

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

WASHINGTON WATER SUPPLY,
INC.,

Respondent.

DOCKET UW-240079

ORDER 03

In the Matter of the Request of

WASHINGTON WATER SUPPLY,
INC.,

To Approve Tariff Revisions Regarding
a Temporary Surcharge for Recovery of
Purchased Water Expenses

DOCKET UW-230598

ORDER 04

PREHEARING CONFERENCE
ORDER AND NOTICE OF HYBRID
HEARING
(Set for March 18, 2025,
at 9 a.m.)

- 1* **NATURE OF PROCEEDING.** On July 12, 2023, Washington Water Supply, Inc. (Washington Water or Company) filed with the Washington Utilities and Transportation Commission (Commission) a tariff revision in Docket UW-230598, that would allow the Company to collect a surcharge of \$60 per month from customers for recovery of purchased water expenses. The purchased water expenses were incurred due to well issues and high water usage on the Echo Glenn water system in Maple Valley. On August 10, 2023, the Commission issued an order allowing the Company to collect the surcharge for a limited period subject to conditions. Two of the conditions contained in that order were that the Company file a general rate case by February 15, 2024, and that the Company provide certain documents to the Commission. On January 22, 2024,

Washington Water filed a tariff revision in Docket UW-240097 requesting approval to collect a surcharge of \$60 per month, for costs associated with well rehabilitation. On February 22, 2024, the Commission issued Order 01/02, consolidating Dockets UW-230598 and UW-240097 and ordering that the recovery of well rehabilitation costs should be determined as part of a general rate case, which was required to be filed in Order 01 of Docket UW-230598.

2 **CONFERENCE.** The Commission convened a virtual prehearing conference on May 13, 2024, before Administrative Law Judge Connor Thompson.

3 **APPEARANCES.** Alysa Grimes of Bagwell Law, PLLC, represents Washington Water Supply, Inc. Lisa Gafken and Cassandra Jones represent Commission staff (Staff). Contact information for the parties' representatives is attached as Appendix A to this Order. The Public Counsel Unit of the Attorney General's Office did not make an appearance at the prehearing conference in this proceeding.

4 **DISCOVERY.** To facilitate an efficient resolution to this matter, the Commission again indicates that formal discovery is available to the parties and shall be conducted under the Commission's discovery rules, WAC 480-07-400 – 425. The Commission urges the parties to work cooperatively together to avoid having to bring discovery matters forward for formal resolution. The Commission will issue a separate protective order at the request of the parties.

5 **PROCEDURAL SCHEDULE.** The parties presented an agreed upon schedule at the prehearing conference. Staff recommended that a public comment hearing should be held in this docket, but the date has not yet been agreed on. The Commission adopts the procedural schedule proposed by the parties, which is attached to this Order as Appendix B. The Commission will hold a public comment hearing and shall establish the date of the public comment hearing at a later date. The parties may modify the date of either settlement conference by providing written notice to the Commission.

6 Under WAC 480-07-460(1)(b), a deadline for filing errata sheets to exhibits may be established in the prehearing conference order. In the prehearing conference, no party objected to setting the errata filing deadline for one week prior to the evidentiary hearing. This is included in the hearing schedule attached as Appendix B.

7 **DOCUMENT FILING AND SERVICE REQUIRMENTS.** Parties must file and serve all pleadings, motions, briefs, and other pre-filed materials in compliance with all the following requirements:

- (a) Parties must submit electronic copies of all documents by 5 p.m. on the filing deadline established in the procedural schedule (or other deadline as applicable) unless the Commission orders otherwise. Parties must comply with WAC 480-07-140(6) in formatting, organizing, and identifying electronic files.
- (b) The Commission accepts only electronic versions of documents for formal filing. Parties must submit documents electronically through the Commission's web portal (www.utc.wa.gov/e-filing). If a party is unable to use the web portal to submit documents for filing, the Commission will accept a submission via email to records@utc.wa.gov, provided that the email: (1) explains the reason the documents are not being submitted via the web portal, and (2) complies with the requirements in WAC 480-07-140(5)(b).
- (c) Parties must electronically serve the other parties and provide courtesy electronic copies of filings to the presiding administrative law judge (connor.thompson@utc.wa.gov) by 5 p.m. on the filing deadline unless the Commission orders otherwise. Pursuant to WAC 480-07-365(2)(c), all electronic documents submitted to the Commission must also be delivered to all parties and the presiding administrative law judge "at the same time" that the documents are submitted to the Commission or shortly thereafter. Please note as well that failing to provide a courtesy copy to the presiding administrative law judge may result in a delayed ruling on a motion or other filing. If parties are unable to email copies, they may furnish electronic copies by delivering them on a flash drive only.
- (d) Attorneys, non-attorney representatives, and witnesses are welcome to include their pronouns in filings or oral testimony if they so choose.

