



May 21, 2010

VIA EMAIL ONLY

David Danner
Executive Director
Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive SW
Olympia, WA 98504-7250

RE: Docket # UW-091466 Rainier View Water Company, Inc.
Bethel School District's Reply in Support of Request for Continuance

Dear Director Danner:

This firm represents the Bethel School District ("Bethel" or the "District") with respect to the above proposed tariff revision, and provides this reply to the Rainier Water View Company's ("Rainier View") letter of May 20, 2010 opposing the District's request for a reasonable continuance of the Commission's consideration of this matter.

In our letter of May 19, 2010, Bethel alleged that discrepancies existed in the data provided by the UTC staff to the District. As Rainier View's counsel is aware, this allegation correctly pointed out that the data provided by the UTC, in collaboration with Rainier View, to the District by email on May 18, 2010 contained significant calculation and input errors, including miscalculations of water usage, misinterpretation of billing procedure, and misidentification of District schools and meters. Among other things, these misinterpretations resulted in a discrepancy of 1.6 million cubic feet of water usage attributable to the District. UTC staff has now acknowledged that the information provided the District was not accurate, and shortly before 5:00 pm on Wednesday, May 19, 2010, provided the District with a revised data set. This data set was received after the District submitted its formal request for a continuance and after the tentatively scheduled meeting referred to by Rainier View's counsel in his letter of May 20. It is this revised set that Rainier View's counsel attached

to his May 20 letter and submitted to the UTC. Attached to the email transmitting this letter is a copy of the May 18 data set and work sheets originally provided to the District.

Regarding a meeting with Rainier View and UTC staff, on Monday May 17, Bethel emailed all parties, and in addition to noting the need that all parties have uniform data and information such that a meeting would be productive, noted a conflict with the tentatively scheduled meeting for May 19, and requested the parties work to reschedule that meeting. Rainier View provided no response to this request, or the subsequent request from Bethel regarding the same. Again, of note, Bethel only received the now most recent UTC calculations on Wednesday, May 19, and after the parties had originally scheduled to meet, and after the UTC staff noted it would need to have completed its staff memorandum and recommendation to the Commission. The May 20 letter from Rainier View's counsel to the Commission, on which the District was copied, is the only response the District received from Rainier View regarding the District's request to reschedule a meeting of the parties.

In response to the data provided the District on May 19, the District followed up with several questions, and continues to await a response to those questions, including how Rainier View and the UTC interprets the proposed revised tariff's provision for charges under compound meters, which was the source of one of the errors in the UTC's May 18 data set provided to Bethel and the parties. The District continues to await a response to this question.

In brief reply to the notice issue, WAC 480-80-121 provides that "[t]he commission must receive tariff changes not less than thirty days in advance of the requested effective date." Rainier View filed proposed tariff revisions on May 3, 2010, and now seeks an effective date of June 1, 2010. Further, WAC 480-110-425(3) provides, without limitation, that "[c]ustomers must receive notice thirty days before the requested effective date when a water company proposes to . . . increase rates . . . [or] [c]hange the terms and/or conditions of an existing service." Rainier View's customers have not received 30 days notice of Rainier View's May 3 revised tariff filing.

The District disagrees with Rainier View's characterization of its water use as supporting only "lush, green lawns," which use, in fact, supports the maintenance of high school and community sports fields, a distinct and valuable community need; however, this issue is outside of the scope of Bethel's request for a continuance, and Bethel merely notes its disagreement for the record.

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It remains that Bethel has had very limited time to analyze the data and proposed rate increase, which even under the revised data set, provides for greater than a 116% increase to the District. Based on the above, and the record in this case, Bethel again respectfully requests the Commission remove this matter from the Open Meeting Agenda for May 27, 2010, so as to permit the District sufficient time to analyze the impact of the proposed revisions.

Thank you for your consideration of and attention to this matter.

Sincerely,



Joseph A. Rehberger
Direct Line: (360) 786-5062
Email: jrehberger@cascialaw.com
Office: Olympia

JR:en

Attachment

cc: Jim Ward, Regulatory Analyst
Dennis Shulter, Consumer Protection Staff
Richard Finnigan, Counsel for Rainier Water View Company