

Docket No. UW-143617 - Vol. I

**In the Matter of the Application of T & T Professional
Services**

June 15, 2015

2015 JUN 29 AM 8:58



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BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Application of) Docket
T & T PROFESSIONAL SERVICES) UW-143617

For an Order Declining to Assert)
Jurisdiction Over, or, in the)
Alternative, Approving the Transfer of)
Piper Water System, Pinewood Water)
System, and Lightmoor Court Water)
System)

PREHEARING CONFERENCE, VOLUME I

Pages 1 - 16

ADMINISTRATIVE LAW JUDGE RAYNE PEARSON

10:30 A.M.

JUNE 15, 2015

Washington Utilities and Transportation Commission
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1 OLYMPIA, WASHINGTON; JUNE 15, 2015
2 10:34 A.M.
3
4

5 JUDGE PEARSON: Let's be on the record in
6 Docket UW-143617 captioned In the matter of the
7 Application of T & T Professional Services for an Order
8 Declining to Assert Jurisdiction Over, or, in the
9 Alternative, Approving the Transfer of the Piper Water
10 System, Pinewood Water System, and Lightmoor Court Water
11 System.

12 Today is Monday, June 15th, 2015, a little
13 after 10:30 a.m., and we are here for a prehearing
14 conference to discuss scheduling and other procedural
15 issues. My name is Rayne Pearson. I'm the
16 Administrative Law Judge presiding over this case.

17 We have one party present in the hearing
18 room right now, so let's go ahead and take an appearance
19 from Commission Staff.

20 MS. BROWN: Good morning, Your Honor. My
21 name is Sally Brown, Assistant Attorney General,
22 appearing today on behalf of Commission Staff. My
23 co-counsel on this proceeding has filed a notice of
24 appearance dated June 11th. His name is Brett,
25 B-R-E-T-T, T. Shearer, S-H-E-A-R-E-R, Assistant Attorney

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26 ROBIN MOEUR (Via Bridge Line)

27 ATTENDING VIA BRIDGE LINE:
28 VIVIENNE ALPAUGH
29 ANN MARIE TRIPPS
30 FRANK GORMAN
31 JOHN KIESS
32 MELINA KNOOP
33 JASON YOUNKER

34 * * * * *

35 General.

36 JUDGE PEARSON: Thank you.

37 MS. BROWN: Thank you.

38 JUDGE PEARSON: And I believe on the bridge
39 line, we have Vivian Alpaugh from the Lightmoor Water
40 System, Ann Marie Tripps from the Lightmoor Water
41 System, Frank Gorman from the Lightmoor Water System,
42 Jason Younker from the Lightmoor Water System, John
43 Kiess and Melina Knoop from the Kitsap Public Health,
44 and Robin Moeur from the Piper Water System.

45 Is there anyone else?

46 MS. BROWN: No. Your Honor, I just wanted
47 to point out that Ms. Moeur filed a formal written
48 petition to intervene dated June 12th -- or -- yeah,
49 June 12th.

50 JUDGE PEARSON: Thank you.

51 MS. BROWN: Thank you.

52 JUDGE PEARSON: Okay. We will now go off
53 the record and take a break to allow T&T to arrive.
54 They did say that they would be here today, so we will
55 be off the record for about ten minutes. Thank you.

(A break was taken from
10:36 a.m. to 10:59 a.m.)

JUDGE PEARSON: We are back on the record

1 now. It is approximately 10:59 a.m. Ms. Thurston has
 2 just arrived. I will take your appearance in a moment.
 3 I've already taken an appearance from Staff.
 4 And just for your benefit, on the bridge
 5 line right now, we have from Lightmoor Water System,
 6 Vivian Alpaugh, Ann Marie Tripps, Frank Gorman and Jason
 7 Younker.
 8 From Piper Water System, we have Robin
 9 Moeur. And from Kitsap Public Health, we have John
 10 Kiess and Melina Knoop.
 11 Okay. So if you could pull the microphone a
 12 little bit closer to you and just go ahead and state
 13 your name and provide your address, phone number and
 14 email address.
 15 MS. THURSTON: My name is Cheri Thurston.
 16 My address is 111 Sparrow Court, Port Ludlow, Washington
 17 98365. My email address is my name, C-H-E-R-I
 18 underscore Thurston, T-H-U-R-S-T-O-N, @MSN.com.
 19 JUDGE PEARSON: Okay. Thank you.
 20 So unless either party has an objection, I
 21 think it's appropriate to consolidate this docket with
 22 Docket 150791. That docket is a penalty assessment in
 23 the amount of \$1,000 for T&T Professional Services'
 24 failure to file a 2014 annual report by the May 1st
 25 deadline.

