

Chapter 480-07 WAC

PROCEDURAL RULES Last Update: 8/22/08WAC

PART III: ADJUDICATIVE PROCEEDINGS

Subpart A: Rules of General Applicability

- 80-07-300 Scope of Part III.
- 80-07-305 Commencement of an adjudicative proceeding.
- 80-07-307 Probable cause determinations.
- 80-07-310 Ex parte communication.
- 80-07-320 Consolidation of proceedings.
- 80-07-330 Presiding officers.
- 80-07-340 Parties--General.
- 80-07-345 Appearance and practice before the commission.
- 80-07-350 Access for limited-English speakers and hearing-impaired persons.
- 80-07-355 Parties--Intervention.
- 80-07-360 Parties--Master service list.
- 80-07-370 Pleadings--General.
- 80-07-375 Motions.
- 80-07-380 Motions that are dispositive--Motion to dismiss; motion for summary determination; motion to withdraw.
- 80-07-385 Motion for continuance, postponement, or extension of time.

WAC

(6/17/156/17/156/17/156/17/156/16/156/15/156/8/156/8/156/5/156/4/156/3/155/29/155/28/155/27/155/21/155/20/154/3/154/2/152/26/152/5/151/22/151/22/151/15/1512/22/1410/10/1410/7/1410/3/1410/2/1410/1/149/30/149/25/149/23/149/22/1410/18/138/14/13 1:51 PM10:43-AM10:30 AM7:27 AM8:48 AM12:36 PM2:42 PM10:11 AM7:12 AM9:16-AM4:02 PM8:48 AM9:03 AM2:09 PM8:20 AM8:59 AM1:37 PM9:40 AM10:01-AM1:53 PM1:12 PM9:04 AM8:47 AM1:48 PM8:14 AM1:08 PM9:40 AM2:32-PM11:11 AM11:56 AM4:03 PM3:03 PM1:48 PM1:10 PM3:46 PM) [1]

80-07-390 Briefs; oral argument; findings and conclusions.

80-07-395 Pleadings, motions, and briefs--Format requirements; citation to record and authorities; verification; errors; construction; amendment.

80-07-400 Discovery.

80-07-405 Discovery--Data requests, record requisitions, and bench requests.

80-07-410 Discovery--Depositions.

80-07-415 Discovery conference.

80-07-420 Discovery--Protective orders.

80-07-423 Discovery--Protective orders--Submission requirements for documents.

80-07-425 Discovery disputes.

80-07-430 Prehearing conferences.

80-07-440 Hearing notice.

80-07-450 Hearing--Failure to appear.

80-07-460 Hearing--[Predistribution of eExhibits, and prefiled testimony exhibit lists, and cross-examination estimates.](#)

80-07-470 Hearing guidelines.

80-07-480 Hearing--Stipulation of facts.

80-07-490 Hearing--Exhibits and documentary evidence.

80-07-495 Hearing--Rules of evidence; official notice.

80-07-498 Hearing--Public comment.

PART III: ADJUDICATIVE PROCEEDINGS

WAC

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Subpart A: Rules of General Applicability

WAC 480-07-300 Scope of Part III. (1) **Scope.** The rules in this subpart apply to all adjudicative proceedings described in this chapter, except to the extent of any conflict with special rules that govern general rate proceedings (subpart B of this chapter) or abbreviated adjudicative proceedings (subpart C of this chapter). An "adjudicative proceeding" for purposes of this chapter is a proceeding in which an opportunity for hearing is required by statute or constitutional right ~~before or after the commission enters an order,~~ or is a proceeding as to which the commission voluntarily commences a ~~enters~~ an adjudication, ~~and~~ as defined and described in chapter 34.05 RCW.

(2) **Examples of adjudicative proceedings before the commission.** The following are nonexclusive examples of ~~proceedings that are~~ adjudicative proceedings for purposes of this chapter once the commission takes formal action to commence such a proceeding pursuant to WAC 480-07-305, ~~if set for hearing:~~

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(a) Formal complaint proceedings commenced pursuant to RCW 80.04.110 or 81.04.110.

(b) Suspended tariff filings seeking a general rate increase proceedings.

(c) Applications for authority (e.g., certificates, licenses, and permits) to which a person has filed an objection or protest.

(d) Petitions for enforcement of interconnection agreements.

(e) Objections to closures of highway-railroad grade crossings.

(f) Declaratory order proceedings.

(g) Challenges to, or requests for mitigation of, a penalty assessment when the commission grants a request for a hearing.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-300, filed 11/24/03, effective 1/1/04.]

WAC 480-07-305 Commencement of an adjudicative proceeding.

(1) **Commencement.** The commission may commence an adjudicative proceeding at any time with respect to any matter within its

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jurisdiction and within the scope of its authority. An adjudicative proceeding begins when the commission ~~or presiding officer~~ notifies a party that the commission will conduct a prehearing conference, hearing, or other stage of an adjudicative proceeding ~~will be conducted~~.

(2) **Who may ~~file a pleading seeking to commence~~ initiate an adjudicative proceeding.** A person involved in an actual case or controversy subject to the commission's jurisdiction may apply to the commission ~~to commence~~ for an adjudicative proceeding by filing the appropriate form of pleading.

(3) **Types of pleadings that ~~request~~ may initiate an adjudicative proceeding.** The following pleadings, when properly and timely filed, constitute applications for adjudicative proceedings:

(a) Formal complaints.

(b) Petitions for commission action, when the relief requested ~~action sought~~ requires adjudication or when the commission determines the issues presented should be resolved through adjudication.

(c) Petitions for declaratory orders under RCW 34.05.240, when the commission determines that an adjudicative process is necessary to provide parties the opportunity to resolve

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contested issues.

(d) Requests for a hearing to contest, or seek mitigation of, penalties assessed without a prior hearing~~Filings for general rate increases, as defined in this chapter.~~

(e) Protests of, or objections to, ~~a~~Applications for authority ~~that are not protested, if the commission is required by law to conduct a hearing or determines, in its discretion, that it should set the matter for hearing.~~

(f) Petitions for review of the denial of unprotested authority ~~and petitions for mitigation of penalties assessed without hearing.~~

~~(g) Protests to applications for authority.~~

(4) Review of requests to commence an adjudication. The director of the administrative law division or an administrative law judge will review the pleading to determine whether the commission will commence an adjudicative proceeding. The commission will not ~~commence~~initiate an adjudicative proceeding under the following nonexclusive circumstances:~~in response to such an application~~

(a) The commission lacks jurisdiction or the authority to grant the requested relief.

(b) The matter is not ripe for commission determination.

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(c) An adjudicative proceeding would be~~when~~ contrary to statute or rule.

(d) The subject matter is being, or will be, considered in another proceeding.~~, when the application is presented during an existing adjudication (except pursuant to the commission's discretion under RCW 34.05.413(1))~~

(e) The~~, or when the~~ subject matter~~raised by the~~ application is not required to be resolved in an adjudicative proceeding, as defined in chapter 34.05 RCW, or would be better addressed informally or in a different proceeding.

(54) Commission notification of any deficiencies in a pleading. Within thirty days after receiving an application for an adjudicative proceeding, the commission may notify the applicant of any obvious errors or omissions, request any additional information the commission~~it~~ requires regarding the application for adjudicative proceeding, and notify the applicant of the name, emailing address, and telephone number of a person on the commission staff that who the applicant may be ~~be~~ contacted regarding the application.

(65) Commission determination whether to conduct an adjudicative proceeding. Within ninety days after a party files and serves a pleading or a party files and serves a response,

WAC

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whichever comes later, the commission will:

(a) Commence an adjudicative proceeding by serving the parties with a notice of hearing pursuant to RCW 34.05.434; or

(b) Decide not to conduct an adjudicative proceeding and furnish the applicant with a copy of its ~~the~~ written decision of the director of the administrative law division or the reviewing administrative law judge, which will include a brief statement of reasons and notice of any administrative review available. The commission will conduct any administrative review of a decision not to conduct an adjudicative proceeding using the same procedures applicable to review of initial orders set forth in WAC 480-07-825.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-305, filed 11/24/03, effective 1/1/04.]

WAC 480-07-307 Probable cause determinations. An administrative law judge will review the information or evidence supporting any proposed complaint or penalty assessment commission staff proposes to issue and will determine whether

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probable cause exists to issue the complaint ~~or assess~~ penalties. ~~Upon~~ ~~if the judge~~ determininges that the information would ~~support the proposed penalties or~~ sustain the complaint, if proved at hearing and ~~if~~ not rebutted or explained, the judge will sign the complaint ~~or penalty assessment~~ on behalf of the commission. The existence of a finding of probable cause may not in any later stage of the proceeding be considered as support for ~~the proposed penalties or~~ the complaint.

[Statutory Authority: 2006 c 246, RCW 80.01.040 and 80.04.160. 06-17-126 (Docket A-060357, General Order No. R-538), § 480-07-307, filed 8/21/06, effective 9/21/06.]

WAC 480-07-310 Ex parte communication. (1) **General.** RCW 34.05.455 and this section govern ex parte communications. After an adjudicative proceeding begins and before a final ~~resolution of the proceeding~~ determination, no person who has a direct or indirect interest in the outcome of the proceeding, including the commission's advocacy ~~or~~ investigative ~~or~~ prosecutorial staff, may directly or indirectly communicate about the merits of the proceeding with the commissioners, the

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administrative law judge assigned to the adjudication, or the commissioners' ~~staff~~-assistants, advisory staff, legal counsel, or consultants assigned to advise the commissioners in that proceeding, unless reasonable notice is given to all parties to the proceeding, so that they may participate in, or respond to, the communication.

(2) **Communications not considered ex parte for purposes of this section.** The following communications are not considered ex parte:

(a) *Procedural aspects.* Communications necessary to procedural aspects of maintaining an orderly process, such as scheduling, are not ex parte communications prohibited by RCW 34.05.455, or by this section.

(b) *Commissioners.* The commissioners may communicate with one another regarding the merits of any adjudicative proceeding.

(c) *Commission employees and consultants.* A presiding officer may receive legal counsel, or consult with ~~staff~~-assistants, advisory staff, or consultants who are subject to the presiding officer's supervision or who have not participated in the proceeding in any manner, and who are not engaged in any investigative or ~~advocacyprosecutorial~~ functions in the same or a factually related case.

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(3) **Communication prior to service as presiding officer.**

If, before serving as presiding officer in an adjudicative proceeding, a person receives an ex parte communication of a type that could not properly be received while serving in that capacity, the presiding officer, after starting to serve, must promptly disclose the communication as prescribed in subsection (4) of this section ~~promptly after starting to serve~~.

(4) **What is required if an ex parte communication occurs.** A presiding officer who receives or becomes aware of any communication that appears to violate RCW 34.05.455~~7~~ or this section~~7~~ will include documentation of the communication in place on the record of the pending matter. Such documentation will include any ~~such~~ written communication received and~~7~~ any written response ~~to the communication~~, or~~and~~ a memorandum stating the substance of any ~~such~~ oral communication received and~~any~~ response made, as well as~~and~~ the identity of each person involved in the~~from whom the presiding officer received an ex parte~~ communication. The presiding officer will notify~~advise~~ all parties that this documentation~~these matters~~ has~~ve~~ been included in the record and will provide parties with the opportunity to file and serve a written rebuttal statement in response to ~~placed on the record. Upon request made within ten~~

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~~days after notice of~~ the notice of ex parte communication, ~~any party who wants to respond to the communication may place a written rebuttal statement on the record.~~ Materials~~Portions of the record~~ pertaining to ex parte communications or rebuttal statements do not constitute evidence of any fact at issue in the proceeding unless a party moves to admit any portion of them into the evidentiary record for purposes of establishing a fact at issue and that portion is admitted pursuant to RCW 34.05.452.

