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1 BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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3 WASHINGTON UTILITIES AND )  
4 TRANSPORTATION COMMISSION, )  
5 Complainant, )  
6 vs. ) Docket Nos. UW-110107 and  
7 SUMMIT VIEW WATER WORKS, LLC, ) UW-110220  
8 Respondent. ) Pages 7-32

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PUBLIC HEARING, VOLUME II

10

Pages 7-32

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ADMINISTRATIVE LAW JUDGE PATRICIA CLARK

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6:30 P.M.

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AUGUST 17, 2011

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405 South Dayton

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Kennewick, Washington

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A P P E A R A N C E S

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TESTIMONY OFFERED BY:

PAGE

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JERRY WOLF

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SANDRA ENGLISH

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GARY DAVIS

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RENEE BROCKMAN

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JERRY WOLF

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KENNEWICK, WASHINGTON; AUGUST 17, 2011

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6:30 P.M.

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P R O C E E D I N G S

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JUDGE CLARK: All right. For the record, this is the public hearing convened in Washington Utilities and Transportation Commission vs. Summit View Water Works, given Docket Nos. UW-110107 and UW-110220. These dockets are consolidated for the purpose of this evening's public comment hearing.

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My name is Patricia Clark. I'm the Administrative Law Judge that is assigned to these two cases. I have an agenda that I would like to share with you now.

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We are here to take public comments on two cases, Summit View Water Works, filed with the Washington Utilities and Transportation Commission under one case in Docket UW-110107. Summit View Water Works is seeking to recover additional revenue to cover the cost for a new well to provide domestic water service.

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And in Docket UW-110220, Summit View Water Works is attempting to increase its rates for irrigation service. You may present comments on either one of these cases or both.

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The Washington Legislature establishes the standards by which the Commission considers requests for rate relief.

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1 The Washington Legislature determined that the Commission must  
2 find that rates are fair, just, reasonable and sufficient.

3 In order to make those determinations, the  
4 Commission looks at a considerable amount of financial and  
5 accounting data that is presented typically through the  
6 testimony and exhibits of expert witnesses. Those witnesses  
7 will testify before the Commission on August 26 during the  
8 hearing in this matter.

9 The Commission will then determine how much money  
10 Summit View Water Works will be allowed to recover in its  
11 rates. The Commission wants those rates to be fair to  
12 customers, but they also want those rates to be sufficient to  
13 allow Summit View Water Works to recover its costs of  
14 operation.

15 In cases before the Commission, the parties submit  
16 those prefiled testimony and exhibits in advance of the  
17 hearing. The witnesses present the testimony during the  
18 hearing and are subject to cross-examination and to questions  
19 by the Administrative Law Judge. The comments you present this  
20 evening are also testimony, so before I can allow you to  
21 testify this evening, I will administer an oath. If you're  
22 going to testify or even think that you might testify, I'll do  
23 a group oath, and I'll ask everyone to rise at the same time  
24 while I administer that oath.

25 If you present comments this evening, we'll use this

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1 table over here to my right as the witness table, and to my  
2 left is the court reporter. She will be taking down all of  
3 your comments in a transcript of this evening's hearing.

4 I want to identify the parties, although maybe only  
5 one is here. Appearing on behalf of the Commission's  
6 Regulatory Staff.

7 MR. CEDARBAUM: Thank you, your Honor.

8 Good evening. Thank you for coming. My name is  
9 Robert Cedarbaum. I'm an Assistant Attorney General  
10 representing the Commission Staff in this case. I am an  
11 employee of the Attorney General's Office, but I'm assigned  
12 specifically to represent the Commission and Staff in the  
13 utilities matters.

14 MS. WHITE: Thank you all for coming. I'm Amy White.  
15 I am an accounting analyst with regulatory services. We have  
16 been through reams and reams of data from the Company, and I  
17 invite you all -- most of it is posted on our website, so  
18 there's all kinds of information out there that if you would  
19 like more information or if you have questions after the  
20 hearing, I'll be available. So thank you for coming.

