

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of)	DOCKET UW-090630
)	
POINT FOSDICK WATER)	ORDER 01
COMPANY, INC.,)	
)	
Petitioner,)	
)	
)	ORDER GRANTING
Seeking Exemption from the)	EXEMPTION FROM RULE;
Provisions of WAC 480-110-505)	GRANTING COMPANY
Requiring Water Companies to File the)	ADDITIONAL TIME TO FILE
2008 Annual Report by May 1, 2009)	ANNUAL REPORT
.....)	

BACKGROUND

- 1 On April 29, 2009, Point Fosdick Water Company, Inc., (Point Fosdick Water or Company), filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting an extension of time to file its 2008 annual report pursuant to WAC 480-110-505. According to Point Fosdick Water, it is unable to prepare the report due to the death of a staff member in the CPA firm that is preparing the Company's 2008 annual report. Point Fosdick Water requests an extension of time until June 1, 2009.

- 2 Commission Staff reviewed the request and recommended granting Point Fosdick Water's request for exemption, subject to the condition that the Company file its 2008 annual report no later than June 1, 2009.

FINDINGS AND CONCLUSIONS

- 3 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the authority to regulate the rates, rules, regulations, practices, accounts, securities, transfers of property and affiliated interests of public service companies, including water companies. *RCW 80.01.040, RCW 80.04, RCW 80.08, RCW 80.12, RCW 80.16 and RCW 80.28.*

- 4 (2) Point Fosdick Water is a water company and a public service company subject to Commission jurisdiction.
- 5 (3) Point Fosdick Water is subject to WAC 480-110-505, which requires water companies to file an annual report by May 1 of each year.
- 6 (4) Under WAC 480-110-215, the Commission may grant an exemption from the provisions of any rule in WAC 480-110, if consistent with the public interest, the purposes underlying regulation and applicable statutes. *See also WAC 480-07-110.* In addition, under WAC 480-110-505(4), the Commission may grant an extension of time allowing the Company to file its annual report after the May 1 due date if the Commission receives a request for extension before May 1.
- 7 (5) This matter came before the Commission at its regularly scheduled meeting on May 14, 2009.
- 8 (6) After reviewing the petition Point Fosdick Water filed in Docket UW-090630 on April 29, 2009, and giving due consideration, the Commission finds that the exemption is in the public interest and is consistent with the purposes underlying the regulation and applicable statutes and should be granted.

ORDER

THE COMMISSION ORDERS:

- 9 (1) The request by Point Fosdick Water Company, Inc., for an exemption from WAC 480-110-505 and for an extension until June 1, 2009, to file its 2008 annual report is granted.
- 10 (2) Failure by Point Fosdick Water Company, Inc., to file its 2008 annual report by June 1, 2009, may result in the Commission invoking RCW 80.04.405, which allows the Commission to assess penalties for violations of statute, rule and Commission orders.
- 11 (3) The Commission retains jurisdiction over the subject matter and Point Fosdick Water Company, Inc., to effectuate the provisions of this Order.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Executive Director and Secretary to enter this Order.

DATED at Olympia, Washington, and effective May 14, 2009.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary