

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

WASHINGTON UTILITIES AND)	DOCKET UW-110220
TRANSPORTATION COMMISSION,)	
)	
Complainant,)	ORDER 02
)	
v.)	
)	PREHEARING CONFERENCE
SUMMIT VIEW WATER WORKS,)	ORDER
)	(Evidentiary Hearing set for August
)	26, 2011)
.....)	

- 1 **NATURE OF PROCEEDINGS:** On January 27, 2011, Summit View Water Works (Summit View or Company) filed with the Washington Utilities and Transportation Commission (Commission) a revision to its currently effective Tariff WN U-1, designated as First Revised Sheet No. 24, Cancelling Original Sheet No. 24. The stated effective date was March 1, 2011. The revision removes an annual flat fee for irrigation services of \$400 per customer, adds a new base outlet fee of \$250 per customer, and adds a \$300 per acre charge or irrigation service. In this filing, Summit View would increase charges and rates for service by approximately \$19,118 or 33.5 percent. However, the proposed rates affect customers differently based on the varying sizes of lots owned by those customers. While customers with half-acre lots would have no change in their charges, customers with 2.5 acre lots would have a 250 percent increase in their rates and customers with 5-acre lots would have a 437 percent increase.

- 2 The Commission determined that this tariff revision could injuriously affect the rights and interests of the public and that the Company had not demonstrated that the increases would result in rates that are fair, just reasonable, and sufficient and suspended this tariff filing. The suspension period in this docket ends January 1, 2012.

3 On April 19, 2011, the Commission entered a Notice of Prehearing Conference and
appointed Administrative Law Judge Patricia Clark as presiding officer in each
docket.

4 **CONFERENCE.** The prehearing conferences in these proceedings convened, as
scheduled, at Olympia, Washington on May 9, 2011.

5 **PARTY REPRESENTATIVES.** Richard A. Finnigan, Olympia, Washington,
represents Summit View. Robert D. Cedarbaum, Assistant Attorney General,
Olympia, Washington, represents the Commission's regulatory staff (Commission
Staff or Staff).¹ A complete list of party representatives and their contact information
is attached to this Order as Appendix A.

6 **CONSOLIDATION.** At the outset of the prehearing conference in Docket UW-
110107,² the presiding officer inquired whether the tariff revisions filed in that
proceeding should be consolidated for hearing, with the tariff revisions filed in this
proceeding. The Commission Staff did not support consolidation. Accordingly, each
matter will be heard separately.

7 **PROCEDURAL SCHEDULE.** During the prehearing conference, the parties
presented an agreed-upon procedural schedule.³ The Commission adopts the
procedural schedule proposed by the parties.. The procedural schedule is set forth in
Appendix B to this Order.

¹ In formal proceedings, such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy and accounting advisors do not discuss the merits of the proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

² *Washington Utilities and Transportation Commission v. Summit View Water Works.*

³ The parties proposed a hearing on August 25 and 26, 2011. The electronic version of the Commission's calendar did not reveal a conflict, but August 25, 2011, is an Open Meeting day. Accordingly, the hearing will be held on the second date proposed by the parties. There are limited tariff revisions at issue in this docket, so the hearing should be completed within this time frame.

8 *Public Comment Hearing.* Commission Staff requested that the Commission conduct a public comment hearing in this proceeding in Kennewick, Washington. The procedural schedule agreed upon by the parties includes a date for a public comment hearing. The Commission concludes that the request is reasonable and should be granted. The Commission will schedule the public comment hearing by separate notice after it has been able to confirm a suitable location for that hearing. The Commission further determines that the public comment hearing in this proceeding should be consolidated with the public comment hearing in Docket UW-110107 to afford members of the public the opportunity to present comments on all proposed tariff revisions filed by Summit View.⁴

9 **NOTICE OF HEARING.** The Commission will hold evidentiary hearings in this matter **commencing immediately after the hearing scheduled in Docket UW-110107, on August 26, 2011**, in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.