(5) **Sanctions.** The commission may prescribe appropriate sanctions, including default, for any violation of RCW 34.05.455 or this section. The commission will, and any party may, report any violation of this section to appropriate authorities for any disciplinary proceedings provided by law.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-310, filed 11/24/03, effective 1/1/04.]

WAC 480-07-320 Consolidation of proceedings. The commission, in its discretion, may consolidate two or more proceedings in which the facts or principles of law are related.

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Parties may request consolidation or may request the severance of consolidated matters by motion to the commission. The commission may act on its own motion to consolidate matters for hearing, or to sever consolidated matters.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-320, filed 11/24/03, effective 1/1/04.]

WAC 480-07-330 Presiding officers. (1) Commissioners.

The commissioners may preside in any adjudicative proceeding with or without the assistance of an administrative law judge. When the commissioners preside, they are "presiding officers" as that term is used in chapter 34.05 RCW and in this chapter. When the commissioners preside with the assistance of an administrative law judge, the administrative law judge also is a presiding officer, except for purposes of making final decisions on substantive matters in the proceeding. The administrative law judge may enter procedural and other interlocutory orders. When the commissioners preside, they may enter procedural and other interlocutory orders and will enter one or more final

WAC

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orders in the proceeding to resolve the substantive matters presented.

(2) **Administrative law judge.** The ~~directorsupervisor~~ of the administrative law ~~divisionjudge function within the agency~~ will designate ~~anone or more~~ administrative law judges to preside in individual proceedings, ~~either subject to the commissioners' approval. An administrative law judge may be designated~~ to assist the commissioners in their role as presiding officers as described in subsection (1) of this section, or ~~may be designated~~ to serve alone as the presiding officer. When serving alone as the presiding officer, the administrative law judge will enter one or more initial orders, unless the parties and the commission agree to waive an initial order, or applicable law prohibits entry of an initial order. An initial order becomes final if no party petitions for administrative review within 20 days and the commissioners do not review the order on their own motion. The commissioners will enter a final order if a party petitions for, or the commission on its own motion undertakes, following the opportunity for administrative review of an initial order, if the parties and the commission agree to~~upon~~ waiver ~~of~~ an initial order, or as otherwise provided by law.

WAC

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[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028
(General Order R-510, Docket No. A-010648), § 480-07-330, filed
11/24/03, effective 1/1/04.]

WAC 480-07-340 Parties--General. (1) Definitions.

(a) *Person*. As defined in RCW 34.05.010(14), a "person" is any individual, partnership, corporation, association, governmental subdivision or unit thereof, or public or private organization or entity of any character.

(b) *Party*. As defined in RCW 34.05.010(12), a "party" is a person to whom the agency action is specifically directed. A party is also ~~or~~ a person named as a party to the agency proceeding or allowed to intervene or participate as a party in the agency proceeding.

(c) *Interested person*. An "interested person" is a person who chooses ~~does~~ not want to participate in a pending docket as a party or is not permitted to do so, but who requests ~~wants~~ to receive copies of all documents that the commission serves on parties, simultaneous with such service, ~~as well as documents served on the commission and other parties. The commission may~~

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~~charge for this service.~~

~~(d) **Docket monitor.** A "docket monitor" is a person who would like to receive orders entered by the commission in a docket.~~

(2) **Appearance requirement.** The commission will not grant party status to a person who fails to appear at the earliest prehearing conference, if one is held, or hearing session, if there is no prehearing conference, unless the party is excused from appearing by the presiding officer or shows good cause for failing to timely appear. The commission staff and the public counsel ~~unit~~section of the attorney general's office become parties to an adjudicative proceeding for all purposes upon entering an appearance. ~~When the commission's regulatory staff appears as a party it will be called "commission staff" or "staff." When the public counsel section of the office of the Washington attorney general appears as a party, it will be called "public counsel."~~

(3) **Classification of parties.** The commission generally will refer to parties to proceedings before the commission by their names but may will be called refer to them applicants, complainants, petitioners, respondents, intervenors, or protestants, according to their classification in nature of the

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proceeding ~~and the relationship of the parties~~, as follows:

(a) *Applicants*. Persons applying for any right or authority that the commission has jurisdiction to grant are "applicants."

(b) *Complainants*. Persons who file a formal complaint with the commission are "complainants." When the commission commences an adjudicative proceeding on its own complaint seeking to impose a penalty or other sanction based upon alleged acts or omissions of the respondent, the commission is the "complainant."

(c) *Petitioners*. Persons petitioning for relief other than by complaint are "petitioners."

(d) *Movants*. Persons filing a motion for relief are "movants" or "moving parties."

(e) *Respondents*. Persons against whom any formal complaint, petition, or motion is filed are "respondents." In general rate proceedings that are set for hearing on the commission's motion or complaint, the party seeking to increase rates is a "respondent," but bears the burden of proof in the proceeding pursuant to RCW 80.04.130 or [RCW 81.04.130](#).

(f) *Intervenors*. Persons, other than the original parties, ~~commission staff, and public counsel that the commission~~ are

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permitted to appear and participate as parties are "intervenor."

(g) Protestors. Persons ~~whothat~~ file a protest to oppose an application are "protestors."

(h) Objectors. Persons who file an objection to oppose an application are "objectors."

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-16-053 (Docket A-050802, General Order R-536), § 480-07-340, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-340, filed 11/24/03, effective 1/1/04.]

WAC 480-07-345 Appearance and practice before the commission. (1) **Minimum qualifications.** The presiding officer may refuse to allow a person who does not have the requisite degree of legal training, experience, or skill to appear in a representative capacity. In addition, ~~n~~No person may appear before the commission as a representative of a party to an adjudicative proceeding without meeting at least one of the following qualifications:

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(a) Membership in good standing in the Washington State Bar Association;

(b) Admission to practice, in good standing, before the highest court of any other state or the District of Columbia;

(c) Status as an officer or employee of a party or person seeking party status, if granted permission by the presiding officer to represent the party; or

(d) Status as a legal intern admitted to limited practice under Rule 9 of the Washington state supreme court's admission to practice rules. No legal intern, however, may appear without the presence of a supervising lawyer unless the presiding officer approves the intern's sole appearance in advance.

~~The presiding officer may refuse to allow a person who does not have the requisite degree of legal training, experience, or skill to appear in a representative capacity.~~

(2) **Written notice of appearance and withdrawal by counsel or other representative is required.** Attorneys or other authorized representatives ~~whothat~~ wish to appear on behalf of a party or person seeking party status, ~~or to withdraw from representing a party to a proceeding,~~ must immediately file ~~aprovide~~ separate written notice of appearance withto the commission and serve all parties to the proceeding if the

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attorney or authorized representative has not previously appeared through the party's initial pleading. Parties must supplement the written notice by submitting the document in electronic form as specified in WAC 480-07-140(5). A party's initial pleading filed in athe proceeding must designate the party's representative and the person to accept service for the party itself. Attorneys or other authorized representatives who wish to withdraw from representing a party must file a separate written notice of withdrawal with the commission and serve all parties to the proceeding. A party must file and serve a written notice to subsequently~~later~~ changes its~~to~~ the designation of authorized representative must be made by written notice to the commission, and a copy must be served on each other party in the proceeding. The party's initial pleading must also designate one person as its representative to accept service for the party itself.

(3) **Unethical conduct is not permitted.** Persons appearing in proceedings before the commission in a representative capacity must conform to the standards of ethical conduct required of attorneys before the courts of Washington.

Representatives are required to be familiar with, and conform to, the requirements of the rules of professional conduct that

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are part of the Washington court rules. If any representative fails to conform to those standards, the commission may exclude the person from the proceeding, may report the ethical violation to any appropriate licensing authority, and may refuse to permit the person to appear before the commission in a representative capacity in any future proceeding.

(4) **Former employees.** Former employees of the commission are subject to the provisions of RCW 42.52.080, which governs employment after public service.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-345, filed 11/24/03, effective 1/1/04.]

WAC 480-07-350 Access for limited-English speakers and hearing-impaired persons. (1) **Interpreters.** The commission incorporates WAC 10-08-150 (rules of procedure governing interpreters) by reference in this rule so that limited-English-speaking and hearing-impaired persons have equal access to the administrative process and the opportunity for full and equal participation in adjudicative proceedings.

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(2) **Notice to limited-English-speaking parties.** When the commission knows that a limited-English-speaking person is a party in an adjudicative proceeding, it will serve on that party a version of all notices concerning the hearing, including notices of hearing, continuances, and dismissals, in the primary language of the party or will include in the service of each notice a supplemental notice in the party's primary language that describes the significance of the notice and how the party may receive assistance in understanding and responding to the notice.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-350, filed 11/24/03, effective 1/1/04.]

WAC 480-07-355 Parties--Intervention. (1) Petition to intervene.

(a) *Who may petition; when petitions must be filed.* The commission strongly prefers written petitions to intervene from any person who seeks to appear and participate as a party in a proceeding before the commission (other than the original

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parties ~~to any proceeding before the commission,~~ commission staff, and public counsel) ~~who desires to appear and participate as a party.~~ Such petitions should be filed ~~a written petition for leave to intervene~~ at least three business days before the initial hearing date or prehearing conference date, whichever occurs first. A person may petition orally for leave to intervene at the time of the initial hearing or prehearing conference, whichever occurs first, unless the commission requires written petitions to intervene in a notice prior to the first hearing or prehearing date. ~~The commission may extend the period for filing timely petitions to intervene.~~

(b) *Late-filed petition to intervene.* The commission may grant aAny petition to intervene made after the initial hearing or prehearing conference, whichever occurs first,~~deadline for filing or presenting the petition is a "late-filed petition to intervene."~~ ~~The commission will grant a late-filed petition to intervene~~ only on a showing of good cause, including a satisfactory explanation of why the person did not timely file a petition to intervene.

(c) *Contents of petition.* Any petition to intervene must disclose:

(i) The petitioner's name and contact information,

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including telephone number, email address, and mailing address.

(ii) The petitioner's interest in the proceeding.

(iii) The petitioner's position(s) with respect to the matters in controversy.

(iv) Whether the petitioner proposes to broaden the issues in the proceeding and, if so, a statement of the proposed issues ~~and an affidavit or declaration~~ that clearly and concisely sets forth the basis for facts supporting the petitioner's proposal to interest in broadening the issues.

(v) The name and contact information address of the petitioner's attorney or other representative, if any, including telephone number, email address, and mailing address. ~~Attorneys and other party representative must separately file their notice of appearance as required by WAC 480-07-345(2).~~

(2) **Response.** Parties may respond to any petition to intervene. Responses may be written, or may be heard orally at the prehearing conference or ~~at~~ hearing at which the commission considers the petition. A party's written response to a petition to intervene must be filed and served at least two business days before the ~~next~~ prehearing conference or hearing at which the commission will consider the petition date, or at such other time as the commission may establish by notice.

