

[Service Date December 11, 2009]

December 11, 2009

NOTICE CANCELLING PREHEARING CONFERENCE

(Scheduled for Friday, December 11, 2009 at 9:30 a.m.)

**ESTABLISHING DEADLINE FOR FILING SETTLEMENT AGREEMENT
AND SUPPORTING DOCUMENTATION**

(By 5:00 p.m. on Thursday, December 24, 2009)

RE: *Washington Utilities and Transportation Commission v. Burton Water Company, Inc.*, Docket UW-091050;
Washington Utilities and Transportation Commission v. Burton Water Company, Inc., Docket UW-091051 (*Consolidated*)

TO PARTIES OF RECORD:

On June 30, 2009, Burton Water Company, Inc. (Burton Water), filed with the Washington Utilities and Transportation Commission (Commission) in Docket UW-091051 tariff revisions instituting a general rate increase for customers on Vashon Island in King County. Also on June 30, 2009, in Docket UW-091050, Burton Water filed tariff revisions proposing to increase a number of ancillary charges. On July 30, 2009, the Commission, by order, suspended the operation of the two tariff revisions pending hearing or hearings concerning all the proposed charges, including whether the charges are fair, just, reasonable and sufficient.

On November 19, 2009, the Commission entered an order consolidating the two matters for hearing and scheduled a prehearing conference in the two dockets for Friday, December 11, 2009.

On December 10, 2009, counsel for Commission Staff notified the assigned administrative law judge that the parties had reached an agreement in principle that, if approved by the Commission, would resolve all issues in the dockets. On behalf of both parties, counsel for Staff also requested that the Commission cancel the prehearing conference and resolve the dockets on a paper record after the parties filed a settlement agreement and supporting documentation.

Also on December 10, 2009, counsel for Commission Staff filed a letter with the Commission on behalf of both parties formally requesting cancellation of the prehearing conference. The letter states that counsel for Burton Water gave his consent to allow the letter to be filed jointly on behalf of both parties. In the letter, the parties propose to file a settlement agreement and supporting documentation on or before December 24, 2009.

The Commission appreciates the advance notice of the parties to allow the Commission to cancel the prehearing conference and avoid the expense for all parties and the Commission in holding a prehearing conference where the parties have reached an agreement in principle. The parties' request to cancel the conference is granted. The parties request to resolve the dockets on a paper record is taken under consideration, pending receipt and review of the settlement agreement and supporting documentation.

Based on the parties' commitment to file a settlement agreement and supporting documents in this proceeding by Thursday, December 24, 2009, the Commission establishes that date as the deadline for making such a filing. **The parties must file with the Commission by 5:00 p.m. on Thursday, December 24, 2009, a settlement agreement resolving the matters in this proceeding together with any supporting documentation.**

Sincerely,

ANN E. RENDAHL
Director, Administrative Law Division