21 JUDGE CLARK: Is there an individual present from  
22 Summit View Water Works?

23 MR. RATHBUN: Yeah. Kirk Rathbun, Summit View Water  
24 Works.

25 JUDGE CLARK: Thank you. Mr. Rathbun, if you would

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1 like, you can be seated up front or you can stay where you are.

2 MR. RATHBUN: I'm okay.

3 JUDGE CLARK: All right.

4 In addition, you probably met Mr. John Cupp from the  
5 Commission's Consumer Protection section. He's at the back of  
6 the room, and at the conclusion of the hearing, you may ask  
7 questions of Mr. Cupp or Ms. White or Mr. Rathbun, if you have  
8 questions for the Company.

9 On August 12, 2011, the parties in these cases filed  
10 a settlement with the Commission resolving all the issues in  
11 this case. Copies of the settlement, the full settlement, are  
12 available next to the sign-up sheet by the door. In addition,  
13 Mr. Cedarbaum has graciously prepared a summary of those  
14 settlement agreements which you can review if you would like to  
15 preview a shorter version of those documents.

16 And Mr. Cedarbaum is going to give you a brief oral  
17 summary of those settlements. If you would please,  
18 Mr. Cedarbaum.

19 MR. CEDARBAUM: Thank you again.

20 Just a couple of preliminary points. The Commission  
21 Staff is a confederate for -- they're employees of the  
22 Commission, but in this context, they operate as completely  
23 independent and separate parties from the Commission, just like  
24 the Company. So there have been no communications between  
25 Staff and the Commission, other than through the hearing

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1 process, either through hearings such as this one or the formal  
2 meetings and other testimony.

3           The second point is that the summary of the  
4 settlement that the Staff and the Company reached, which is on  
5 the back table, those are just recommendations to the  
6 Commission. They're nonbinding on the Commission. The  
7 Commission will consider them, accept them in their entirety,  
8 reject them in their entirety, or revise the terms of the  
9 settlement. So what I'll discuss is, again, just a  
10 recommendation to the Commission, and the Commission can accept  
11 or not.

12           As the Administrative Law Judge indicated, on August  
13 12th, the Staff and the Company did file settlements in both  
14 the domestic water well case and the irrigation service case.  
15 The summary that I prepared for you that's on the back table  
16 sets out what the Company's original proposal was and then what  
17 the parties settled to.

18           On the domestic water service case, the Company  
19 originally proposed a monthly surcharge for existing and new  
20 customers of \$11.60, and at one time facilities charge of a  
21 thousand dollars for new customers.

22           The Staff responded to that and proposed that there  
23 be only a one-time facilities charge of \$1402 for new customers  
24 only, and that there be no change in rates for existing  
25 customers, and that the facilities charge for new customers



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1 would expire on September 1st, 2028, or when the Company  
2 collected the estimated costs of the new well. The Company  
3 decided to accept Staff's recommendation in its entirety, so  
4 that's what we settled on the Staff case.

5           On the irrigation water service case, the Company's  
6 original proposal was to increase its annual revenues by about  
7 \$19,000, and to do that by eliminating the current annual flat  
8 fee of \$400 per customer and replace it with an annual outlet  
9 fee or basic charge of \$250 per customer and an annual fee of  
10 \$300 per acre. Again, the Staff responded to that. The  
11 Company decided to accept the Staff recommendation, which  
12 includes the following: We've agreed that the Company's  
13 revenue should be increased by about 15 1/2 thousand dollars.  
14 We've also agreed to eliminate the current flat fee, the annual  
15 flat fee of \$400 per customer, but in place of the Company's  
16 proposed charges, we've agreed to an annual outlet fee of  
17 \$250 -- \$215 dollars per customer, which would be prorated for  
18 the actual size of the customer's lot and -- I'm sorry,  
19 prorated for the actual number of days of service during the  
20 irrigation season that a customer received service. And we've  
21 also agreed to an annual \$280 per acre fee prorated for the  
22 size of the customer's lot and the number of days of irrigation  
23 service that they actually receive service, and these new  
24 charges that they've agreed to will be effective in the 2012  
25 irrigation season that starts April 1st of next year.

