

[Service Date November 25, 2002]

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

WASHINGTON UTILITIES AND)	
TRANSPORTATION COMMISSION,)	DOCKET NO. UW-020538
)	
Complainant,)	SECOND SUPPLEMENTAL
)	ORDER: GRANTING
v.)	WITHDRAWAL AND
)	DISMISSING COMPLAINT
GAMBLE BAY WATER, INC.,)	
)	
Respondent.)	
.....)	

MEMORANDUM

- 1 **PROCEEDINGS:** On May 1, 2002, Gamble Bay Water, Inc. filed certain tariff revisions designed to effect a general increase in its rates for water services it provides in this state. The Commission suspended the filing by order entered on May 24, 2002. On October 28, 2002, the Commission conducted a duly noticed prehearing conference at its offices in Olympia, Washington.

- 2 **PARTIES:** No one appeared to represent Gamble Bay Water, Inc. (“Gamble Bay”). Julie Krucek, Poulsbo, Washington, appeared *pro se* to represent herself and an informal group of “concerned customers” of Gamble Bay whose petition to intervene was granted. Mary M. Tennyson, Senior Assistant Attorney General, Olympia, Washington, appeared for and represents the Commission’s regulatory staff (“Commission Staff” or “Staff”).

3 **PREHEARING ORDER; MOTION TO DISMISS:** On October 30, 2002, the Commission entered and served its First Supplemental Order: Prehearing Conference and Notice Of Date For Response To Motion To Dismiss. The Order discussed Staff's oral motion to dismiss the proceeding that was later reduced to writing and filed with the Commission on October 29, 2002. The Notice required that any response to Staff's motion be filed by November 12, 2002.

4 **REQUEST TO WITHDRAW:** On November 8, 2002, Gamble Bay, through counsel, filed a letter that states in relevant part:

After consultation, the Company agrees that the tariff filing in this docket should be withdrawn. This will alleviate the need for an order of dismissal to have to be prepared.

5 **COMMISSION DETERMINATION:** The Commission finds and concludes that Gamble Bay should be allowed to withdraw its currently suspended tariff filing by which it tendered Fifth Revision Sheet No. 2 Canceling Fourth Revision, and Original Sheet No. 26. The Commission's determination that it should grant Gamble Bay's request to withdraw the filing moots Staff's pending motion to dismiss.

ORDER

6 THE COMMISSION ORDERS That the tariff revisions, filed in this Docket No. UW-020538 on May 1, 2002, are withdrawn, and the Commission's Complaint and Order Suspending Tariff Revisions, dated May 24, 2002, is dismissed.

DATED at Olympia, Washington and effective this ____ day of November, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner

NOTICE TO PARTIES: This is a final order of the Commission with respect to certain issues resolved. In addition to judicial review, administrative relief may be available through a petition for reconsideration, filed within 10 days of the service of this order pursuant to RCW 34.05.470 and WAC 480-09-810, or a petition for rehearing pursuant to RCW 80.04.200 or RCW 81.04.200 and WAC 480-09-820(1).