

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

WASHINGTON UTILITIES AND	)	DOCKET UW-060662
TRANSPORTATION COMMISSION,	)	
	)	
Complainant,	)	ORDER 05
	)	
v.	)	
	)	GRANTING REQUEST TO
FRAGARIA LANDING WATER	)	MODIFY PROCEDURAL
COMPANY,	)	SCHEDULE
	)	
Respondent.	)	
	)	
.....	)	

**MEMORANDUM**

- 1 **PROCEEDING.** This case involves a Commission complaint against Fragaria Landing Water Company (Fragaria or Company) challenging the reasonableness of the Company’s rates and charges. The current procedural schedule in this matter was established by Order 04 entered in this docket on August 31, 2006.
  
- 2 **MOTION FOR CONTINUANCE.** On October 13, 2006, Commission Staff (Staff) filed a letter requesting that the procedural schedule be revised to allow for further settlement negotiations. Staff asserted that the parties continue to work productively towards settlement of remaining issues. Staff further asserted that once the parties have reached agreement, they will need to reduce their agreement to writing. Therefore, the parties believe that it would present an unnecessary additional burden to file testimony while engaging in settlement negotiations and requested that the procedural schedule be modified. Staff presented a revised procedural schedule and asserted that Fragaria agreed to this revision. Staff represented that the Commission is not obligated to issue an order within ten months from the date a complaint is filed

because RCW 80.04.110(3) is not applicable to complaints filed by the Commission.<sup>1</sup> We consider the filing as a Motion for Continuance under WAC 480-07-385.

3 **COMMISSION CONSIDERATION.** According to WAC 480-07-385, the Commission will grant a continuance if the request meets three criteria: (1) the requesting party demonstrates good cause; and (2) the continuance will not prejudice any party; or (3) the continuance will not prejudice the Commission. Continuing productive settlement negotiations without the simultaneous burden of preparing prefiled testimony and exhibits is good cause to grant the request. Moreover, the only other party to this proceeding, Fragaria, concurs with the request and will not be prejudiced if it is granted.

4 The Commission concurs with the parties' analysis of RCW 80.04.110(3) and concludes that the Commission is not statutorily obligated to issue a final order within ten months of the date of filing of the complaint unless the date is extended for cause. However, the Commission intends to use the time deadline in that statute as the measure of an appropriate length of time to address the merits of the complaint and issue a final order. Accordingly, the Commission concludes it should grant Staff's motion and adopt the revisions to the procedural schedule proposed by the parties. The Commission believes it will have sufficient time, without further extension, to enter a final order by the current deadline. The revised procedural schedule is attached to this order as an appendix and, by this reference, incorporated herein.

Dated at Olympia, Washington, and effective October 13, 2006.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

PATRICIA CLARK  
Administrative Law Judge

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<sup>1</sup> Nonetheless, the parties have no objection to extending a final order deadline to allow for the revised schedule if the Commission finds it appropriate to set a final order deadline in this docket.

**APPENDIX A**  
**REVISED PROCEDURAL SCHEDULE**  
**DOCKET UW-060662**

<b>EVENT</b>	<b>FROM</b>	<b>TO</b>	<b>INTERVAL</b>
Prefiled Responsive Testimony and Exhibits of Commission Staff	Oct. 18, 2006	Dec. 12, 2006	
Prefiled Reply Testimony and Exhibits of Company	Nov. 15, 2006	Jan. 9, 2007	28 days
Prefiled Rebuttal Testimony and Exhibits of Commission Staff	Nov. 29, 2006	Jan. 23, 2007	14 days
Prehearing Conference	Dec. 11, 2006 9:30. Rm 206	Feb. 2, 2007, 9:30, Rm 206	10 days
Evidentiary Hearing	Dec. 14, 2006 9:30, Rm 206	Feb. 5, 2007, 9:30, Rm 206	3 days
Oral Argument in Lieu of Briefs	Dec. 15, 2006 2:00 p.m., Rm 206	Feb. 6, 2007, 2:00 p.m., Rm 206	1 day
Internal Deadline for Issuing Final Order	No change	April 24, 2007	