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1           That summarizes the charges that we've agreed to  
2 compared to what the Company originally filed. Again, that's a  
3 recommendation to the Commission. That is proposed to the  
4 Commission to accept, but the Commission can do otherwise.

5           JUDGE CLARK: Thank you, Mr. Cedarbaum.

6           As Mr. Cedarbaum pointed out, when parties settle a  
7 case in civil court, that's the end of the case. But when  
8 parties settle a case before the Commission, that's not the end  
9 of the case. And the Commission reviews those settlements and  
10 makes a determination whether or not it's going to accept,  
11 reject or modify that settlement, or in this case, the two  
12 settlements.

13           What I'm going to do for the public comment portion  
14 of this hearing is to call you to testify in the order in which  
15 you signed up on the sign-up sheet with Mr. Cupp. That's going  
16 to be pretty easy right now because I only have one individual  
17 who has indicated affirmatively that they would like to speak.  
18 I do want to apologize in advance if I mispronounce your name.  
19 If I do, please correct me so I don't do it again. I'm  
20 trainable. I want to remind everyone that this is a  
21 quasi-judicial proceeding, so it's really not appropriate for  
22 you to applaud or boo or anything like that when someone  
23 testifies. I also want to remind you that if you have a cell  
24 phone with you, and I know you do, this would be a good time  
25 for you to turn that cell phone off so that it's not disruptive

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1 to this evening's testimony.

2           The court reporter will be taking down everything  
3 you say in a verbatim transcript, so try not to speak too  
4 quickly. If you have written comments with you, I would  
5 appreciate it if you don't read those because we all read a lot  
6 more quickly than we speak, and it will be difficult to get all  
7 your comments down. You can give those written comments to  
8 Mr. Cupp, and they will be part of the record in the  
9 proceeding.

10           If you have submitted written comments before this  
11 evening's proceeding, those will also be considered. You may  
12 continue to present written comments until approximately the  
13 end of August, until the Commission conducts the evidentiary  
14 hearing.

15           So at this time, I would like everyone who is going  
16 to testify or might testify to please rise so that I can  
17 administer the oath.

18           Rise and raise your right hand, please.

19           (Potential witnesses comply.)

20           JUDGE CLARK: Do you solemnly swear or affirm under  
21 penalty of perjury that the testimony you will give in this  
22 evening's proceedings shall be the truth, the whole truth and  
23 nothing but the truth?

24           (Witnesses affirm.)

25           JUDGE CLARK: Thank you. Please be seated.

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1                   And I would like Mr. Jerry Wolf, if you would come  
2 forward and...

3                   Mr. Wolf, could you state your full name for the  
4 record, please, and spell your last.

5                   MR. WOLF: My name is Jerry Wolf, W-O-L-F.

6                   JUDGE CLARK: Thank you, Mr. Wolf.

7                   And are you a customer of Summit View Water Works  
8 for either domestic water service or irrigation service or  
9 both?

10                  MR. WOLF: I am a customer for both.

11                  JUDGE CLARK: All right. Thank you.

12                  Could you please make your comments.

13                  MR. WOLF: Yeah. I'm here speaking, of course, a  
14 little bit on behalf of a few of the homeowners also in the  
15 Summit View Phase I and II, and the concern is that these lots  
16 originally were set up where we had a base rate of 400 for  
17 irrigation, which was acceptable, and everybody kind of bought  
18 into that.

19                  Now, there are several lots in our phase that  
20 because of topography or because whether it be easement, like a  
21 well easement or an extensive road, they have excessive  
22 property, and so what happens is, for example, I have one  
23 person in our development has a little over one acre of actual  
24 footage when it comes to property, yet if you take an aerial  
25 topography view of it, they have the smallest amount of even

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1 yard in the whole subdivision of Phase I and II, and partly  
2 because it's very steep terrain, but because we are also on  
3 septic systems, you have to have a certain amount of land  
4 provided to provide for enough septic service for your lot, so  
5 consequently, when you have terrain that's set up, you have to  
6 have so much acreage, you have to have enough for primary and  
7 secondary septic field, so you tend to get more acreage than is  
8 usable. In this particular one, they have approximately -- I  
9 don't know -- maybe a 200- or 300-foot driveway to their lot.

