

[Service Date April 8, 2011]

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

WASHINGTON UTILITIES AND)	
TRANSPORTATION COMMISSION,)	DOCKET UW-101818
)	
Complainant,)	COMPLAINT
)	
v.)	
)	
MARIA K. LINDBERG,)	
)	
Respondent.)	
)	
.....)	

1 The Washington Utilities and Transportation Commission (Commission), on its own motion, and through its Staff, alleges as follows:

I. BACKGROUND

2 Water companies subject to Commission regulation must comply with Commission regulations and state laws. On February 22, 2010, a Cristalina customer filed an informal complaint¹ against Cristalina with the Commission. Commission Staff’s review of the complaint identified hundreds of violations by Cristalina of rules and laws enforced by the Commission. As a result of this complaint, Commission Staff initiated a broader compliance investigation of Cristalina.

3 During the investigation, Staff reviewed company and Commission documents pertaining to Cristalina, including the company’s tariff, recent billing records, the Commission’s 2009 rate complaint against Cristalina in Docket UW-090839, and all Commission-referred consumer complaints against Cristalina. This Complaint arises from the findings of that compliance investigation.

¹ Consumer Complaint No. 108411.

4 Maria Lindberg is the owner and manager of Cristalina. Under RCW 80.04.405, Maria Lindberg, as an officer and agent of Cristalina, is subject to penalties for violations of RCW Title 80, Commission rules, and a Commission order.

II. PARTIES

5 The Washington Utilities and Transportation Commission is an agency of the State of Washington, authorized by state law to regulate the rates, services, facilities, and practices of public service companies, including water companies, under RCW Title 80.

6 Maria K. Lindberg is the manager and sole member of Cristalina LLC, which is a water company subject to regulation by the Commission under RCW Title 80.

III. JURISDICTION

7 The Commission has jurisdiction over this matter pursuant to RCW 80.01.040, RCW 80.04.110, RCW 80.04.380, RCW 80.04.405, chapter 80.28 RCW, and chapter 480-110 WAC.

IV. CLAIMS AND CAUSES OF ACTION

A. FIRST CAUSE OF ACTION

(Violation of WAC 480-110-375, form of bills)

8 The Commission, through its Staff, realleges the allegations contained in paragraphs 2 through 7 above.

9 Pursuant to WAC 480-110-375, water companies subject to Commission regulation must include particular information on each customer's bill.

10 In November 2010, Maria Lindberg violated WAC 480-110-375(f) by failing to include on Cristalina's bills the date the bill would become delinquent if not paid, and WAC 480-110-375(g) by failing to include on Cristalina's bills the company's business address and the company's telephone number.

B. SECOND CAUSE OF ACTION**(Violation of RCW 80.28.080, failure to charge according to tariff)**

- 11 The Commission, through its Staff, realleges the allegations contained in paragraphs 2 through 7 above.
- 12 Pursuant to RCW 80.28.080, a water company must charge its customers according to the company's tariff.
- 13 Maria Lindberg violated RCW 80.28.080 by charging a discounted rate to all but two of Cristalina's customers in August 2009 and by charging rates different from the rates in Cristalina's tariff from December 2009 through September 2010.

C. THIRD CAUSE OF ACTION**(Violation of RCW 80.28.100, rate discrimination)**

- 14 The Commission, through its Staff, realleges the allegations contained in paragraphs 2 through 7 above.
- 15 Pursuant to RCW 80.28.100, water companies subject to Commission regulation are prohibited from charging or collecting a greater or lesser compensation from one person than the compensation charged or collected from all other persons.
- 16 Maria Lindberg violated RCW 80.28.100 on various dates from June 2009 to June 2010 by issuing discounts and credit memos to six Cristalina customers and in January 2010 by settling a Cristalina customer account for less than the amount due.

D. FOURTH CAUSE OF ACTION**(Violation of RCW 80.04.380, compliance with commission order)**

- 17 The Commission, through its Staff, realleges the allegations contained in paragraphs 2 through 7 above.
- 18 Pursuant to RCW 80.04.380 water companies subject to Commission regulation must comply with commission orders.

- 19 In Commission Order No. 03 in Docket UW-090839, the Commission approved a settlement entered into between Maria Lindberg, on behalf of Cristalina, and Staff, which resolved a Commission complaint against Cristalina’s rates. The settlement provided that Cristalina agreed to file temporary metered rates by a certain deadline.
- 20 Maria Lindberg violated RCW 80.04.380 by failing to comply with the deadline for Cristalina to file temporary metered rates set forth in Commission Order No. 03 in Docket UW-090839, as extended in that docket at Cristalina’s request by Order No. 04.

IV. APPLICABLE LAW

- 21 Under RCW 80.04.405, the Commission may penalize a public service company and every officer, agent or employee of any such public service company who violates or who procures, aids or abets in the violation of any provision of Title 80 RCW or any order, rule, regulation or decision of the Commission. Such violations shall incur a penalty of one hundred dollars for every such violation. Under the statute, every violation is considered a separate and distinct offense, and, in the case of a continuing violation, every day’s continued violation is deemed to be a separate and distinct offense.

VI. REQUEST FOR RELIEF

- 22 Staff requests that the Commission find that Maria Lindberg committed 180 violations of rules and laws enforced by the Commission, as set forth in the allegations above and itemized below.

<u>Citation</u>	<u>Count</u>
WAC 480-110-375	2
RCW 80.28.080	170
RCW 80.28.100	7
RCW 80.04.380	1
<hr/>	
Total	180

- 23 Staff further requests that the Commission impose monetary penalties on Maria Lindberg under RCW 80.04.405 in the amount of \$18,000.

- 24 Staff further requests that the Commission order Maria Lindberg to file a written compliance plan addressing the violations alleged above, and order such other or further relief as is appropriate under the circumstances.

VII. PROBABLE CAUSE

- 25 Based on a review of Staff's report on its investigation of Cristalina, and all supporting documents, and consistent with RCW 80.01.060 and WAC 480-07-307, the Commission finds probable cause exists to issue this complaint.

DATED at Olympia, Washington, and effective April 8, 2011.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

GREGORY J. KOPTA
Administrative Law Judge
Director, Administrative Law Division