

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Petitioners,

v.

OLYMPIC PIPELINE COMPANY,

Respondents.

Docket No. TO-011472

MOTION ON BEHALF OF  
COMMISSION STAFF FOR  
PREHEARING CONFERENCE TO  
SET DEPOSITION SCHEDULE  
AND TO DISCUSS THE STATUS  
OF THE CASE

AND MOTION TO SHORTEN  
TIME FOR NOTICE OF SUCH  
PREHEARING CONFERENCE

**Moving Party:**

1 The moving party is Commission Staff, by and through its counsel.

**Relief Requested:**

2 Commission Staff requests that a pre-hearing conference be convened as soon as possible to discuss discovery issues (particularly the scheduling of depositions) and, more broadly, the feasibility of the existing hearing schedule.

3 Staff specifically requests the prehearing conference be held Tuesday, February 12, 2002, at 1:30 P.M.

4 The undersigned is available any time this week, except for Wednesday.

**Basis for Motion:**

5 The undersigned has communicated with counsel for other parties on the issue of when depositions of Olympic's witnesses can occur. No definitive resolution has come about as a result of those communications.

6 In addition, Olympic's responses to Staff Data Request Nos. 322-359 were due last Friday, February 8, 2002. No responses were received.

7 Late last Friday, I requested Olympic to indicate the date when responses to those data requests would be supplied. Olympic's counsel indicated he would endeavor to find out that date, and respond accordingly. Olympic's counsel has also indicated there had been some staffing changes at Olympic that may have attributed to the delay, and that there were a large number of data requests outstanding.

8 As of this time, the delivery date for Olympic's responses to Staff Data Request Nos. 322-359 has not been supplied.

**Rules Applicable:**

9 WAC 480-09-480.

**Discussion:**

10 This motion is not intended to address the reasons why Olympic has not responded to Staff data requests within the required limits, but rather the effect that has on the parties' ability to effectively depose Olympic's witnesses, and resolve this case on the current schedule. Time is running short if depositions are to occur before Staff and Intervenors file their direct testimony.

11 If depositions are to occur, the process needs to be meaningful. However, if the bulk of the data requests will not be answered before depositions, that process will not be meaningful.

**Conclusion:**

12 For the reasons stated above, Staff requests that a prehearing conference be convened to air before the Administrative Law Judge the current state of this proceeding, the parties' commitments regarding data request responses, whether completing this case on the schedule currently established is possible, and to set a deposition schedule per WAC 480-09-480(6)(b).

13 Any related procedural matters would be brought to the Commission's attention as well.

DATED this 11<sup>th</sup> day of February, 2002.

CHRISTINE O. GREGOIRE  
Attorney General

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DONALD T. TROTTER  
Senior Counsel