

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND)	DOCKET UW-060662
TRANSPORTATION COMMISSION,)	
)	ORDER 04
Complainant,)	
)	
v.)	GRANTING REQUEST TO
)	MODIFY PROCEDURAL
FRAGARIA LANDING WATER)	SCHEDULE
COMPANY,)	
)	
Respondent.)	
)	
.....)	

MEMORANDUM

- 1 **PROCEEDING.** This case involves a Commission complaint against Fragaria Landing Water Company (Fragaria or Company) challenging the reasonableness of the Company’s rates and charges. The current procedural schedule in this matter was established by Order 03 entered in this docket on July 26, 2006.

- 2 **MOTION FOR CONTINUANCE.** On August 29, 2006, Staff filed a letter requesting that the procedural schedule be revised to allow for settlement negotiations. Staff asserted that they have engaged in productive discussions with Fragaria and are working toward a settlement of the remaining issues. Staff contended that a revision in the procedural schedule will allow the parties to continue those discussions without the burden of simultaneously preparing testimony. Staff represents that, Fragaria concurs with the request. We consider the filing as a Motion for Continuance under WAC 480-07-385.

- 3 **COMMISSION CONSIDERATION.** According to WAC 480-07-385, the Commission will grant a continuance if the request meets three criteria: (1) the requesting party demonstrates good cause; and (2) the continuance will not prejudice any party; or (3) the continuance will not prejudice the Commission. Continuing

productive settlement negotiations without the simultaneous burden of preparing prefiled testimony and exhibits is good cause to grant the request. Moreover, the only other party to this proceeding, Fragaria, concurs with the request and will not be prejudiced if it is granted.

- 4 Therefore, the final consideration is whether the continuance will prejudice the Commission. The applicable statute, RCW 80.04.110(3), provides that the Commission will issue a final order within ten months of the date of filing of the complaint unless the date is extended for cause. Order 01 initiating this proceeding was entered on May 10, 2006. Accordingly, the deadline for issuing a final order is March 12, 2007. Order 02 adopted the accelerated procedural schedule proposed by the parties in order to mitigate the effect of refunds the Commission Staff would request should it prevail in the complaint. That accelerated schedule was modified once at the request of the parties.¹ Given the fact that this is the second request to extend the procedural schedule, good cause exists to extend the time for the Commission to enter a final order. The deadline for issuing a final order will be extended for at least the length of the continuance.² Accordingly, the Commission concludes it should grant Staff's motion, adopt the revisions to the procedural schedule proposed by the parties, and extend for cause the deadline for entering a final order. The revised procedural schedule is attached to this order as an appendix and, by this reference, incorporated herein.

Dated at Olympia, Washington, and effective August 31, 2006.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

PATRICIA CLARK
Administrative Law Judge

¹ See Order 03, entered July 26, 2006.

² Order 03 entered in this proceeding extended all deadlines applicable to the parties, but not the Commission. The Commission would be conscious of concerns relating to the timing and effect of possible refunds. We anticipate that it would not need the time allotted for entry of a final order, but believe the extension of the deadline necessary to protect the Commission's interest in sufficient time to complete its tasks on review.

APPENDIX A
REVISED PROCEDURAL SCHEDULE
DOCKET UW-060662

EVENT	FROM	TO	INTERVAL
Prefiled Responsive Testimony and Exhibits of Commission Staff	Sept. 6, 2006	Oct. 18, 2006	
Prefiled Reply Testimony and Exhibits of Company	Sept. 25, 2006	Nov. 15, 2006	28 days
Prefiled Rebuttal Testimony and Exhibits of Commission Staff	Oct. 5, 2006	Nov. 29, 2006	14 days
Prehearing Conference	Oct. 27, 2006	Dec. 11, 2006, 9:30, Rm 206	12 days
Evidentiary Hearing	Nov. 1, 2006	Dec. 14, 2006, 9:30, Rm 206	3 days
Oral Argument in Lieu of Briefs	Nov. 2, 2006	Dec. 15, 2006, 2:00 p.m., Rm 206	1 day
Deadline for Issuing Final Order	March 12, 2007	April 24, 2007	43 days