

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND)	DOCKET UW-110054
TRANSPORTATION COMMISSION)	
)	ORDER 07
Complainant,)	
)	INITIAL ORDER GRANTING
v.)	REQUEST TO WITHDRAW
)	TARIFF SHEETS RELATING TO
RAINIER VIEW WATER)	LAKWOOD PIPELINE PROJECT
COMPANY, INC.,)	
)	
Respondent.)	
)	
.....)	

BACKGROUND

- 1 On January 4, 2011, Rainier View Water Company, Inc. (Rainier View or Company) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective Tariff WN U-2, designated as Original Sheet No. 56. The filing, which adds a facilities charge schedule to the Company’s tariff, was prompted by a request from the Commission. On January 24, 2011, the Company filed revised tariff sheets modifying the proposed facilities charges so that future customers of the Southwood/Sound water system would pay \$6,480¹ and future customers of all other water systems would pay \$1,210.

- 2 On April 6, 2012, Rainier View and the Commission’s regulatory staff (Commission Staff or Staff)² filed a Settlement Agreement which proposed three charges: 1) a general facilities charge (GFC) in the amount of \$1,549 for a ¾ inch or smaller meter

¹ This amount includes the general facilities charge of \$1,210 and an additional \$5,270 per equivalent residential unit (ERU). Order 01, Complaint and Order Suspending Tariff Revision and Approving Revised Rates on a Temporary Basis, Subject to Refund, ¶ 2.

² 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.

that would be imposed on all new customers to Rainier View's water systems;³ 2) the Lakewood Pipeline Surcharges (LPS), two monthly surcharges assessed on all current and future Rainier View customers;⁴ and 3) a Lakewood Pipeline Facilities Charge (LPFC) assessed on all new customers in Rainier View's service territory in the amount of \$5,756 for a ¾ inch or smaller meter.⁵ Both the LPS and the LPFC were designed to fund construction of the Company's Lakewood Pipeline Project.

3 On October 17, 2012, the 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 accepted the settling parties' proposal for a GFC, but having found fault with the Lakewood Pipeline Project as proposed, rejected that portion of the Settlement Agreement that would have imposed the LPS and the LPFC. In view of the Commission's rejection of a large part of the Settlement Agreement, the settling parties were presented with three procedural options; one of which would have Rainier View withdraw its filing, without prejudice to refiling at a later time. In choosing this option, the parties could engage in informal discussions with the Commission, in compliance with the Open Public Meetings Act.⁶

4 Rainier View filed a letter on November 9, 2012, indicating that it would like to withdraw its tariff filing as it relates to the LPS and the LPFC in order to discuss with the Commission "the benefits for the [Lakewood Pipeline Project], its thinking, and why the project is in the public interest in an informal setting that will allow the [C]ompany to fully understand the Commission's concerns and how to address these

³ Settlement Agreement, ¶ 14-15. The GFC would increase uniformly for meters larger than ¾ inch based on factors published by the American Water Works Association (AWWA). See Attachment A, Settlement Agreement. Rainier View typically assessed this charge on all new customers in executed contracts. The GFC is not related to the Lakewood Pipeline project.

⁴ The parties request that the Commission set the Phase 1 surcharge at \$2.00 per month. Settlement Agreement, ¶ 27. The Phase 2 surcharge has been tentatively calculated at \$5.40 per month. *Id.*

⁵ *Id.*, ¶¶ 41-42. As with the GFC, the LPFC will increase incrementally for meters larger than ¾ inch based on size factors published by the AWWA.

⁶ Order 05, ¶ 45.

concerns.”⁷ Staff indicates that it supports the Company’s choice and conclusion of the docket. On November 13, 2012, Rainier View filed Schedule 16 tariff sheets removing the LPS and the LPFC and eliminating Schedule 16A.

DISCUSSION AND DECISION

5 The Commission’s rule, WAC 480-07-380(3)(a), provides that a party may withdraw from a proceeding only upon permission granted by the Commission if the matter was initiated by a tariff filing and the Commission has entered a Complaint and Order suspending the filing. The Commission will grant a party’s motion if it is in the public interest.

6 In this case, Rainier View would like to pursue a dialogue with the Commission, in compliance with the Open Public Meetings Act, regarding the Commission’s concerns about the Lakewood Pipeline Project. Commission Staff does not oppose the request.

7 The Commission concludes that withdrawal of the Company’s tariff containing the LPS and LPFC is in the public interest under these circumstances.

8 The Commission determines it should approve the Company’s request to withdraw its tariff filing relating to the LPS and LPFC and close the docket.

ORDER

THE COMMISSION ORDERS That:

9 (1) The request to withdraw the tariff filed by Rainier View Water Company, Inc., containing the Lakewood Pipeline Surcharges and the Lakewood Pipeline Facilities Charge is granted, without prejudice.

⁷ Letter from Richard A. Finnegan, attorney for Rainier View, to David Danner, Executive Director and Secretary, Washington Utilities and Transportation Commission, dated November 9, 2012.

- 10 (2) The Commission will close this docket.

Dated at Olympia, Washington, and effective November 29, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARGUERITE E. FRIEDLANDER
Administrative Law Judge

NOTICE TO THE PARTIES

This is an Initial Order. The action proposed in this Initial Order is not yet effective. If you disagree with this Initial Order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this Initial Order, and you would like the Order to become final before the time limits expire, you may send a letter to the Commission, waiving your right to petition for administrative review.

WAC 480-07-825(2) provides that any party to this proceeding has twenty (20) days after the entry of this Initial Order to file a *Petition for Administrative Review*. What must be included in any Petition and other requirements for a Petition are stated in WAC 480-07-825(3). WAC 480-07-825(4) states that any party may file an *Answer* to a Petition for review within (10) days after service of the Petition.

WAC 480-07-830 provides that before entry of a Final Order any party may file a Petition to Reopen a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. No Answer to a Petition to Reopen will be accepted for filing absent express notice by the Commission calling for such answer.

RCW 80.01.060(3) provides that an initial order will become final without further Commission action if no party seeks administrative review of the initial order and if the Commission fails to exercise administrative review on its own motion.

One copy of any Petition or Answer filed must be served on each party of record with proof of service as required by WAC 480-07-150(8) and (9). An Original and five (5) copies of any Petition or Answer must be filed by mail delivery to:

Attn: David W. Danner, Executive Director and Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, Washington 98504-7250