

JOINT RESPONSE TO BENCH REQUEST

DATE PREPARED: May 2, 2011
DOCKETS: UW-091006 and
UW-110213 (consolidated)
REQUESTER: Bench

WITNESS: Joint
RESPONDER: Joint
TELEPHONE:

BENCH REQUEST NO. 1: On April 27, 2011, the Commission convened an evidentiary hearing in Dockets UW-091006 and UW-110213, consolidated, to examine whether the operations of Lowerper Incorporated (Lowerper) are subject to the Commission's jurisdiction, and, if so, whether Lowerper has violated WAC 480-110-433(3). At the start of the hearing, the parties indicated that they had reached a partial settlement agreement. The agreement, however, had not been reduced to writing at that time.

Please file the partial settlement agreement with the Commission by **Friday, April 29, 2011.**

RESPONSE: See attached.

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Determining the Proper
Carrier Classification of:

LOWPER, INC. d/b/a LOWPER
CORPORATION, a/k/a "LOWPER
WATER COMPANY" and "ILIAD, INC.
d/b/a LOWPER WATER SYSTEM"

and

In the Matter of the Penalty Assessment
Against LOWPER, INC., in the Amount of
\$10,500

DOCKETS UW-091006 and
DOCKET UW-110213
(consolidated)

PARTIAL STIPULATION
REGARDING DOCKET
UW-091006

1 The Parties, Lowper, Incorporated (Lowper) and Staff of the Washington Utilities
and Transportation Commission (Staff), stipulate as follows:

- 2 (1) Lowper, Incorporated is a water company that is subject to Commission
regulation under Chapter 80.28 RCW.
- 3 (2) To entry of an initial order requiring Lowper to file a tariff pursuant to RCW
80.28.050 with supporting financial data for its water system(s) in full
compliance with WAC 480-110-433(3) (with reference to WAC 480-07-
530), by May 13, 2011.

4 The Parties note for the record that pursuant to the commitment made on the record
on April 27, 2011, Lowper provided a draft of the notice to customers, to Staff for
review on April 28, 2011 and Staff provided its response to Lowper on April 28,
2011.

DATED this 2nd day of May, 2011.

LOWPER, INCORPORATED


By



RICHARD A. FINNIGAN
Attorney

STAFF OF THE WASHINGTON
UTILITIES AND TRANSPORTATION
COMMISSION

By



MICHAEL A. FASSIO
Assistant Attorney General