

[Service Date April 28, 2011]

April 28, 2011

**NOTICE OF BENCH REQUESTS**

RE: *In the Matter of Determining the Proper Carrier Classification of Lowper, Inc. d/b/a Lowper Corporation, a/k/a Lowper Water Company and Iliad Inc. d/b/a Lowper Water System, Docket UW-091006 and In the Matter of the Penalty Assessment Against Lowper, Inc. in the Amount of \$10,500, Docket UW-110213, (consolidated)*

The Washington Utilities and Transportation Commission (Commission) seeks information in the form of the following bench requests:

**BENCH REQUEST NO. 1 (to all parties):**

On April 27, 2011, the Commission convened an evidentiary hearing in Dockets UW-091006 and UW-110213, consolidated, to examine whether the operations of Lowper Incorporated (Lowper) are subject to the Commission's jurisdiction, and, if so, whether Lowper has violated WAC 480-110-433(3). At the start of the hearing, the parties indicated that they had reached a partial settlement agreement. The agreement, however, had not been reduced to writing at that time.

Please file the partial settlement agreement with the Commission by **Friday, April 29, 2011**.

**BENCH REQUEST NO. 2 (to Lowper):**

During the hearing, a witness for Lowper indicated that the company had correspondence and e-mails addressing the negotiations it had engaged in with the Clallam County Public Utility District to acquire Lowper. The witness also testified that Lowper had drafted a purchase agreement for the proposed acquisition.

Please file copies of the referenced correspondence, e-mails, and the purchase agreement by **Friday, April 29, 2011**.

The Commission's regulatory staff may provide comments on Lowerper's response to Bench Request No. 2 by **Friday, May 6, 2011**.

When responding to the bench requests, parties should file an original and **seven (7)** copies with the Commission. Please provide a courtesy copy of the electronic submission to Administrative Law Judge (Judge) Marguerite E. Friedlander at [mfriedla@utc.wa.gov](mailto:mfriedla@utc.wa.gov). If you have any questions concerning these requests, please contact Judge Friedlander at 360-664-1285, or via e-mail at [mfriedla@utc.wa.gov](mailto:mfriedla@utc.wa.gov).

Sincerely,

MARGUERITE E. FRIEDLANDER  
Administrative Law Judge