

BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND	)	DOCKET NO. UW-040366
TRANSPORTATION COMMISSION,	)	
	)	ORDER NO. 06
Complainant,	)	
v.	)	PREHEARING CONFERENCE
	)	ORDER
MARBELLO WATER COMPANY,	)	
	)	
Respondent.	)	
.....	)	
	)	
WASHINGTON UTILITIES AND	)	DOCKET NO. UT-041181
TRANSPORTATION COMMISSION,	)	
	)	ORDER NO. 02
Complainant,	)	
	)	PREHEARING CONFERENCE
v.	)	ORDER
	)	
MARBELLO WATER COMPANY,	)	
	)	
Respondent.	)	
.....	)	

1 **NATURE OF PROCEEDING.** Docket No. UW-040366 is a special proceeding convened by the Washington Utilities and Transportation Commission (Commission) pursuant to RCW 84.04.015 to determine whether Marbello Water Company (Marbello or Company) is subject to regulation under Chapter 80.28 RCW and is performing any act requiring approval of the Commission without securing such approval.

Docket No. UW-0401181 is a proceeding to investigate Marbello's requested rate increase, filed on June 28, 2004 and suspended by the Commission at its open meeting on July 28, 2004.

2 **APPEARANCES.** Richard Finnigan, attorney, Olympia, Washington, represents Marbello. Jonathan Thompson, Assistant Attorney General, Olympia, Washington, represents the Commission's regulatory staff ("Commission Staff" or "Staff").<sup>1</sup>

3 **BACKGROUND.** A prehearing conference was convened on September 3, 2004 to allow the parties to present a settlement agreement for Commission consideration. However, the parties stated that they had been unable to reach full settlement. As a partial resolution, Staff agreed to file a motion to withdraw the complaint docket, UW-040366, on the ground that the initial rates filed by Marbello are fair, just, reasonable and sufficient. Staff will file its motion to withdraw the complaint on September 10, 2004. The parties agreed that they would proceed to litigate the company's subsequent rate case, Docket No. UW-041181, according to the schedule that follows:

**RATE CASE SCHEDULE:**

September 10, 2004	Staff motion to withdraw complaint
October 8, 2004	Marbello direct testimony

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<sup>1</sup> In formal proceedings, such as this case, the Commission's regulatory staff functions as an independent party with the same rights, privileges, and responsibilities as any other party to the proceeding. There is an "ex parte wall" separating the Commissioners, the presiding Administrative Law Judge, and the Commissioners' policy and accounting advisors from all parties, including Staff. RCW 34.05.455.

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November 17, 2004	Staff response testimony
December 3, 2004	Marbello rebuttal testimony
December 22, 2004	Filing witness lists
January 6, 2004	Prehearing conference
January 7, 2005	Evidentiary hearing
February 3, 2005	Simultaneous post-hearing briefs
March 10, 2005	Initial order
March 30, 2005	Petition for review
April 12, 2005	Response to petition
May 29, 2005	Final order (statutory deadline)

DATED at Olympia, Washington and effective this 3rd day of September, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

THEODORA M. MACE  
Administrative Law Judge

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