

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

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| In the Matter of the |) | DOCKET NO. UW-031596 |
| |) | |
| Penalty Assessment Against Virgil R. Fox, President, American Water Resources, Inc., in the amount of \$3,700.00 |) | NOTICE OF PREHEARING CONFERENCE |
| |) | (Set for January 15, 2004) |
| |) | |

- 1 On October 22, 2003, the Washington Utilities and Transportation Commission (Commission) issued Penalty Assessment No. UW-031596 against Virgil R. Fox, President, American Water Resources, Inc. (American Water) in the amount of \$3,700 for failure to deposit amounts required for June 2002, July 2002, August 2002, September 2002, October, 2002, November 2002, and for unauthorized use of funds for June 2003.

- 2 On November 6, 2003, American Water filed with the Commission an Application for Mitigation of Penalties, asking that the penalty be reduced.

- 3 On December 9, 2003, Commission Staff filed a Response to the Application for Mitigation of Penalties and a Motion Requesting Adjudication. Commission Staff requests the application for mitigation be denied and that the Commission commence an adjudication regarding this matter pursuant to RCW 80.04.405. Commission Staff mentions that the Commission may use a brief adjudicative proceeding to resolve a petition for mitigation of penalty assessment under WAC 480-09-500(1)(e).

- 4 Hearing in this matter is being held pursuant to Part IV of chapter 34.05 RCW pertaining to adjudicative proceedings, including but not limited to RCW 34.05.413, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452. Statutes involved, in addition to those previously cited, include those within chapter 80.01 RCW, chapter 80.04 RCW, and chapter 80.28 RCW, including but not limited to RCW 80.01.040, RCW 80.04.380, RCW 80.04.385, RCW 80.04.390, and RCW 80.04.405. Rules involved include those within chapter 480-09 WAC and chapter 480-110 WAC.

5 The ultimate issues include whether the penalty should be mitigated as requested, and what actions are necessary for American Water Resources, Inc., to cure previous instances of non-compliance with state law and Commission rules and to maintain substantial future compliance, pursuant to the statutory provisions of chapter 80.04 RCW.

6 Although the Commission declines to conduct this proceeding as a brief adjudicative proceeding under WAC 480-09-500, the Commission intends that the adjudication proceed efficiently and with the greatest degree of informality consistent with fairness and the nature of the proceeding. *See RCW 34.12.010.*

7 **NOTICE IS GIVEN That a prehearing conference in this matter will be held at 10:00 a.m., Thursday, January 15, 2004, in Room 108, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

8 The purpose of the prehearing conference is to establish a procedural schedule, consider formulating the issues in the proceeding, and to determine other matters to aid in its disposition, as specified in WAC 480-09-460.

9 Petitions to intervene should be made in writing prior to the hearing date or made orally at the hearing. Appearances will be taken. If any party or witness needs an interpreter or other assistance, please fill out the form attached to this notice and return it to the Commission. The time and place for the evidentiary hearings will be set at the prehearing conference or by later written notice.

10 NOTICE IS FURTHER GIVEN THAT ANY PARTY WHO FAILS TO ATTEND OR PARTICIPATE IN THE HEARING SET BY THIS NOTICE, OR ANY OTHER STAGE OF THIS PROCEEDING, MAY BE HELD IN DEFAULT IN ACCORDANCE WITH RCW 34.05.440. THE PARTIES ARE FURTHER ADVISED THAT THE SANCTION PROVISIONS OF WAC 480-09-700(4) ARE SPECIFICALLY INVOKED.

11 The names and mailing addresses of all parties and their known representatives are as follows:

Complainant: Washington Utilities and
Transportation Commission
Chandler Plaza Building
1300 S. Evergreen Park Drive S.W.
P. O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

Representative: Lisa Watson
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P. O. Box 40128
Olympia, WA 98504-0128
(360) 664-1186

Respondent: Virgil R. Fox, President
American Water Resources, Inc.
921-B Middle Fork Road
Onalaska, WA 98570

12 Karen M. Caillé has been designated as the Administrative Law Judge from the Utilities and Transportation Commission's Administrative Law Division, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-7250, and will preside at the prehearing conference.

13 Notice of any other procedural phase will be given in writing or on the record as the Commission may deem appropriate during the course of this proceeding.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DATED at Olympia, Washington, and effective this 23rd day of December 2003.

CAROLE J. WASHBURN
Executive Secretary

Inquires may be addressed to:

Executive Secretary
Washington Utilities and
Transportation Commission
Chandler Plaza Building
1300 S. Evergreen Park Drive S.W.
P. O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

NOTICE

PLEASE NOTE: The hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and if limited English-speaking or hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

The information needed to provide an appropriate interpreter or other assistance should be stated below and returned to Washington Utilities and Transportation Commission, Attention: Carole J. Washburn, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket No.: _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.: (____) _____