1 and operation of the Piper System by the Thurstons,
 2 providing enough time for the consumers on the Piper
 3 System to complete our planning and replacement of the
 4 Piper System of (inaudible) hydrogeologist's report.
 5 We may perform an LDD with a PUD, but that
 6 decision has not yet been made. We cannot determine the
 7 transferee until we complete our planning process.
 8 JUDGE PEARSON: Okay.
 9 MS. MOEUR: Second, we also request
 10 consideration of the Thurstons' accountability
 11 decommission to existing auxiliary wells on the property
 12 where the well is currently located, and I believe
 13 Melina and John from Public Health can comment on the
 14 history of the requested decommissioning from Public
 15 Health.
 16 JUDGE PEARSON: Okay. Thank you.
 17 Does either party have an objection to
 18 Ms. Moeur's petition for intervention?
 19 MS. BROWN: To the contrary, Your Honor, we
 20 welcome it.
 21 JUDGE PEARSON: Okay.
 22 MS. THURSTON: Well, I'm a little confused
 23 because I've talked to several of the owners at Piper,
 24 and it is their concern that Miss Moeur is -- her whole
 25 objective is to get the well off of her property, and so

1 Are the parties agreeable to consolidating
 2 these dockets?
 3 MS. BROWN: Yes, Your Honor.
 4 JUDGE PEARSON: Ms. Thurston?
 5 MS. THURSTON: Yes.
 6 JUDGE PEARSON: Okay. Thank you.
 7 So on Friday, we received a petition for
 8 intervention from Robin Moeur on behalf of the Piper
 9 Water System.
 10 Ms. Moeur, if you want to just briefly speak
 11 to your petition, and then I'll see if either of the
 12 other parties has an objection to your petition.
 13 MS. MOEUR: Yes. The fundamental nature of
 14 the petition focuses on two points: First of all, that
 15 we have continued ownership and operation by Thurston of
 16 the (inaudible) --
 17 THE COURT REPORTER: I can't hear.
 18 JUDGE PEARSON: Okay. Ms. Moeur, could you
 19 speak up. The court reporter is having trouble hearing
 20 you, and so are the people in the hearing room.
 21 MS. MOEUR: Okay. I can shout. Is that
 22 better?
 23 JUDGE PEARSON: It's a little bit better.
 24 MS. MOEUR: The nature of the petition
 25 focuses on two points: Point one, continued ownership

1 she -- it is -- that is her motivation, and that's
 2 coming directly from her neighbors.
 3 JUDGE PEARSON: Okay. We're just now
 4 addressing whether you have any objection to her
 5 petition to intervene in this case, and it sounds like
 6 if you have concerns about that, it might be best to
 7 allow --
 8 MS. THURSTON: Yeah.
 9 JUDGE PEARSON: -- her intervention.
 10 MS. THURSTON: Uh-huh.
 11 JUDGE PEARSON: Okay. So, Ms. Moeur,
 12 because you have a compelling interest in this case as a
 13 representative of the Piper Water System and not just as
 14 a single customer, I'm going to grant your petition for
 15 intervention.
 16 And now I would like to ask if there are any
 17 other parties that are seeking to intervene.
 18 Okay. Hearing nothing, there are a couple
 19 other issues I would like to address today on the
 20 record, and the first is to clarify which entity is
 21 currently operating the water system. I see that
 22 Mr. Thurston is the sole proprietor of T&T Professional
 23 Services; is that correct?
 24 MS. THURSTON: That's correct, but that was
 25 closed in 2012.