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(3) **Disposition of petitions to intervene.** The commission generally will~~may~~ consider petitions to intervene at the prehearing conference or at the initial hearings ~~if the commission does not conduct a~~ ~~prehearing conference,~~ ~~or, if persons have responded to a petition, before or after a hearing or prehearing conference.~~ The presiding officer may grant a petition to intervene if the petitioner has~~If the petition discloses~~ a substantial interest in the subject matter of the hearing ~~and~~ ~~if~~ the petitioner's participation is in the public interest, ~~the presiding officer may orally grant the petition at a hearing or prehearing conference, or in writing at any time.~~ ~~The presiding officer may impose limits on an intervenor's participation in accordance with RCW 34.05.443(2).~~ If the commission grants intervention, the petitioner becomes a party to the proceeding as an "intervenor." The presiding officer may impose limits on an intervenor's participation in accordance with RCW 34.05.443(2).

(4) **Dismissal of intervenor.** The commission may dismiss an intervenor from a proceeding at any time after notice and a reasonable opportunity to be heard if the commission determines ~~at any time~~ that the intervenor has no substantial interest in the proceeding ~~, or that~~and the public interest will not be

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served by the intervenor's continued participation.

(5) **Interlocutory review by commission.** The commission may review a decision regarding a petition to intervene or dismissal of an intervenor pursuant to WAC 480-07-810.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-355, filed 11/24/03, effective 1/1/04.]

WAC 480-07-360 Parties--Master service list. (1) General.

The commission will maintain a master service list for each adjudicative proceeding. The master service list will be available upon request from the commission records center and ~~if feasible,~~ on the commission's web-site. The commission will include an initial master service list as an appendix to the prehearing conference order, if any, in the proceeding. Parties must provide written notice to the commission and the other parties of any changes to the master service list.

(2) Paper and electronic service. When the commission provides service in both paper and electronic formats, ~~t~~the master service list will contain the name, mailing address, e-

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mail address, and telephone number, ~~and fax number~~ of each party to the proceeding and of each party's designated representative for service. The commission also may compile a separate distribution list comprised of the names and email addresses ~~of will provide a courtesy copy to~~ the parties, their designated representatives, and additional persons a party designates to receive courtesy electronic copies of documents the commission serves of contact information provided by each party at the initial prehearing conference. ~~Parties must designate persons to receive service in accordance with WAC 480-07-150.~~

(3) Electronic service only. When the commission provides service only in electronic format, the master service list will contain the name and email address of (a) each party to the proceeding; (b) each party's designated representative; and (c) any additional persons a party requests be included on the master service list.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-16-053 (Docket A-050802, General Order R-536), § 480-07-360, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-360, filed 11/24/03, effective 1/1/04.]

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WAC 480-07-370 Pleadings--General. (1) Types of pleadings

permitted. Pleadings include formal complaints, ~~petitions,~~
answers to complaints, petitions, responses to petitions,
~~replies, counterclaims, answers to counterclaims, cross-claims,~~
~~answers to cross-claims, third-party complaints, answers to~~
~~third-party complaints,~~ applications for authority, ~~and~~
protests, and objections. The commission may allow replies to
answers to complaints or responses to petitions or other
pleadings upon written motion or on the commission's own motion.

(a) *Formal complaints.*

(i) Defined. "Formal complaints" are complaints filed in
accordance with RCW 80.04.110 ~~or~~ 81.04.110, complaints filed
under RCW 80.54.030, and commission complaints in proceedings
designated by the commission as formal commission proceedings. For purposes of this rule, a formal complaint does not include a
commission complaint and order suspending a general rate
increase or other tariff filing.

(ii) Contents. A formal complaint must be in writing and
must clearly and concisely set forth the ground(s) for the
formal complaint, ~~and~~ the relief requested, and the commission's

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AM4:02 PM8:48 AM9:03 AM2:09 PM8:20 AM8:59 AM1:37 PM9:40 AM10:01-
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jurisdiction to commence an adjudication and grant the requested relief. A formal complaint must state:

(A) The name and address of the complainant and the name and address of the complainant's attorney or other representative, if any;

(B) The full name and address of the person complained against, which should be the name and address contained in the commission's records if the respondent is a public service company;

(C) Facts that constitute the basis of the formal complaint and requested relief, including relevant dates; ~~and~~

(D) Citations to ~~relevant~~ statutes or commission rules the respondent is alleged to have violated and that the complainant alleges provide the commission with jurisdiction to resolve the complaint and grant the relief the complainant requests; and

(E) Facts and law sufficient to demonstrate that the complainant has complied with all other prerequisites, including but not necessarily limited to the requirements in RCW 80.04.110 or RCW 81.04.110, if applicable.

~~(iii) Proceedings under RCW 80.04.110 or 81.04.110. In proceedings under RCW 80.04.110 or 81.04.110, the provisions of the respective statute will also apply.~~

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——(b) Answer to formal complaint.

(i) Defined. A pleading responding to a formal complaint is an answer. Answers must admit or deny specifically, and in detail, all material allegations of the formal complaint and must fully and completely disclose the nature of the respondent's affirmative defenses, if any. A respondent must separately state and number each affirmative defense the respondent asserts.

(ii) When required. A named respondent must file an answer to a complaint brought by any party other than the commission.

(iii) When optional. A party may file an answer to a complaint brought by the commission.

(iv) Timing. If the commission decides to commence an adjudicative proceeding on its own complaint or in response to a formal complaint brought by another person, the commission will serve the complaint on the respondent. A respondent must file any answer to a formal complaint, whether required or optional, within twenty days after the commission serves the complaint or such other time as the commission specifies in the notice accompanying the complaint.

(c) Petitions.

(i) Defined. Except for formal complaints and

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applications, as defined in this section, all original pleadings that seek relief and all pleadings that seek relief from a commission order are "petitions." ~~Examples of petitions are petitions to intervene, petitions for declaratory orders that the commission converts into adjudications under RCW 34.05.310, petitions for enforcement of interconnection agreements under WAC 480-07-650, petitions for accounting orders, petitions for crossing or alteration of railroad crossings under RCW 81.53.030 and 81.53.060, and petitions for exemptions from, or waiver of, commission rules. Petitions that seek relief from a commission order include petitions for administrative review of an initial order, petitions for reconsideration of a final order, petitions for rehearing of a final order, and petitions for stay of the effectiveness of a final order.~~ The commission may undertake an action that would be the proper subject of a party's petition, such as authorizing exemption from a commission rule, without receiving a petition from a party. The commission will provide written notice and allow for appropriate process when it acts in the absence of a party's petition.

(ii) Contents. A petition must be in writing and must clearly and concisely set forth the ground(s) for the petition, ~~and the relief requested, and the commission's jurisdiction to~~

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grant the requested relief. A petition must state:

(A) The petitioner's name and address and the name and address of the petitioner's attorney or other representative, if any;

(B) Facts that constitute the basis of the petition and requested relief, including relevant dates; and

(C) Citations to ~~relevant~~ statutes or commission rules that provide the commission with jurisdiction and authority to grant the requested relief.

~~(c) Answer to formal complaint or petition.~~

~~(i) Defined. A response to a formal complaint or petition is an answer. Answers must admit or deny specifically, and in detail, all material allegations of the formal complaint or petition and must fully and completely disclose the nature of the respondent's affirmative defenses, if any. A respondent must separately state and number each affirmative defense asserted.~~

~~(ii) When required. A named respondent must file an answer to a complaint brought by any party other than the commission.~~

~~(iii) When optional; when prohibited. A party may file an answer in any case, but an answer may not be filed in response to petition for reconsideration unless the commission expressly~~

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~~requests an answer be filed.~~

~~—— (iv) *Timing of answer.* A respondent must answer a formal complaint within twenty days after the commission serves the formal complaint on the respondent or such shorter time as the commission specifies in its notice. A person who desires to respond to a petition must file the answer within twenty days after the petition is filed. The presiding officer will establish the time for answers to interlocutory petitions. The commission may alter the time allowed for any answer to be filed.~~

~~—— (d) *Response to a petition.*~~

~~(i) Defined. A pleading responding to a petition is a response. Responses must state all legal and factual bases that support the respondent's position either to grant or deny the petition.~~

~~(ii) When permitted. Any person directly affected by an original petition may file a response. Any party may file a response to a petition filed in an existing adjudicative except petitions for reconsideration, to which no party may file a response unless the commission requests a response.~~

~~(iii) Timing of response. Responses to a petition must be filed within twenty days after the petition is filed unless the~~

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commission or these rules establish a different deadline. The presiding officer will establish the time for responses to interlocutory petitions.

(~~ed~~) Reply.

(i) Defined. The pleading responding to an answer or response is a "reply." A party must not file a reply without ~~permission~~authorization from the commission, which the commission will grant only upon a showing of good cause.

(ii) Motion for permission to reply. A party that wishes to ~~reply~~respond to an answer or response must file a motion requesting permission ~~to reply~~ within five business days after the answer or response is served. Motions for permission to reply should address whether the answer or response raises new facts or legal argument~~material~~ requiring a response, or state other reason(s) why a reply is necessary. A party ~~should~~may file a proposed reply as an attachment to its motion. ~~If the commission grants a motion to file a reply and no reply is attached to the motion, the commission will set the time for filing the reply.~~ The motion is deemed denied unless the commission grants it a motion for permission to reply within five business days after it is filed~~ing, it is deemed denied.~~

(iii) Commission direction or invitation for a reply. The

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commission may require or invite a party to file a reply.

(~~f~~e) *Application*. An "application" is a request for authority, license, or a certificate authorizing a person to provide a service regulated by the commission ~~or. The term also includes~~ a request to transfer or amend any such authority, license, or certificate. ~~Examples of applications are requests for certificates of convenience and necessity under Title 81 RCW and requests for transfers of property under chapter 80.12 or 81.12 RCW.~~

(~~g~~f) *Protest*. A person who asserts that its interests would be adversely affected if an application, other than for auto transportation service pursuant to WAC 480-30-096, is granted may file a "protest." A protest to an application must conform to the requirements of any ~~special~~ rules that apply to the type of application being protested. A protest~~orant~~ must serve a copy of the protest ~~up~~on the applicant.

(h) *Objection*. A person who asserts that its interests would be adversely affected if an application for auto transportation service pursuant to WAC 480-30-096 is granted may file an objection. An objection must conform to the requirements of WAC 480-30-116. The objector must serve a copy of the objection on the applicant.

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[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-370, filed 11/24/03, effective 1/1/04.]

WAC 480-07-375 Motions. (1) **Defined.** A party's written or oral request for commission action in the context of an adjudicative proceeding is a "motion." ~~Persons who file motions are "movants" or "moving parties."~~ Motions should be in writing unless made on the record during a hearing ~~session~~ before the presiding officer. The commission may take or require an action that would be the proper subject of a party's motion, ~~such as the rejection of proffered evidence~~ without receiving a motion from a party. The commission will provide oral or written notice prior to taking or requiring such action and allow for appropriate process when it acts in the absence of a party's motion. The commission recognizes four basic categories of motion:

(a) *Dispositive motions.* Dispositive motions request the commission to determine one or more of the issues in a

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proceeding or to terminate a party's participation. ~~Examples of dispositive motions are motions to dismiss all or part of a complaint, petition, or application (see WAC 480-07-380(1)); motions for summary determination (see WAC 480-07-380(2)); and motions to dismiss an intervenor (see WAC 480-07-355(4) and 480-07-450) or find a party in default (see WAC 480-07-450).~~

(b) *Procedural motions.* Procedural motions request establishment of, or modifications to, the process or the procedural schedule in a proceeding. ~~Examples of procedural motions are motions for continuance (see WAC 480-07-385), motions for extensions of time (see WAC 480-07-385), and motions to reopen the record (see WAC 480-07-830).~~

(c) *Discovery motions.* Discovery motions are requests to promote or limit the exchange of information among parties during the discovery phase of a proceeding. ~~Examples of discovery motions are motions to compel (see WAC 480-07-405(3) and 480-07-425), motions for sanctions (see WAC 480-07-425), and motions for protective orders (see WAC 480-07-420).~~

(d) *Evidentiary motions.* Motions related to evidence are requests to limit or add to the record in a proceeding.

