

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Removal from)	DOCKET UW-140358
Commission Regulation of)	
)	ORDER 01
)	
ORTING VALLEY WATER CO.,)	
LLC)	ORDER REMOVING COMPANY
)	FROM REGULATION AND
)	CANCELING TARIFF
.....)	

BACKGROUND

- 1 Effective December 1, 2012, Valley Water District purchased the assets and took over operation and ownership of the Orting Valley Water Co., LLC (Orting Valley). Orting Valley provided water service to approximately 145 residential customers near Orting, in Pierce County.

- 2 A water company cannot be removed from regulation except with the approval of the Commission. RCW 80.04.010(30).

- 3 On February 19, 2014, Commission Staff (Staff) opened an investigation into the transfer of ownership of Orting Valley’s water system assets to Valley Water District. Staff concluded that Orting Valley no longer owns or operates a water system, and no longer provides water service to customers. Staff asked Orting Valley to file a request to be removed from regulation, but received no response. Staff recommends that the Commission, on its own motion, remove Orting Valley from regulation and cancel its tariff.

DISCUSSION

The Commission agrees with Staff’s recommendation. Removing Orting Valley from regulation is consistent with the public interest because the water system is now owned and operated by Valley Water District, which is not subject to Commission jurisdiction.

FINDINGS AND CONCLUSIONS

- 4 (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.

- 5 (2) Orting Valley is an investor-owned water company and a public service company subject to Commission regulation.
- 6 (3) The transfer of Orting Valley's assets to Valley Water District is exempt from Commission regulation under RCW 80.12.020 and RCW 36.96.010 and is not subject to Commission jurisdiction.
- 7 (4) This matter came before the Commission at its regularly scheduled meeting on April 10, 2014.
- 8 (5) After reviewing the information gathered in the investigation, and giving due consideration, the Commission finds it in the public interest to remove Orting Valley from regulation and to cancel its tariff.

ORDER

THE COMMISSION ORDERS:

- 9 (1) Orting Valley Water Co., LLC is no longer subject to Commission jurisdiction under RCW 80.04.110.
- 10 (2) Orting Valley Water Co., LLC is removed from regulation by this Commission and its current tariff WN U-1 is canceled as of the effective date of this Order.

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

DATED at Olympia, Washington, and effective April 10, 2014.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING, Executive Director and Secretary