

[Service Date March 24, 2009]

March 24, 2009

**NOTICE REQUESTING RESPONSE TO OBJECTION AND CORRECTING
TYPOGRAPHICAL ERROR IN PREHEARING CONFERENCE ORDER
(Deadline for Response to Objections: April 2, 2009)**

RE: *Washington Utilities and Transportation Commission, Complainant, v. City of Enumclaw, Respondent.* Docket PG-080097

TO ALL PARTIES OF RECORD:

On March 12, 2009, the Washington Utilities and Transportation Commission (Commission) issued Order 01, *Prehearing Conference Order Establishing Procedural Schedule and Scheduling Hearings*. The Order established a procedural schedule including an evidentiary hearing and a public comment hearing. With respect to the public comment hearing, the Commission concluded that:

[I]n proceedings involving investor-owned public service companies, any penalties assessed by the Commission may not be collected from ratepayers. In this case a municipality, the City of Enumclaw, provides utility service. Therefore, the group of ratepayers and taxpayers in Enumclaw overlap to some extent. That is, many of the same individuals who pay the City for natural gas public utility service as ratepayers are the same individuals who provide revenue to the City as taxpayers. If, at the conclusion of this proceeding, the Commission determines it is appropriate to assess penalties, the source of revenue to discharge that financial obligation would be revenue collected from the City's taxpayers. Accordingly, it is reasonable to provide an opportunity for ratepayers/taxpayers to comment orally on the record of this proceeding.

The Order provided notice that parties could file objections to any portion of the decision within 10 calendar days after the service date of the Order.¹ On March 23, 2009, the City of Enumclaw timely filed objections to Paragraphs 5 and 7 of the Order. In its objection to Paragraph 5, the City of Enumclaw noted that a status conference in this proceeding is scheduled to convene on May 6, 2009, not May 6, 2008. In its objection to Paragraph 7, the City of Enumclaw asserted that the source of revenue to discharge any financial obligation that arises in this case would be from the utility, as an enterprise account, rather than from the general fund of the municipality.

The Commission requests a response to the objection from the other party to this proceeding, the Commission Staff. That response should address, but is not limited to, the question of whether Commission precedent permits a public service company to collect from its ratepayers any penalties assessed by the Commission. The deadline for filing a response to the objection is **April 2, 2009**.

The typographical error in Paragraph 5 is corrected to read that a status conference will convene on **May 6, 2009**, not May 6, 2008.

NOTICE IS HEREBY GIVEN That the Commission requests the Commission Staff to file a response to the City of Enumclaw's objection by April 2, 2009.

Sincerely,

PATRICIA CLARK
Administrative Law Judge

¹ WAC 480-07-430 and WAC 480-07-810.