

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

In the Matter of the Petition of)	DOCKET UW-090680
)	
ROCHE HARBOR WATER)	ORDER 01
SYSTEM, 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 30, 2009, Roche Harbor Water System, Inc. (Roche Harbor 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 Roche Harbor, it is unable to complete the report because it needs additional time to ensure its files are accurate. Roche Harbor requests an extension of time until June 30, 2009.
- 2 Commission Staff reviewed the request and believes the request for an extension of time is reasonable, but only to June 1, 2009, not June 30, 2009, as the Company requested. Staff recommended granting a portion of the Company’s request for exemption, subject to the condition that the Company files a completed 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) Roche Harbor is a water company and a public service company subject to Commission jurisdiction.
- 5 (3) Roche Harbor 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 Roche Harbor filed in Docket UW-090680 on April 30, 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 subject to the condition the Company files its annual report on or before June 1, 2009.

ORDER

THE COMMISSION ORDERS:

- 9 (1) The request by Roche Harbor Water System, 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 Roche Harbor Water System, 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 Roche Harbor Water System, 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