

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

WASTE CONTROL, INC.,

Respondent.

DOCKET TG-140560

AMENDMENT TO COMMISSION  
STAFF'S MOTION TO CLARIFY  
THE SCOPE OF WAC 480-07-520(4),  
COMPEL DISCOVERY, AND  
EXPEDITED MOTION FOR  
EXTENSION OF TIME

**I. INTRODUCTION**

1 Washington Utilities and Transportation Commission Staff (Commission Staff or Staff) files to amend a specific date noted in its previous motion to clarify the application and scope of WAC 480-07-520(4), compel discovery, and expedited motion for an extension of time (Staff's Motion or motion).

**II. AMENDMENT**

2 Staff's Motion recounts that Staff issued Data Requests 3-10 on May 5, 2014.<sup>1</sup> Page 1, Paragraph 2 of Staff's Motion indicates that Waste Control, Inc. (Waste Control or Company) provided responses to Data Requests 3-6 and 9-10 on June 3, 2014. Staff's Motion should read that Waste Control submitted its electronic responses to Staff's then-counsel on May 23, 2014.<sup>2</sup> Staff received hard copies of the Company's responses via first class mail on

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<sup>1</sup> Staff's Motion, p. 2, at ¶6.

<sup>2</sup> The relevant language in Staff's Motion, p. 1, at ¶ 2 specifically reads, "Staff is still reviewing data request responses 3-6 and 9-10 provided on June 3, 2014...." Staff proposes a correction to read, "Staff is still reviewing data request responses 3-6 and 9-10 provided on May 23, 2014...."

May 28, 2014. The Commission should recognize that the Company provided electronic responses to Staff Data Requests 3-6<sup>3</sup> and 9-10 on May 23, 2014.<sup>4</sup>

### III. BRIEF EXPLANATION

3 Staff acknowledges an error in mixing dates for the Company's responses to Data Requests 3-10. The complexity of this case and the extent of the filings rendered it very difficult for Staff to unexpectedly substitute counsel. Staff analysts did not actually receive electronic versions of the Company's responses until June 3<sup>rd</sup>, when the Company again provided them at subsequent counsel's request. The events described above demonstrate the disruption created by an unexpected substitution of counsel in such a complex case and further indicate the necessity for an extension of time.

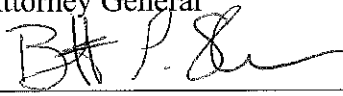
### IV. CONCLUSION

4 Staff recognizes the mistake in its motion and asks the Commission to incorporate the correct dates in its deliberations. Staff continues to request that the Commission clarify filing requirements, compel the Company to provide additional discovery as outlined in Staff's motion, and grant Staff's expedited motion for an extension of time.

DATED this 13th day of June 2014.

Respectfully submitted,

ROBERT W. FERGUSON  
Attorney General

  
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BRETT SHEARER  
Assistant Attorney General  
Counsel for Washington Utilities and  
Transportation Commission Staff

<sup>3</sup> With the exception of the Company's response to DR 5(b), which the Company provided on May 28, 2014.

<sup>4</sup> As explained in Staff's motion, Staff views the responses to DRs 7 and 8 as non-responsive and seeks to compel.