

11W-040367

# BROWN LEWIS JANHUNEN & SPENCER

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March 17, 2004

Washington Utilities & Transportation Commission  
1300 South Evergreen Park Drive S.W.  
P.O. Box 47250  
Olympia, WA 98504-7250

Re: Cougar Ridge Water System  
Our File 03-346-B

With reference to the above matter, I am enclosing a proposed Order for consideration by the Administrative Law Judge at the pre-hearing conference on March 25, 2004.

By copy of this letter, I am providing a copy to Mr. Thompson, counsel for the Commission Staff.

Cordially,



THOMAS A. BROWN  
TAB/cm  
Enclosure

cc: Mr. Jonathan Thompson, w/encl.  
Mr. Paul A. Bitar, w/encls.

RECEIVED  
RECORDS MANAGEMENT  
04 MAR 19 AM 8:34  
STATE OF WASH.  
UTIL. AND TRANSP.  
COMMISSION

RECEIVED  
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STATE OF WASH.  
UTILITIES AND TRANSPORTATION COMMISSION

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

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4 WASHINGTON UTILITIES AND )  
TRANSPORTATION COMMISSION, )  
5  
6 Complainant, )  
7 vs. )  
8 COUGAR RIDGE WATER SYSTEM, )  
9  
10 Respondent. )  
11

DOCKET NO. UW-040367

**PROPOSED**

**ORDER MODIFYING  
ORDER NO. 01**

12 THIS MATTER comes before the undersigned Administrative Law Judge, on the  
13 Motion of the Respondent, seeking an order declaring that the burden of proof in this  
14 proceeding, as to all aspects, is on the Washington Utilities and Transportation Commission.  
15

16  
17 In response to the Motion of the Respondent, the Commission's "Advocacy Staff" filed  
18 a document entitled "**COMMISSION STAFF'S RESPONSE COUGAR RIDGE'S**  
19 **MOTION TO ESTABLISH BURDEN OF PROOF.**"  
20

21  
22 In its filing, the Commission Staff concedes that it has the burden of proof in this  
23 proceeding. Accordingly, it is hereby  
24

25 ORDERED, ADJUDGED AND DECREED that paragraph 26 of Order No. 01, dated  
26 March 1, 2004 is hereby modified to read as follows:  
27

28  
29 "IT IS FURTHER ORDERED that the Commission and its Staff shall  
30 bear the burden of proof as to all matters of primary proof, as set forth  
31 in Order No. 01, dated March 1, 2004."  
32

ORDER MODIFYING  
ORDER NO. 01

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IT IS FURTHER ORDERED that, with respect to all matters pending before the Commission in this matter, the burden of proof is on the Commission and its Staff, unless ordered otherwise.

DATED: March 25, 2004.

\_\_\_\_\_  
Theodora M. Mace, Administrative Law Judge

Presented By:

BROWN LEWIS JANHUNEN & SPENCER  
Attorneys for Respondent

By \_\_\_\_\_  
Thomas A. Brown, WSB #4160