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1 JUDGE PEARSON: Okay. And what do you mean
 2 by "closed"?

3 MS. THURSTON: Well, we closed the business.
 4 We closed through the IRS, we closed through the state,
 5 and we wanted -- our objective was to open an LLC
 6 instead of a sole proprietorship.

7 JUDGE PEARSON: Okay. And you are the --

8 MS. THURSTON: T&T Professional Services was
 9 not available to do an LLC as a name, so we had to
 10 change it to Water and Wastewater Management Services.

11 JUDGE PEARSON: Okay. And you are the
 12 governing --

13 MS. THURSTON: I am the owner.

14 JUDGE PEARSON: The owner of Waste -- Water
 15 and Wastewater Management, LLC --

16 MS. THURSTON: Water and Wastewater
 17 Management Services, LLC.

18 JUDGE PEARSON: Okay. And that is the
 19 entity that's currently operating --

20 MS. THURSTON: Yes.

21 JUDGE PEARSON: -- the system?

22 MS. THURSTON: Uh-huh.

23 JUDGE PEARSON: Okay. And you said that the
 24 transfer occurred in 2012?

25 MS. THURSTON: Well, we closed T&T 2012, and

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1 to our unbeknownst knowledge now, we should have had
 2 that transferred with the UTC, but it was always our
 3 common goal to get out of the water system so we kind of
 4 just --

5 JUDGE PEARSON: Okay. That was my next
 6 question. So you didn't --

7 MS. THURSTON: Right.

8 JUDGE PEARSON: -- seek Commission approval
 9 before making that transfer?

10 MS. THURSTON: We did not. We did not.

11 JUDGE PEARSON: Okay. And second, we
 12 received comments from a number of customers in this
 13 docket, and I will be incorporating those comments into
 14 the docket -- or into the record at the hearing, but two
 15 of the comments indicate that Fred Steinman and Don
 16 Bumpus are willing to take over the Pinewood Water
 17 System. Are you able to --

18 MS. THURSTON: That's correct.

19 JUDGE PEARSON: -- confirm that?

20 MS. THURSTON: Yes, that's correct, uh-huh.

21 JUDGE PEARSON: Okay. Thank you.

22 All right. And that brings us to service.
 23 Do each of the parties consent to electronic service if
 24 the Commission decides to serve documents in that
 25 manner? So it would be via email.

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1 MS. THURSTON: Well, I don't know if Fred
 2 Steinman has email, but I know that Bumpus does.

3 JUDGE PEARSON: They're not parties to this
 4 proceeding.

5 MS. THURSTON: Oh.

6 JUDGE PEARSON: I'm talking about at this
 7 point Staff, you and Ms. Moeur.

8 MS. THURSTON: Oh, absolutely, absolutely.

9 JUDGE PEARSON: Okay. Is Staff okay with
 10 that, Ms. Brown?

11 MS. BROWN: Yes.

12 JUDGE PEARSON: And, Ms. Moeur, do you
 13 consent to electronic service?

14 MS. MOEUR: Yes.

15 JUDGE PEARSON: Okay. Thank you.
 16 And that brings us to the schedule. Because
 17 of the statutory time constraints, this case has to
 18 conclude by October 25, 2015, unless the company waives
 19 that statutory requirement in writing, but with the
 20 October 25th deadline in mind, we're looking at a
 21 hearing date the first week of August, and specifically
 22 August 3rd, 4th or 5th, with a start time of 9:30 a.m.,
 23 and I would also like the parties to schedule a
 24 settlement conference sometime during the week of July
 25 13th or July 20th.

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1 So with those dates in mind, I'd assume that
 2 the parties probably need a brief recess to discuss
 3 scheduling?

4 MS. THURSTON: Well, I can tell you the July
 5 13th schedule won't work for me. Later in July --
 6 you're saying the 23rd?

7 JUDGE PEARSON: The week of the 20th. Why
 8 don't we take a brief recess, and you can discuss it
 9 with Ms. Moeur and with Staff.

