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1 BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION

2 COMMISSION

3 WASHINGTON UTILITIES AND)
4 TRANSPORTATION COMMISSION,)

5 Complainant,)

6 vs.)

7 KAYAK ESTATES WATER, LLC,)

8 Respondent.)

DOCKET NO. UW-051444
Volume I
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10 A prehearing conference in the above matter
11 was held on February 6, 2006, at 10:04 a.m., at 1300
12 South Evergreen Park Drive Southwest, Olympia,
13 Washington, before Administrative Law Judge THEODORA
14 MACE.

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16 The parties were present as follows:

17 WASHINGTON UTILITIES AND TRANSPORTATION
18 COMMISSION, by JENNIFER CAMERON-RULKOWSKI, Assistant
19 Attorney General, 1400 South Evergreen Park Drive
Southwest, Post Office Box 40128, Olympia, Washington
98504; telephone, (360) 664-1186.

20 KAYAK ESTATES WATER, LLC, by RICHARD A.
21 FINNIGAN, Attorney at Law, 2112 Black Lake Boulevard
22 Southwest, Olympia, Washington 98512; telephone, (360)
23 956-7001.

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24 Kathryn T. Wilson, CCR

25 Court Reporter

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1 P R O C E E D I N G S

2 JUDGE MACE: Let's be on the record in the
3 matter of the Washington Utilities and Transportation
4 Commission versus Kayak Estates Water, Docket No.
5 UW-051444. This is the date we are convened for a
6 prehearing conference on this matter. The date is
7 February 6th, 2006, and we are convened at the offices
8 of the Washington Utilities and Transportation
9 Commission in Olympia, Washington.

10 My name is Theodora Mace. I'm the
11 administrative law judge who has been assigned to this
12 case. I would like to have the oral appearances of
13 counsel now, and I'll begin with Staff.

14 MS. CAMERON-RULKOWSKI: I'm Jennifer
15 Cameron-Rulkowski, assistant attorney general,
16 appearing on behalf of Commission staff. My address is
17 1400 South Evergreen Park Drive Southwest, PO Box
18 40128, Olympia, Washington, 98504. Telephone number is
19 (360) 664-1186. Fax number is (360) 586-5522. My
20 e-mail is jcameron@wutc.wa.gov.

21 JUDGE MACE: Mr. Finnigan?

22 MR. FINNIGAN: Richard A. Finnigan appearing
23 on behalf of Kayak Estates Water, LLC. The address is
24 2112 Black Lake Boulevard Southwest, Olympia,
25 Washington, 98512. Phone is (360) 956-7001. Fax is

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1 (360) 753-6862. E-mail is rickfinn@localaccess.com.

2 JUDGE MACE: Thank you. Well, as usual, we
3 have a list of items to go through in a prehearing
4 conference, and I'm just going to run through them
5 quickly.

6 In terms of petitions to intervene, let the
7 record show that no petitions to intervene have been
8 filed in writing, and there are none orally today.
9 Just let me check briefly. Is there anyone on the
10 conference bridge? Let the record reflect there is no
11 one.

12 The next item is whether or not a protective
13 order should be activated in this docket. What are the
14 parties' preferences in that regard?

15 MS. CAMERON-RULKOWSKI: We have no position.

16 MR. FINNIGAN: Yes, we request a protective
17 order.

18 JUDGE MACE: I will see that the standard
19 protective order is invoked. How about discovery? Do
20 you want to have the discovery rule invoked?

21 MS. CAMERON-RULKOWSKI: Yes.

22 JUDGE MACE: The next item is the procedural
23 schedule. Unless you two have discussed a procedural
24 schedule beforehand, we'll take a few minutes now for
25 you to come up with one that we can propose to the

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1 Commission. Let's be off the record for about ten
2 minutes.

3 (Discussion off the record.)

4 JUDGE MACE: We had lengthy discussions about
5 the schedule, and the parties are proposing this
6 schedule: A filing date for the Company and possibly
7 for Staff of February 28th; a settlement conference
8 possibly for March 16th depending on judge
9 availability; a date for response testimony of March
10 22nd; rebuttal on April 11th; a hearing May 11th;
11 briefs, June 9th; reply briefs, June 23rd; initial
12 order, July 28th; petitions for review, August 18th;
13 replies to petitions, August 28th, and then the final
14 order coming out by September 27th, and the Company has
15 agreed to waive the suspension period until that date.

16 MR. FINNIGAN: That is correct, Your Honor.

17 JUDGE MACE: My understanding is that there
18 will be a total of approximately four witnesses, give
19 or take two, and that will be determined as time goes
20 on.

21 Since this is a relatively less intensive
22 type of case, I'm not certain we need a prehearing
23 conference to deal with exhibits. Likely those can
24 come in on the hearing day. It may be that the judge
25 who is assigned to this case after I am will make some

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1 requirement of you about sending an exhibit list or
2 witnesses ahead of time.

3 Actually, as I think about it, I'm going to
4 put a date in here by which I would like you to submit
5 to the Commission exhibit lists and witness lists. If
6 the hearing is May 11th, let's make that May 9th,
7 electronically. Of course, your direct exhibits will
8 have been filed.

9 All right. We haven't talked about
10 discovery, but I'm assuming that you all will be acting
11 cooperatively to accomplish discovery. If you have any
12 questions or concerns, you can contact me or probably
13 Judge Wallis after I leave. Is there anything else we
14 need to address at this point?

15 You will be getting a prehearing conference
16 order that will tell you how many copies you need to
17 file, your testimony and exhibits, and give you other
18 information. If you would like to file electronically,
19 you need to contact me or whatever judge is assigned,
20 so you can get permission to do that.

21 Also, I believe if you file through the Web
22 portal, and I don't know if you are familiar with that,
23 it's much appreciated if you would send an electronic
24 copy to the judge of whatever you file, because at
25 least in recent experience, those filings made through

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1 the Web portal have not always made it to the judge in
2 a timely way.

3 MS. CAMERON-RULKOWSKI: How many copies?

4 JUDGE MACE: You will get that in the
5 prehearing conference order.

6 MS. CAMERON-RULKOWSKI: Thank you.

7 JUDGE MACE: I think that's pretty much it.

8 If you have any questions, please don't hesitate to
9 contact me. We are adjourned. Thank you.

10 (Prehearing conference adjourned at 11:21 a.m.)

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