

October 8, 2018

Donna L. Barnett
DBarnett@perkinscoie.com
D. +1.425.635.1419
F. +1.425.635.2419

Mark L. Johnson
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Dr. S.W.
P.O. Box 47250
Olympia, WA 98504-7250

**Re: Dolly, Inc. v. Washington Utilities and Transportation Commission
Thurston County Cause No. 18-2-03006-34**

Received
Records Management
10/08/18 13:39
State Of WASH.
UTIL. AND TRANSP.
COMMISSION

Dear Mr. Johnson:

It has come to our attention that certain documents were omitted from the record that was submitted to the Court by the Commission in the above-referenced docket. Specifically, the Commission submitted correspondence from WUTC Staff to the presiding ALJ dated April 13, 2018 regarding "Answer to reconsideration", yet the Commission did not submit Dolly, Inc.'s correspondence to the presiding ALJ dated April 12, 2018 regarding the same issue, nor did it submit the ALJ's response to both Dolly, Inc. and WUTC Staff. Accordingly, we ask that the Commission supplement the record to include the following two additional documents, which are attached for your convenience:

1. TV-171212 - Dolly Correspondence (4-12-18)
2. TV-171212 - ALJ Pearson Correspondence (4-13-18)

Please supplement the record to include the above-referenced documents, and please let me know if you have any questions or concerns.

Sincerely,



Donna L. Barnett

Enclosures

Barnett, Donna L. (BEL)

From: Pearson, Rayne (UTC) <rayne.pearson@utc.wa.gov>
Sent: Friday, April 13, 2018 12:34 PM
To: Roberson, Jeff (UTC); Brown, Sally (UTC); armikka@dolly.com; Barnett, Donna L. (BEL)
Subject: TV-171212 - Procedural clarification

Good afternoon,

This email responds to both Mr. Bryant's email to Judge Moss requesting clarification and Staff's letter filed this morning with the Commission.

WAC 480-07-395(4) provides for liberal construction of pleadings and motions to effect justice among the parties. Corrected Order 02, entered on April 9, treated Staff's petition as a *motion* for correction of an obvious error under WAC 480-07-875 and not as a petition for review under WAC 480-07-825. Although unnecessary under the circumstances, the Commission considers Dolly's answer to be one supporting Staff's motion.

Staff's motion and Dolly's answer to that motion were fully resolved by the entry of Corrected Order 02 and require no further action in this proceeding. It is not necessary to rescind Order 02; it is effectively and completely replaced by Corrected Order 02. Please note that Corrected Order 02 differs substantively from the original order only to the extent corrected. Also note that Corrected Order 02 is the only effective initial order in this docket. Corrected Order 02 is subject to a petition for review within the time-frame allowed for such petitions following the service date of the order. Any petition for review filed with respect to Corrected Order 02 should address only the terms and requirements of Corrected Order 02.

Please let me know if you have any further questions.

Thank you,

Rayne Pearson
Administrative Law Judge
(360) 664-1136

Utilities and Transportation Commission

Respect. Professionalism. Integrity. Accountability.



Barnett, Donna L. (BEL)

From: Armikka Bryant <armikka@dolly.com>
Sent: Thursday, April 12, 2018 11:57 AM
To: dmoss@utc.wa.gov
Cc: sally.brown@utc.wa.gov; Roberson, Jeff (UTC); Barnett, Donna L. (BEL)
Subject: UTC Docket TV-171212 - Request for Clarification

Dear Judge Moss,

I would like clarification of what deadline applies to Answers to Staff's Petition for Administrative Review filed on April 2, 2018. Staff filed its Petition under WAC 480-07-825 which makes Answers to that Petition due today, April 12. However, Corrected Order 02, filed on April 9, treats the Petition as a post-hearing motion, which made Answers due that same day, April 9.

Do you construe the Answer deadline to be April 9 or April 12?

Thank you,
Armikka Bryant
Dolly | Director of Legal and Government Affairs
901 Fifth Avenue
Suite 600
Seattle, WA 98104-3188
[646.303.3533](tel:646.303.3533)
armikka@dolly.com
dolly.com

CONFIDENTIAL MATERIALS: This e-mail message and any attachments hereto are intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient(s) or the employee or agent responsible for delivery of this message to the intended recipient(s), you are hereby notified that any use, dissemination, distribution, or copying of this e-mail message, and/or any attachments hereto, is strictly prohibited. If you have received this e-mail in error, please immediately notify us by reply e-mail and permanently delete the original and any copy of this message, its attachment(s), and any printout thereof.