

October 27, 2021

Amanda Maxwell, Executive Director and Secretary  
Washington Utilities and Transportation Commission  
621 Woodland Square Loop SE  
P.O. Box 47250  
Olympia, Washington 98504-7250

Re: *Washington Utilities and Transportation Commission v. PSP*; Docket TP-190976  
Request by TOTE for Extension of Time to File for Leave to Reply

Dear Ms. Maxwell:

On October 21, 2021, TOTE Maritime Alaska, LLC (“TOTE”) filed a letter request seeking an extension of time by which to file a motion for leave to file a reply brief. Just as it did with its Petition for Amendment, Rescission or Correction of Order 09 (“TOTE’s Petition”), TOTE filed its letter request without serving the parties to this proceeding in accordance with WAC 480-07-365. Although the Commission subsequently issued a notice of opportunity to respond in each occasion, limiting any prejudice to the parties, the Commission should nonetheless require TOTE to serve the parties in accordance with WAC 480-07-365.

PSP files this letter response pursuant to the Commission’s Notice of Opportunity to Respond dated October 22, 201. PSP opposes TOTE’s request, which seeks to extend the deadline for seeking leave to file a reply from October 22, 2021 until November 12, 2021. Although deadline extensions are frequently permitted, PSP opposes TOTE’s request primarily because it will also oppose the anticipated request for leave to file a reply. Motions like the one TOTE will apparently file are rarely granted in transportation cases filed under Title 81, Revised Code of Washington and TOTE cannot demonstrate grounds for a reply here.

Should the Commission nonetheless entertain TOTE’s request for continuance, TOTE should not be granted such a lengthy extension. As the sole grounds for its request, TOTE claims that the responses were extensive and addressed numerous legal theories and factual bases. But TOTE’s stated grounds fail to demonstrate the need for a multi-week extension of what is ordinarily a five-day deadline.<sup>1</sup> Indeed, there is nothing unusual about the filing of lengthy responses to lengthy pleadings (TOTE’s Petition itself was 20 pages with 16 supporting exhibits). And if the filing of response briefs addressing


---

<sup>1</sup> WAC 480-07-370(5)(a).

Amanda Maxwell, Executive Director and Secretary  
Washington Utilities and Transportation Commission  
PSP's Response to TOTE's Request for Extension of Time  
October 27, 2021  
Page 2

each of the factual and legal theories raised in an initial brief somehow justified either a lengthy period in which to seek leave for a reply or the right to file one, the Commission could have simply authorized an automatic right to reply or granted a longer deadline for seeking leave to file one by rule. Since it did not, TOTE should be expected to demonstrate something more than mere length of a response when seeking such a lengthy extension.<sup>2</sup> To permit otherwise invites endless extensions and motions for leave to file additional briefing. Thus, should the Commission grant TOTE's request at all, it should maintain short deadlines so that it may expeditiously adjudicate TOTE's untimely Petition.

Very truly yours,



Blair I. Fassburg  
(206) 628-2772  
bfassburg@williamskastner.com

cc: Rayne Pearson  
All parties; and  
TOTE Maritime Alaska, LLC by and through its counsel, Steven Block

---

<sup>2</sup> Similarly, the fact that PMSA responded to TOTE's Petition serves as no basis for a reply. PMSA filed a response supporting TOTE's request, which obviously cannot justify an extension of the deadline to seek leave to file a reply.