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October 18, 2004

**VIA ELECTRONIC AND U.S. MAIL**

The Honorable Theodora Mace  
Administrative Law Judge  
Washington Utilities and  
Transportation Commission  
1300 S Evergreen Park Drive SW  
Olympia, WA 98504-7250

**Re: T&T Recovery, Inc.**  
**Docket No. TG-041481**

Dear Judge Mace:

We have recently been engaged to represent T&T Recovery, Inc. ("T&T") in the above matter. In that regard, we received a copy of the Commission's Order No. 01, which sets a show cause hearing for November 17, 2004 in Bellingham.

T&T respectfully requests a continuance of this hearing for at least two weeks, to the first week of December. In support of this request, T&T states as follows:

- (1) T&T's receipt of the Commission's notice regarding the hearing was delayed two weeks because it was sent to an incorrect address. The Notice, which was issued on September 20, 2004, identifies T&T's address as 4731 Lost Creek Road, Bellingham, WA 98229. This is the correct address for purposes of communications with T&T in this matter. However, the Notice was actually sent to a different address, 413-B 19<sup>th</sup> # 306, Lynden, WA 98264, which is a private mailbox service formerly used by T&T for receipt of mail. Although the Notice was received at that location on September 21 and signed for by the attendant on that date, Mr. Lautenbach of T&T did not actually receive the notice until he picked up the mail at that location on October 4, 2004.
- (2) Because of the delay in receiving notification of this hearing, Mr. Lautenbach only recently retained Stoel Rives LLP as counsel in this matter. We are in the process of reviewing documentation in Mr. Lautenbach's possession that may

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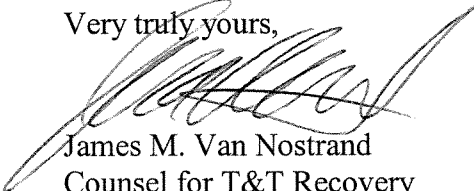


relate to the matters at issue in this proceeding. Additional time is necessary, however, to adequately prepare for the hearing. At a minimum, we request two weeks, which corresponds to the delay in Mr. Lautenbach's receipt of the Notice. Given the gravity of the apparent charges and the consequences – an order that may deny Mr. Lautenbach the ability to continue to conduct his business – it is essential that Mr. Lautenbach and his counsel be given adequate time to prepare for this hearing to ensure that his due process rights are observed.

- (3) With respect to the apparent charges, Mr. Lautenbach has been unsuccessful in his attempts to ascertain the basis for the charges being investigated in this proceeding. While Mr. Lautenbach received a letter from Staff dated May 18, 2004 described as a "second technical assistance," that letter does not indicate that T&T would be formally charged with any violations. Mr. Lautenbach's subsequent effort to learn the status of any Staff investigations was turned away. Attached as Exhibit A is an e-mail from Commission Staff indicating to Mr. Lautenbach that because the requested information was the subject of an "open investigation," documents which may describe the basis for this proceeding were unavailable to Mr. Lautenbach. Until Mr. Lautenbach and his counsel can gain access to information regarding the basis for this proceeding, it will be difficult for us to proceed. In this regard, we have learned from Staff counsel in this matter, Lisa Watson, that an investigative report from WRRRA regarding T&T has been submitted to Staff. We understand that we will be provided a copy of this report.
- (4) Finally, counsel for T&T is unavailable on November 17, as he will be in Nashville, Tennessee to attend the national convention of the National Association of Regulatory Utility Commissioners, or NARUC.

For the foregoing reasons, T&T requests a continuance of at least two weeks for the hearing in the above matter. Counsel for T&T has discussed this matter with Ms. Watson, who does not oppose a request for continuance. She is discussing possible alternative hearing dates with Staff personnel assigned to the case, and she will forward these dates for your consideration.

Very truly yours,



James M. Van Nostrand  
Counsel for T&T Recovery

JMV:jlf

Enclosure: Exhibit A

cc: Lisa Watson, Assistant Attorney General

**EXHIBIT A**

**From:** Dennis Shutler <dshutler@wutc.wa.gov>  
**To:** troylaut@comcast.net  
**Subject:** Your Public Record Request  
**Date:** Mon, 26 Jul 2004 16:56:13 +0000

Mr. Lautenbach:  
Re: your Public Record Request received by facsimile at the Commission on July 22, 2004.  
We have recently received information regarding T&T Recovery operations. However, because this is an open investigation, those documents are not considered a public record.  
At the time this investigation closes, all documentation will be considered public record and available.  
Dennis

Dennis D. Shutler, Compliance Specialist  
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