

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

SUNRISE ACRES WATER  
SERVICES, LLC,

Respondent.

DOCKET UW-180886

ORDER 03

COMPLAINT FOR PENALTIES AND  
TO ENFORCE ORDER 02, NOTICE  
OF BRIEF ADJUDICATIVE  
PROCEEDING

(Set for 9:30 a.m., June 12, 2019)

1 The Washington Utilities and Transportation Commission (Commission) on its own motion,  
and through Commission staff (Staff), allege as follows:

**I. PARTIES**

2 The Commission is an agency of Washington state authorized by state law to regulate the  
rates, services, facilities, and practices of public services companies, including water  
companies, under the provisions of Title 80 RCW.

3 Sunrise Acres Water Services, LLC, (Sunrise Acres or Company) is a water company  
subject to Commission regulation.

**II. BACKGROUND**

4 On March 6, 2019, the Commission entered Order 02, Initial Order Classifying Respondent  
as a Water Company; Requiring Filing of Initial Tariff or Sale Agreement in Docket UW-  
180886 (Order 02). Order 02 required Sunrise Acres to file with the Commission an initial  
tariff or sale agreement no later than April 8, 2019.

5 The Commission has information from which it believes and therefore alleges that Sunrise  
Acres has violated Order 02.

6 RCW 80.04.110 authorizes the Commission to file a complaint on its own motion, setting  
forth any act done or failed to be done by any public service corporation in violation, or  
claimed to be in violation, of any provision of Title 80 RCW or of any rule or order of the  
Commission.

7 The following facts, set forth in Staff's declaration, establish probable cause for the Commission to complain against Sunrise Acres and to seek penalties in accordance with applicable law.

### **III. FACTUAL ALLEGATIONS**

8 Order 02 classified Sunrise Acres as a water company subject to the Commission's jurisdiction. The order further required the Company to either file an appropriate tariff or a sale agreement documenting that Tom Harrison no longer owns the Company by April 8, 2019. Finally, the order noted that the Commission would retain jurisdiction over the case in order to effectuate the terms of the order.

9 On April 9, 2019, Sunrise Acres violated Order 02 by failing to file either an appropriate tariff or a sale agreement by the April 8, 2019, deadline.

10 On April 11, 2019, Staff filed a letter with the Commission noting that Sunrise Acres had failed to file either an appropriate tariff or a sale agreement.

11 As of the date of this complaint, Sunrise Acres has not submitted an appropriate tariff or a sale agreement documenting that Tom Harrison no longer owns the Company.

### **IV. JURISDICTION**

12 The Commission has jurisdiction over the subject matter of this complaint under RCW 80.01.040, RCW 80.01.060, RCW 80.04.010, RCW 80.04.020, RCW 80.04.110, RCW 80.04.160, RCW 80.04.380, chapter 80.28 RCW, and chapter 34.05 RCW.

### **V. APPLICABLE LAWS AND REGULATIONS**

13 Under RCW 80.04.380, a public service company that violates or fails to comply with any order of the Commission shall be subject to a penalty of up to \$1,000 for each offense. The statute further clarifies that in the case of a continuing violation, every day a company violates a Commission order constitutes a separate and distinct offense.

14 RCW 80.04.010(23) defines a "public service company" to include every water company.

### **VI. COMPLAINT**

15 The Commission, through its Staff, realleges the allegations contained in paragraphs 7 through 11 above.

## VII. REQUEST FOR RELIEF

- 16 Staff requests that the Commission impose a penalty of up to \$1,000 for each day that Sunrise Acres has violated Order 02 pursuant to RCW 80.04.380.
- 17 Staff further request that the Commission order such other or additional relief as appropriate under the circumstances.

## VIII. PROBABLE CAUSE

- 18 Based on a review of the Staff declaration of Susie Paul documenting the violations alleged above, and consistent with RCW 80.01.060 and WAC 480-07-307, the Commission finds probable cause exists to issue this Complaint.

## IX. ORDER AND NOTICE OF BRIEF ADJUDICATIVE PROCEEDING

- 19 Pursuant to RCW 34.05.482 and WAC 480-07-610, the Commission determines that a brief adjudicative proceeding is appropriate for determining whether the alleged violations occurred, and, if so, the appropriate remedy for those violations.
- 20 **THE COMMISSION GIVES NOTICE that it will hold a brief adjudicative proceeding in this matter at 9:30 a.m., on June 12, 2019, in Room 206, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**
- 21 The record in this case will consist of any documents regarding the matter that are considered by or prepared for the presiding officer for the brief adjudicative proceeding and a transcript of any oral statements given at the hearing, which statements will be given under oath.
- 22 Written notice of any other stage in the proceeding or other formal proceeding that the Commission may deem appropriate will be given during the course of this case. The Commission will provide at its offices in Olympia, Washington, copies of documents in the current record for use by the parties or others who may want to review them.
- 23 Parties wishing to submit any other documents for consideration at the brief adjudicative proceeding must file with the Commission a list enumerating and describing any such documents **no later than 5 p.m. on June 5, 2019**, and bring an original and three (3) copies to the hearing. Filing shall be in accordance with WAC 480-07-140 and – 145.
- 24 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the brief adjudicative proceeding set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**

25 The names and mailing addresses of all parties and their known representatives are as follows:

Complainant: Washington Utilities and Transportation  
Commission  
1300 S. Evergreen Park Drive S.W.  
P.O. Box 47250  
Olympia, WA 98504-7250  
(360) 664-1160

Representative: Harry Fukano  
Assistant Attorney General  
1400 S. Evergreen Park Drive S.W.  
P.O. Box 40128  
Olympia, WA 98504-0128  
(360) 664-1125  
harry.fukano@utc.wa.gov

Respondent: Sunrise Acres Water Services, LLC  
P.O. Box 2818  
Pasco, WA 99302-2818

Representative: Tom Harrison  
P.O. Box 2818  
Pasco, WA 99302-2818

26 Administrative Law Judge Nelli Doroshkin, from the Commission's Administrative Law Division, is designated to preside at the brief adjudicative proceeding.<sup>1</sup>

DATED at Olympia, Washington, and effective May 14, 2019.

RAYNE PEARSON  
Administrative Law Judge  
Director, Administrative Law Division

---

<sup>1</sup> Judge Doroshkin can be reached at [nelly.doroshkin@utc.wa.gov](mailto:nelly.doroshkin@utc.wa.gov) or (360) 664-1163.

Inquiries should be addressed to:

Executive Director and Secretary  
Washington Utilities and  
Transportation Commission  
Richard Hemstad Building  
1300 S. Evergreen Park Drive S.W.  
P. O. Box 47250  
Olympia, WA 98504-7250  
(360) 664-1160

**NOTICE**

PLEASE NOTE: The hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and, if limited English-speaking or hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

The information needed to provide an appropriate interpreter or other assistance should be stated below and returned to Washington Utilities and Transportation Commission, Attention: Mark L. Johnson, 1300 S. Evergreen Park Drive S.W., P.O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket: \_\_\_\_\_

Case Name: \_\_\_\_\_

Hearing Date: \_\_\_\_\_ Hearing Location: \_\_\_\_\_

Primary Language: \_\_\_\_\_

Hearing Impaired: (Yes)\_\_\_\_\_ (No)\_\_\_\_\_

Do you need a certified sign language interpreter?

Visual\_\_\_\_\_ Tactile\_\_\_\_\_

Other type of assistance needed: \_\_\_\_\_

English-speaking person who can be contacted if there are questions:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: (\_\_\_\_)\_\_\_\_\_