10 Okay. So we'll be off the record.
 11 (Pause in the proceedings.)

12 JUDGE PEARSON: Okay. We're back on the
 13 record, and during the break, the parties agreed on a
 14 procedural schedule, which includes a settlement
 15 conference with the parties only on July 20th at 10 a.m.
 16 and a hearing on August 5th at 9:30 a.m.

17 Is there anything else we need to address
 18 while we're here today?

19 MS. BROWN: This may seem a bit unorthodox,
 20 but I just want to, just for the benefit of the parties,
 21 state on the record some of the issues that I would like
 22 to see addressed.

23 JUDGE PEARSON: Okay.


24 MS. BROWN: If that would be helpful.

25 JUDGE PEARSON: Sure.

1 MS. BROWN: And I'm happy to provide both
 2 the intervenor and Ms. Thurston copies of the statutes,
 3 if that would be helpful to you, or Commission
 4 regulations, but I would encourage you to take a look at
 5 RCW 80.12, which is the transfer of property statute,
 6 and also I would assume that the Thurstons have been
 7 giving considerable thought to a transfer plan.
 8 I would encourage you to examine RCW
 9 80.28.110, and that pertains to the company's obligation
 10 to serve.
 11 And finally, I would direct your attention
 12 to RCW 80.04.015(29)(e), which addresses the scope of
 13 the Commission's regulatory jurisdiction over water
 14 companies and removal regulation.
 15 And my preliminary research discloses that
 16 the statutes are but a few that are relevant here in
 17 this proposed transaction. There are statutes and
 18 regulations identifying the State Board of Health, the
 19 State Department of Health, the Kitsap County Health
 20 District, the Kitsap County Public Utility District, and
 21 presumably there are local or other municipal water
 22 utilities in the area that I am unaware of. So there
 23 are many issues that will need to be addressed in the
 24 context of this proceeding.
 25 That's all I have. Thank you, Your Honor.

1 JUDGE PEARSON: Thank you. Anything else?
 2 Okay. Hearing nothing, I will issue an
 3 order reflecting what was discussed here today, and we
 4 are adjourned. Thank you.
 5 (Hearing concluded at 11:12 a.m.)
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1 CERTIFICATE
 2
 3 STATE OF WASHINGTON
 4 COUNTY OF KING
 5
 6 I, Lisa Buell, a Certified Shorthand Reporter and
 7 Notary Public in and for the State of Washington, do
 8 hereby certify that the foregoing transcript of the
 9 hearing on April 15, 2015, is true and accurate to the
 10 best of my knowledge, skill and ability.
 11 IN WITNESS WHEREOF, I have hereunto set my hand
 12 and seal this 23rd day of June, 2015.
 13
 14
 15
 16 LISA BUELL, RPR, CRR, CCR
 17
 18 My commission expires:
 19 DECEMBER 2018
 20
 21
 22
 23
 24
 25