10           And we also have another one that has roughly 2.7  
11 acres. I'm speaking on behalf of these people that both happen  
12 to be out of town at this time. And they have a large lot also  
13 because they have a large driveway into their lot, so it's  
14 paved. There's also a place for service areas. They have a  
15 round drive because the original well was up there, and, you  
16 know, I do believe they have a larger yard than more of the  
17 places, but it's not anywhere near the 2.7 acres that their  
18 location is platted out at. And so they just feel unjustly  
19 penalized by the additional fees.

20           And, you know, this whole thing started where -- and  
21 I understand as the development grew and developers didn't  
22 understand how the restrictions are, but they're restricted to  
23 what they can charge when you're a Water Works, some of you can  
24 only charge 400, so that was established. And I understand  
25 that everything south of I-82 in Section 9 is Summit View, and

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1 those are generally called out as half acre lots, half  
2 acre-plus lots.

3 Now, they have a development on the north side that  
4 have 2 1/2 acre lots, and it definitely takes more to irrigate  
5 them, bigger expense and a lot more water. Plus I understand  
6 they also supply water for Sunrise Canyon, and those are even  
7 larger lots yet, up to 5 acres or more. And there's quite a  
8 disparity, and it is not justified that they pay the same rate  
9 as somebody that pays a half acre lot. So I truly feel they  
10 should be able to generate more revenue. We just didn't know  
11 if there was any way to distinguish in the system with the  
12 Water Works when a property is out of the original plat  
13 boundary, if that could be segregated at a different rate. And  
14 that was a concern people had is see if they could utilize some  
15 type of formula there.

16 So, I mean, that's pretty much the gist of it. I  
17 know there are a few other lots in other phases that I'm not as  
18 familiar. Because we are on a hillside, some of them have  
19 topography that is unusable, so I do know there will be other  
20 people that are going to have issues, but again, I don't know  
21 the whole layout there. And the concern was, when I talked to  
22 other people, you know, the same thing that I just reiterated,  
23 why there can't be a differentiation or whether that can be  
24 done. We don't know. So that was our kind of a recommendation  
25 or a suggestion, to keep the lots on the south side of I-82,

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1 which is original Summit View plat, preplat, all those lots at  
2 the established fee of \$400, which was actually for some, more  
3 than what the proposal is. But I don't believe I have any  
4 further comments than that.

5 The water thing has pretty much been settled, so  
6 that is a nonissue now.

7 JUDGE CLARK: All right. Mr. Cedarbaum, do you have  
8 any inquiry for Mr. Wolf?

9 MR. CEDARBAUM: No, I don't. Thank you.

10 JUDGE CLARK: I just have one kind of clarifying  
11 question, and I'm kind of summarizing here. Is it safe to say  
12 that one of your primary concerns is that there be some  
13 distinction between the irrigable and nonirrigable land that a  
14 property owner resides on?

15 MR. WOLF: Well, you know, it's hard -- I mean, that's  
16 kind of what it sounds like, but as far as to be able to do  
17 that, I know it would be a very difficult process, so I can't  
18 expect that because it would be too labor-intensive to figure  
19 out or survey everything, and I don't expect people to have to  
20 do that. Again, some people have done more raw landscaping or  
21 natural terrain versus some people who put almost all yard in  
22 and some people have a larger foot plan or some people have a  
23 pool that takes up a lot of property. But, again, I don't  
24 expect that to be a burden where the Water Works would have to  
25 go ahead and distinguish that so they could justifiably charge

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1 the right rate, and that's why we were looking at understanding  
2 that and keeping it a flat rate on one section.

3 JUDGE CLARK: All right.

4 MR. WOLF: Okay.

5 JUDGE CLARK: Thank you.

6 All right. I don't have anyone else who has  
7 actually signed up to speak this evening. I have one  
8 individual who was initially unsure. Maybe you've made up your  
9 mind. Sandra English?

10 MS. ENGLISH: Yes, that's right.

11 JUDGE CLARK: If you would come forward, Ms. English.

12 If you could state your full name for the record.  
13 Please be seated.

14 MS. ENGLISH: Sandra L. English, E-N-G-L-I-S-H.

15 JUDGE CLARK: And are you a domestic water service or  
16 irrigation water customer of Summit View Water Works or both?

17 MS. ENGLISH: We utilize both.

18 JUDGE CLARK: Please make your comments.

19 MS. ENGLISH: I think Jerry makes a very good point  
20 that homeowners in Section 1 and 2 came into ownership with the  
21 understanding there was a flat \$400 fee. If we can make some  
22 kind of a distinction between those sections versus the new  
23 areas that are going to be added, I support that idea. I think  
24 having a larger lot, under new circumstances when you're  
25 informed upfront of what the fees are, I think is very fair.



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1                   That's it.

2                   JUDGE CLARK: Okay. Any inquiry, Mr. Cedarbaum?

3                   MR. CEDARBAUM: No.

4                   JUDGE CLARK: Thank you for your comments,

5 Ms. English.

6                   Gary Davis?

7                   MR. DAVIS: Yes.

8                   JUDGE CLARK: Do you wish to speak, sir?

9                   MR. DAVIS: I do want to say something.

10                  JUDGE CLARK: Please be seated.

11                  State your full name for the record, please, and

12 spell your last.

13                  MR. DAVIS: Gary A. Davis, D-A-V-I-S.

14                  JUDGE CLARK: And are you a domestic water service or

15 irrigation water service or both?

16                  MR. DAVIS: Irrigation water only.

17                  JUDGE CLARK: Thank you.

18                  MR. DAVIS: My concern is, when we purchased our lot,

19 and we live in Badger View Estates, 2 1/2 acre lot. The reason

20 we purchased that lot initially was because we could irrigate

21 the whole lot. There was no restrictions on there. We have

22 since finished our landscaping, and I have irrigated and put in

23 landscaping for the whole 2 1/2 acres minus the driveway, the

24 asphalt, the house footprint and all of that. The concern I

25 have is, we don't see a correlation between water rates, the

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1 proposed water rate increase, and when we -- post-BMID, there  
2 seems to be a disconnect where the Summit View proposal is  
3 higher than what we could get water rates from BMID.

4 I don't have any set documentation on that, but BMID  
5 says for a 2 acre lot, it's approximately a little over \$600  
6 for the year, 613, if I recall. So I'm not opposed to a rate  
7 increase, as long as it matches up with other irrigation  
8 companies, and that just does not seem to be the case.

9 Right now, I think the way I figured it, I'm going  
10 to be increasing my rates over 130 percent, which is a big hit  
11 for somebody with so much land. So that's really my concern.  
12 Like I said, the homeowners in my area are not opposed to the  
13 rate increase, but such a large rate increase is the issue. So  
14 if we could keep it in check with BMID, I think everybody in  
15 our neighborhood would be acceptable to that.

16 JUDGE CLARK: Does that conclude?

17 MR. DAVIS: That's pretty much it.

18 JUDGE CLARK: And not being from here, can you tell me  
19 what BMID is?

20 MR. DAVIS: Badger Mountain Irrigation District.

21 JUDGE CLARK: Do you have any questions,  
22 Mr. Cedarbaum?

23 MR. CEDARBAUM: I do not, your Honor.

24 JUDGE CLARK: Thanks for your testimony, Mr. Davis.

25 MR. DAVIS: Thank you.

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1 JUDGE CLARK: Jim Reinhardt?

