

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

TFL ASSOCIATES, LLC, CALIBER)	
COMPANY, INC., and JACOBSON)	
CONSTRUCTION & DEVELOPMENT,)	DOCKET NO. UW-010683
INC.,)	
Complainants)	
)	
)	
v.)	
)	
)	
)	
RAINIER VIEW WATER COMPANY,)	SECOND SUPPLEMENTAL
INC., and SILVER CREEK)	ORDER REVISING
DEVELOPMENT COMPANY,)	PROCEDURAL SCHEDULE
)	
Respondents.)	
.....)	

1 **BACKGROUND:** On May 4, 2001, TFL Associates, LLC, Caliber Company, Inc., and Jacobson Construction & Development, Inc. (Complainants) filed with the Commission a complaint against Rainier View Water Company, Inc. (Rainier View) and Silver Creek Development Company (Silver Creek). Complainants allege that Rainier View’s predecessor in interest, Sound Water Company, Inc., committed to providing water service for each of the Complainants’ respective developments based on a priority schedule that favored the Complainants over Silver Creek, but that Rainier View subsequently dishonored these commitments by giving preferential rights to available water on Rainier View’s system to Silver Creek.

2 **PREHEARING CONFERENCE:** The Commission convened a prehearing conference in this matter on August 31, 2001, to consider whether the procedural schedule set forth in the August 20, 2001, Prehearing Conference Order should be adjusted. Rainier View requested the Commission consider revising the procedural schedule because Complainants failed to timely respond to Rainier View’s data requests within ten business days as provided in WAC 480-09-480. According to Rainier View, Complainants failure to timely file responses to its data requests impacts the filing date of Rainier View’s testimony filing date. The Commission determined that the procedural schedule should be adjusted to compensate for the delay, and the parties agreed to a revised procedural schedule. The schedule set forth in this Order replaces that contained in the August 20, 2001, Prehearing Conference Order.

- 3 **APPEARANCES:** Steven G. Jones, Foster, Pepper & Shefelman PLLC, Seattle, Washington, represents Complainants. Richard A. Finnigan, Olympia, Washington, represents Rainier View Water Company, Inc. Kim D. Stephens, Tousley Brian Stephens, PLLC, Seattle, Washington, represents Silver Creek Development Company. Marcia Newlands, Heller, Ehrman, White & McAuliff LLP, Seattle, Washington, represents LB Silver Creek LLC and Property Asset Management Inc. (PAMI).
- 4 **PETITIONS TO INTERVENE:** LB Silver Creek LLC filed a petition to intervene and requested that it replace Lehman Brothers Holdings Inc. (LBHI) as a party in this proceeding. LB Silver Creek LLC is an affiliate of LBHI. The interests held by LBHI have been assigned to LB Silver Creek LLC. The petition demonstrates that LB Silver Creek LLC has a substantial interest in the outcome of this proceeding and that its participation will be in the public interest. The petition is unopposed by any party. The petition is granted, and LB Silver Creek LLC will replace LBHI as a party in this proceeding.
- 5 **REVISED SCHEDULE:** The parties agreed to the following revised procedural schedule:
- | | |
|-------------------|--|
| August 10, 2001 | Complainants prefiled direct testimony. |
| September 7, 2001 | Complainants file a motion to dismiss claims in paragraphs 5.5 and 5.6 of the Complaint. |
| November 5, 2001 | Respondents, Staff, and Intervenors prefile response testimony. |
| November 19, 2001 | Deadline to reach settlement via ADR. |
| November 21, 2001 | Complainants prefile rebuttal testimony. |
| November 30, 2001 | Cut-off for discovery requests. |
| December 6, 2001 | Deadline for responses to discovery requests dated November 30, 2001. |
| December 7, 2001 | Prehearing conference for marking exhibits and cross-exhibits. |
| Dec. 13-14, 2001 | Evidentiary hearings. |
| January 14, 2002 | Simultaneous opening briefs due. |
| January 28, 2002 | Simultaneous reply briefs due. |

6 Additional procedural dates may be established by subsequent notice or order.
7 In all other respects the provisions of the August 20, 2001, Prehearing Conference
Order will remain in effect.

8 **NOTICE TO PARTIES:** Any objection to the provisions of this Order must be filed
within ten(10) days after the date of mailing of this statement pursuant to WAC 480-
09-460(2). Absent such objections, this Prehearing Conference Order along with the
August 20, 2001, Prehearing Conference Order will control further proceedings in
this matter, subject to Commission review.

Dated at Olympia, Washington, and effective this 6th day of September, 2001.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

KAREN M. CAILLÉ
Administrative Law Judge