

BEFORE THE WASHINGTON UTILITIES
AND TRANSPORTATION COMMISSION

TFL ASSOCIATES, LLC, CALIBER)
COMPANY, INC., and JACOBSON)
CONSTRUCTION & DEVELOPMENT,)
INC.,) DOCKET NO. UW-010683
Complainants)
)
v.) MOTION TO ACCEPT
) SETTLEMENT AGREEMENT
RAINIER VIEW WATER COMPANY,)
INC., and SILVER CREEK)
DEVELOPMENT COMPANY,)
)
Respondents.)
_____)

Comes now, TFL Associates, LLC, Caliber Company, Inc. and Jacobson Construction & Development Inc., by and through their attorneys of record, Steven G. Jones, Joseph A. Brogan and Thomas M. Pors of Foster Pepper & Shefelman; Rainier View Water Company, Inc. ("Rainier View"), by and through its attorney of record, Richard A. Finnigan; Pageantry XIX/E-P LLC ("Silver Creek"), by and through its attorney of record, Kim D. Stephens of Tousley Brian

MOTION TO ACCEPT
SETTLEMENT AGREEMENT

Stevens PLLC; and Lehman Brothers Holdings Inc., Property Asset Management Inc. and LB Silver Creek LLC, by and through their attorney of record, Marcia Newlands of Heller Ehrman White & McAuliffe LLP, and respectfully request that the Washington Utilities and Transportation Commission ("Commission") approve the attached Settlement Agreement.

BASIS OF MOTION

The parties to this matter, other than Commission Staff,¹ have engaged in extensive settlement discussions and have reached a Settlement Agreement. That Settlement Agreement is attached hereto as Exhibit I, and is incorporated here in by this reference.

The Settling Parties represent to the Commission that the Settlement Agreement is in the public interest, complies with all statutory and regulatory requirements of Rainier View, and should be approved as expeditiously as possible.

The Settling Parties respectfully request that the Commission issue an order as expeditiously as possible. At

¹ The parties, other than Commission Staff, shall be referred to herein as the "Settling Parties."

least two of the Complainants have preliminary plats for their developments that are due to expire at the end of this calendar year. Under the procedures that would need to be followed to avoid expiration of preliminary plat approval, the first step is for the Commission to approve the Settlement Agreement. The Settlement does not become effective until and unless the Commission approves it. Then, applications for approval of engineering plans for the plats would be submitted to the Department of Health. Only upon approval by the Department of Health (which can take anywhere from four to twelve weeks) will the Complainants be able to record their plats. If the Complainants, Caliber Company, Inc. and Jacobson Construction & Development Inc., can not record their plats by December 31, 2001, they will lose their preliminary plat approvals, may potentially suffer economic damage, and may bring further legal action against Respondents Rainier View and Silver Creek. In order to expedite the Commission's review of this Settlement Agreement, the Settling Parties are willing to waive presentation of the Settlement Agreement at hearing (unless the Commission requires it)

and further waive any rights to receive an initial order. Further, to help expedite this matter, the Settling Parties have submitted a proposed order accepting the Settlement Agreement, which proposed order is attached hereto as Exhibit II.

PRAYER FOR RELIEF

Therefore, based upon the foregoing, the Settling Parties respectfully request that the Commission enter an order granting the motion and accepting the Settlement Agreement at the earliest possible moment. The Settling Parties also request the Commission close this docket and dismiss the complaint pursuant to the terms of the Settlement Agreement.

Dated October 12, 2001.

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