2 MR. REINHARDT: I have no comment.

3 JUDGE CLARK: For the individuals who have question  
4 marks, I'm going to call on you, okay?

5 Tim Markham?

6 MR. MARKHAM: No comments.

7 JUDGE CLARK: Ron Cavalier?

8 MR. CAVALIER: My concerns have already been  
9 addressed.

10 JUDGE CLARK: All right. And Renee Brockman?

11 MS. BROCKMAN: Yes.

12 JUDGE CLARK: Ms. Brockman, you weren't here when I  
13 administered the oath. You get the distinction of being  
14 individually sworn in.

15 MS. BROCKMAN: Okay.

16 JUDGE CLARK: Would you raise your right hand, please.

17 (Witness complies.)

18 JUDGE CLARK: Do you solemnly swear or affirm under  
19 penalty of perjury that the testimony you are about to give in  
20 this proceeding will be the truth, the whole truth and nothing  
21 but the truth?

22 MS. BROCKMAN: I do.

23 JUDGE CLARK: Thank you.

24 MS. BROCKMAN: Thank you.

25 JUDGE CLARK: Please be seated.

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1 State your full name for the record and spell your  
2 last.

3 MS. BROCKMAN: Renee Brockman, B-R-O-C-K-M-A-N.

4 JUDGE CLARK: Thank you. And are you a domestic water  
5 service or irrigation water service customer or both?

6 MS. BROCKMAN: Both.

7 JUDGE CLARK: All right. Thank you.

8 Please make your comments.

9 MS. BROCKMAN: First, I apologize I was late. I just  
10 came from vacation just to come to the meeting, so I'm here.

11 We have 2.7 acres. We bought our land with our  
12 house under the understanding that there was a \$400 flat rate  
13 for the irrigation.

14 We live on a very sloped lot. Much of it is  
15 nonirrigable. So even though we have 2.7 acres, we can't  
16 irrigate it. And if we have this rate increase, which is a lot  
17 higher than other irrigation districts, we're looking at close  
18 to a thousand dollars a year for our irrigation, rather than  
19 the 400, and we can't irrigate it anyways. My husband and I  
20 said, if we do have this increase, we should at least get more  
21 water. If we have to pay for more water because we have the  
22 land, we should get more water than a person with, you know, .5  
23 acres, and that isn't how it would work. We would still be  
24 charged a thousand dollars a year, but we would still get the  
25 same amount of water as somebody else. So to me, that's a

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1 concern that's pretty big. And most of our -- a lot of our  
2 land is nonirrigable.

3 That's pretty much what I wanted to say.

4 JUDGE CLARK: Mr. Cedarbaum?

5 MR. CEDARBAUM: No questions, your Honor.

6 JUDGE CLARK: All right. Thank you, Ms. Brockman.

7 MS. BROCKMAN: Thank you.

8 JUDGE CLARK: Is there anyone else who wants to  
9 present comments this evening?

10 MS. WOLF: I have a question. If we submitted  
11 comments by e-mail, it's not necessary to reiterate those; is  
12 that correct?

13 JUDGE CLARK: No.

14 MS. WOLF: Okay.

15 JUDGE CLARK: All of the written comments that  
16 individual homeowners have presented already in this record  
17 will also be considered. You don't have to sit in the hot seat  
18 and tell me the same thing that you already told the Commission  
19 in an e-mail or a letter. Those written comments will also be  
20 considered.

21 If you have not submitted written comments and  
22 something comes up to you later after this evening's hearing is  
23 over, it's not too late to submit written comments to the  
24 Commission. You can still do that, and if you have something  
25 you would like the Commission to consider, I would encourage

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1 you to submit those written comments.

2 Other questions, Mr. Wolf?

3 MR. WOLF: Well, I had something else I wanted to add  
4 that I kind of forgot because I didn't write notes down.

5 JUDGE CLARK: Then why don't you retake the stand,  
6 sir.

7 (Mr. Wolf complies.)

