

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

WASHINGTON UTILITIES AND	)	DOCKET UW-101818
TRANSPORTATION COMMISSION,	)	
	)	
Complainant,	)	ORDER 01
	)	
v.	)	
	)	PREHEARING CONFERENCE
MARIA K. LINDBERG,	)	ORDER
	)	<b>(Evidentiary Hearing set for August</b>
Respondent.	)	<b>12, 2011)</b>
	)	
.....	)	

1 **NATURE OF PROCEEDINGS:** On April 8, 2011, the Washington Utilities and Transportation Commission (Commission) entered a Complaint against Maria K. Lindberg, the owner and manager of Cristalina, LLC, a water company under the Commission’s jurisdiction. The Complaint alleged that on 180 occasions Cristalina violated statutes, rules, and a Commission Order. The Complaint sought penalties in the amount of \$100 per violation, or \$18,000. Maria K. Lindberg timely filed an Answer.

2 By Notice entered April 29, 2011, the Commission scheduled a prehearing conference for May 11, 2011, and designated Patricia Clark, Administrative Law Judge, to serve as presiding officer. On May 10, 2011, both parties filed a letter requesting that the Commission waive a prehearing conference in this matter. On May 11, 2011, the Commission entered a Notice Vacating and Rescheduling the Prehearing Conference to convene on May 19, 2011.

3 **CONFERENCE.** The prehearing conferences in this proceeding convened, as scheduled, at Olympia, Washington on May 19, 2011.

- 4 **PARTY REPRESENTATIVES.** Jennifer Cameron-Rulkowski, Assistant Attorney General, Olympia, Washington, represents the Commission's regulatory staff (Commission Staff or Staff).<sup>1</sup> Richard A. Finnigan, Olympia, Washington, represents Maria K. Lindberg. A complete list of party representatives and their contact information is attached to this Order as Appendix A.
- 5 **PROCEDURAL SCHEDULE.** During the prehearing conference, the presiding officer informed the parties that, given the number of alleged violations in the Complaint, it would be necessary to develop a procedural schedule that included prefiled testimony and exhibits. The parties presented an agreed-upon procedural schedule. The Commission has no conflict with the schedule and adopts the procedural schedule proposed by the parties. The procedural schedule is set forth in Appendix B to this Order.
- 6 **NOTICE OF HEARING.** The Commission will hold evidentiary hearings in this matter commencing on **August 12 2011, at 9:30 am**, in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.
- 7 **DISCOVERY.** During the prehearing conference, the parties requested that the Commission's rules governing discovery be available. This proceeding meets the criteria in WAC 480-07-400(2)(b) and discovery will be generally conducted in accordance with the Commission's discovery rules in WAC 480-07-400 – 425. However, for discovery requests propounded before the Company files responsive testimony, discovery responses are due within five business days. For discovery requests propounded after the Company files responsive testimony, discovery responses are due within three business days.
- 8 **PROTECTIVE ORDER.** Maria K. Lindberg requested that the Commission enter a protective order in this docket pursuant to RCW 34.05.446, RCW 80.04.095, WAC

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<sup>1</sup> In formal proceedings, such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy and accounting advisors do not discuss the merits of the proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. See RCW 34.05.455.

480-07-420 and WAC 480-07-423 to protect the confidentiality of proprietary information. The request was granted and a protective order governing confidential and highly confidential information will be entered.

- 9 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file the original plus **nine (9) copies** of the unredacted versions of all pleadings, motions, briefs, and other prefiled materials. Parties must also file the original and 1 copy of any redacted version(s). These materials must conform to the format and publication guidelines in WAC 480-07-395 and WAC 480-07-460. The Commission prefers that materials be three-hole punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.
- 10 All filings must be mailed or delivered to the Executive Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W., Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.
- 11 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Electronic versions of all documents must be filed in accordance with WAC 480-07-140(6). Specifically, all documents must be filed in .pdf (Adobe Acrobat) format, supplemented by a separate file in .doc (MS Word), .wpd (WordPerfect), .xls (Excel), or .ppt (Power Point) format.
- 12 A copy of all filings must be provided through the Commission's Web Portal ([www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing)) or by e-mail delivery to [records@utc.wa.gov](mailto:records@utc.wa.gov). Alternatively, parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette or CD including the filed document(s). Parties must furnish electronic copies in MS Word 6.0 (or later) supplemented by a separate file in .pdf (Adobe Acrobat) format. Parties must follow WAC 480-07-140(5) in organizing and identifying electronic files.
- 13 According to WAC 480-07-145(6), the parties may electronically submit documents to the Commission provided the electronic submission is received by 3:00 pm on the filing deadline and the Commission receives the original and required number of

copies by 12:00 pm on the following business day.. Parties must submit documents through the Commission's Web Portal ([www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing)) or by e-mail to [records@utc.wa.gov](mailto:records@utc.wa.gov), and file an original, plus **nine (9)** paper copies, of the documents with the Commission by the following business day. Parties must provide courtesy copies of their electronic submissions to the presiding administrative law judge at [pclark@utc.wa.gov](mailto:pclark@utc.wa.gov).and to the parties to the proceeding.

- 14 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission does have limited ability to provide dispute resolution services; if you wish to explore those services, please call the Director, Administrative Law Division, Greg Kopta, at 360-664-1355.
- 15 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective May 19, 2011.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

PATRICIA CLARK  
Administrative Law Judge

**APPENDIX A**

**PARTIES' REPRESENTATIVES  
DOCKET UW-101818**

<b>PARTY</b>	<b>REPRESENTATIVE</b>	<b>PHONE</b>	<b>FAX</b>	<b>E-MAIL</b>
<b>Commission Staff</b>	Jennifer Cameron-Rulkowski 1400 S. Evergreen Park Dr. SW P.O. Box 40128 Olympia, WA 98504-0128	(360) 664-1186	(360) 586-5522	<b>jcameron@utc.wa.gov</b>
<b>Maria K. Lindberg</b>	Richard A. Finnigan Attorney at Law 2112 Black Lake Blvd. S.W. Olympia, WA 98512	(360) 956-7001	(360) -587-3852	<b>rickfinn@localaccess.com</b>

**APPENDIX B  
PROCEDURAL SCHEDULE  
DOCKET UW-101818**

<b><u>EVENT</u></b>	<b><u>DATE</u></b>
<b>Commission Staff Direct Testimony and Exhibits</b>	June 23, 2011
<b>Company Responsive Testimony and Exhibits</b>	July 22, 2011
<b>Company Rebuttal Testimony and Exhibits</b>	August 1, 2011
<b>Evidentiary Hearing</b>	August 12, 2011