

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND	)	DOCKET UT-132153
TRANSPORTATION COMMISSION,	)	
	)	
Complainant,	)	ORDER 01
	)	
v.	)	
	)	
GRASSHOPPER GROUP, LLC,	)	PREHEARING CONFERENCE
	)	ORDER; NOTICE OF HEARING
Respondent.	)	<b>(Set for June 17, 2014, at 9:30 a.m.)</b>
	)	
.....	)	

1     **NATURE OF PROCEEDING.** This proceeding arises out of a complaint filed by Commission Staff on April 16, 2014, against Grasshopper Group, LLC (Grasshopper). The complaint alleges that Grasshopper filed an inaccurate 2012 Annual Report and paid incorrect regulatory fees, in violation of RCW 80.04.080 and WAC 480-120-382. The complaint alleges that Grasshopper did not correct its filing until August 9, 2013, a period of 101 days after the May 1, 2013, deadline for filing annual reports. The complaint seeks a penalty of up to \$30,300.

2     **CONFERENCE.** The Commission convened a prehearing conference in this docket at Olympia, Washington, on Thursday, May 8, 2014, before Administrative Law Judge Adam E. Torem.

3     **APPEARANCES.** Brett Shearer, Assistant Attorney General, Olympia, represents the Commission’s regulatory staff (Commission Staff or Staff).<sup>1</sup> Michael Donahue and Ronald Quirk, Jr., Marashlian & Donahue, LLC, McLean, Virginia, represent

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<sup>1</sup> 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 this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. See RCW 34.05.455.

respondent Grasshopper. Contact information for the parties' representatives is attached as Appendix A to this order.

4 **INTERVENTION.** The Commission did not receive any petitions for intervention.

5 **DISCOVERY.** The parties will rely on informal discovery and do not anticipate the need for formal discovery under WAC 480-07-400.

6 **PROCEDURAL SCHEDULE.** The parties agreed on, and the Commission adopts, the following procedural schedule:

Friday, May 23, 2014	Commission Staff's Response to Grasshopper Motion to Dismiss
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Friday, June 13, 2014	Witness & Exhibit List Filing Deadline
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Tuesday, June 17, 2014	Evidentiary Hearing <sup>2</sup>
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7 **NOTICE OF HEARING.** The Commission will hold an evidentiary hearing in this matter on **Tuesday, June 17, 2014, at 9:30 a.m., in Room 230, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

8 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file an **original plus 2 copies** of all pleadings, motions, briefs, and other prefiled materials. 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.

9 All filings must be mailed or delivered to the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S.

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<sup>2</sup> The Commission originally approved a hearing date of Wednesday, June 18, 2014, but later determined that scheduling conflicts required a change of dates. The Commission coordinated with the parties to an agreed change in the hearing schedule to Tuesday, June 17, 2014.

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.

- 10 An electronic copy of all filings must be provided through the Commission's Web Portal ([www.utc.wa.gov/e-filing](http://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, a flash drive, 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.
- 11 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Parties may submit documents electronically to the Commission on the filing deadline to expedite the filing process, but must file an original, plus 2 paper copies, of the documents with the Commission by 12:00 noon on the first business day following the filing deadline established in the procedural schedule. WAC 480-07-145(6). Parties may submit documents electronically through the Commission's Web Portal ([www.utc.wa.gov/efiling](http://www.utc.wa.gov/efiling)) or by e-mail to [records@utc.wa.gov](mailto:records@utc.wa.gov). Finally, to perfect filing, parties must simultaneously provide e-mail courtesy copies of filings to the presiding administrative law judge at [atorem@utc.wa.gov](mailto:atorem@utc.wa.gov) as well as to the parties to the proceeding.
- 12 **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, at 360-664-1355.

- 13 **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 12, 2014.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ADAM E. TOREM  
Administrative Law Judge

**APPENDIX A**  
**PARTIES' REPRESENTATIVES**  
**DOCKET UT-132153**

<u>PARTY</u>	<u>REPRESENTATIVE</u>	<u>PHONE</u>	<u>E-MAIL</u>
Grasshopper – Respondent	Dominic Schiavone Vice President of Operations 197 First Avenue, Suite 200 Needham, MA 02494		<a href="mailto:dschiavone@grasshopper.com">dschiavone@grasshopper.com</a>
	Michael P. Donahue, Esq. & Ronald E. Quirk, Jr., Esq. Marashlian & Donahue, LLC 1420 Spring Hill Road, Ste 401 McLean, VA 22102	703-714-1319	<a href="mailto:mpd@commlawgroup.com">mpd@commlawgroup.com</a> <a href="mailto:req@compliancegroup.com">req@compliancegroup.com</a>
Commission Staff	Brett P. Shearer Assistant Attorney General 1400 S. Evergreen Park Drive S.W. P.O. Box 40128 Olympia, WA 98504-0128	360-664-1187	<a href="mailto:bshearer@utc.wa.gov">bshearer@utc.wa.gov</a>