

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

SUMMIT VIEW WATER WORKS,

Respondent.

DOCKET UW-240589

ORDER 02

PREHEARING CONFERENCE
ORDER AND NOTICE OF HYBRID
HEARING
(Set for March 24, 2025,
at 9:00 a.m.)

1 **NATURE OF PROCEEDING.** On July 31, 2024, Summit View Water Works (Summit View or Company) filed with the Washington Utilities and Transportation Commission (Commission) tariff revisions that would generate approximately \$514,000 (54 percent) in additional annual revenue. Summit View provides regulated water service to approximately 630 domestic and 680 irrigation customers. The Company’s last general rate filing became effective November 1, 2018.

2 **CONFERENCE.** The Commission convened a virtual prehearing conference on October 18, 2024, before Administrative Law Judge Connor Thompson.

3 **APPEARANCES.** Michael S. Howard and David W. Wiley of Williams, Kastner & Gibbs PLLC represent Summit View Water Works. Colin O’Brien, Assistant Attorney General, Olympia, Washington represents Commission staff (Staff).¹ Tad Robinson O’Neill, Assistant Attorney General, Seattle, Washington represents the Public Counsel Unit of the Attorney General’s Office (Public Counsel). Contact information for the parties’ representatives is attached as Appendix A to this Order.

¹ In formal proceedings such as this, the Commission’s regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners’ policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. See RCW 34.05.455.

4 **DISCOVERY.** During the virtual prehearing conference, Summit View raised concerns with duplicative and burdensome discovery and recommended the Commission limit Staff discovery responses in this matter to 20 and asked that Staff certify each discovery request moving forward. In order to facilitate an efficient resolution to this matter, discovery will be immediately available to the parties and shall be conducted under the Commission's discovery rules, WAC 480-07-400 – 425. Currently, the Commission finds it is not necessary to place limits on Staff discovery. However, the Commission will limit duplicative discovery requests, and no party shall submit duplicative discovery requests in this proceeding, nor will any party be expected to respond to duplicative discovery requests. To the extent that multiple parties share duplicative discovery requests, the responding party need only submit one response, serving that response on each respective requesting party.

5 WAC 480-07-400(3) provides

Parties must not seek discovery that is unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive. A discovery request is inappropriate when the party seeking discovery has had ample opportunity to obtain the information the party seeks or the discovery is unduly burdensome or expensive, taking into account the needs of the adjudicative proceeding, limitations on the parties' resources, scope of the responding party's interest in the proceeding, and the importance of the issues at stake in the adjudicative proceeding. Discovery through data requests or otherwise must not be used for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the costs of litigation. The commission may impose sanctions for abusive discovery practice.

6 The Commission urges the parties to work cooperatively together to avoid having to bring discovery matters forward for formal resolution. The Commission encourages the parties to consider the needs of this proceeding, the importance of issues at stake, and the limitations on party resources, as required by WAC 480-07-400. If a further dispute arises, which cannot be addressed by the parties, the Commission asks that a motion be filed and further action will be taken, which may include limitations on the number of requests, mandated coordination of discovery, and sanctions as detailed in Commission rules. The Commission will issue a separate protective order in this docket.

7 **PROCEDURAL SCHEDULE.** The parties presented two procedural schedules at the prehearing conference. Summit View presented one proposed schedule and Staff and Public Counsel jointly submitted a second proposed procedural schedule. The Commission adopts its own procedural schedule in this matter - which is attached to this

Order as Appendix B. The adopted procedural schedule takes into account arguments made by all parties at the prehearing conference including witness availability, time for review and provision of testimony, and costs of adjudication. The parties may modify the date of the settlement conference by providing written notice to the Commission.