~~Examples of motions related to evidence are motions to strike, motions in limine, and motions requesting authority to file~~

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~~supplemental or additional testimony.~~

(2) **Written motions must be filed separately.** Parties must file motions separately from any pleading or other communication with the commission. The commission will not consider motions that are merely stated in the body of a pleading or within the text of correspondence. The commission may refer to the Washington superior court rules for civil proceedings as guidelines for handling motions.

(3) **Oral motions.** A party may bring an oral motion during a hearing, unless foreclosed from doing so by rule or in the presiding officer's discretion. The presiding officer will provide an opportunity for other parties to respond to any oral motion. The presiding officer may require that an oral motion be reduced to writing and may provide an opportunity for written response.

(4) **Responses to written motions that are not dispositive or do not seek a continuance.** A party ~~that~~^{who} opposes a written motion, other than a dispositive motion governed by ~~(WAC 480-07-380)~~ or a motion for continuance governed by ~~(WAC 480-07-385)~~, may file a written response within five business days after the motion is served, or may make an oral or written response at such other time as the presiding officer may set.

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[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-375, filed 11/24/03, effective 1/1/04.]

WAC 480-07-380 Motions that are dispositive--Motion to dismiss; motion for summary determination; motion to withdraw.

(1) Motion to dismiss.

(a) *General.* A party may move to dismiss another party's claim or case on the asserted basis that the opposing party's pleading fails to state a claim on which the commission may grant relief. When ruling on such a motion, tThe commission will consider the standards applicable to a motion made under CR 12 (b) (6) and 12(c) of the Washington superior court's civil rules ~~in ruling on a motion made under this subsection.~~ If a party presents an affidavit, declaration, or other material in support of its motion to dismiss, and the material is not excluded by the commission, the commission will treat the motion as one for summary determination as provided in subsections (2) and (3) of this section.

(b) *Time for filing motion to dismiss.* A party that

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opposes a pleading must file any motion directed to the pleading no later than the time the responsive pleading is due, or within twenty days after the pleading is served, whichever time is less, unless the party shows good cause for delay. Filing a motion to dismiss a pleading, or seeking a similar remedy, does not extend the time for answering the pleading.

(c) *Response.* A party ~~that~~^{who} opposes a written motion to dismiss may file a response within ten days after service of the motion, or at such other time as ~~may be set by the commission or the presiding officer~~^{may set}. ~~The commission may allow oral argument.~~

(2) Motion for summary determination.

(a) *General.* A party may move for summary determination of one or more issues if the pleadings filed in the proceeding, together with any properly admissible evidentiary support (e.g., affidavits, declarations, fact stipulations, matters of which the commission may take official notice ~~may be taken~~), show that there is no genuine issue ~~of~~^{as to any} material fact and that the moving party is entitled to judgment as a matter of law. When ruling on such~~In considering a motion made under this subsection~~, the commission will consider the standards applicable to a motion made under CR 56 of the Washington

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superior court's civil rules.

(b) *Time for filing motion for summary determination.* A party must file any motion for summary determination at least thirty days before the next applicable hearing session, unless the commission establishes by order a different ~~specific~~ date for any such motion to be filed.

(c) *Response.* A party ~~must file an answer to~~~~who answers~~ a motion for summary determination ~~must file its answer~~ and any cross-motion for summary determination within twenty days after the motion is served, unless the commission establishes a different ~~specific~~ date for a response to be filed.

(d) *Continuance not automatic.* Filing a motion for summary determination will not automatically stay any scheduled procedures. The commission may order a continuance of any procedure and may order that an oral or written response to a motion for summary determination be made at a time that is consistent with any established hearing schedule in the proceeding.

(3) **Motion to withdraw.** Once the commission has issued a hearing notice or otherwise commenced an adjudicative proceeding pursuant to chapter 34.05 RCW, a party may withdraw from that proceeding, or may withdraw the party's tariff, complaint,

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petition, or application on which a proceeding is based, only upon permission granted by the commission in response to a written motion ~~if:~~

~~—— (a) In the case of a matter initiated by a tariff filing, the commission has entered a complaint and order suspending the filing; or~~

~~—— (b) In all other cases, the commission has issued a hearing notice or otherwise commenced an adjudicative proceeding pursuant to chapter 34.05 RCW. The motion must include any settlement or other agreement pursuant to which the party is seeking withdrawal.~~

~~—— The commission will grant such a party's motion ~~to withdraw from a proceeding~~ when the requested party's withdrawal is in the public interest. A company need not file a motion to withdraw a tariff filing after the commission has entered a complaint and order suspending that tariff but before the commission issues a hearing notice or otherwise commences an adjudicative proceeding pursuant to chapter 34.05 RCW, but the company must file a written notice that it is withdrawing that filing.~~

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-16-053

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(Docket A-050802, General Order R-536), § 480-07-380, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-380, filed 11/24/03, effective 1/1/04.]

WAC 480-07-385 Motion for continuance; suspension, ~~postponement, or extension of time.~~ (1) **Definitions.**

(a) "Continuance~~,"~~" means any postponement of a deadline established by statute, rule, or commission order or any extension of time to comply with such a deadline.

(b) "Suspension" means holding all procedural deadlines established by the commission in abeyance pending further commission action.

~~A continuance to which all parties agree is an "agreed request."~~

(2) **Procedure.**

(a) Continuance. Any party may request a continuance by oral or written motion. The commission may require a confirmation letter or email if a party makes an oral request. The presiding officer may rule on such motions orally at a prehearing conference or hearing session, or by ~~letter,~~ notice, or order. The commission will grant a continuance if the

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requesting party demonstrates good cause for the continuance and the continuance will not prejudice any party or the commission.

A party may request a continuance by email to the presiding administrative law judge if the party accurately represents that all other parties either join or do not oppose the request. The commission will grant such a ~~timely~~ request ~~to which all parties expressly agree~~ unless it is inconsistent with the public interest or the commission's administrative needs.

(b) Suspension. A party may request that the Commission suspend the procedural schedule through a letter or email to the presiding administrative law judge if the party accurately represents that all other parties either join or do not oppose the request. The commission will grant such a request unless it is inconsistent with the public interest or the commission's administrative needs.

(3) Timing.

(a) A party must file and serve any written motion for continuance other than an agreed request at least five business days prior to the deadline the party requests ~~as to which the continuance is requested and must serve the motion by means that ensure its receipt by other parties the next business day after filing.~~ Parties must file any written response to the motion

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within three business days after the motion is served unless the commission establishes a different date for responses, ~~or two days prior to the deadline that is sought to be continued, whichever is earlier.~~ Parties may orally respond when a hearing session is held prior to the stated deadline for a written response. Parties should submit an agreed request for continuance in writing at least two business days prior to the deadline the parties request to continue.

(b) A party must make any oral request for continuance on the record in a proceeding at least two business days prior to the deadline the party seeks to~~as to which the~~ continuance ~~is requested~~. The commission will permit oral responses at the time the oral request is made.

~~(c) The commission may consider requests for continuance that are made after the deadlines stated in this rule if the requester demonstrates good cause that prevented a timely request.~~

(4) **Date certain.** The commission will grant continuances only to a specified date.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-385, filed WAC

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11/24/03, effective 1/1/04.]

WAC 480-07-390 Briefs; oral argument; ~~findings and conclusions~~. The commission may permit or require the parties to a proceeding to present their arguments and authority in support of their positions after the conclusion of any evidentiary hearing. Such a presentation may be in the form of written briefs, orally argument at the close of the hearing, ~~by written brief,~~ or both. ~~The commission may require parties to file proposed findings of fact and conclusions of law. The first brief filed following the close of hearing, if any, should be captioned "initial brief of [party]." A responding brief, if any, should be captioned "reply brief of [party]."~~

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-390, filed 11/24/03, effective 1/1/04.]

NOTES:

~~Reviser's Note: The brackets and enclosed material in the text of the~~

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~~above section occurred in the copy filed by the agency.~~

WAC 480-07-395 Pleadings, motions, and briefs--Format requirements; citation to record and authorities; verification; errors; construction; amendment. (1) **Format.** All pleadings, motions, and briefs must meet the following format requirements:

(a) ~~Paper size; legibility Appearance; margins. All pleadings, motions, and briefs must :~~

~~Submitted on three-hole punched (oversize holes are preferred) 8 1/2 x 11 inch paper.~~

(i) ~~Text must be~~ Presented in double-spaced, 12-point type, and in Palatino, Times New Roman, or an equally legible serif font, with footnotes in the same font and of at least 10-point type;~~:-~~

(ii) ~~Each~~ Presented with paragraphs must be numbered;~~:-~~

(iii) ~~Printed with m~~ Margins must be at least one inch from each edge of the page; and.

(iv) The original and paper copies must be submitted on three-hole punched, 8 1/2 x 11 inch paper.

~~Documents that are electronically filed must meet these requirements when printed.~~

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(b) *Length.* Pleadings, motions, and briefs must not exceed sixty pages ~~exclusive of exhibits, appended authorities, supporting affidavits~~ or declarations, and other documents. The presiding officer may alter the page limit, ~~either shortening or lengthening the number of pages allowed, to~~ accommodate ~~considering~~ the number and complexity of the disputed issues presented for commission resolution.

(c) *Organization.* Every pleading, motion, and brief must be organized as follows:

(i) *Caption.* The commission notice initiating an adjudicative proceeding will include a caption that parties must use for all pleadings, motions, and briefs they file in that proceeding. Pleadings that request that the commission initiate an adjudicative proceeding should include a preliminary caption.

At the top of the first page must appear the phrase, "BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION~~before the Washington utilities and transportation commission.~~" On the left side of the page, the name~~caption~~ of the proceeding must be set out as either "[Name], Complainant, v. [Name], Respondent." for a formal complaint ~~or, if no caption exists, the following:~~ "In the matter of the ~~complaint,~~ [petition, application, motion, etc.] of [Name of the pleading party] for [identify

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relief sought~~]~~)." On the right side of the page for all
pleadings, ~~opposite the caption~~, the caption~~pleading party~~ must
include the docket number if one has been assigned, the name of
the party submitting the document, and ~~identify~~ the name of the
document (e.g., Staff Motion for Continuance)~~petition, motion,~~
~~answer, reply, etc., of (role of party: E.g., petitioner,~~
~~respondent, protestant, etc., and name of the party if more than~~
~~one party has the same role in the proceeding))~~. The ~~caption~~
~~also must briefly state the relief sought (e.g., "petition for~~
~~an accounting order"; "motion for continuance")~~.

(ii) Body of pleading. ~~The body of the pleading must be~~
~~set out in numbered paragraphs~~. The first paragraph of a
pleading must state the pleading party's name and address, and
if it is the party's initial pleading, the name and address of
its representative, if any. The second paragraph must state all
rules or statutes that the pleading puts in issue. Succeeding
paragraphs must set out the statement of facts relied upon in a
form comparable~~similar~~ to complaints in civil actions before the
superior courts of this state. The concluding paragraphs must
state the relief the pleading party requests.

