prejudiced by the request and the public interest is best served with the Commission's receipt of a thoughtful response from the parties. Accordingly, the Commission grants Rainier View's request to extend the time for responses required by Order 05, paragraph 71.

ORDER

THE COMMISSION ORDERS THAT:

- 5 (1) Rainier View's request to extend the time for filing a response as required in Order 05, paragraph 71, until November 9, 2012, is granted.
- 6 (2) Rainier View's request to extend the time for filing a petition for reconsideration until November 9, 2012, is denied.

Dated at Olympia, Washington, and effective October 24, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARGUERITE E. FRIEDLANDER
Administrative Law Judge

² See RCW 34.05.470.