

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND)	DOCKET UW-121408
TRANSPORTATION COMMISSION,)	
)	
Complainant,)	ORDER 02
)	
v.)	
)	PREHEARING CONFERENCE
SANDY POINT IMPROVEMENT)	ORDER
COMPANY,)	
)	
Respondent.)	
)	
.....)	

1 **NATURE OF PROCEEDING:** On November 21, 2012, the Washington Utilities and Transportation Commission (Commission) entered Order 01 in this docket initiating a special proceeding under RCW 80.04.015 to determine whether Sandy Point Improvement Company (Sandy Point or Company) is subject to Commission regulation under Chapter 80.28 RCW and is performing any act requiring approval of the Commission without securing such approval. Assuming jurisdiction, Order 01 sets forth the Commission’s Complaint against the Company’s rates and charges alleging that they are unfair, unjust and unreasonable, or unreasonably discriminatory or unduly preferential, or are in some other way in violation of the governing provisions of law. The Complaint proposes penalties for Sandy Point’s failure to file a tariff once the Company became subject to the Commission’s jurisdiction.

2 **CONFERENCE/PRESIDING OFFICER.** The Commission convened a prehearing conference in this proceeding at Olympia, Washington on January 14, 2013, before Administrative Law Judges Stephany A. Watson and Dennis J. Moss, whom the Commission appoints as co-presiding officers in this proceeding.

3 **PARTY REPRESENTATIVES:** Respondent Sandy Point is represented by Joseph A. Rehberger, Cascadia Law Group, Olympia, Washington. Donald T. Trotter, Senior Assistant Attorney General, represents the Commission’s regulatory staff (Commission

Staff or Staff).¹ Contact information provided at the conference for the parties' representatives is attached as Appendix A to this order.

4 **PETITIONS FOR INTERVENTION.** Stephen L. Lockwood, a Sandy Point customer, appeared at the prehearing conference and petitioned for intervention. The Commission provisionally granted Mr. Lockwood's petition on the basis that, as a Sandy Point customer, he has a substantial interest in the aspects of this matter concerning rates and charges. His participation may contribute positively to the development of the record on these issues in the second phase of this case, if the Commission determines as a threshold matter that it has jurisdiction over Sandy Point.

5 **ANSWER AND MOTION TO BIFURCATE AND FOR STAY.** On December 7, 2012, Sandy Point filed an Answer. On January 4, 2013, Sandy Point filed a Motion to Bifurcate and for Stay. On January 11, 2013, Commission Staff filed a Response to Sandy Point's Motion to Bifurcate and for Stay.

6 The Commission grants Sandy Point's Motion, which Staff does not oppose, and will entertain cross Motions for Summary Determination to determine whether it has jurisdiction over Sandy Point. If so, a second prehearing conference will be convened to establish further process.

7 **DISCOVERY.** Discovery will be conducted under the Commission's discovery rules, WAC 480-07-400 – 425.

8 **PROCEDURAL SCHEDULE.** The Commission adopts the preliminary procedural schedule set forth in Appendix B to this Order.

9 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file the original plus **four (4)** copies of the unredacted versions of all pleadings, motions, briefs, and other prefiled materials. Parties must also file the original and one 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

¹ 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.

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 Director and 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 An electronic copy of all filings must be provided through the Commission's Web Portal (www.utc.wa.gov/e-filing) or by e-mail delivery to (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.
- 12 **ELECTRONIC SUBMISSION OF DOCUMENTS.** The Commission grants a one-day extension of the paper-filing requirement under WAC 480-07-145(6), allowing electronic submission of documents with the Commission on the deadlines established by the procedural schedule. Parties must submit documents through the Commission's Web Portal (www.utc.wa.gov/e-filing) or by e-mail to (records@utc.wa.gov), and file an original, plus **four (4)** paper copies, of the documents with the Commission by the following business day. Parties must provide courtesy copies of their electronic submissions to Judge Moss and Judge Watson and to the parties to the proceeding. Parties may agree to waive the requirement to serve paper copies of all documents on each other and may serve such copies electronically if they memorialize such agreement by letter and provide a courtesy copy of the letter to the Commission.
- 13 The Commission requires parties to submit documents in adjudicative proceedings no later than 2:00 p.m. on the deadline date to give Records Center personnel adequate time to post and distribute them.
- 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 has a limited ability to provide dispute resolution services; if you wish to explore those services, please call the Director, Administrative Law Division, at 360-664-1355.

15 **NOTICE TO PARTIES:** A party who objects to any portion of this Order must file a written objection within 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 January 15, 2013.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEPHANY A. WATSON
Administrative Law Judge

APPENDIX A

PARTIES' REPRESENTATIVES
DOCKET UW-121408

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
Sandy Point Improvement Company	4460 Decatur Drive Ferndale, WA 98248			
	Joseph A. Rehberger Cascadia Law Group PLLC 606 Columbia Street NW Suite 212 Olympia, WA 98501	360-786-5062	360-786-1835	jrehberger@cascadialaw.com
Commission Staff	Donald T. Trotter Senior Assistant Attorney General 1400 S. Evergreen Park Dr. SW P.O. Box 40128 Olympia, WA 98504-0128	360-664-1189	360-586-5522	dtrotter@utc.wa.gov
Stephen L. Lockwood	4097 Puffin Road Ferndale, WA 98248	360-303-7523		stevelockwood@comcast.net

APPENDIX B
PROCEDURAL SCHEDULE
DOCKET UW-121408

EVENT	DATE
Prehearing Conference	January 14, 2013
Issues Discussion/Settlement Conference (parties only)	March 11, 2013
Status Report	March 20, 2013
Close of Discovery	April 22, 2013
Cross Motions for Summary Determination	May 6, 2013
Answers to Cross Motions for Summary Determination	May 20, 2013