(iii) Body of motion. A motion must include the following
information:

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~~AM10:30 AM7:27 AM8:48 AM12:36 PM2:42 PM10:11 AM7:12 AM9:16~~
~~AM4:02 PM8:48 AM9:03 AM2:09 PM8:20 AM8:59 AM1:37 PM9:40 AM10:01~~
~~AM1:53 PM1:12 PM9:04 AM8:47 AM1:48 PM8:14 AM1:08 PM9:40 AM2:32~~
~~PM11:11 AM11:56 AM4:03 PM3:03 PM1:48 PM1:10 PM3:46 PM) [49]~~

(A) ~~Relief requested.~~—A statement of the specific relief the commission is requested to grant or deny;~~;~~

(B) ~~Statement of facts.~~—A succinct statement of the facts that the moving party contends are material to the requested remedy;~~;~~

(C) ~~Statement of issues.~~—A concise statement of the legal issue or issues upon which the commission is requested to rule;~~;~~
~~and.~~

(D) ~~Evidence relied upon.~~—Any evidence on which the motion or opposition is based ~~must be specified.~~ ~~Any affidavits, depositions or portions of affidavits or depositions relied upon must be specified.~~—If a party relies on declarations, affidavits, deposition transcripts, or documentary evidence, the party must specify those documents and quote the cited material verbatim or attach a ~~photo~~copy of relevant pages to an ~~affidavit~~ declaration that identifies and verifies the documents. Parties should highlight or otherwise clearly identify the portions of the cited evidence ~~upon~~ upon which they place substantial reliance.

(iv) Body of brief. Unless excused by the presiding officer, the parties must include in their briefs that exceed 10 pages in length a table of contents in outline format. ~~The~~ ~~commission may require parties to organize their briefs~~

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~~according to a common outline. The presiding officer, in consultation with the parties, will establish the elements of any common outline taking into account the issues in the proceeding, the parties' preferences, and the commission's needs.~~The conclusion of any brief must state the relief the party requests.

(v) Citation to record. Portions of the record relied on or quoted in the body of a brief must be cited using footnotes.

(A) Transcript. Transcript references should be as follows: [witness's surname], TR. [page]: [line(s)]. If the transcript reference spans multiple pages, the reference should be as follows: [witness's surname], TR. [page]: [line] - [page]: [line]. Examples: Smith, TR. 21:5-14; Jones, TR. 356:4 - 357:21.

(B) Exhibits. Exhibit references should be as follows: Exh. ~~No.~~[insert number ~~assigned at hearing~~]. In the case of prefiled testimony offered or received as an exhibit, page number~~(s)~~, line number~~(s)~~, and the witness's surname should be added following the style specified in this section for transcript references (e.g., Exh. ABS-1T, Smith 21:15-17). In other exhibits, references to page~~(s)~~, line~~(s)~~ for text, row~~(s)~~ and column~~(s)~~ for tables, or other specific references may be

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added in addition to the sponsoring witness's surname, if applicable, to clarify the information cited (e.g., Exh. ABS-5, Smith Cross, at 12, Table 2).

(vi) Citation to authority. Parties must use the citation formats specified in the current edition of the style sheet of the Washington supreme court reporter of decisions. The presiding officer may require parties to file copies of the text of authorities that are cited in parties' briefs and upon which parties place substantial reliance. Unless excused by the presiding officer, parties must include a table of cited authorities, with the full citation of each reference and its location in the brief.

(vii) Attachments or appendices. If a party attaches more than ~~one~~two attachments or ~~appendices~~ees to a pleading, the party must individually separate the attachments or appendices in all paper copies by blank sheets with tabs.

(2) **Verification.** All pleadings and motions, except complaints brought by the commission or matters raised by the commission on its own motion, must be dated and signed either by ~~at least one attorney or~~ party representative of record in his or her individual name, ~~stating his or her address,~~ or by the party, if the party is not represented. Parties ~~that~~who are not

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represented by an attorney must include a statement in any pleading that the facts asserted in the pleading are true and correct to the best of the signer's belief. Parties ~~that~~^{whe} bring ~~certain~~ complaints under RCW 80.04.110 or 81.04.110 ~~that~~ challenge the reasonableness of the rates or charges of jurisdictional utilities must provide additional verification as specified in those statutes.

(3) **Errors in pleadings or motions.** The commission may return a pleading or motion to a party for correction when the commission finds the pleading or motion to be defective or insufficient. The commission may disregard or correct obvious typographical errors, errors in captions, or errors in spelling of names of parties.

(4) **Liberal construction of pleadings and motions.** The commission will liberally construe pleadings and motions with a view to effect justice among the parties. The commission, at every stage of any proceeding, will disregard errors or defects in pleadings, motions, or other documents that do not affect the substantial rights of the parties.

(5) **Amendments.** The commission may allow amendments to pleadings, motions, or other documents on such terms as promote fair and just results.

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[Statutory Authority: RCW 80.01.040 and 80.04.160. 08-18-012 (Docket A-072162, General Order R-550), § 480-07-395, filed 8/22/08, effective 9/22/08; 06-16-053 (Docket A-050802, General Order R-536), § 480-07-395, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-395, filed 11/24/03, effective 1/1/04.]

NOTES:

Reviser's Note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

WAC 480-07-400 Discovery. (1) General.

(a) *No limitation on commission authority to audit and inspect.* Nothing in this section imposes any limitation on the commission's ability to audit or obtain the books and records of public service companies, or ~~the~~ public service companies' obligation to provide information to the commission, whether or not in the context of an adjudicative proceeding.

(b) *Informal discovery procedures.* Parties in an

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adjudicative proceeding may agree to informal discovery procedures in addition to, or in place of, the procedures contained in this section.

(c) *Definitions.* For purposes of WAC 480-07-400 through 480-07-425, the following terms have the following meanings:

(i) Party. Any party as defined by WAC 480-07-340.

(ii) Data. As used in this section, "data" means information of any type, in any form.

(iii) Data request. A party's written request that calls for another party to produce data in connection with an adjudicative proceeding is a "data request." Generally, data requests seek one or more of the following: existing documents;; an analysis, compilation,, or summary of existing documents into a requested format;; a narrative response explaining a policy, position, or ~~a~~ document;; or the admission of a fact asserted by the requesting party. If a party relies on a cost study, ~~it is expected that~~ the party must be willing, on request, to rerun the study based on different inputs and assumptions, subject to the standards in subsection (5) of this section. The commission otherwise will not order a party to respond to a data request that ~~seeks~~ would require creation of new data, documents, ~~or production of a new~~ cost studies~~y~~ unless there is a compelling

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need for such informationproduction.

~~(iv) Record requisition. A request for data made on the record during a conference or hearing session or during a deposition is a "record requisition."~~

~~(v) Bench request. A request for data made by or on behalf of the presiding officer is a "bench request."~~

~~(vi) Depositions. Depositions are described in WAC 480-07-410.~~

(2) When discovery available.

(a) *Subpoenas always available.* Subpoenas are available as a means of discovery as provided in Title 80 or 81 RCW and chapter 34.05 RCW.

(b) *When other discovery methods available.* If the commission finds that an adjudicative proceeding meets one of the following criteria, the methods of discovery set forth described in ~~subsections (1)(c)(iii) through (vi) of this section and in~~ WAC 480-07-40510 and 480-07-415 will be available to parties:

(i) Any proceeding involving a change in the rate levels of a public service company ~~electric company, natural gas company, pipeline company, telecommunications company, water company, solid waste company, low-level radioactive waste disposal site,~~

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~~or a segment of the transportation industry;~~

~~(ii) Any proceeding that the commission declares to be of a potentially precedential nature;~~

(iii) Any complaint proceeding involving claims of discriminatory or anticompetitive conduct, unjust or unreasonable rates, or violations of provisions in Titles 80 and 81 RCW; or

(iii~~v~~) Any proceeding in which the commission, in its discretion, determines that the needs of the case require the methods of discovery specified in this rule.

(3) ~~Frequency, extent, and s~~**Scope of discovery.**

~~DiscoveryData requests~~ must seek only information that is relevant to the issues in the adjudicative proceeding or that may lead to the production of information that is relevant. A party may not object to ~~discoverya data request~~ on grounds that the information sought will be inadmissible at the hearing, if ~~thate~~ information ~~sought~~ appears reasonably calculated to lead to discovery of admissible evidence. Parties must not seek discovery that is unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive. A discovery request is inappropriate when the party seeking discovery has had ample

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opportunity to obtain the information sought or the discovery is unduly burdensome or expensive, taking into account the needs of the adjudicative proceeding, limitations on the parties' resources, scope of the responding party's interest in the proceeding, and the importance of the issues at stake in the adjudicative proceeding. Discovery through data requests or otherwise must not be used for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the costs of litigation. The commission may impose sanctions for abusive discovery practice.

(4) **Schedule.** The commission may establish and set forth in a prehearing order a schedule for discovery. Any such schedule will provide deadlines sufficient to allow a timely opportunity for responses and for disputes to be resolved. The presiding officer may impose or modify time limits to the extent necessary to conform to the commission's hearing schedule.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-16-053 (Docket A-050802, General Order R-536), § 480-07-400, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-400, filed 11/24/03, effective 1/1/04.]

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WAC 480-07-405 Discovery--Data requests, ~~record~~ ~~requisitions~~, and bench requests. (1) Grouping and numbering.

(a) *Grouping.* Parties must group their data requests by subject or witness ~~and present data requests in an electronic format agreed upon by the parties whenever possible, unless the parties agree to a different procedure or the presiding officer orders a different procedure. Requests not presented in electronic format must include no more than one request per page.~~ Parties with similar interests are encouraged, and may be required, to coordinate their ~~issuance of~~ data requests to avoid duplication.

(b) *Numbering.* Each party must number sequentially its data requests to each other party, as submitted. Numbering of subsequent data requests to the same party must begin with the number next in sequence following the number of the last previously propounded data request (e.g., if the last data request in an initial set of requests is number 10, the first data request in the next set of requests must be number 11).

The presiding officer will ensure that ~~record requisitions and~~ bench requests are adequately described on the record and

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consecutively numbered.

(2) **Service of data requests, ~~records requisitions, and responses to parties.~~**

~~(a) Written~~ dData requests must be serve~~d~~ nt electronically, in both native format and .pdf, on~~to~~ the party to whom the request is made, with copies to all other parties. ~~The commission staff copy must be sent to the assistant attorney general who represents the commission staff. The commission encourages parties to agree to exchange data in electronic format by e-mail, on diskette, or by other mutually acceptable electronic means.~~

~~(b) If parties agree to the service of data requests and responses to requests by e-mail, the party serving the data requests or responses must serve copies electronically on all parties, including the assistant attorney general who represents the commission staff.~~

~~(c) Except when appropriate for other purposes, p~~pParties must not file data requests propounded to other parties or ~~responses to data requests~~ with the commission, or copy~~provide~~ ~~them to~~ any person who is presiding or advising the presiding officer. ~~Responses that are later offered in evidence must be distributed as required for other proposed exhibits.~~

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(3) **Motion to compel.** A party's motion to compel responses to data requests must include the relevant data request, any objection to the request, and any response to the objection.

(4) **Limitation on numbers of data requests.** The presiding officer may limit the total number of data requests that a party may propound to another party. Each party must make reasonable efforts to ensure that its data requests do not duplicate other parties' requests. The presiding officer~~submit and~~ may require parties to ~~certify that they have~~ coordinated discovery with other parties of similar interest ~~and that no substantial duplication exists with other parties' discovery~~ requestssubmissions.

(5) **Responding party to seek clarification.** If a party to whom a data request is propoundedsubmitted finds the meaning or scope of a request unclear, the responding party must immediately contact the requesting party for clarification. Lack of clarity is not a basis for objection to a data request unless the responding party has made a good faith effort to obtain clarification.

