

MARINE VIEW HEIGHTS  
HOMEOWNERS' ASSOCIATION

Complainant,

DOCKET NO. UW-940325

vs.

MARINE VIEW HEIGHTS  
INCORPORATION,

Respondent.

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RE: Formal complaint by the Marine View Heights Homeowners Association (complainant or Homeowners), against Marine View Heights Incorporation (respondent or company).

The following is the complainants response to the hearing held at 9:30 a.m. on Thursday, June 8, 1995 in Moses Lake, Washington. This hearing was to determine whether the company had complied with the Commission's order in this docket dated March 22, 1995.

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MARINE VIEW HEIGHTS  
INCORPORATION

An important factor of this hearing was that it was very difficult for the complainant to present evidence or refute compliance of the Order because the company's representative was unfamiliar with the day to day operation of the business. The representative could only talk about one of the eight issues, the rest were answered with "I don't know".

1. The water quality of the system continues to test positive for contaminants on an intermittent basis both by the respondent and by independent tests authorized by the State Department of Health. The independent test results caused the Department to issue an order for weekly testing rather than monthly.

2. Even though the plans for the chlorinator have been submitted, there is no indication as to when or if they will be approved. The Comprehensive Water Plan has also not been approved and the Department of Health could give no time line on that either. After the plans for the chlorinator are approved, the company's representative did not know if the owner was financially able or willing to begin work on the project.

3. The water company business office has moved and has a sign posted for it's location.

4. Ms. Otto, WUTC, had no complaints regarding responsiveness to customer contacts. Without the presence of the company's office clerk and bookkeeper, Ms. Westphalen, it was difficult for the complainant to bring to light some of the incidents of unresponsiveness.

5. Jerry Lease, the certified water operator, has let it be known that he is leaving and the WUTC is aware that a new operator is being sought.

6. Even though the transfer of ownership has already been approved, it is the contention of the complainants that it should have been denied because of the non-compliance of the system and the financial background and status of the new owner.

7. Ms Otto testified that the company had provided the Commission with a customer billing summary covering the six month period immediately prior to the date of the order, showing customer name, the

date and amount billed, the date and amount of payment received, and the action taken, if any, on each delinquent or past due account. However, she also testified that, by looking at the summary, she could not tell us the date and amount billed, or the date and amount received. The complainant contends this shows non-compliance.

Some delinquent accounts show no action taken and others (some not as far in arrears) show more drastic action threatened. No customers have had their service turned off even though their indebtedness is more than 2 years. The complainant contends that the water company is granting undue and unreasonable preference and advantage to certain customers and unreasonable prejudice and disadvantage to others.

Five accounts had not been submitted to the WUTC and/or the company has no record of them.

8. The company was ordered to appear at the hearing on June 8, 1995, and demonstrate the extent to which it has complied with the terms of this order. A representative was sent who was unable to respond to any of the items in the order except one. The burden of proof was on the water company and they did not comply.

The fact remains that the quality of water and service remain unacceptable. The complainants recommend the WUTC to petition the Department of Health to place the company in receivership. The Homeowners Association is prepared to be receivers. The Association is in the process of forming a Water District and filing a preliminary loan application with FMHA for a low income loan and intend to bring the system into compliance. The Homeowners Association is willing to

receive the water system now and operate it as it should be operated.

Negotiations for the purchase of the water system should have no impact on the results of this formal complaint.

A handwritten signature in cursive script, appearing to read "Jim Gregg". The signature is written in black ink and is positioned above a horizontal line.

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Jim Gregg  
President, Board of Directors  
Marine View Heights Homeowners Association