<p style="text-align: center;">A</p> <p>\$1,000 5:23 a.m 1:14 3:2,13 4:23,23 5:1 11:22 12:15,16 14:5 ability 15:10 able 10:17 absolutely 11:8,8 accountability 7:10 accurate 15:9 address 5:13,14,16 5:17 8:19 12:17 addressed 12:22 13:23 addresses 13:12 addressing 8:4 adjourned 14:4 Administrative 1:12 2:2 3:16 Administrator 1:20 agreeable 6:1 agreed 12:13 ahead 3:18 5:12 allow 4:19 8:7 Alpaugh 2:20 4:5 5:6 Alternative 1:7 3:9 amount 5:23 Ann 2:20 4:6 5:6 annual 5:24 appearance 3:18 3:24 5:2,3 appearing 3:22 Application 1:4 3:7 appropriate 5:21 approval 10:8 Approving 1:7 3:9 approximately 5:1 April 15:9 area 13:22 arrive 4:19 arrived 5:2 Assert 1:6 3:8 assessment 5:22 Assistant 2:10 3:21</p>	<p>3:25 assume 12:1 13:6 ATTENDING 2:19 attention 13:11 Attorney 2:10 3:21 3:25 August 11:21,22 12:16 auxiliary 7:11 available 9:9 Avenue 1:21</p> <hr/> <p style="text-align: center;">B</p> <p>B-R-E-T-T 3:25 back 4:25 12:12 behalf 3:22 6:8 believe 4:4 7:12 benefit 5:4 12:20 best 8:6 15:10 better 6:22,23 bit 5:12 6:23 12:19 Board 13:18 Box 2:5,11 break 4:19,22 12:13 Brett 3:24 bridge 2:17,19 4:4 5:4 brief 12:2,8 briefly 6:10 brings 10:22 11:16 Brown 2:9 3:20,21 4:3,12,17 6:3 7:19 11:10,11 12:19,24 13:1 Buell 1:19,21 15:6 15:16 Bumpus 10:16 11:2 business 9:3</p> <hr/> <p style="text-align: center;">C</p> <p>C 2:1 15:1,1 C-H-E-R-I 5:17 captioned 3:6 case 3:16 8:5,12 11:17</p>	<p>CCR 1:19 15:16 Certified 15:6 certify 15:8 change 9:10 Cheri 2:14 5:15 cheri_thurston@... 2:16 clarify 8:20 closed 8:25 9:2,3,4 9:4,25 closer 5:12 co-counsel 3:23 coming 8:2 comment 7:13 comments 10:12,13 10:15 commission 1:2,16 2:4,8 3:19,22 10:8 10:24 13:3 15:18 Commission's 13:13 common 10:3 companies 13:14 company 11:18 company's 13:9 compelling 8:12 complete 7:3,7 concern 7:24 concerns 8:6 conclude 11:18 concluded 14:5 conference 1:10 3:14 11:24 12:15 confirm 10:19 confused 7:22 consent 10:23 11:13 considerable 13:7 consideration 7:10 consolidate 5:21 consolidating 6:1 constraints 11:17 consumers 7:2 context 13:24 continued 6:15,25</p>	<p>contrary 7:19 copies 13:2 correct 8:23,24 10:18,20 County 13:19,20 15:4 couple 8:18 court 1:8 2:15 3:10 5:16 6:17,19 CRR 1:19 15:16 currently 7:12 8:21 9:19 customer 8:14 customers 10:12</p> <hr/> <p style="text-align: center;">D</p> <p>date 11:21 dated 3:24 4:14 dates 12:1 day 15:12 deadline 5:25 11:20 DECEMBER 15:19 decides 10:24 decision 7:6 Declining 1:6 3:8 decommission 7:11 decommissioning 7:14 Department 13:19 determine 7:6 direct 13:11 directly 8:2 discloses 13:15 discuss 3:14 12:2,8 discussed 14:3 District 13:20,20 docket 1:4 3:6 5:21 5:22,22 10:13,14 dockets 6:2 documents 10:24 Don 10:15 Drive 1:17 2:4,10</p> <hr/> <p style="text-align: center;">E</p> <p>E 2:1,1 15:1,1</p>	<p>either 5:20 6:11 7:17 electronic 10:23 11:13 email 5:14,17 10:25 11:2 encourage 13:4,8 entity 8:20 9:19 Evergreen 1:17 2:4 2:10 examine 13:8 existing 7:11 expires 15:18</p> <hr/> <p style="text-align: center;">F</p> <p>F 15:1 failure 5:24 file 5:24 filed 3:23 4:13 finally 13:11 first 6:14 8:20 11:21 focuses 6:14,25 foregoing 15:8 formal 4:13 Fourth 1:21 Frank 2:21 4:7 5:6 Fred 10:15 11:1 Friday 6:7 fundamental 6:13</p> <hr/> <p style="text-align: center;">G</p> <p>General 2:10 3:21 4:1 giving 13:7 go 3:18 4:18 5:12 goal 10:3 going 8:14 Good 3:20 Gorman 2:21 4:7 5:6 governing 9:12 grant 8:14</p> <hr/> <p style="text-align: center;">H</p> <p>hand 15:11</p>
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