

Honorable C. Robert Wallis
Chief Administrative Law Judge

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BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

In The Matter of the Petition of)	DOCKET NO. <u>A-050528</u>
WILLIAM L. STUTH, and AQUA TEST,)	STIPULATION AND ORDER
INC.,)	DISMISSING PETITION FOR
For Declaratory Order Designating)	DECLARATORY ORDER WITHOUT
a Public Service Company)	PREJUDICE

The parties of record to this adjudicative proceeding hereby stipulate as follows and further move Chief ALJ Wallis to enter the subjoined Order to Dismiss the Stuth and Aqua Test, Inc. Petition for Declaratory Order Without Prejudice.

STIPULATION

1. Based on the parties' discussions regarding alternative ways for the Petitioners to achieve their objectives, Stuth and Aqua Test, Inc. wish to develop a legislative proposal for consideration by the Legislature in its 2007 session covering WUTC regulation of the owners, operators, and managers of large on-site sewage systems as public service companies under an amendment to Title 80 RCW. The Petitioners will seek sponsorship for this legis-

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1 lation but they wish to consult with the Commissioners and/or their
2 policy staff to try to reach a legislative proposal that has the
3 support of the Commission.

4 2. In order to pursue a legislative solution in time for the
5 2007 Legislature the parties must be able to contact and work free-
6 ly with the executive and policy divisions of WUTC; something they
7 cannot now do because of the restriction on ex parte contacts and
8 the requirement of separation of advocacy and decision-making func-
9 tions within the agency.

10 3. A dismissal of Stuth and Aqua Test, Inc.'s Petition for
11 Declaratory Order Without Prejudice is expressly intended by the
12 parties to and will (a) allow all parties free access to WUTC exec-
13 utive and policy division personnel to create the necessary and ap-
14 propriate legislation to reasonably accomplish the parties' goals
15 and objectives; and (b) allow Stuth and Aqua Test, Inc. to refile
16 their Petition for Declaratory Order in the future, and thereupon
17 continue this adjudicative proceeding at its current procedural and
18 substantive stage (i.e., under Order No. 6 in final preparation for
19 the court ordered fact-finding hearing).

20 4. The parties of record agree that no prejudice will be ac-
21 corded either party or entered into the record of this proceeding
22 should the legislative solution not be achieved and the Petition
23 for Declaratory Order is refiled by Stuth and Aqua Test, Inc.

24 Based on the above Stipulations and taking into consideration

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1 the interests of the parties, the public, and the WUTC in this mat-
2 ter;

3 ORDER

4 IT IS HEREBY ORDERED that the Stuth and Aqua Test, Inc. Peti-
5 tion for Declaratory Order, WUTC Docket No. A-050528, is DISMISSED
6 WITHOUT PREJUDICE for the purposes set out in the above Stipulation
7 and in accordance with the express intent of the parties of record
8 as set forth hereinabove.

9 Pursuant to the above Stipulation, should Stuth and Aqua Test,
10 Inc. deem it appropriate to refile their Petition for Declaratory
11 Order, it is further ORDERED that upon such refiling the pending
12 adjudicative proceeding will be revived and continue from its cur-
13 rent procedural and substantive stage (i.e., under Order No. 6 in
14 final preparation for the court ordered fact-finding hearing).


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17 DATED this _____ day of May, 2006.

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22 _____
23 C. Robert Wallis, Chief
24 Administrative Law Judge


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STIPULATION AND ORDER AGREED TO BY:

FOR WILLIAM STUTH AND AQUA TEST, INC.


Rhys A. Sterling, WSBA #13846
Attorney at Law

FOR WUTC STAFF


JONATHAN C. THOMPSON, WSBA #26375
Assistant Attorney General

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