

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

WASHINGTON UTILITIES AND	)	DOCKET UW-060662
TRANSPORTATION	)	
COMMISSION,	)	
	)	ORDER 01
Complainant,	)	
	)	
v.	)	COMMISSION COMPLAINT
	)	AGAINST RATES AND
FRAGARIA LANDING WATER	)	CHARGES; NOTICE OF
COMPANY,	)	PREHEARING CONFERENCE
	)	<b>[Wednesday, May 31, 2006 at 1:30</b>
Respondent.	)	<b>p.m.]</b>
.....	)	

1 The Washington Utilities and Transportation Commission (Commission) on its own motion and through its Staff, initiates a complaint against Fragaria Landing Water Company (Fragaria or Company), pursuant to RCW 80.04.110 and RCW 80.28.020, challenging the reasonableness of the Company’s rates and charges.

2 On December 29, 2005, Fragaria filed its initial tariff with the Commission to become effective January 1, 2006. Based on the results of an informal Commission staff investigation, the Commission believes that the Company’s rates and charges may not be fair, just and reasonable, including, but not limited to, the measured service rate. The Commission authorized this complaint at its regularly scheduled open meeting on April 12, 2006.

**I. PARTIES**

3 The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the authority to regulate rates, regulations, practices, accounts, securities, and transfers of public service companies, including water companies. *RCW 80.01.040; Chapter 80.04 RCW; and Chapter 80.28 RCW.*

4       Fragaria Landing Water Company is a water company and is a public service  
company subject to regulation by the Commission pursuant to RCW 80.01.040(3) and  
80.04.010.

## **II. JURISDICTION**

5       RCW 80.04.110 authorizes the Commission initiate a complaint proceeding against a  
water company, on its own motion, challenging the reasonableness of the company's  
schedule of rates and charges.

6       RCW 80.28.020 requires the Commission to set prospective rates that are just,  
reasonable and sufficient whenever the Commission determines that the rates charged  
by a water company are unjust, unreasonable, or insufficient.

## **III. CLAIM**

7       The Commission, through its Staff, realleges paragraphs 2 through 6 above.

8       Fragaria's current rates may be at a level in excess of what the Company requires to  
obtain to sufficient return on investment. Thus, the Company's rates may be unjust,  
and unreasonable, and if so, the Commission should require the Company to make a  
new tariff filing reflecting reduced rates and charges that the Commission determines  
to be just and reasonable.

## **IV. MATTERS TO BE DETERMINED**

9       THEREFORE, the Commission commences an adjudicative proceeding pursuant to  
RCW 80.04.110, Chapter 34.05 RCW, and Chapter 480-07 WAC to determine:

10      (1)     Whether the rates or charges demanded, exacted, charged or collected by  
Fragaria for water, or in connection therewith, or the rules, regulations,  
practices or contracts affecting such rates or charges are unjust, unreasonable,  
unreasonably discriminatory or unduly preferential, or in any way violate the

law.

- 11 (2) If Fragaria's rates or charges, including its connection charges, are unjust, unreasonable, unjustly discriminatory or unduly preferential, or in any way violate the law, then to determine the just, reasonable, and sufficient rates or charges to be in force as of the issuance of this complaint.
- 12 (3) Whether Fragaria should be required to pay the expenses reasonably attributable and allocable to the Commission's investigation to the extent the requirements for such payment are in accordance with the provisions of Chapter 80.20 RCW.
- 13 (4) Such other matters and enter such orders as may be necessary, just and reasonable.

#### V. NOTICE OF PREHEARING CONFERENCE

14 **PLEASE TAKE NOTICE That the Commission will convene a prehearing conference at 9:30 a.m., on Wednesday, May 31, 2006, in Room 108, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

Fragaria Landing Water Company shall appear at the time and place set forth above unless the Secretary of the Commission, by notice of hearing, specifies a different time and place, and such further times and places set for hearing in this matter.

15 If a limited English-speaking or hearing-impaired party needs an interpreter, a form is attached to this notice to be filled out and returned as indicated, so that a qualified interpreter may be appointed at no cost to the party or witnesses.

16 The hearing in this matter is being held pursuant to Part IV of the Administrative Procedure Act (APA), chapter 34.05 RCW. The Commission has jurisdiction over this matter pursuant to chapter 80.28 RCW, which authorizes the Commission to regulate any water system meeting the definition of "water company" set forth in RCW 80.04.010. In addition to the foregoing statutes, this matter involves chapter 80.01 RCW, including but not limited to RCW 80.01.040, chapter 80.04 RCW,

including but not limited to RCW 80.04.010 and RCW 80.04.110. This matter involves the administrative rules set for in chapter 480-110 WAC and chapter 480-07 WAC.

17 **THE COMMISSION GIVES FURTHER NOTICE that any party who fails to attend or participate in the prehearing set by this notice, or any other stage of this proceeding, may be held in default in accordance with RCW 34.05.440.**

18 The names and mailing addresses of all parties and their known representatives are as follows:

Respondent:           Fragaria Landing Water Company  
                              PO Box 20429  
                              Seattle, WA 98102  
                              (800) 928-3750

Commission:           Washington Utilities and Transportation  
                              Commission  
                              1300 S. Evergreen Park Drive SW  
                              PO Box 47250  
                              Olympia, WA 98504-7250  
                              (360) 664-1160

Representative:       Sally Johnston  
                              Senior Assistant Attorney General  
                              1400 S. Evergreen Park Drive SW  
                              PO Box 40128  
                              Olympia, WA 98504-0128  
                              (360) 664-1193

19 Karen M. Caillé has been appointed as the Administrative Law Judge from the Utilities and Transportation Commission's Administrative Law Division, 1300 S. Evergreen Park Dr. S.W., Olympia, Washington 98504-7250, and will preside at the prehearing conference.

DATED at Olympia, Washington, and effective May 10, 2006.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner

**NOTICE**

PLEASE BE ADVISED that the hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and that if limited English-speaking or hearing impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

The information needed to provide an appropriate interpreter or other assistance should be designated below and returned to:

Carole J. Washburn, Executive Secretary  
Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Drive S.W.  
P. O. Box 47250  
Olympia, WA 98504-7250.

**(SUPPLY ALL REQUESTED INFORMATION)**

Docket No.: UW-060662

Case Name: Fragaria Landing Water Company.

Hearing Date: \_\_\_\_\_ Hearing Location: \_\_\_\_\_

Primary Language: \_\_\_\_\_

Hearing Impaired (Yes)  (No)

Do you need a certified sign language interpreter: (Yes)  (No)

Visual \_\_\_\_\_ Tactile \_\_\_\_\_

Other type of assistance needed: \_\_\_\_\_

English-speaking person who can be contacted if there are questions:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.:(\_\_\_\_) \_\_\_\_\_