



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
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(360) 664-1160 • www.utc.wa.gov

December 9, 2016

**NOTICE OF OPPORTUNITY TO RESPOND TO MOTION TO STRIKE
(Due by 3:00 p.m., Friday, December 16, 2016)**

RE: *In re Application of MEI Northwest LLC for a Certificate of Public Convenience and Necessity to Operate Vessels in Furnishing Passenger Ferry Service, Docket TS-160479*

TO ALL PARTIES:

On December 5, 2016, MEI Northwest, LLC (MEI or Company) filed rebuttal testimony and exhibits of Randy S. Esch in support of its application for a certificate of public convenience and necessity from the Washington Utilities and Transportation Commission (Commission). On December 8, 2016, Arrow Launch Service, Inc. (Arrow) filed a Motion to Strike (Motion) portions of the prefiled rebuttal testimony and exhibits of Randy S. Esch.

Specifically, Arrow requests that the Commission strike the following portions of Mr. Esch's testimony, filed as Exh. No. RSE-7T, as hearsay: page 2, lines 20-25; page 11, lines 18-25; page 12, lines 1-26; page 13, lines 1-22; page 15, lines 3-23; and page 16, line 4. Arrow also requests that the Commission strike Mr. Esch's Exh. No. RSE-8, a shipper support statement. Arrow contends that the testimony and exhibit detailed above:

raise new matters which should have been included in the direct testimony filed by or in support of [MEI's] application and because by waiting until the deadline for filing any testimony in this case (and nearly 6 months after its application) to a *[sic]* file a shipper support statement, MEI's conduct has effectively preempted Arrow's ability to file responsive testimony to what should have been proffered by MEI's *[sic]* in its case in chief, rather than as rebuttal.¹

¹ Arrow's Motion, ¶ 3.

NOTICE IS HEREBY GIVEN That parties who wish to respond to Arrow's Motion must do so by 3:00 p.m., Friday, December 16, 2016.

MARGUERITE FRIEDLANDER
Administrative Law Judge

cc: All Parties