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October 13, 2006

Carole J. Washburn, Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P. O. Box 47250
Olympia, Washington 98504-7250

Re: *Washington Utilities and Transportation Commission v.
Fragaria Landing Water Company, Inc.*, Docket No. UW-060662

Dear Ms. Washburn:

The Fragaria Landing Water Company, Inc. (Fragaria) revised procedural schedule (Order 04) calls for Commission staff (Staff) to file testimony on October 18, 2006. Staff and Fragaria are continuing to work productively towards settlement of remaining issues. Once the parties reach a settlement in principle, the parties will need to subsequently reduce it to writing.

Accordingly, the parties believe that at this time it would present an unnecessary additional burden to simultaneously file testimony while engaging in these negotiations. Having discussed this matter with Fragaria, Staff respectfully requests that the schedule be amended to allow additional time for the parties to continue negotiations in anticipation of a settlement. Fragaria has agreed to this revision to the case schedule. Please see the attached proposed revised schedule.¹ The parties will keep the Commission informed as to the progress of settlement. Thank you for your consideration.

Sincerely,

MICHAEL FASSIO
Assistant Attorney General

MAF:emd
cc: Parties

¹ The proposal does not include a final order deadline, consistent with schedules in prior Orders 02 and 03. Order 04 extended, for cause, a deadline for issuing a final order, citing RCW 80.04.110(3) [requiring entry of final order within ten months from the date of complaint unless extended for cause]. It is the parties' understanding that this requirement applies to complaints filed by an "entity or person other than the commission". Because this is a Commission-filed complaint, the parties suggest that the requirement does not apply to this docket. Nevertheless, the parties have no objection to extending a final order deadline to allow for the revised schedule if the Commission finds it appropriate to set a final order deadline in this docket.



PROPOSED REVISED SCHEDULE

	<u>From</u>	<u>To</u>
Staff files testimony	October 18, 2006	December 12, 2006
Company files response testimony	November 15, 2006	January 9, 2007
Staff files rebuttal testimony	November 29, 2006	January 23, 2007
Prehearing Conference	December 11, 2006	February 2, 2007
Evidentiary Hearing	December 14, 2006	February 5, 2007
Oral Argument in lieu of briefs	December 15, 2006	February 6, 2007