

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND)	DOCKET NO. UW-040414
TRANSPORTATION COMMISSION,)	
)	
Complainant,)	ORDER NO. 02
)	
v.)	
)	
SJM WATER SERVICES, INC.,)	PREHEARING CONFERENCE
)	ORDER
Respondent.)	
.....)	

1 **NATURE OF PROCEEDING.** Docket No. UW-040414 is a special proceeding initiated by the Commission pursuant to RCW 80.04.015 to determine whether SJM Water Services, Inc. (SJM or the Company) is subject to regulation under Chapter 80.28 RCW and is performing any act requiring approval of the Commission without securing such approval.

2 **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in this docket at Olympia, Washington on June 2, 2004 before Administrative Law Judge Karen Caillé.

3 **APPEARANCES.** Richard Finnigan, attorney, Olympia, Washington represents SJM. Jonathan Thompson, Assistant Attorney General, Olympia, Washington, represents the Commission’s regulatory staff (“Commission Staff” or “Staff”).¹ Contact information provided at the conference for the parties’ representatives is attached as Appendix A to this order.

¹ In formal proceedings, such as this case, the Commission’s regulatory staff functions as an independent party with the same rights, privileges, and responsibilities as any other party 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 Staff. RCW 34.05.455.

4 **PETITIONS FOR INTERVENTION.** No written petitions to intervene were filed, nor did anyone petition to intervene orally at the prehearing conference.

5 **DISCOVERY.** Discovery will be conducted pursuant to the Commission's discovery rules, WAC 480-07-400 – 425. The Commission urges the parties to work cooperatively together to avoid having to bring discovery matters forward for formal resolution.

6 **PROTECTIVE ORDER.** The parties request that the Commission enter a protective order in this docket pursuant to RCW 34.05.446, RCW 80.04.095, WAC 480-07-420, and WAC 480-07-423 to protect the confidentiality of proprietary information. The Commission grants the request and will separately enter a protective order.

7 **ISSUES.** The primary issues in the proceeding are whether the Commission has jurisdiction over SJM, and, if so, whether the rates charged by SJM are fair, just, reasonable and sufficient.

8 **PROCEDURAL SCHEDULE.** The parties agreed the procedural schedule should consist of two phases. Phase one would consist of a hearing to determine the initial question of whether the Commission has jurisdiction over SJM. The parties agreed that the hearing on jurisdiction should be held on **July 15, 2004, beginning at 9:30 a.m.** The parties should be prepared to make oral argument at the conclusion of the hearing and a ruling on the issue will be made on the record on that date. If it is found that the Commission has jurisdiction, SJM will be required to file a tariff by July 25, 2004, and the Commission will set a schedule for Phase 2 of the proceeding related to whether the rates in the tariff are fair, just, reasonable, and sufficient. Appendix B attached to this order reflects the procedural schedule for Phase one.

- 9 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file with the Commission **an original plus 9 copies** of all pleadings, motions, briefs, and other prefiled materials. Paper copies of these materials are required to conform to the format and publication guidelines set forth in WAC 480-07-395 and 480-07-460, and must be three-hole punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.
- 10 All filings must be mailed to the Commission Executive Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250, or delivered by hand to the Commission Executive Secretary at the Commission's Records Center at the Washington Utilities and Transportation Commission, 1300 S. Evergreen Park Drive, S.W., Olympia, Washington, 98504. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.
- 11 An electronic copy of all filings must be provided by e-mail delivery to <records@wutc.wa.gov>. Alternatively, parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette including the filed document(s). The Commission prefers that parties furnish electronic copies in .pdf (Adobe Acrobat) format, supplemented by a separate file in MS Word 6.0 (or later), or WordPerfect 5.1 (or later) format. Parties are required to organize and identify electronic files as specified in WAC 480-07-140(5).
- 12 **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 does have limited ability to provide dispute resolution services; if you wish to explore those services, please call the Director, Administrative Law Division, at 360-664-1142.

13 **NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective this 16th day of June, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

KAREN M. CAILLÉ
Administrative Law Judge

APPENDIX A

PARTIES' REPRESENTATIVES
DOCKET NO. UW-040414

COMPANY	REPRESENTAIVE AND ADDRESS	PHONE	FACSIMILE	E-MAIL
SJM Water Services, Inc.	RICHARD A. FINNIGAN 2405 Evergreen Park Dr. SW Suite B-1 Olympia, WA 98502	360-956-7001	360-753-6862	rickfinn@ywave.com
Commission Staff	JONATHAN THOMPSON Assistant Attorney General 1400 S. Evergreen Park Dr. SW PO Box 40128 Olympia, WA 98504-0128	360-664-1225	360-586-5522	Jthomps@wutc.wa.gov

APPENDIX B
PROCEDURAL SCHEDULE
DOCKET NO. UW-040414

EVENT	DATE	INTERVAL
Hearing on jurisdiction	July 15, 2004	
Tariff filing date	July 25, 2004	10 days
Schedule for Phase 2 <i>To be determined</i>		