

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND)	DOCKET NO. UW-042132
TRANSPORTATION COMMISSION,)	
)	
Complainant,)	ORDER NO. 01
)	
v.)	
)	PREHEARING CONFERENCE
ROCHE HARBOR WATER SYSTEM,)	ORDER
)	
Respondent.)	
.....)	

1 **NATURE OF PROCEEDING.** Docket No. UW-042132 is a complaint proceeding that concerns a Roche Harbor Water System (Roche Harbor) proposed tariff revision establishing an Improvement Charge to new customers depending on the size of the customer’s meter.

2 **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in this docket at Olympia, Washington on May 2, 2005, before Administrative Law Judge Theodora M. Mace.

3 **APPEARANCES.** Richard A. Finnigan, attorney, Olympia, WA, represents Roche Harbor, the respondent. Lisa Watson, Assistant Attorney General, Olympia, WA, represents the Commission’s regulatory staff (“Commission Staff” or “Staff”).¹

¹ In formal proceedings, such as this case, the Commission’s regulatory staff functions as an independent party with the same rights, privileges, and responsibilities as any other party to the proceeding. There is an “*ex parte* wall” separating the Commissioners, the presiding

Contact information provided at the conference for the parties' representatives is attached as Appendix A to this order.

4 **PETITIONS FOR INTERVENTION.** No party appeared at the conference seeking to intervene.

5 **PROTECTIVE ORDER.** A protective order will be entered in this docket.

6 **DISCOVERY.** The parties asked that the discovery rules be invoked in this docket, pursuant to WAC 480-07-400. The matter is one that qualifies for discovery, and the rules are invoked.

7 **LOCATION OF HEARING.** Roche Harbor requests that the Commission convene the hearings in the San Juan Islands, where Roche Harbor and its customers are located. Roche Harbor states that it will present one or two witnesses in the evidentiary phase of the case, but that many Roche Harbor customers support the proposed tariff change and want to attend both the evidentiary hearing and the public hearing. Roche Harbor states that even though the tariff change sought does not directly affect current customers, unless they own lots being held for future development, the proposed tariff will have an affect on the community as a whole. Roche Harbor argues that this broader community interest, and the public interest in a fair and open regulatory process, is best served by holding the hearings in the San Juan Islands.

8 Commission Staff opposes the request to hold hearings in the San Juan Islands. Staff objects that it is more costly for the state to hold hearings in the islands generally, but that it would be especially costly during the height of the summer tourist season when the hearings are scheduled to take place.

- 9 The Commission seeks to balance the interests of both parties, and the public interest, in determining the best location for a hearing. An important consideration in where to hold a hearing is the number of witnesses to be called and the distance they must travel to the hearing site. Another important consideration is the cost in time, personnel and expense to the state when a hearing is held at a site other than Olympia.
- 10 In this case, Roche Harbor will present two witnesses at most in the evidentiary hearing. Staff proposes two or three witnesses. In light of the small number of witnesses attending the evidentiary hearing, and the expense of bringing an administrative law judge, a reporter, Staff counsel and Staff witnesses to an off-site hearing location, it is concluded that it would best serve the public interest to schedule the evidentiary hearing in Olympia, Washington.
- 11 For the public hearing, it appears that a potentially large number of customers may wish to attend and speak about the tariff change. Therefore, the Commission will hold the public hearing in Burlington, Washington, which is near the Anacortes ferry dock for ferries from the San Juans. This will permit Roche Harbor customers an opportunity to attend at a location closer to home. The parties should confer on an appropriate date and time for the public hearing and advise the Commission by May 27, 2005 of their recommendations.
- 12 **PROCEDURAL SCHEDULE.** The Commission adopts the following procedural schedule:

May 27, 2005

Parties provide Commission with dates for
public hearing

June 7, 2005	Filing – Company direct testimony
July 6, 2005	Filing – Staff direct testimony
July 22, 2005	Filing – Rebuttal
July 26-27, 2005	Evidentiary Hearing – Olympia, Washington
TBD	Public Hearing – Burlington, Washington
August 15, 2005	Filing – simultaneous post-hearing briefs
August 31, 2005	Target initial order date
September 12, 2005	Petitions for review
September 19, 2005	Answers
October 6, 2005	Final order

13 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file with the Commission an original plus seven (7) copies of all pleadings, motions, briefs, and other prefiled materials. Paper copies of these materials are required to conform to the format and publication guidelines set forth in WAC 480-07-395 and 480-07-460, and must be three-hole punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.

14 All filings must be mailed to the Commission Executive Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250, or delivered by hand to the

Commission Executive Secretary at the Commission's Records Center at the Washington Utilities and Transportation Commission, 1300 S. Evergreen Park Drive, S.W., Olympia, Washington, 98504. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.

- 15 An electronic copy of all filings must be provided by e-mail delivery to <records@wutc.wa.gov>. Alternatively, parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette including the filed document(s). The Commission prefers that parties furnish electronic copies in .pdf (Adobe Acrobat) format, supplemented by a separate file in MS Word 6.0 (or later), or WordPerfect 5.1 (or later) format. Parties are required to organize and identify electronic files as specified in WAC 480-07-140(5).
- 16 **ELECTRONIC FILING.** Parties may only file documents electronically with the Commission in this proceeding with the permission of the administrative law judge. Under WAC 480-07-145(6), electronic filing of documents provides a one-day extension of the paper-filing requirement. If, at any time during this proceeding, parties are authorized to file documents with the Commission electronically under WAC 480-07-145(6), Parties must submit the document to records@wutc.wa.gov, and file an original, plus seven (7) copies, of the document with the Commission by the following business day.]
- 17 **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 the Director, Administrative Law Division, at 360-664-1142.

18 **NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective this 12th day of May, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

THEODORA M. MACE
Administrative Law Judge

APPENDIX A

**PARTIES' REPRESENTATIVES
DOCKET NO. UW-042132**

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
Roche Harbor Water System	Richard A. Finnigan Attorney at Law 2112 Black Lake Blvd. SW Olympia, WA 98512	360-956-7001	360-753-6862	rickfinn@ywave.com
Commission Regulatory Staff	Lisa Watson Assistant Attorney General 1400 S. Evergreen Park Dr. SW PO Box 40128 Olympia, WA 98504-0128	360-664-1186	360-586-5522	lwatson@wutc.wa.gov

APPENDIX B
PROCEDURAL SCHEDULE
DOCKET NO. UW-042132

EVENT	DATE
Parties provide Commission with date for public hearing	May 27, 2005
Filing – Company direct testimony	June 7, 2005
Filing – Staff direct testimony	July 6, 2005
Filing – Rebuttal	July 22, 2005
Evidentiary, Hearing – Olympia, WA	July 26-27, 2005
Public Hearing – Burlington, WA	TBD
Filing – Simultaneous post-hearing briefs	August 15, 2005
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