8 **EXHIBITS FOR CROSS-EXAMINATION.** Parties are required to file with the Commission and serve all proposed cross-examination exhibits by **5 p.m. on Tuesday, March 11, 2025**. The Commission requires electronic copies in searchable PDF (Adobe Acrobat or comparable software). If any of the exhibits contain information designated as confidential, parties must file an electronic copy of the redacted version in searchable PDF (Adobe Acrobat or comparable software) of each such exhibit. The exhibits must be grouped according to the witness the party intends to cross-examine with the exhibits.

9 **EXHIBIT LISTS.** With each submission of pre-filed testimony and exhibits, the party making the submission must include a preliminary exhibit list that identifies each submitted exhibit in the format the Commission uses for exhibit lists it prepares for evidentiary hearings. Washington Water will prepare its preliminary exhibit list and circulate it to the parties. Each party must file and serve a final list of all exhibits the party intends to introduce into the evidentiary record, including all pre-filed testimony and exhibits, as well as cross-examination exhibits by **5 p.m. Tuesday, March 11, 2025.**

10 **PUBLIC COMMENT HEARING.** Consistent with the procedural schedule adopted as Appendix B to this Order, the Commission will hold a public comment hearing in this docket prior to the hearing on the final disposition of this case and will establish the date of the public comment hearing at a later date. The Commission agrees that conducting a virtual public comment hearing is in the public interest. Washington Water customers will receive notice of the date, time, and address of the public comment hearing, as well as other information required under WAC 480-90-197 and WAC 480-100-197, at least 30 days prior to the date of the relevant public comment hearing.

11 **NOTICE OF EVIDENTIARY HEARING.** The Commission will hold a hybrid evidentiary hearing in this docket beginning on Tuesday, March 18, 2025, at 9 a.m. Parties may attend the hearing in person at the Commission's headquarters or virtually via Zoom. To attend the hearing via Zoom, [click here to join meeting](#), or call (253) 321-8782 and enter the Meeting ID: 831 8393 6170# and use the Passcode: 801553#.

12 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. If the Parties reach a settlement in principle and request suspension of the procedural schedule, Washington Water must inform the Commission whether it is willing to extend the statutory deadline, if necessary, to allow the Commission sufficient time to consider the settlement and take final action in these consolidated proceedings. The Commission may decline to consider a settlement agreement if the Commission determines that it cannot consider the settlement and take final action by the statutory deadline. Ideally, settlement among the parties would arise sooner rather than later during these proceedings, thus resulting in a Commission determination at a much earlier stage.

13 Parties are also encouraged to consider means of resolving disputes informally. The Commission has limited ability to provide dispute resolution services. If you wish to explore those services, please contact Michael Howard, Director, Administrative Law Division (360-664-1139).

14

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 this Order, in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this docket, subject to Commission review.

DATED at Lacey, Washington, and effective May 15, 2024.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Connor A. Thompson

Connor Thompson

Administrative Law Judge

APPENDIX A
PARTIES' REPRESENTATIVES
DOCKET UW-240079 & UW-230598 (Consolidated)

PARTY	REPRESENTATIVE	PHONE	E-MAIL
Utilities and Transportation Commission Staff	Jeff Roberson Lisa Gafken Cassandra Jones Office of the Attorney General Utilities and Transportation Division P.O. Box 40128 Olympia, WA 98504-0128	360-810-0509	jeff.roberson@atg.wa.gov lisa.gafken@atg.wa.gov cassandra.jones@atg.wa.gov
Washington Water Supply, Inc.	Scott Ellerby Kenneth Bagwell Alysa Grimes Bagwell Law, PLLC 9057 Washington Ave. NW Silverdale, Washington 98383	360-516-6799	scottellerbylaw@outlook.com ken@silverdalelawyers.com alysa@silverdalelawyers.com

APPENDIX B
PROCEDURAL SCHEDULE
DOCKETS UW-230598/UW240079 (consolidated)

EVENT	DATE
Application Filing	01/22/2024
Prehearing Conference	05/13/2024
Company Filing*	06/27/2024
First Settlement Conference	09/17/2024
Response Testimony**	01/22/2025
Second Settlement Conference	02/05/2025
Rebuttal Testimony***	02/20/2025
Public Comment Hearing	TBD
Discovery Deadline	02/27/2025
Cross Exhibits, Exhibit Lists, Cross Estimates, and Errata Deadline	03/11/2025
Evidentiary Hearing	03/18/2025
Simultaneous Briefs	04/17/2025
Suspension Date	07/01/2025
<p>Notes: * Rate case filing along with testimony and exhibits supporting new general rate case and tariff filing in Docket UW-240079.</p> <p>** Response times to data requests will be shortened to 7 business days.</p> <p>*** Response times to data requests shortened to and maintained at 5 business days.</p>	