(6) **Objections; consequence of failure to object.**

(a) *Data request.* A party ~~who wishes to object to a data request~~ must present anythe objections to a data request to the

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requesting party in writing by the time the response is due, or at such other time as the presiding officer~~may be~~ ordered~~sed~~. A party objecting to a data request must state the objection and explain the basis for the objection. A party ~~that~~~~who~~ fails to interpose a timely objection to providing a full response to a data request waives any right to object for purposes of discovery and must provide a full response. A party ~~that~~~~who~~ fails to make an objection when responding to data requests does not lose the opportunity to raise an objection at hearing if another party seeks to introduce as evidence all or part of the party's response to a data request.

~~—— (b) Records requisition. A party to whom a record requisition is addressed may object to the request at the time it is made or, if it later discovers a reason for objection not reasonably known at the time of the record requisition, within five days after discovering the reason. A party may object to the admission of its response to a records requisition at the time the response is offered into evidence.~~

~~(be) Bench request. Any party may object to the issuance of, or response to, a bench request made orally during a hearing. A party may object at the time the presiding officer makes the bench request is made., or A party may subsequently~~

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~~object in writing to such a bench request within five days after the presiding officer makes the request if the objection is based on if made in writing or the party later discovers a reason for an objection facts or law the party did not reasonably know at the time the presiding officer made the bench request was made in hearing, within five days after discovery. A party may object to a written bench request within five days after the commission serves the request. A party may raise an objection based on the content of a bench request response within five days after distribution of the response. Responses to bench requests will be received in evidence unless a party objects to the bench request or response, or the commission rejects the response.~~

(7) **Responses.**

(a) ~~Data requests and record requisitions.~~ Parties must serve responses to data requests ~~and record requisitions~~ on the requesting party and on any other party ~~that~~^{who} requests a copy, consistent with the terms of any protective order entered in the proceeding. Except when designated as exhibits to be offered into the evidentiary record, parties must not file responses to data requests with the commission or copy any person who is presiding or advising the presiding officer when serving those

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responses. The commission will not receive into evidence responses to data requests unless a party offers the response into evidence. A party may object to the admission of a response to a data request at the time the response is offered into evidence whether or not the party timely objected to providing the response.~~Parties must send the commission staff copy to the assistant attorney general who represents the commission staff unless the attorney requests an alternative method. Parties may agree to serve responses to data requests and record requisitions through e-mail.~~

(b) *Timing.* A party to whom a data request is directed must provide a full response ~~to the data request~~ within ten business days after the request is served or made received. If the responding party data cannot provide a full response be supplied within ten business days, the responding party must give written notice to the requesting party no later than two business days before the response is due. The notice must state why the responding party cannot comply with the ten-day deadline limit cannot be met. The responding party must also provide a schedule by which it will produce the requested data and must explain why the party cannot provide any portion of the data ~~cannot be supplied~~. The presiding officer may modify these

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time limits.

(c) *Identification of respondent and witness.* Each ~~data-~~ response to a data request must state the date the response is produced, the name of the person who prepared the response, and the name of any witness testifying on behalf of the responding party who is knowledgeable about, and can respond to, questions concerning the response.

(d) *Bench requests.* Parties must file responses to bench requests with the commission and serve all parties within ten business days after the commission makes the request~~-is made,~~ unless the presiding officer specifies another deadlineschedule. A party may object to a bench request response within five days after filing and service of the response. The commission will receive responses to bench requests in evidence without further process unless a party objects to the response or the commission rejects the response.

(8) **Supplementation.** Parties must immediately supplement any response to a data request,~~record requisition,~~ or bench request upon learning that the prior response was incorrect or incomplete when made or upon learning that a response, correct and complete when made, is no longer correct or complete.

~~(9) Use of responses to data requests, record requisitions~~

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~~or bench requests. The commission will not consider or treat as evidence any response to a data request, record requisition, or bench request unless and until it is entered into the record.~~

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-16-053 (Docket A-050802, General Order R-536), § 480-07-405, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-405, filed 11/24/03, effective 1/1/04.]

WAC 480-07-410 Discovery--Depositions. (1) Who may be deposed. A party may depose any person identified by another party as a potential witness. A party may depose a person who has not been identified as a potential witness, only if the presiding officer approves the deposition. The presiding officer may approve the deposition on a finding that the person appears to possess information that is necessary/significant to the party's case, the information cannot reasonably be obtained from another source, and the probative value of the information outweighs the burden on the person proposed to be deposed.

(2) **Required notice; motion; ~~deposition conference~~.** A

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party ~~that~~who intends to depose ~~one or more persons~~another party's designated potential witness must give notice to the commission and all parties. A party that seeks to depose a person who has not been identified as a potential witness must file a motion requesting permission to depose the person.~~The presiding officer will consult with the parties and may schedule a deposition conference to facilitate the deposition process. The deposition conference schedule will be adjusted as needed considering any changes in the case schedule. Deposition conferences will be convened at the commission's offices in Olympia unless the parties and the presiding officer agree to another location.~~

(3) **How conducted.** Parties should use CR 30 of the Washington superior court civil rules as a guide when conducting depositions. Parties must limit the scope of questioning in a deposition to the same standard set forth in WAC 480-07-400(4). A court reporter provided by the party requesting the deposition will record the deposition. Each party will be responsible for the attendance of any of its designated potential prospective witnesses,~~or any of its employees,~~ who have been scheduled for deposition. ~~A party may interrupt a deposition, if necessary, to present a dispute regarding the deposition process to the~~

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~~presiding officer. However, to avoid interruption, such disputes should be reserved to the conclusion of the deposition, if possible.~~

(4) **Use of depositions.** Parties may use depositions for any lawful purpose, subject to the requirements of this subsection. ~~A party may use a deposition to impeach a witness.~~

If a party seeks to offer into evidence the deposition of a witness who is available to testify to the matters addressed in the witness's deposition, the party must do the following:

(a) Offer only those portions of the deposition on which the party intends to rely; and

(b) Provide five business days' written notice to other parties and to the presiding officer prior to the hearing session at which the witness is expected to appear. The party must attach to the notice the portion(s) of the deposition that the party proposes to offer in the form of exhibits that are so that the presiding officer can marked it for identification as required under WAC 480-07-460(3) as in the case of all other proposed hearing exhibits.

—If portions of a deposition are admitted into evidence, other parties may offer additional portions of the deposition when necessary to provide a balanced representation of the

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witness's testimony.

(5) **Correcting/supplementing deposition testimony.**

(a) *Correction.* A party may file a motion to correct a transcription error in a deposition transcript within ten days after the deposition transcript is delivered.

(b) *Supplementation.* Every witness must supplement any response given in a deposition immediately upon learning that the prior response was incorrect or incomplete when made, or upon learning that a response, correct and complete when made, is no longer correct or complete.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-410, filed 11/24/03, effective 1/1/04.]

WAC 480-07-415 Discovery conference. The purpose of a discovery conference is to allow witnesses and others who have knowledge relating to the proceeding (e.g., consultants or employees) to talk directly and informally, to reduce or avoid the need for written data requests and time for their preparation, to allow discussions of potential stipulations

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regarding individual facts and settlement of individual issues to occur in an informal setting, to discuss the availability of supporting information, and to enhance the parties' ability to acquire or expand their knowledge about the case of one or more designated other parties. The commission may request or require the parties to attend a discovery conference along with designated witnesses to discuss with each other questions about the party's position or evidence and the availability of supporting information. Discovery conferences will not be reported and statements made by participants at discovery conferences are not admissible as evidence unless the parties agree otherwise. The commission may designate a person to facilitate a discovery conference. The designated facilitator must not be associated with any party or with ~~a member of~~ the commission advisory staff ~~who is~~ involved in the proceeding.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-415, filed 11/24/03, effective 1/1/04.]

WAC 480-07-420 Discovery--Protective orders. (1) Standard

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form. The commission may enter a standard form of protective order designed to promote the free exchange of information and development of the factual record in a proceeding when parties reasonably anticipate that discovery or evidentiary submissions in a proceeding will require call for the disclosure production of confidential information as defined in WAC 480-07-160. Parties must strictly limit the amount of information they designate as confidential and must follow the instructions in WAC 480-07-160 for properly marking and submitting documents with the commission as confidential in a proceeding governed by a protective order.

(2) **Amendment.** The commission may, upon motion by a party, or on its own initiative, amend its standard form of protective order to meet the parties' and the commission's needs in individual cases. __

(a) Protection for highly confidential information. A party that wishes to designate information as highly confidential must file a motion for an amendment to the standard protective order, supported by a declaration that sets forth the specific factual and legal basis for the requested level of protection and an explanation of why the standard protective

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order is inadequate. The motion and declaration must identify specific parties, persons, or categories of persons, if any, to whom a party wishes to restrict access, and state the reasons for such proposed restrictions.

(b) *Limitations.* If the commission modifies the standard protective order to include protection for highly confidential information, parties must strictly limit the amount of information they designate as highly confidential and must follow the instructions in WAC 480-07-160 for properly marking and submitting documents with the commission as highly confidential.

(3) **Special order.** Upon motion by a party or by the person from whom discovery is sought that establishes a need to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, the presiding officer may ~~make any~~ order appropriate limitations on discovery, including but not necessarily limited to, one or more of the following, ~~that~~:

(a) The discovery will not be allowed;

(b) The discovery will be allowed only on specified terms and conditions;

(c) The discovery will be allowed only by a method of discovery other than the method selected by the party seeking

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discovery; or

(d) Certain matters may not be inquired into, or ~~that~~ the scope of the discovery will be limited to certain matters. +

~~— (e) Discovery will be conducted with no one present except persons designated by the commission or the presiding officer; —~~

~~— (f) The contents of a deposition will not be disclosed or will be disclosed only in a designated way; —~~

~~— (g) A trade secret or other confidential research, development, or commercial information will not be disclosed or will be disclosed only in a designated way; or —~~

~~— (h) The parties must file specified documents or information enclosed in sealed envelopes to be opened as directed by the commission or the presiding officer. —~~

The presiding officer may order that any party or person provide or permit discovery on such terms and conditions as are just, + if the commission denies a motion for a protective order in whole or in part.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-420, filed 11/24/03, effective 1/1/04.]

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~~WAC 480-07-423 Discovery--Protective orders--Submission requirements for documents.~~ (1) **General.** Protective orders

~~entered in individual proceedings may allow for parties to designate portions of documents exchanged during discovery or submitted during a proceeding (e.g., by filing, or by offering as an exhibit) as "confidential" or "highly confidential." Parties must strictly limit the amount of information they designate as confidential or highly confidential.~~

~~(2) **Standard for highly confidential designation.** A party who wishes to designate information as highly confidential may file the documents designated as highly confidential, but must also file a motion for an amendment to the standard protective order, supported by a sworn statement that sets forth the specific factual and/or legal basis for the requested level of protection and an explanation of why the standard protective order is inadequate. The motion and sworn statement must identify specific parties, persons, or categories of persons, if any, to whom a party wishes to restrict access, and state the reasons for such proposed restrictions.~~

~~(3) **Designations.**~~

~~(a) The "confidential" designation is intended to protect~~

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~~information that might compromise a company's ability to compete fairly or that otherwise might impose a business risk if disseminated without the protections provided in the commission's protective order.~~

~~—— (b) The "highly confidential" designation is reserved for information the dissemination of which, for example, imposes a highly significant risk of competitive harm to the disclosing party without enhanced protections provided in the commission's protective order.~~

~~—— (4) **Submission.** Parties must follow the instructions in WAC 480-07-160(3) for properly marking and submitting documents with the commission as confidential or highly confidential in a proceeding governed by a protective order.~~

~~[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-16-053 (Docket A-050802, General Order R-536), § 480-07-423, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-423, filed 11/24/03, effective 1/1/04.]~~

WAC 480-07-425 Discovery disputes. (1) Procedure for

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resolving disputes. Parties must make good faith efforts to resolve informally all discovery disputes. The commission may designate a person to assist the parties to resolve discovery issues, at the request or with the consent of the [partiesdisputants](#). A party may file a written motion, or move orally at [a](#) prehearing conference, to compel discovery if a dispute cannot be informally resolved. The presiding officer will hear discovery disputes, on shortened notice, at the earliest reasonable time. The presiding officer may conduct telephone hearings or conferences for the argument of discovery disputes. The presiding officer may make discovery rulings orally on the record or by written order. The presiding officer's discovery rulings are subject to review under WAC 480-07-810.

