

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

DAVID and JANIS STEVENS, PAUL) CARRICK, ALAN and JIM WIEMEYER,) CHRIS and CECILY FLAVELL, STAN) And KAY MILLER, MICHAEL and) COLLEEN STOVER, RICHARD and) PAULA RUSSELL, BEN G. MARCIN,) RONALD and VICTORIA) MONTGOMERY, CHARLES and) MICHELLE CLARK, PAUL SCHULTE) SUE PERRAULT, and JORG REINHOLT)) <div style="text-align: right;">Complainants,</div>)) v.)) ROSARIO UTILITIES, LLC.)) <div style="text-align: right;">Respondent.</div>))	DOCKET NO. UW-011320 SECOND SUPPLEMENTAL ORDER PREHEARING CONFERENCE ORDER
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1 **Proceeding:** Docket No. UW-011320 is a complaint brought by twenty-one property owners within the service area of Rosario Utilities, LLC who allege that Rosario Utilities, owned by Oly Rose, LLC, has given preferential rights to available water connections to Rosario Resort, also owned by Oly Rose.

2 **Conference:** The Commission convened a prehearing conference in this docket at Olympia, Washington on January 23, 2002, before Administrative Law Judges Karen M. Caillé and Theodora Mace.

3 **Appearances.** Michael M. Hanis, Hanis & Olson, attorney, Renton, Washington, represents Complainants. Thomas M. Pors, attorney, Seattle, Washington, represents Respondent. Richard A. Finnigan, attorney, Olympia, Washington, represents Oly Rose, LLC. Contact information provided at the conference for the parties’ representatives is attached as Appendix A to this order.

4 **Petitions for Intervention.** Oly Rose, LLC filed a petition to intervene. No party objects to the petition to intervene, which is granted.

5 **Protective Order.** The parties asked the Commission to enter a protective order in this docket pursuant to RCW 34.05.446 and RCW 80.04.095, to protect the

confidentiality of proprietary information. The request was granted, and a protective order was entered on January 25, 2002.

Discovery. Parties desire to engage in discovery of information in the proceeding. The proceeding qualifies under WAC 480-09-480 as a proceeding in which inquiries may be made to the extent provided in the rule. The discovery rule is invoked.

Hearing schedule. The parties agreed upon the following schedule for the proceeding.

Complainants prefile direct testimony and exhibits	March 11, 2002
Respondent/Intervenor prefile responsive testimony and exhibits	April 22, 2002
Complainants prefile rebuttal testimony and exhibits	May 20, 2002
Deadline for requesting alternative dispute resolution	May 23, 2002
Prehearing Conference to mark exhibits and cross-exhibits	June 12, 2002
Hearing begins	June 17, 2002 ¹
Brief outline of issues at end of hearing	
Opening Briefs	July 19, 2002
Reply Briefs	August 2, 2002

The ALJ informed the parties that they may waive an initial order and have the case go directly to the Commission for a final decision. The parties represented they will discuss this option with their respective clients.

- 6 **Document preparation and process issues.** Parties must file an original plus 10 copies of each document filed with the Commission. Appendix B states relevant Commission rules and other directions for the preparation and submission of evidence and for other process in this docket. Parties will be expected to comply with these provisions.

¹ The Commission has blocked June 17-20, 2002 for the evidentiary hearing. The location and time of the hearing will be provided in a subsequent Notice.

Dated at Olympia, Washington, and effective this th day of February, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

KAREN M. CAILLÉ
Administrative Law Judge

NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the date of mailing of this statement, pursuant to WAC 480-09-460(2). Absent such objections, this prehearing conference order will control further proceedings in this matter, subject to Commission review.

Appendix A

DOCKET NO. UT-011320 PARTIES' REPRESENTATIVES

For Complainants

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Appendix B

I. Requirements for ALL paper copies of testimony, exhibits, and briefs

The following requirements are restated from and clarify the Commission's rules relating to adjudications.

A. All paper copies of briefs, prefiled testimony, and original text in exhibits must be

- X On 8-1/2x11 paper, punched for insertion in a 3-ring binder,
- X Punched with OVERSIZED HOLES to allow easy handling.
- X Double-spaced
- X 12-point or larger text and footnotes, Times New Roman or equivalent serif font.
- X Minimum one-inch margins from all edges.

Other exhibit materials need not be double-spaced or 12-point type, but must be printed or copied for optimum legibility.

B. All electronic and paper copies must be

- X SEQUENTIALLY NUMBERED (all pages). **THIS INCLUDES EXHIBITS.** It is not reasonable to expect other counsel or the bench to keep track of where we are among several hundred (or sometimes even just several) unnumbered pages.
- X DATED ON THE FIRST PAGE OF EACH ITEM and on the label of every diskette. Electronic files must be designated R for revision with an ordinal number showing the revision number. If the item is a revision of a document previously submitted, it must be clearly labeled AREVISED@, with the same title, and with the date it is filed clearly shown.

II. Identifying exhibit numbers; Exhibits on cross examination.

A. **Identifying exhibits.** It is essential to mark documents so you, opposing counsel, and the Commission can find them. We ask you to comply with this clarification of prior practice, based on recent experience:

X **Use the witness=s initials and add an ordinal number for each exhibit.** Identify testimony with a T and confidential exhibits with a C. Example: Witness Jane Quintessentia Public. Her original testimony would be JQP-1T or JQP-1TC, her first attached exhibit would be JQP-2, etc. NEVER identify the attachments merely with a single ordinal number, as that will provide the maximum confusion to everyone, including your witness.

B. Prepare a list of your exhibits with their title and AJQP@ designation in digital form and in a format specified by the Commission. Send it to the presiding officer before the appropriate prehearing conference. That will simplify identification and ease administrative burdens.

NOTE: Be prepared to submit all of your possible exhibits on cross examination several days prior to the hearing. We will attempt to schedule a prehearing conference to deal with the exhibits as close as possible to the hearing itself, but we have administrative needs that require pre-filing.