

February 1, 2002

Carole J. Washburn, Secretary  
Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Dr. SW  
P. O. Box 47250  
Olympia, Washington 98504-7250

Re: Rainier View filing of "Draft" direct and rebuttal testimony  
Docket No. UW-010877

Dear Ms. Washburn:

In reviewing the cover letter with which the testimony on behalf of Rainier View Water Co., Inc. (Company) was filed, I noted that the Company states that it is filing the testimony as draft and reserves right to change its testimony until it is admitted at hearing. Staff has no objection to errata being filed to correct technical or typographical errors in prefiled testimony, but if the testimony as filed cannot be relied on, Staff's preparation for the hearing is severely hampered.

In this case, Company sought and obtained a continuance of 28 days to prepare and file its rebuttal testimony. Staff did not object to the request for continuance, given the holiday season and the Company's agreement to extend the suspension period. The prehearing conference order, and the notice of extension of the date for filing of testimony do not provide for testimony to be filed in "draft" form, subject to change at the whim of the witness, at any time prior to the admission of the testimony at hearing; the purpose of prefiled written testimony is to enable the parties to prepare for hearing, and to make the hearing process run more efficiently.

Staff needs to know that the testimony it reviews and prepares to cross-examine the witness on is in final form at this time, in order to prepare for the hearing, which is set for less than one month from the date the testimony was filed. Staff requests that the Company be ordered to file its testimony in final form, or to affirm that its filed

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testimony is final, except for minor changes such as typographical errors, no later than February 5, 2002.

Very truly yours,

MARY M. TENNYSON  
Sr. Assistant Attorney General

MMT:tjj  
Enclosure  
Cc: Marjorie Schaer  
Bob Wallis