

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

WASHINGTON UTILITIES AND)	DOCKETS UW-091034, UW-091035,
TRANSPORTATION COMMISSION,)	UW-091036, and UW-091037
)	<i>(Consolidated)</i>
Complainant,)	
)	
v.)	ORDER 04
)	
SJM WATER SERVICES, INC.,)	
FRAGARIA LANDING WATER)	INITIAL ORDER GRANTING
COMPANY, INC.,)	LEAVE TO WITHDRAW AND
ILIAD WATER SERVICE, INC., and)	DISMISSING TARIFF FILINGS
MARBELLO WATER CO., INC.,)	
)	
Respondents.)	
.....)	

BACKGROUND

- 1 **NATURE OF PROCEEDINGS.** On June 29, 2009, in Docket UW-091034, SJM Water Services, Inc. (SJM Water) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective Tariff WN U-1. The filing proposes to increase ancillary charges for Reconnection, Late Payment, Cross Connection Site Visit and Cross Connection Premise Inspection; adds new charges for NSF Check, Account Set-Up, and Initial Meter Reading; clarifies rules related to irrigation; and adds language on Limitation of Liability for customers in Snohomish County.

- 2 Also on June 29, 2009, in separate dockets, three other water companies made substantially similar filings, as follows:

- a. Fragaria Landing Water Company (Fragaria Landing Water), Docket UW-091035.
- b. Iliad Water Service, Inc., (Iliad Water), Docket UW-091036.
- c. Marbello Water Co., Inc. (Marbello Water), Docket UW-091037.

The Commission consolidated these matters for hearing and scheduled the matters for a prehearing conference in Order 02, entered on February 23, 2010.

3 **CONFERENCE.** The Commission convened a prehearing conference in these consolidated dockets at Olympia, Washington on March 24, 2010, before Administrative Law Judge (Judge) Marguerite E. Friedlander.

4 On March 25, 2010, the Commission entered Order 03, a prehearing conference order, which established a procedural schedule in these consolidated dockets and set these matters for hearing.

5 **WITHDRAWAL OF APPLICATION.** On April 1, 2010, SJM Water, Fragaria Landing Water, Iliad Water, and Marbello Water (collectively, Water Companies), filed letters with the Commission withdrawing their tariff filings in Dockets UW-091034, UW-091035, UW-091036, and UW-091037, respectively. Upon further clarification, the Water Companies requested that the Commission allow them to withdraw their tariff filings and issue an order dismissing the filings.¹ The Commission's regulatory staff (Commission Staff or Staff)² indicate that they do not oppose the Water Companies' requests.³

¹ See, April 5, 2010, e-mail from Richard Finnigan to Jennifer Cameron-Rulkowski and Judge Friedlander.

² In formal proceedings such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. See, *RCW 34.05.455*.

³ See, April 5, 2010, e-mail from Jennifer Cameron-Rulkowski to Richard Finnigan and Judge Friedlander.

- 6 Under WAC 480-07-380(3), a party must seek permission from the Commission to withdraw a filing when the Commission has issued a hearing notice or begun an adjudication, as in this case. The Commission will grant a motion to withdraw when withdrawal is in the public interest. The Water Companies had proposed to increase several of its ancillary charges and to impose new charges on their customers. They requested permission to withdraw their filings prior to the Commission and Staff committing substantial investments of time and resources in the dockets. The Water Companies' requests to withdraw their tariff filings should be granted.

ORDER

- 7 **THE COMMISSION ORDERS That** the requests of SJM Water Services, Inc., Fragaria Landing Water Company, Iliad Water Service, Inc., and Marbello Water Co., Inc., to withdraw and dismiss their tariff filings are granted, without prejudice.

DATED at Olympia, Washington, and effective April 6, 2010.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

MARGUERITE E. FRIEDLANDER
Administrative Law Judge

NOTICE TO THE PARTIES

This is an Initial Order. The action proposed in this Initial Order is not yet effective. If you disagree with this Initial Order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this Initial Order, and you would like the Order to become final before the time limits expire, you may send a letter to the Commission, waiving your right to petition for administrative review.

WAC 480-07-825(2) provides that any party to this proceeding has twenty (20) days after the entry of this Initial Order to file a *Petition for Administrative Review*. What must be included in any Petition and other requirements for a Petition are stated in WAC 480-07-825(3). WAC 480-07-825(4) states that any party may file an *Answer* to a Petition for review within (10) days after service of the Petition.

WAC 480-07-830 provides that before entry of a Final Order any party may file a Petition to Reopen a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. No Answer to a Petition to Reopen will be accepted for filing absent express notice by the Commission calling for such answer.

RCW 80.01.060(3) provides that an initial order will become final without further Commission action if no party seeks administrative review of the initial order and if the Commission fails to exercise administrative review on its own motion.

One copy of any Petition or Answer filed must be served on each party of record with proof of service as required by WAC 480-07-150(8) and (9). An Original and five (5) copies of any Petition or Answer must be filed by mail delivery to:

**Attn: David W. Danner, Executive Director and Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, Washington 98504-7250**