

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

In the Matter of Determining the Proper)	DOCKET UW-091006
Carrier Classification of:)	(consolidated)
)	
)	ORDER 02
LOWPER, INC. D/B/A LOWPER)	
CORPORATION, A/K/A LOWPER)	
WATER COMPANY AND ILIAD INC.)	
DBA LOWPER WATER SYSTEM)	
.....)	
In the Matter of the Penalty Assessment)	DOCKET UW-110213
Against)	(consolidated)
)	
LOWPER, INC.)	ORDER 01
)	
In the Amount of \$10,500)	
)	
.....)	

**ORDER GRANTING STAFF’S MOTION AND CONSOLIDATING
DOCKETS**

- 1 **PROCEEDINGS.** On February 14, 2011, the Washington Utilities and Transportation Commission (Commission) instituted a proceeding on its own motion to determine whether Lowerper, Inc. d/b/a Lowerper Corporation (Lowerper)¹ is subject to regulation under Chapter 80.28 RCW, and whether the company is performing any act requiring approval of the Commission without securing such approval. The Commission has designated this matter as Docket UW-091006 and has set this matter for hearing on April 27, 2011.

- 2 On February 14, 2011, the Commission also assessed a penalty against Lowerper in the amount of \$10,500, alleging multiple violations of WAC 480-110, which governs the

¹Lowerper’s registered trade name is “Lowerper Corporation.” The names “Lowerper Water Company” and “Iliad, Inc. dba Lowerper Water System” are used by Lowerper on other documents associated with its water system.

regulation of water companies. Specifically, the penalty assessment alleged violations of WAC 480-110-433(3), Charging rates subject to regulation. This matter has been designated by the Commission as Docket UW-110213. On February 23, 2011, Lowerper filed a request for hearing which was granted. The Commission set this matter for hearing on April 27, 2011.

3 **MOTION TO CONSOLIDATE.** On March 22, 2011, the Commission's regulatory staff (Staff)² filed a request to consolidate Dockets UW-091006 and UW-110213 for purposes of hearing and determination. Staff asserts that the two matters share common facts and legal issues relating to the company's provision of water services in Clallam County, Washington. Staff further asserts that consolidation will promote judicial economy.

4 On March 23, 2011, Lowerper filed a letter indicating that it does not object to Staff's request.

5 Pursuant to WAC 480-07-320, the Commission may consolidate two or more proceedings in which the facts or principles of law are related. Both Dockets UW-091006 and UW-110213 involve the jurisdiction of the Commission over Lowerper's provision of water services in Clallam County, Washington. The facts and principles of law are related, and consolidation would promote judicial economy and administrative efficiency. None of the parties to the proceeding oppose consolidation of these matters. It is appropriate that Staff's request is granted, and Dockets UW-091006 and UW-110213 are consolidated for hearing and determination.

² 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 this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

ORDER

- 6 **THE COMMISSION ORDERS That** the Commission Staff's Motion to Consolidate is granted and Dockets UW-091006 and UW-110213 are consolidated for hearing and determination pursuant to WAC 480-07-320.

Dated at Olympia, Washington, and effective March 24, 2011.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

MARGUERITE E. FRIEDLANDER
Administrative Law Judge

NOTICE TO PARTIES: This is an Interlocutory Order of the Commission. Administrative review may be available through a petition for review, filed within 10 days of the service of this Order pursuant to WAC 480-07-810.