

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND	)	DOCKET UW-121408
TRANSPORTATION COMMISSION	)	
	)	
Complainant,	)	
	)	NOTICE OF PREHEARING
v.	)	CONFERENCE
	)	<b>(Set for January 14, 2013,</b>
SANDY POINT IMPROVEMENT	)	<b>at 1:30 p.m.)</b>
COMPANY,	)	
	)	
Respondent.	)	
	)	
.....	)	

- 1 On November 21, 2012, the Washington Utilities and Transportation Commission (Commission) entered Order 01 in this docket initiating a special proceeding under RCW 80.04.015 to determine whether Sandy Point Improvement Company (Sandy Point or Company) is subject to Commission regulation under Chapter 80.28 RCW and is performing any act requiring approval of the Commission without securing such approval. Assuming jurisdiction, Order 01 sets forth the Commission’s Complaint against the Company’s rates and charges alleging that they are unfair, unjust and unreasonable, or unreasonably discriminatory or unduly preferential, or are in some other way in violation of the governing provisions of law. The Complaint proposes penalties for Sandy Point’s failure to file a tariff once the Company became subject to the Commission’s jurisdiction. Order 01 is available for inspection at the Commission’s office located at Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington, and on the Commission’s web site at [www.utc.wa.gov/121408](http://www.utc.wa.gov/121408).
  
- 2 On December 7, 2012, Sandy Point answered the Complaint. Sandy Point generally and specifically denies the principal allegations in the Complaint and states affirmatively that it is not subject to Commission jurisdiction.

3 **STATUTORY AUTHORITY:** The Commission has jurisdiction over this matter under RCW Title 80, and has legal authority to regulate the rates, services, and practices of water companies providing service with the state of Washington. The statutes that apply to this matter include RCW 80.01, RCW 80.04, and RCW 80.28 relating to rates, including but not limited to RCW 80.01.040, RCW 80.01.060, RCW 80.04.010, RCW 80.04.020, RCW 80.04.110, RCW 80.04.380, RCW 80.04.405, RCW 80.28.020 and RCW 80.28.050. The rules that apply to this matter include those within WAC 480-07 and WAC 480-110.

4 The Commission will hear this matter under the Administrative Procedure Act (APA), particularly Part IV of RCW 34.05 relating to adjudications. The provisions of the APA that relate to this proceeding include, but are not limited to RCW 34.05.413, RCW 34.05.422, RCW 34.05.431, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452.

5 **THE COMMISSION GIVES NOTICE That it will hold a prehearing conference in this matter at 1:30 p.m., on January 14, 2013, in Room 206 of the Commission's headquarters, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

6 The purpose of the prehearing conference is to consider requests for intervention, resolve scheduling matters including establishing dates for distributing evidence and workpapers, to identify the issues in the proceeding and determine other matters to assist the Commission in resolving the matter, as listed in WAC 480-07-430.

7 **INTERVENTION:** Persons who wish to intervene should file a petition to intervene in writing at least three business days before the date of the prehearing conference. *See* WAC 480-07-355(a). The Commission will consider oral petitions to intervene during the conference, but strongly prefers written petitions to intervene. Party representatives must file a notice of appearance with the Commission no later than the business day before the conference. *See* WAC 480-07-345(2). Any party or witness in need of an interpreter or other assistance should fill out the form attached to this notice and return it to the Commission. The Commission will set the time and place for any evidentiary hearings at the prehearing conference, on the record of a later conference or hearing session, or by later written notice.

8 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the prehearing conference set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**

9 The names and mailing addresses of all known parties and their known representatives are as follows:

Complainant: Washington Utilities and Transportation  
Commission  
1300 S. Evergreen Park Drive S.W.  
P.O. Box 47250  
Olympia, WA 98504-7250

Representative: Donald T. Trotter  
Assistant Attorney General  
1400 S. Evergreen Park Drive S.W.  
P.O. Box 40128  
Olympia, WA 98504-0128  
(360) 664-1189  
[dtrotter@utc.wa.gov](mailto:dtrotter@utc.wa.gov)

Respondent: Sandy Point Improvement Company  
4460 Decatur Drive  
Ferndale, WA 98248

Representative: Joseph A. Rehberger  
Cascadia Law Group PLLC  
606 Columbia St. NW, Suite 212  
Olympia, WA 98501  
(360) 786-5062  
[jrehberger@cascadialaw.com](mailto:jrehberger@cascadialaw.com)

10 Administrative Law Judges Stephany A. Watson and Dennis J. Moss, from the Commission's Administrative Law Division, will preside during this proceeding.

- 11 The Commission will give parties notice of any other procedural phase of the proceeding in writing or on the record, as appropriate during this proceeding.

DATED at Olympia, Washington, and effective December 11, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER  
Executive Director and Secretary

Inquiries may be addressed to:

Executive Director and Secretary  
Washington State Utilities and  
Transportation Commission  
Richard Hemstad Building  
1300 S. Evergreen Park Drive S.W.  
P.O. Box 47250  
Olympia, WA 98504-7250  
(360) 664-1160

**NOTICE**

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

If you need an interpreter, or have other special needs, please fill out this form and return it to Washington State Utilities and Transportation Commission, Attention: David W. Danner, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket : \_\_\_\_\_

Case Name: \_\_\_\_\_

Hearing Date: \_\_\_\_\_ Hearing Location: \_\_\_\_\_

Primary  
Language: \_\_\_\_\_

Hearing Impaired (Yes) \_\_\_\_\_ (No) \_\_\_\_\_

Do you need a certified sign language interpreter:

Visual \_\_\_\_\_ Tactile \_\_\_\_\_

Other type of assistance needed: \_\_\_\_\_

English-speaking person who can be contacted if there are questions:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: (\_\_\_\_) \_\_\_\_\_