

RHYS A. STERLING, P.E., J.D.

Attorney at Law

P.O. Box 218
Hobart, Washington 98025-0218
E-mail: RhysHobart@aol.com

1495 N.W. Gilman Blvd.
Suite 4-G
Issaquah, Washington 98027
(425) 391-6650
Facsimile (425) 391-6689

April 13, 2005

VIA FACSIMILE 1-360-586-1150

Carole J. Washburn, Executive Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, Washington 98504-7250

Re: William Stuth and Aqua Test, Inc.
Petition for Declaratory Order, Docket No. A-050528

Dear Ms. Washburn:

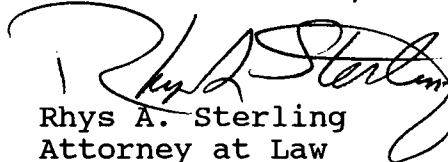
I received the Commission's letter dated April 8, 2005 declining to enter a declaratory order as requested in the above-referenced petition. I respectfully ask you for some assistance as to whether additional administrative review of such declination is available.

I have reviewed and re-reviewed the applicable procedural regulations promulgated by the Commission (Chapter 480-07 WAC) and by the Chief Administrative Law Judge (Chapter 10-08 WAC) and have not been able to identify any specific or even generic rule that would provide additional administrative review under these circumstances. Although a final decision by the Commission, the notification that the Commission will decline to enter a declaratory order does not appear to meet the test of an initial order that may be reviewed administratively pursuant to WAC 480-07-825. Or, is this in fact the means available for further administrative review of our Petition for Declaratory Order by the Commission or an Administrative Law Judge?

This issue must have arisen previously and I would ask you what course of action for further administrative appeal and/or judicial review was taken in such cases. Thank you for your consideration and assistance.

Very truly yours,

RHYS A. STERLING, P.E., J.D.


Rhys A. Sterling
Attorney at Law

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COMMUNICATIONS SECTION