10 **DISCOVERY.** During the prehearing conference, the parties requested that the Commission's rules governing discovery be invoked. This proceeding meets the criteria in WAC 480-07-400(2)(b) and discovery will be generally conducted in accordance with the Commission's discovery rules in WAC 480-07-400 – 425. However, for discovery requests propounded after the Company files its direct testimony on June 10, 2011, discovery responses for all parties are due within five business days.

11 **PROTECTIVE ORDER.** Summit View requested that the Commission enter a protective order in this docket pursuant to RCW 34.05.446, RCW 80.04.095, WAC 480-07-420 and WAC 480-07-423 to protect the confidentiality of proprietary information. The request was granted and a protective order governing confidential and highly confidential information will be entered.

12 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file the original plus **eleven (11) copies** of the unredacted versions of all pleadings,

⁴ *Washington Utilities and Transportation Commission v. Summit View Water Works.*

motions, briefs, and other prefiled materials. Parties must also file the original and 1 copy of any redacted version(s). These materials must conform to the format and publication guidelines in WAC 480-07-395 and WAC 480-07-460. The Commission prefers that materials 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.

- 13 All filings must be mailed or delivered to the Executive Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W., Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.
- 14 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Electronic versions of all documents must be filed in accordance with WAC 480-07-140(6). Specifically, all documents must be filed in .pdf (Adobe Acrobat) format, supplemented by a separate file in .doc (MS Word), .wpd (WordPerfect), .xls (Excel), or .ppt (Power Point) format.
- 15 A copy of all filings must be provided through the Commission's Web Portal (www.utc.wa.gov/e-filing) or by e-mail delivery to <records@utc.wa.gov>. Alternatively, parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette or CD including the filed document(s). Parties must furnish electronic copies in MS Word 6.0 (or later) supplemented by a separate file in .pdf (Adobe Acrobat) format. Parties must follow WAC 480-07-140(5) in organizing and identifying electronic files.
- 16 According to WAC 480-07-145(6), the parties may electronically submit documents to the Commission provided the electronic submission is received by 3:00 pm on the filing deadline and the Commission receives the original and required number of copies by 12:00 pm on the following business day.. Parties must submit documents through the Commission's Web Portal (www.utc.wa.gov/e-filing) or by e-mail to records@utc.wa.gov, and file an original, plus 11 paper copies, of the documents with the Commission by the following business day. Parties must provide courtesy copies of their electronic submissions to the presiding administrative law judge at pclark@utc.wa.gov.and to the parties to the proceeding.

- 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, Greg Kopta, at 360-664-1355.
- 18 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective May 10, 2011.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

PATRICIA CLARK
Administrative Law Judge

APPENDIX A

**PARTIES' REPRESENTATIVES
DOCKET UW-110220**

PARTY	REPRESENTATIVE	PHONE	FAX	E-MAIL
Summit View	Richard A. Finnigan Attorney at Law 2112 Black Lake Blvd. S.W. Olympia, WA 98512	(360) 956- 7001	(360)587-3852	rickfinn@localaccess.com
Commission Staff	Robert D. Cedarbaum 1400 S. Evergreen Park Dr. SW P.O. Box 40128 Olympia, WA 98504-0128	(360) 664- 1188	(360) -586-5522	bcedarba@utc.wa.gov

**APPENDIX B
PROCEDURAL SCHEDULE
DOCKET UW-110220**

<u>EVENT</u>	<u>DATE</u>
Company Direct Testimony and Exhibits	June 10, 2011
Staff Responsive Testimony and Exhibits	July 15, 2011
Public Comment Hearing in Kennewick, Washington	To be Scheduled by Separate Notice
Company Rebuttal Testimony and Exhibits	August 8, 2011
Evidentiary Hearing	Convening immediately after the hearing in Docket UW-110107, on August 26, 2011
Simultaneous Post-hearing Briefs	September 14, 2011