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STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

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BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

In The Matter of the Petition of) DOCKET NO. A-050528
)
WILLIAM L. STUTH, and AQUA TEST,) OBJECTION TO AND REQUEST
INC.,) TO AMEND/CLARIFY PROVISION
) OF PREHEARING CONFERENCE
For Declaratory Order Designating) ORDER
a Public Service Company)
_____)

Pursuant to WAC 480-07-430 and WAC 480-07-810, Petitioners respectfully object to the current Prehearing Conference Order and request the Presiding Administrative Law Judge to amend or clarify Paragraph 7 of the Prehearing Conference Order in this matter as served on November 22, 2005.

The reason for this request is that the ultimate issue for Commission determination as a question of fact is whether a person or corporation owning, operating and managing a large on-site sewage system (LOSS) is a public service company under the public service laws of the State of Washington and thereby subject to Commission regulation as a public service company.

The proposed business model set forth in both the underlying

ORIGINAL

1 Petition for Declaratory Order and the Petitioners' Statement of
2 Fact and Law describes the essential attributes of the utility
3 service in more detail as follows:

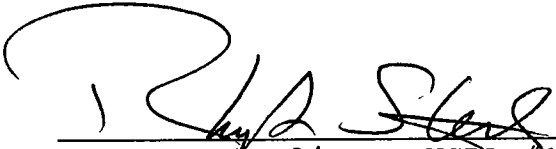
4 [Whether] a privately owned for-profit company provid-
5 ing services to the public including and not limited to
6 the management, ownership, operation, and maintenance of
7 large on-site sewage systems and any components thereof
8 all as defined by WAC 246-272B-01001 . . . is a public
9 service company subject to regulation . . . by the WUTC?

10 Petition, ¶ 4.1. See also Petition, ¶ 2.8. See Proposed Business
11 Model, Petitioners' Statement of Fact and Law at pp. 13-14.¹

12 Accordingly, the utility service in fact provided the public,
13 and which is to be considered by the Commission, is much more than
14 simply "the operator of a large on-site sewage system" as currently
15 set forth in the Prehearing Conference Order at ¶ 7. Counsel apol-
16 ogizes for any confusion or oversimplification of this most import-
17 ant issue that may have been made during the prehearing conference.

18 DATED this 25th day of November, 2005.

19 Respectfully submitted,
20
21 RHYS A. STERLING, P.E., J.D.

22 
23 Rhys A. Sterling, WSBA #13846
24 Attorney for Petitioners

1 This is a more general definition of the model taking into consideration both existing and new large on-site sewage systems.

CERTIFICATION OF SERVICE

I certify under penalty of perjury
under the laws of the State of Washington
that on the 25th day of November
~~2005~~, I mailed a copy of this document
to all parties.

DATED at Spokane, Washington

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