BEFORE THE WASHINGTON UTILITES AND TRANSPORATION COMMISSION

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION. Complainant, v. WASHINGTON WATER SUPPLY, INC., Respondent.	NO.: UW-230997 RESPONDENT'S MOTION FOR RECONSIDERATION OF ORDER 01

Respondent Washington Water Supply, Inc. ("WWS"), through its undersigned counsel at the address below, moves for reconsideration of Order 01 pursuant to WAC 480-07-375.

Respondent was prevented from participating in the hearing on January 11, 2024. Respondent arranged with UTC staff to appear and participate virtually at the hearing via the UTC's online access portal. At the commencement of the hearing Respondent discovered that the UTC's virtual hearing access was disabled without prior notice to Respondent. UTC staff admitted that the virtual hearing access was inoperable the day of the hearing. Respondent learned of the disabled access minutes before the commencement of the hearing, which prevented Respondent from making the two (2) hour drive to Olympia to attend in person. *J. Poppe Declaration.*

When the State seeks to deprive a person of a protected interest, procedural due process requires that the person both receive notice of the deprivation and an opportunity to be heard to guard against an erroneous deprivation of that interest. *Amunrud v Bd. of Appeals,* 158 Wn.2d 208, 216, 143 P.3d 571 (2006). Due process requires the State to provide to an interested party

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an opportunity to present their objections. *Jones v. Flowers,* 547 U.S. 220, 226, 126 S. Ct. 1708, 164 L.Ed. 2d 415 (2006). The Washington Supreme Court has applied this rule to agency action such as in this matter. *State v. Storhoff,* 133 Wn.2d 523, 528, 946 P.2d 783 (1997).

Based on this denial of due process to Respondent and the prevention of meaningful participation at the subject hearing to present its objections, and Respondent's Answer to the Complaint filed herewith, Respondent requests that Order 01 be reconsidered and withdrawn.

Respectfully submitted this 30th day of January, 2024.

SEATTLE-KITSAP LAW, PLLC

By: _____
Scott M. Ellerby, WSBA No. 16277
Counsel for Washington Water Supply, Inc.

DECLARATION OF SERVICE

I declare that on this date I caused to be served a true and correct copy of the within and foregoing Answer on the following, in the manner indicated:

Washington Utilities and Transportation Commission Staff	☐ Via first class mail, postage prepaid ☐ Via facsimile ☐ Via Legal Messengers ☒ Electronic filing via UTC website

I declare, under penalty of perjury under the laws of the State of Washington, that the foregoing is true and correct.

DATED this 30th day of January, 2024.

_____
Scott M. Ellerby

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