

[Service Date July 6 2004]

July 6, 2004

**NOTICE OF ORAL ARGUMENT ON MOTIONS
(July 19, 2004)**

RE: Washington Utilities and Transportation Commission v. Cougar Ridge
Water System, Docket No. UW-040367

TO ALL PARTIES OF RECORD:

On June 11, 2004, the Commission Staff filed a motion for summary determination in this matter. On June 24, 2004, Cougar Ridge filed its response to the motion for summary determination, accompanied by a motion to compel discovery. Cougar Ridge also requested an opportunity to make oral argument. On June 29, 2004, Staff filed a response to Cougar Ridge's motion to compel.

The legal arguments pertaining to Staff's motion for summary determination appear to hinge largely on the calculation of "annual" revenues or "average annual gross revenues." At issue is whether the Commission's rule for determining whether a company is jurisdictional under WAC 480-110-255 reflects the same definition of "annual" as contained in the statutory provision, RCW 80.04.010. Neither party addresses this issue sufficiently to allow for ruling on the motion based on the written filings.

Notice is given that brief oral argument on the motion for summary determination and the motion to compel will be heard on July 19, 2004 in accord with the current schedule of proceedings. As part of their oral presentations, the parties should address the definition of "annual" and the proper calculation of "annual" revenues for purposes of determining Commission jurisdiction. If possible, a ruling will be made on the record after oral argument is completed.

Sincerely,

THEODORA M. MACE
Administrative Law Judge