(2) **Sanctions for failure to comply.** Any party may by motion, or the commission may on its own motion, propose that sanctions be imposed if a party fails or refuses to comply with [the commission's discovery rules or](#) an oral or written order resolving a dispute under this section. The commission may impose sanctions [for such violations](#) including, but not limited to, default, dismissal, striking of testimony, evidence, or cross-examination, or monetary penalties as provided by law.

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[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-425, filed 11/24/03, effective 1/1/04.]

WAC 480-07-430 Prehearing conferences. (1) **General.** The commission may require, ~~by written notice or by oral notice on the record of the hearing,~~ that all parties to, and all persons who seek to intervene in, a proceeding to attend a prehearing conference. The following topics are proper subjects for discussion at a prehearing conference:

- (a) Identification and simplification of the issues;
- (b) The necessity or desirability of amendments to the pleadings;
- (c) The possibility of obtaining stipulations of fact and to documents that might avoid unnecessary proof;
- (d) Limitations on the number of witnesses;
- (e) Coordinated examination of witnesses;
- (f) Procedure at the hearing;
- (g) The need for, and timing of, distribution of written testimony and exhibits to the parties and the bench prior to the

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hearing;

(h) Disposition of petitions for leave to intervene;

(i) Availability of the commission's discovery rules or
Resolution of discovery disputes;

(j) Resolution of pending motions;

(k) Entry of a standard or amended protective order to
protect confidential or highly confidential information;

(l) Parties' agreement to commission service of orders and
notices solely in electronic form; and

(m) Any other matters that may aid in the disposition of the proceeding, whether by commission decision or by settlement.

(2) **Notice.** The commission will provide reasonable notice of the time and place established for a prehearing conference and the matters to be addressed. ~~The notice may provide that failure to attend may result in a party being dismissed, being found in default, or the commission's refusal to consider a later petition for intervention except upon a showing of good cause for the failure to attend.~~ A party's failure to attend a prehearing conference constitutes the party's waiver of all objections to any order or ruling arising out of the conference or any agreement reached at conference, unless the party shows good cause for its failure to attend.

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(3) **Oral statement or written order.** The presiding officer may make an oral statement on the record or may enter an order describing the actions taken at the prehearing conference and agreements among the parties concerning all of the matters considered. Parties may object to the oral statement on the record at the time the oral statement is made, or may object to any written prehearing conference order within ten days after the date the order is served. The results of the prehearing conference will control the course of the proceeding unless modified by subsequent order or decision of the presiding officer to accommodate the needs of the case.

(4) **Prehearing conferences to facilitate evidentiary hearing.** The presiding officer may require parties to attend a prehearing conference prior to an evidentiary or other hearing session, or may recess an evidentiary or other hearing session to conduct a prehearing conference.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-430, filed 11/24/03, effective 1/1/04.]

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WAC 480-07-440 Hearing notice. (1) Initial hearing

notice.

(a) *Timing.* The commission will set the time and place of the first hearing session or prehearing conference in any adjudication in a notice served to all parties at least twenty days before the hearing or conference. The commission may shorten the notice period to seven days, as provided by RCW 34.05.434. The commission will set all hearings sufficiently in advance so that all parties will have a reasonable time to prepare, considering the procedural schedule, other pending matters, and the need to minimize continuances.

(b) *Provisions for appointment of interpreter.* The initial notice of hearing ~~will~~must state that if a limited-English-speaking or hearing-impaired party needs an interpreter, a qualified interpreter will be appointed at no cost to the party or witness. The notice will include a form for a party to indicate whether an interpreter is needed and to identify the primary language or hearing-impaired status of the party.

(2) Notice of continued hearing sessions.

~~(a) Permitted forms of notice.~~ When a hearing is not concluded as scheduled, the time and place for continued hearing sessions may be set:

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(~~a~~) On the record without further written notice to the parties; or

(~~b~~) By letter or formal notice from the presiding officer or the secretary of the commission; ~~or~~

~~(iii) By letter or formal notice from the presiding officer.~~

~~(b) Timing. There are no specific timing requirements for giving prior notice of continued hearing sessions.~~

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-440, filed 11/24/03, effective 1/1/04.]

WAC 480-07-450 Hearing--Failure to appear. (1) Dismissal or default. The commission may dismiss a party or find a party in default for failure to appear at the time and place set for hearing. The presiding officer may recess a hearing for a brief period to provide an additional opportunity for the party to appear. If the party is not present or represented when the hearing resumes, the commission may dismiss the party or find the party in default. ~~When t~~The commission ~~dismisses a party or~~

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~~finds a party in default, it~~ will implement anythe dismissal or default by a written order. When a party is found in default, the commission's order stating that finding may also dispose of the issues in the proceeding, as provided by RCW 34.05.440.

(2) **Review of order of dismissal or default.** A party thatwhe is dismissed from a proceeding or found in default may contest the order of dismissal or default by written motion filed within ten days after service of the order. A dismissed party or party found in default may request that the order be vacated and, if the order is dispositive of the proceeding, that the proceeding be reopened for further process.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-450, filed 11/24/03, effective 1/1/04.]

WAC 480-07-460 Hearing--~~Predistribution of eExhibits, and prefiled testimony~~exhibit list, and cross-examination estimates.

(1) ~~Predistribution of evidence~~Filing exhibits in advance.

Parties must file and serve exhibits that they intend to submit or use in the evidentiary hearing, including proposed cross-

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~~examination exhibits, in advance of the~~~~The commission may~~
~~require parties to distribute their proposed evidence to other~~
~~parties before the start of the evidentiary hearing. The~~
~~commission or the presiding officer will establish by notice or~~
~~in a prehearing conference order the number of copies and~~
~~deadlines for filing.~~ In general rate increase proceedings for
electric, natural gas, pipeline, and telecommunications
companies, the petitioner must prefile its proposed direct
testimony and exhibits at the time it files its rate increase
request, in accordance with WAC 480-07-510. ~~The commission may~~
~~convene a prehearing conference shortly before a scheduled~~
~~hearing and require all parties to predistribute their proposed~~
~~cross-examination exhibits.~~

(a) ~~Number of copies to be filed or submitted; service.~~
~~When predistribution of evidence other than proposed exhibits~~
~~for use in cross-examination is required, each party must file~~
~~the original plus twelve copies of its evidence with the~~
~~commission unless the commission specifies a different number.~~
~~When the commission requires parties to predistribute their~~
~~proposed exhibits for use in cross-examination, each party must~~
~~submit six copies to the bench if the commissioners are sitting~~
~~as presiding officers and three copies if the commissioners are~~

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~~AM10:30 AM7:27 AM8:48 AM12:36 PM2:42 PM10:11 AM7:12 AM9:16~~
~~AM4:02 PM8:48 AM9:03 AM2:09 PM8:20 AM8:59 AM1:37 PM9:40 AM10:01~~
~~AM1:53 PM1:12 PM9:04 AM8:47 AM1:48 PM8:14 AM1:08 PM9:40 AM2:32~~
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~~not sitting. The presiding officer may change the number of copies required. All proposed evidence must be served on all other parties to a proceeding whenever predistribution of evidence is required.~~

~~——(b) Changes or corrections.~~

(i) ~~Substantive corrections~~Mistakes of fact. Prefiled testimony or exhibits may be revised to correct mistakes of fact asserted by a witness. ~~Such mistakes may arise from a variety of causes such as scrivener's error, error in calculation, or error of misreported fact.~~ Each party must advise all other parties of substantive corrections to any prefiled testimony or exhibit~~evidence~~ as soon as the party discovers the need for correction ~~is discovered~~.

(ii) *Substantive changes*. Parties must seek leave from the presiding officer by written motion if they wish to file revised ~~prefiled~~~~submit~~ testimony or exhibits that includes substantive changes other than ~~to simply~~ correcting errors of fact asserted by a witness. A party proposing such changes may submit the proposed revisions with its motion.

(iii) *Minor corrections*. A party may make ~~m~~Minor revisions to prefiled testimony and exhibits ~~may be made~~ to correct typographical errors, printing errors, and nonsubstantive

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changes (e.g., a change in a witness's address or employment). Counsel should not ask a witness on the stand to make these corrections, obvious typographical errors in the prefiled testimony or to make more than three minor substantive corrections. ~~If more than three minor revisions are required, parties but~~ must submitprepare an errata sheet as provided in subsection (6) of this section ~~or a revised exhibit for submission at least one business day prior to the hearing to show such corrections to the prefiled evidence.~~

(iv) *Format requirements for revisions.* Parties ~~that~~who submit a revised version of any ~~ions to prefiled~~distributed or previously admitted testimony or exhibits must prominently label ~~the~~ documents as "REVISED" and indicate the date of the revision. The revised portions must be highlighted, in legislative style or other manner that clearly indicates the change from the original submission. ~~This practice must be followed even with minor changes that involve only one page of an exhibit. If one or more~~ The header or footer of each revised pages of in multiple page testimony or exhibits ~~are revised, the header or footer of the affected pages~~ must be labeled "REVISED" and indicate the date of the revision. Parties may indicate changes to spreadsheets by providing a description of the change and how

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the change affects other related spreadsheets. For revisions to spreadsheets, counsel must identify partial revisions by page and date when an exhibit is presented ~~for identification,~~ ~~sponsored,~~ or offered into evidence, as appropriate.

(b) Timing. A party must file with the commission and serve all other parties with a motion to make substantive changes to any prefiled exhibits as soon as practicable after discovering the need to make that change. A party must file revised exhibits or an errata sheet reflecting corrections to mistakes of fact or minor corrections no later than the deadline for filing errata sheets established in the prehearing conference order.

(c) Distribution at hearing. ~~When~~ Upon a showing of good cause for not filing and serving a party offers new exhibits, revised exhibits, or errata sheets prior to the hearing, the presiding officer may allow a party to distribute such documents at the hearing. ~~The party must provide sufficient copies of the documents for all parties and for the commission's distribution requirements and must file the document as required in WAC 480-07-145. When the commission requires parties to predistribute their exhibits, a party may be required to establish good cause for any failure to predistribute a proposed~~

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~~exhibit, other than an exhibit offered solely for impeachment of the witness's testimony on the stand, or the exhibit may be excluded.~~
The presiding officer may refuse to admit into evidence any new or revised exhibits if the failure to provide them prior to the hearing impairs the ability of other parties or the commission to review and examine those exhibits during the hearing.

(2) **Prefiled testimony and exhibits.**

(a) ~~Exhibit numbers~~ ~~Official record.~~ The presiding officer will assign exhibit numbers to all prefiled testimony and exhibits at the final prehearing conference prior to hearing, or at hearing. These assigned numbers will be the exhibit numbers for purposes of the official record in the proceeding.

