

**BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND)	
TRANSPORTATION COMMISSION)	
)	DOCKET NO. TO-011472
Complainant,)	
)	
v.)	
)	
OLYMPIC PIPE LINE COMPANY, INC.)	
)	
Respondent.)	
-----)	

**TESORO’S MOTION TO COMPEL RESPONSES TO ITS THIRD SET OF DISCOVERY
REQUESTS, DATED FEBRUARY 1, 2002**

1 Tesoro Refining and Marketing Company (“Tesoro”), by and through its attorneys, Brena, Bell & Clarkson, P.C., hereby moves the Washington Utilities and Transportation Commission (“WUTC”) to compel responses from Olympic Pipe Line Company (“Olympic”) to Tesoro’s Third Set of Discovery Requests (attached as Exhibit A). In accordance with WAC 480-09-420(3), the name and address of the pleading party is set forth below. Please direct all service and correspondence regarding the above-captioned docket to the following:

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2 This motion may bring into issue the following rules or statutes: WAC 480-09-420 [Pleadings and briefs--Applications for authority--Protests], WAC 480-09-480 [Methods for obtaining data in adjudicative proceedings], and Washington Civil Rule No. 26. Olympic has not responded to Tesoro’s Third Set of Discovery Requests that Tesoro served on Olympic by facsimile and email on February 1, 2002.

3 On Friday, February 1, 2002, Tesoro served Olympic with its Third Set of Discovery Requests,
Nos. 100-170. Responses were due 10 days after service. Tesoro should have received Olympic's
discovery responses on Monday, February 11, 2002. To date, Tesoro has not received any responses from
Olympic.

4 Tesoro has attempted to resolve this with Olympic. Tesoro followed up on its Third Set of
Discovery Responses by email to Steve Marshall and his secretary, Cindy Peterson. Mr. Marshall's office
forwarded Tesoro's inquiry to Patrick Ryan in Perkins Coie's Seattle office. Today, February 14, 2002,
Tesoro contacted Patrick Ryan by phone, but he was not available to discuss the discovery requests at that
time and indicated that Olympic would discuss both the intervenors' and Staff's data requests at Friday's
prehearing conference.

5 Wash. Admin. Code 480-09-480(7) provides that disputes arising from discovery procedures can
be resolved at the prehearing conference or through a motion. The appropriate motion for failure to
respond to discovery requests is a motion to compel. See Washington Util. & Transp. Comm'n v. Puget
Sound Power & Light Co., Docket No. UE-960299; 1996 WL 601392 (Wash.U.T.C.). Where a party fails
to comply with a discovery motion, an appropriate remedy is a continuance. See Re Electric Lightwave,
Inc., Docket No. UT-901029 (December 6, 1991).

6 Olympic's failure to comply with discovery rules and respond to Tesoro's discovery requests
necessitates this Commission issue an order to compel.

DATED this 14th day of February, 2002.

BRENA, BELL & CLARKSON, P.C.
Attorneys for Tesoro West Coast Company

By
Robin O. Brena, ABA #8410089
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CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2002, a true and correct copy of the foregoing document was faxed, emailed, and mailed to the following:

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