8 JUDGE CLARK: I'll just remind you that you remain  
9 under oath.

10 MR. WOLF: Yes.

11 Just a comment or kind of a question of  
12 understanding how this basis actually came up on the increase,  
13 and the summary talked about how I think the developer wanted  
14 to increase the revenue by \$19,000 a year, Staff has  
15 recommended a little bit less. And my understanding from  
16 looking at the documents, is because they have a shortfall.  
17 When you look at the P&L for their '09 statements, there's  
18 actually a loss in income, and the question is: Does -- I  
19 don't know what the actual number of homes were related at that  
20 time versus as the development grows out, does not the  
21 increased number of customers increase their revenue to make up  
22 for that shortfall once the system is in place, if the system  
23 is built out and all they're doing is adding more service but  
24 not more equipment. And so the thought would be they would  
25 eventually start recuperating and getting into actually a

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1 profit center, once they get closer to the end of the  
2 build-out, understanding it does take time. Developers go a  
3 little bit slower than anticipated at this stage because of the  
4 economy, but their numbers will continue to increase or does  
5 that just mean we might get a rate decrease down the road as we  
6 have a bigger build-out, would be the question.

7 JUDGE CLARK: All right. And that's a reasonable  
8 question, but unfortunately not one that I can answer. We do  
9 have individuals present in the hearing room, Ms. Amy White  
10 might be able to help you with that, Mr. Rathbun might be able  
11 to help you with that, but as one of the decision-makers, it's  
12 not appropriate for me to do that. So what I want to do now is  
13 see if there's anyone else who wants to present comments. If  
14 you don't want to present comments, what I would like to do is  
15 take a brief recess and give you the opportunity to ask any  
16 questions you might have of the individuals who are present,  
17 and then reconvene a few minutes later to see if there's anyone  
18 else after you've talked a little bit to the individuals who  
19 are here this evening to try to help answer Mr. Wolf's question  
20 and any other questions you might have.

21 MS. WOLF: Could Kurt just address us? Maybe some --

22 JUDGE CLARK: The evidentiary hearing in this matter  
23 is scheduled for August the 26th.

24 MS. WOLF: Okay.

25 JUDGE CLARK: And so that will be the time that the

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1 parties will be presenting the evidentiary hearing. We try  
2 really hard at the Commission to make sure that we allow the  
3 public -- this is sort of your night. And what I'm really  
4 interested in hearing from on the hearing record is from you  
5 rather than from Mr. Rathbun because we'll hear from the  
6 Company and the other parties to this case on the 26th of  
7 August.

8           If you would like to ask Mr. Rathbun some questions  
9 off the record, I don't have an issue with that, but I'm really  
10 here to hear what you have to say. So I'm going to do that.  
11 We're going to take a recess. Please feel free to ask your  
12 questions. If you have procedural questions, I can answer  
13 those, but I really can't answer any other kind of questions in  
14 the case. And then if anyone wants to present comments after  
15 our recess, I'd be happy to go back on the record and give you  
16 that opportunity. We're at recess until further call.

17                           (A recess was taken from  
18                           7:01 p.m. to 7:25 p.m.)

19

20           JUDGE CLARK: All right. We're back on the record.  
21 The record should reflect that during the recess, the customers  
22 who have appeared for this evening's hearing had an opportunity  
23 to have their questions answered by members of the Commission  
24 Staff and of Summit View Water Works. There are no additional  
25 questions it appears at this time, and no additional customers



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1 would like to come forward and give comments on this evening's  
2 hearing.

3                   So I want to thank everyone for coming out tonight.  
4 We sincerely appreciate your comments and taking part of your  
5 evening to let us know how important this issue is to you.  
6 Your comments will be considered in the record in this  
7 proceeding, and the next phase of this case will be that the  
8 Commission will conduct the evidentiary hearing on August 26th.

9                   I would like to thank everyone for coming this  
10 evening. We're adjourned.

11   (Proceedings adjourned at 7:26 p.m.)

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C E R T I F I C A T E

STATE OF WASHINGTON  
COUNTY OF KING

I, Lisa Buell, a Certified Shorthand Reporter and Notary Public in and for the State of Washington, do hereby certify that the foregoing transcript of the proceedings is true and accurate to the best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 25th day of August, 2011.

LISA BUELL, RPR, CRR, CCR

My commission expires:  
DECEMBER 2014