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5 BEFORE THE  
6 WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

7 WASHINGTON UTILITIES AND  
8 TRANSPORTATION COMMISSION,

9 Complainant,

10 v.

11 MARIA K. LINDBERG,

12 Respondent.

DOCKET NO. UW-101818

MOTION TO DISMISS

13 COMES NOW the Respondent, Maria K. Lindberg, by and through her attorney of record,  
14 Richard A. Finnigan, Attorney at Law, and files this Motion to Dismiss Causes of Action 2 and 3 in  
15 Docket UW-101818.

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17 BASIS FOR MOTION

18 1. The Second Cause of Action claims that there are 170 separate violations. However, the  
19 Complaint does not describe in any detail what particular violations occurred. There is no identification  
20 of the bills that were involved, the customers that were involved, nor the specific dates. This leaves  
21 Respondent having to guess what the factual allegations are that form the basis for the cause of action.  
22 The factual basis for the cause of action is completely missing.

23 2. As to the Third Cause of Action, there is an allegation that there are 7 violations.  
24 However, the facts underlying these violations are not described. The customers are not identified, the  
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26 MOTION TO DISMISS- 1

Law Office of  
Richard A. Finnigan  
2112 Black Lake Blvd. SW  
Olympia, WA 98512  
(360) 956-7001

1 particular dates of the bills are not identified, the factual basis for the cause of action is completely  
2 missing.

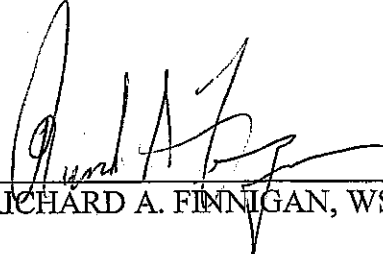
3 3. A respondent to a complaint should not be forced to guess at the facts that underlie a  
4 cause of action. It is basic due process that the factual basis for the allegations be provided in sufficient  
5 detail that the Respondent know the basis of the complaint so that it can prepare a proper defense. The  
6 most basic information that should have been provided was not provided.

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8 4. It is ironic that one of the allegations is that the company failed to include sufficient detail  
9 on its bill. Yet, the Commission issues a complaint without any detail that allows the Respondent to  
10 identify what it is being charged with and prepare a response.

11 REQUEST FOR RELIEF

12 5. Based on the foregoing, Respondent respectfully requests that the Second and Third  
13 Causes of Action in this matter be dismissed.

14 Dated this 18th day of April, 2011.

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18 RICHARD A. FINNIGAN, WSB #6443