

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

MARBELLO WATER COMPANY,

Respondent.

DOCKET NO. UW-040366

COMMISSION STAFF'S
REQUEST FOR CONTINUANCE
AND CONSOLIDATION

1 Pursuant to WAC 480-07-385 Commission Staff requests a one month continuance, until August 27, 2004, of the deadline for Staff to file initial testimony in UW-040366 (the complaint proceeding against Marbello's rates on the Commission's own motion). The deadline is currently set for tomorrow, July 30th. Mr. Finnigan, counsel for Marbello Water Company, indicates that his client does not object to a continuance of this deadline.

2 Staff would propose that the remaining procedural deadlines and the hearing date in UW-040366 be revised to coincide with those that remain to be set in docket UW-041181 (the company's suspended rate increase filing). After the Commission issued its procedural schedule in the instant case on June 17, 2004, Marbello filed for a rate increase on June 28, 2004. The Commission suspended that filing at yesterday's open meeting. The reason for Staff's continuance request is that (1) the parties are negotiating toward a settlement of both dockets and settlement appears likely, and (2) the appropriateness of the Company's rates will, in all likelihood, have to be addressed on a somewhat later schedule as a result of Company's rate increase filing.

3 Staff also requests consolidation of the instant case with UW-041181, the Company's suspended rate increase filing. Under WAC 480-07-320 the Commission, "in its discretion, may consolidate two or more proceedings in which the facts or principles of law are related."

4 As a suspended tariff filing, the rate increase proceeding will be subject to a ten month statutory deadline and the company will carry the burden of proving that the increase it proposes is just and reasonable. RCW 80.04.130(4). No such deadline applies to the instant proceeding and Staff carries the burden of proof. See RCW 80.04.110. The issues in the cases, however, are identical, that is, the "just,

reasonable, or sufficient rates [and] charges . . . to be . . . observed and in force” on a prospective basis. RCW 80.28.020. Consolidation of these cases would conserve both Commission and Company resources.

DATED this 29th day of July, 2004.

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