- 8 **DOCUMENT FILING AND SERVICE REQUIREMENTS.** Parties must file and serve all pleadings, motions, briefs, and other pre-filed materials in compliance with all of the following requirements:
- (a) Parties must submit electronic copies of all documents by 5 p.m. on the filing deadline established in the procedural schedule (or other deadline as applicable) unless the Commission orders otherwise. Parties must comply with WAC 480-07-140(6) in formatting, organizing, and identifying electronic files.
 - (b) The Commission accepts only electronic versions of documents for formal filing. Parties must submit documents electronically through the Commission's web portal (www.utc.wa.gov/e-filing). If a party is unable to use the web portal to submit documents for filing, the Commission will accept a submission via email to records@utc.wa.gov, provided that the email: (1) explains the reason the documents are not being submitted via the web portal, and (2) complies with the requirements in WAC 480-07-140(5)(b).
 - (c) Parties must electronically serve the other parties and provide courtesy electronic copies of filings to the presiding administrative law judge (connor.thompson@utc.wa.gov) by 5 p.m. on the filing deadline unless the Commission orders otherwise. If parties are unable to email copies, they may furnish electronic copies by delivering them on a flash drive only.
- 9 **EXHIBITS FOR CROSS-EXAMINATION.** Parties are required to file with the Commission and serve all proposed cross-examination exhibits by **5 p.m. on Monday, March 17, 2025**. The Commission requires electronic copies in searchable PDF (Adobe Acrobat or comparable software). If any of the exhibits contain information designated as confidential, parties must file an electronic copy of the redacted version in searchable PDF (Adobe Acrobat or comparable software) of each such exhibit. The exhibits must be grouped according to the witness the party intends to cross examine with the exhibits.
- 10 **EXHIBIT LISTS.** With each submission of pre-filed testimony and exhibits, the party making the submission must include a preliminary exhibit list that identifies each submitted exhibit in the format the Commission uses for exhibit lists it prepares for evidentiary hearings. Washington Water Supply will prepare its preliminary exhibit list and circulate it to the parties. Each party must file and serve a final list of all exhibits the

party intends to introduce into the evidentiary record, including all pre-filed testimony and exhibits, as well as cross-examination exhibits by **5 p.m., March 17, 2025.**

- 11 **CROSS-EXAMINATION TIME ESTIMATES.** Each party must provide a list of witnesses the party intends to cross-examine at the evidentiary hearing and an estimate of the time that party anticipates the cross-examination of that witness will take. Parties should not file witness lists or cross-examination time estimates but must provide them to the administrative law judge (connor.thompson@utc.wa.gov) and the other parties by email on **Monday, March 17, 2025, at 5:00 p.m.**
- 12 **PUBLIC COMMENT HEARING.** The parties agreed to schedule a public comment hearing at a later date.
- 13 **NOTICE OF EVIDENTIARY HEARING.** The Commission will hold a hybrid evidentiary hearing in this docket on **Monday, March 24, 2025, at 9:00 a.m.** Parties may attend the hearing in person at the Commission's headquarters or virtually via Zoom. To attend the hearing via Zoom, [click here to join meeting](#), or call (253) 215-8782 and enter the Conference ID: 826 7435 2310# and use the Passcode: 783559#.
- 14 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission has limited ability to provide dispute resolution services. If you wish to explore those services, please contact James E. Brown II, Director, Administrative Law Division.
- 15 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of this Order, in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this docket, subject to Commission review.**

DATED at Lacey, Washington, and effective October 21, 2024.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Connor Thompson
CONNOR THOMPSON
Administrative Law Judge

**APPENDIX A
PARTIES' REPRESENTATIVES
DOCKET UW-240589**

PARTY	REPRESENTATIVE	PHONE	E-MAIL
Summit View Water Works	Daivd Wiley Michael Howard Williams, Kastner & Gibbs PLLC 601 Union St. STE 4100 Seattle, WA 98101-2380	206-232-2895	dwiley@williamskastner.com mhoward@williamskastner.com
Utilities and Transportation Commission Staff	Colin O'Brien Assistant Attorney General Office of the Attorney General Utilities and Transportation Division P.O. Box 40128 Olympia, WA 98504-0128	360-586-6413	Colin.obrien@atg.wa.gov
Public Counsel	Tad O'Neill Assitant Attorney General Washington Attorney General's Office Public Counsel Unit 800 Fifth Ave., Suite 2000 Seattle, WA 98104-3188	206-254-0570	Tad.oneill@atg.wa.gov

**APPENDIX B
PROCEDURAL SCHEDULE
DOCKET UW-240589**

EVENT	DATE
Initial Filing	July 31, 2024
Prehearing Conference	October 18, 2024
Initial Settlement Conference	October 29, 2024
Staff, Public Counsel, and Intervenor Response Testimony and Exhibits*	January 10, 2025
Second Settlement Conference	January 17, 2025
Summit View Water Works's Rebuttal Testimony and Exhibits; Staff, Public Counsel, and Intervenor Cross-Answering Testimony and Exhibits**	February 14, 2025
Discovery Deadline	March 10, 2025
Exhibit List, Cross-Examination Exhibits, Witness Lists, Time Estimates, and Exhibit Errata	March 17, 2025
Evidentiary Hearing	March 24, 2025
Simultaneous Briefs	April 18, 2025
Suspension Date	August 1, 2025
Notes: *Response times to data requests shortened to 7 business days ** Response times to data requests shortened to and maintained at 5 business days	