

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of	)	DOCKET NO. A-050528
)	
WILLIAM L. STUTH, AND AQUA	)	NOTICE OF RECEIPT OF PETITION
TEST, INC.,	)	FOR DECLARATORY ORDER AND
	)	OPPORTUNITY TO SUBMIT
For a Declaratory Order Designating	)	STATEMENT OF FACT AND LAW
a Public Service Company	)	(By November 16, 2005)
)	
	)	NOTICE OF PREHEARING
	)	CONFERENCE
	)	(Set for November 21, 2005,
.....	)	10:00 a.m.)

- 1 On March 16, 2005, William L. Stuth and Aqua Test, Inc. filed with the Commission a petition for a declaratory order asserting jurisdiction over Aqua Test, Inc., as a public service company. A more detailed account of the issue is reflected in the petition, which is available for inspection at the Commission’s office located at Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington, and on the Commission’s web site at www.wutc.wa.gov/050528.

- 2 On April 8, 2005, the Commission notified the petitioner by letter that it would not enter a declaratory order in response to its request and declined to begin a declaratory order proceeding because it believes, as a matter of law, that it has no jurisdiction over companies providing such services.

- 3 On April 21, 2005, William L. Stuth and Aqua Test, Inc. filed a petition for judicial review with Thurston County Superior Court.¹ The court determined that the Commission should hold a hearing on the issues presented in the

¹ No. 05-2-00782-3.

petition for a declaratory order and remanded the matter to the Commission so the hearing may be held.

4 Pursuant to RCW 34.05.240 and WAC 480-07-930, the Commission gives notice to all persons required by law and such other persons as deemed appropriate. The Commission also by this notice calls for statements of fact and law upon the matter posited by William L. Stuth and Aqua Test, Inc.

5 NOTICE IS GIVEN That the Commission requests that interested persons who desire to be heard in this docket present a statement of fact and law upon the matters alleged in the petition, including the applicability of Washington statutes and Commission rules to the issues presented by the petition. All persons interested in this matter must submit either a statement of fact and law, or a request to be placed upon the Commission's service list in the event of further proceedings. All comments must be filed with the Commission no later than 5:00 p.m., November 16, 2005.

6 **NOTICE IS FURTHER GIVEN That a prehearing conference in this matter will be held at 10:00 a.m., on Monday, November 21, 2005, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

7 Please see the form attached to this notice which should be filled out and returned if any party or witness needs an interpreter or other assistance.

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

Petitioner:	William L. Stuth 31424 W. Lake Morton Drive S.E. Kent, WA 98042
	Aqua Test, Inc. 28620 Maple Valley Highway S.E. Maple Valley, WA 98038

Representative: Rhys A. Sterling, P.E., J.D.
Attorney at Law
P.O. Box 218
Hobart, WA 98025-0218
(425) 391-6650

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

Representative: Christopher Swanson
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1220

Public Counsel: Simon J. ffitc
Office of Attorney General
900 Fourth Avenue, Suite 2000
Seattle, WA 98164-1012
(206) 389-2055

- 9 An Administrative Law Judge from the Utilities and Transportation Commission's Administrative Law Division, 1300 S. Evergreen Park Drive S.W., Olympia, Washington, will preside at the prehearing conference.
- 10 Questions regarding this matter may be addressed to C. Robert Wallis, Administrative Law Division, at 360-664-1142 or <bwallis@wutc.wa.gov>.
- 11 Notice of any other procedural phase will be given in writing or on the record, as the Commission may deem appropriate during the course of this proceeding.

DATED at Olympia, Washington, and effective this 27th day of October, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN
Executive Secretary

NOTICE

PLEASE NOTE: The hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and if limited English-speaking or 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.

The information needed to provide an appropriate interpreter or other assistance should be stated below and returned to Washington Utilities and Transportation Commission, Attention: Carole J. Washburn, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket No.: _____

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.: (____) _____