

[Service Date July 10, 2009]

July 10, 2009

**NOTICE CANCELING PUBLIC COMMENT HEARING AND
RESCHEDULING EVIDENTIARY HEARING
(Public Comment Hearing Scheduled for July 20, 2009, Canceled and
Evidentiary Hearing Rescheduled from July 22, 2009, to July 20, 2009)**

RE: *Washington Utilities and Transportation Commission v. City of Enumclaw*
Docket PG-080097

TO ALL PARTIES OF RECORD:

On June 25, 2009, the Washington Utilities and Transportation Commission (Commission) received from the City of Enumclaw (City) and the Commission Staff,¹ a Settlement Agreement resolving all disputed issues.

On July 2, 2009, both parties participated in a conference call with the Administrative Law Judge (ALJ) assigned to this matter. During the conference call, the ALJ inquired whether the parties believed the public comment hearing should be convened as scheduled, to apprise members of the public of the terms and conditions of the Settlement. Both parties agreed that the public comment hearing should be canceled. The City stated that the Settlement was approved during a City of Enumclaw City Council meeting. City Council meetings are open to the public and televised. In addition, the City stated that news of the Settlement was reported in the local newspaper. The Commission concludes that the public comment hearing scheduled for July 20, 2009, should be canceled. Members of the public who wish to comment on the proposed Settlement may submit written comments to the Commission until July 31, 2009.

¹ In formal proceedings, such as this, the Commission's regulatory staff functions as an independent party with the same rights, privileges, and responsibilities as other parties to the proceeding. There is an "*ex parte* wall" separating the Commissioners, the presiding Administrative Law Judge, and the Commissioners' policy and accounting advisors from all parties, including regulatory staff. *RCW 34.05.455*.

The Commission has questions regarding the terms and conditions of the Settlement. The Commission concludes that the most efficient and expeditious means to conduct that inquiry is to convene an evidentiary hearing.² Accordingly, the evidentiary hearing is rescheduled from July 22, 2009 to July 20, 2009.

NOTICE IS HEREBY GIVEN That:

- (1) The public comment hearing scheduled to convene on July 20, 2009, is canceled.**

- (2) The evidentiary hearing scheduled to convene on July 22, 2009, is rescheduled to convene on July 20, 2009, beginning at 10:00 am in Room 206, Richard Hemstad Building, 1300 S. Evergreen Park Dr. S.W., Olympia, Washington.**

Sincerely,

PATRICIA CLARK
Administrative Law Judge

² During the conference call held on July 2, 2009, the parties concurred that if an evidentiary hearing was necessary, it should be rescheduled from July 22, 2009, to July 20, 2009.