

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

WASHINGTON UTILITIES AND)	DOCKET UW-100642
TRANSPORTATION COMMISSION)	
)	ORDER 02
Complainant,)	
)	PREHEARING CONFERENCE
v.)	ORDER ESTABLISHING
)	PROCEDURAL SCHEDULE AND
DEER MEADOWS WATER)	SCHEDULING HEARING
COMPANY, INCORPORATED,)	(Evidentiary Hearing set for
)	November 17 and 18, 2010)
Respondent.)	
)	
.....)	

1 **NATURE OF PROCEEDING.** On April 20, 2010, Deer Meadows Water Company, Incorporated, (Deer Meadows or Company) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective Tariff WN U-1, designated as Second Revision of Sheet No. 22 Canceling First Revision of Sheet No. 22; First Revision of Sheet No. 23 Canceling Original Sheet No. 23; First Revision of Sheet No. 45 Canceling Original Sheet No. 45. The stated effective date is May 21, 2010. On April 27, 2010, the Company submitted replacement sheets that corrected grammatical errors on the tariff sheets filed on April 20, 2010. The filing would generate \$114,234 in additional annual revenue, reflecting an increase of approximately 80 percent. The filing establishes a new Non-Sufficient Fund (NSF) check charge of \$25.00 and a new site visit charge of \$75.00. The Commission, by Order 01 entered on May 13, 2010, suspended the operation of the tariff revisions to determine whether the proposed tariff charges are fair, just, reasonable, and sufficient. By Notice entered July 15, 2010, the Commission scheduled a prehearing conference and appointed Administrative Law Judge Patricia Clark to hear this matter.

2 **CONFERENCE.** The Commission convened a prehearing conference in this proceeding at Olympia, Washington on August 2, 2010, before Judge Clark.

3 **PARTY REPRESENTATIVES.** Michael Fassio, Assistant Attorney General, Olympia, Washington, represents the Commission's regulatory staff (Commission Staff or Staff).¹ Richard A. Finnigan, Attorney at Law, Olympia, Washington, represents Deer Meadows. A complete list of party representatives and their contact information is attached to this Order as Appendix A.

4 **PROCEDURAL SCHEDULE.** During the prehearing conference, the parties agreed on a procedural schedule. The Commission adopts the procedural schedule proposed by the parties. The procedural schedule is set forth in Appendix B to this Order. The procedural schedule includes a public comment hearing that will afford the Company's customers with the opportunity to comment on the proposed tariff revisions. The date, time, and location of the public comment hearing will be established by subsequent notice.

5 **NOTICE OF HEARING.** The Commission will hold evidentiary hearings in this matter beginning, **November 17, 2010, at 9:30 a.m., in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington, and continuing thereafter, as necessary on November 18, 2010.**

6 **DISCOVERY.** During the prehearing conference, the presiding officer inquired of the parties whether the Commission should invoke its rules governing discovery. The parties requested that the discovery rules be invoked. This proceeding meets the criteria in WAC 480-07-400(2)(b). Accordingly, the Commission's discovery rules will be invoked and discovery will be conducted pursuant to WAC 480-07-400 – 425.

7 **PROTECTIVE ORDER.** The presiding officer inquired of the parties whether there was any need to issue a protective order in the proceeding to govern the use of confidential information. The parties requested that the Commission enter its standard protective order. The Commission will issue a protective order in this case.

¹ 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 and accounting advisors do not discuss the merits of the proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See RCW 34.05.455.*

8 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file the original plus **11 copies** of the unredacted versions of all pleadings, motions, briefs, and other prefiled materials. Parties must also file the original and 1 copy of any redacted version(s). These materials must conform to the format and publication guidelines in WAC 480-07-395 and WAC 480-07-460. The Commission prefers that materials be three-hole punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.

9 All filings must be mailed or delivered to the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W., Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.

10 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Electronic versions of all documents must be filed in accordance with WAC 480-07-140(6). Specifically, all documents must be filed in .pdf (Adobe Acrobat) format, supplemented by a separate file in .doc (MS Word), .wpd (WordPerfect), .xls (Excel), or .ppt (Power Point) format.

11 A copy of all filings must be provided through the Commission's Web Portal (www.utc.wa.gov/e-filing) or by e-mail delivery to <records@utc.wa.gov>. Alternatively, parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette or CD including the filed document(s). Parties must furnish electronic copies in MS Word 6.0 (or later) supplemented by a separate file in .pdf (Adobe Acrobat) format. Parties must follow WAC 480-07-140(5) in organizing and identifying electronic files.

12 According to WAC 480-07-145(6), the parties may electronically submit documents to the Commission provided the electronic submission is received by 3:00 pm on the filing deadline and the Commission receives the original and required number of copies by 12:00 pm on the following business day. Parties must submit documents through the Commission's Web Portal (www.utc.wa.gov/e-filing) or by e-mail to records@utc.wa.gov, and file an original, plus **11 paper copies**, of the documents with the Commission by the following business day. Parties must provide courtesy

copies of their electronic submissions to the presiding administrative law judge at pclark@utc.wa.gov and to the parties to the proceeding.

13 **ALTERNATE DISPUTE RESOLUTION.** The parties expressed interest in the use of the Commission's alternate dispute resolution services. The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The parties were informed that the Commission has a limited ability to provide dispute resolution services and that they should contact the Director, Administrative Law Division, at 360-664-1144; if you wish to explore those services.

14 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective August 3, 2010.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

PATRICIA CLARK
Administrative Law Judge

APPENDIX A

Docket UW-100642

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
Commission Staff	Michael Fassio Assistant Attorney General 1400 S. Evergreen Park Dr. SW P.O. Box 40128 Olympia, WA 98504-0128	360-664-1192	360-586-5522	mfassio@utc.wa.gov
Deer Meadows	Richard A. Finnigan Attorney at Law 2112 Black Lake Blvd. S.W. Olympia, WA 98512	360-956-7001	360-587-3852	rickfinn@localaccess.com

**APPENDIX B
PROCEDURAL SCHEDULE
DOCKET UW-100642**

<u>EVENT</u>	<u>DATE</u>
Deer Meadows Direct Testimony and Exhibits	September 17, 2010
Commission Staff Responsive Testimony and Exhibits	October 22 2010
Deer Meadows Rebuttal Testimony and Exhibits	November 5, 2010
Deadline for filing cross-examination exhibits	12:00 noon, November 15, 2010
Public Comment Hearing	To be determined
Evidentiary Hearing	November 17, 2010, and continuing thereafter on November 18, 2010, if necessary
Simultaneous Post-hearing Briefs	December 17, 2010