~~(b) Parties are required to mark prefiled testimony and exhibits for identification.~~ Parties must mark all written testimony and exhibits ~~for identification~~ in the upper right-hand corner of the first page prior to submission as follows:

(i) State "Exh. ~~ibit No.,~~" followed by ~~a blank underline.~~ Then, ~~on the same line,~~ identify the sponsoring witness by ~~including the~~ witness's initials.

(ii) Place a hyphen after the witness's initials and insert

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a number, beginning with Arabic numeral 1 for the witness's first prefiled testimony, and sequentially number each subsequent exhibit (including any subsequent additional written testimony) throughout the proceeding.

(iii) Place the capital letter "C" immediately after the number if the testimony or exhibit includes information asserted to be confidential under any protective order that has been entered in the proceeding (or "HC" if the document includes information asserted to be highly confidential under the protective order).

(iv) Place the capital letter "T" after the number and "C" or "HC," if applicable, if the exhibit is a witness's prefiled testimony.

For example, John Q. Witness's prefiled testimony and accompanying exhibits must be marked as follows:

Testimony or Exhibit	Marked <u>for Identification</u>
John Q. Witness's prefiled direct testimony	Exh. <u>ibit No. ___ (JQW-1T)</u>
First exhibit to John Q. Witness's prefiled direct testimony (nonconfidential)	Exh. <u>ibit No. ___ (JQW-2)</u>
Second exhibit to John Q. Witness's prefiled direct testimony (confidential)	Exh. <u>ibit No. ___ (JQW-3C)</u>
Third exhibit to John Q. Witness's prefiled direct testimony (nonconfidential)	Exh. <u>ibit No. ___ (JQW-4)</u>

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John Q. Witness's prefiled rebuttal testimony (with portions marked <u>highly confidential</u>)	Exhibit No. <u> </u> (JQW-5HCT)
First exhibit to John Q. Witness's prefiled rebuttal testimony (nonconfidential)	Exhibit No. <u> </u> (JQW-6)

~~Counsel and other party representatives who are unfamiliar with this method of identification may ask the presiding officer for further guidance.~~

~~(be) Summary of testimony. Each witness must present a short summary of his or her prefiled testimony on the opening page or two of the testimony if the testimony is more than five pages in length. Counsel or other party representative will be expected to ask as a foundation question when the witness takes the stand the subjects that will be covered by the witness. This foundation question should request, and the witness's response should include, only a statement of the subject(s) to be covered by the witness (e.g., rate of return on equity, cost of debt, prudence) and not a summary of the witness's positions~~

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/138/14/13 1:51 PM10:43 AM10:30
AM7:27 AM8:48 AM12:36 PM2:42
PM10:11 AM7:12 AM9:16 AM4:02
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~~on the subject(s) identified.~~

(~~cd~~) *Form of testimony and exhibits.* All prefiled testimony and exhibits must be paginated, and the. ~~In addition,~~ lines on each page ~~numbers~~ must be numbered ~~set out on all~~ ~~prefiled testimony~~ to facilitate transcript or exhibit references. All ~~copies of~~ prefiled testimony and exhibits must be provided on 8 1/2 x 11 inch, three-hole punched paper ~~(oversize holes are preferred),~~ double-spaced, and use 12-point type, using in ~~P~~palatino, ~~T~~imes ~~N~~ew Roman, or an equally legible serif font, with footnotes in the same font and of at least 10-point type, with margins of at least one inch on all sides. ~~Preprinted d~~Documents the party did not create ~~and~~ ~~spreadsheets~~ need not conform to these typeface and type size requirements, but must be legible. All paper copies of prefiled testimony and exhibits must be provided on 8 1/2 x 11 inch, three-hole punched paper (oversize holes are preferred).

Oversized documents may be used at the hearing for illustrative purposes but paper copies, if required, must be provided on 8 1/2 x 11 inch paper if offered into evidence and reduction to that format is feasible.

~~(e) Submission requirements. A~~Paper copies of all prefiled ~~exhibits, both direct examination and cross-examination~~

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~~exhibits, must be individually separated by blank sheets with tabs.~~

(3) **Cross-examination exhibits.** Each party must file with the commission and serve on the other parties all exhibits the party proposes to use in its cross-examination of witnesses. The presiding officer will establish in a prehearing conference order the number of copies and deadlines for filing.

(a) *Exhibit numbers.* Parties must mark all cross-examination exhibits in the upper right-hand corner of the first page prior to submission as follows:

(i) State "Exh." followed by the initials of the witness the party intends to use the exhibit to cross-examine.

(ii) Place a hyphen after the witness' initials and insert the next number in sequence after the number of the last exhibit sponsored by, or associated with, that witness. For example, if the last exhibit attached to a witness' prefiled testimony is Exh. JQW-7, the first cross-examination exhibit for that witness should be marked "Exh. JQW-8."

(iii) Place the capital letter "C" immediately after the number if the exhibit includes information asserted to be confidential under any protective order that has been entered in the proceeding (or "HC" if the document includes information

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asserted to be highly confidential under the protective order).

(b) *Format.* All cross-examination exhibits must be filed and served electronically in .pdf (Adobe Acrobat) format. The Commission may also require the parties to file and serve paper copies of the exhibits.

(c) *Organization.* Cross-examination exhibits must be segregated, labeled, and grouped according to the witness the party intends to cross-examine with the exhibits. Any paper copies of the exhibits must be organized into sets that are tabbed, labeled, and grouped by witness.

(4) **Exhibit lists.** Each party must file with the commission and serve on all parties a list of all exhibits the party intends to introduce into the evidentiary record, including all prefiled testimony and exhibits of that party's witnesses and cross-examination exhibits that party has designated for other witnesses. The presiding officer will establish in a prehearing conference order the deadline for this filing.

(5) **Cross-examination time estimates.** Each party must provide a list of witnesses the party intends to cross-examine at the evidentiary hearing and an estimate of the time that party anticipates the cross-examination of that witness will

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take. Parties should not file these witness lists or cross-examination time estimates but must provide them in electronic format directly to the administrative law judge and the other parties by the deadline established in a prehearing conference order or notice.

(6) **Errata.** Each party must file with the commission and serve on all parties a list of any corrections or revisions to its witnesses' prefiled testimony and exhibits. Each correction or revision must be identified separately by exhibit number, page, and line (or row, column, cell, etc., as applicable) and must specify the text to be revised, added, or deleted. The presiding officer will establish in a prehearing conference order the deadlines for this filing.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-16-053 (Docket A-050802, General Order R-536), § 480-07-460, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-460, filed 11/24/03, effective 1/1/04.]

WAC 480-07-470 Hearing guidelines. These guidelines are

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of a general nature and are provided to assist the presiding officer in regulating the course of the proceeding. The presiding officer may suspend or modify the guidelines or use measures not specified in this rule.

(1) **Starting times.** Starting times will be strictly observed. The proceeding may go forward in the absence of counsel, parties, or witnesses who are late. Counsel may advise the bench by message to the records center when an emergency prevents timely arrival.

(2) **Appearances.** ~~All persons who will be representing a party in a formal proceeding must give their names and addresses in writing to the court reporter immediately before the first hearing session in which they appear.~~ The presiding officer conducting the hearing or prehearing conference will require appearances to be stated orally at the initial prehearing or hearing session, and may also ask for oral appearances at subsequent sessions in the same proceeding, so that all persons attending the hearing will know the identity and interest of all parties present. If the representative has previously filed a notice of appearance or otherwise provided full contact information in a pleading filed in the docket, oral appearances shall consist of the representative's name, law firm (if any),

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and the party represented. Oral appearance at hearing does not substitute for the requirement for written notice of appearance in WAC 480-07-345(2).

(3) **Matters to be handled at beginning of session.** Parties must notify the presiding officer no later than the start of the hearing session of any motion that a party anticipates may be presented during the hearing, such as one that may require foundation regarding the admissibility of evidence. The presiding officer will give the parties an appropriate opportunity to state and argue any motions related to evidence or to the procedural course of the hearing.

~~(4) **Summary by public counsel.** At the beginning of a hearing session during which the commission will hear testimony from members of the public, the commission may provide public counsel an opportunity to inform the public of the major contested issues and to state public counsel's positions on those issues. The commission will give other parties an opportunity to respond.~~

(4) **Evidence; exhibits; stipulations of fact.** The presiding officer may receive evidence as provided by RCW 34.05.452.

(5) **Order of presentation.** Evidence will ordinarily be

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received in the following order:

(a) Party having the burden of proof;

(b) Parties supporting the party having the burden of proof; and

(c) Parties opposing the party having the burden of proof. ~~+~~

~~(d) Rebuttal by the party having the burden of proof;~~

The presiding officer may direct a modified order of presentation considering the needs of the parties, the commission, and the proceeding, ~~+~~ and the parties' preferences.

(67) Testimony under oath. The presiding officer will administer an oath or affirmation to each witness before the witness testifies in an adjudicative proceeding. When members of the public testify, they will be sworn in the same fashion as other witnesses.

(78) Addressing the presiding officer or witnesses. All counsel and other party representatives, including parties that are not represented, must address all comments, objections, and statements to the presiding officer and not to other counsel or parties. Questions that concern the substance of testimony or exhibits sponsored by a witness must be addressed to the witness and not to counsel or other partiesy representatives.

(89) Resolving matters off the record. Counsel or other

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party representatives who request off-the-record discussions must ask leave to go off the record and state the purpose for the request. Extended colloquies regarding procedural issues may be conducted off the record, but will be summarized for the record by the presiding officer subject to comments from party representatives.

(910) **Witness panels.** The commission may direct or allow two or more witnesses to take the stand simultaneously when doing so allows a benefit such as the integrated response to a line of questions, minimizing referral of questions from one witness to another, or comparing witnesses' positions. The presiding officer will also allow cross-examination of each witness upon matters within the witness's direct evidence.

(110) **Cross-examination.** ~~Counsel and other party representatives should be prepared to provide time estimates for cross-examination of witnesses.~~ The presiding officer will limit cross-examination to one round unless good cause exists for allowing additional questions. Witnesses must not be asked to perform detailed calculations or extract detailed data while on the stand. Any such questions must be provided to the witness at least two business days prior to the date the witness is expected to testify, must ask the witness to provide the

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answer for the record later in the hearing session, or must provide an answer and ask the witness to accept it "subject to check." Witnesses must not be asked to accept information "subject to check" if the information is included in a prefiled exhibit or testimony, or is already in evidence. When a witness accepts information "subject to check," the witness must perform the "check" as soon as possible. A response given "subject to check" will be considered accurate unless the witness disputes it on the witness stand or, within five business days following the date of receipt of the hearing transcript, the sponsoring party ~~by~~ files and serves an affidavit declaration from the witness, stating that the witness does not accept the information and explaining the reasons for that position, ~~within five business days following the date of receipt of the hearing transcript.~~ Any such declaration must be limited to the "subject to check" information and may not expand, revise, or otherwise modify the witness' testimony.

(112) **Redirect examination.** A party whose witness has been cross-examined may conduct redirect examination of the witness on issues raised during cross-examination or examination by the presiding officer, if applicable.

(123) **Post-hearing planning.** The presiding officer will

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confer with the parties concerning post-hearing process. The presiding officer will determine whether oral argument, briefs, or both will be required, taking into consideration the needs of the commission and the parties' preferences. ~~The presiding officer may determine a common format or outline to be used by all parties if briefs are required. Briefs must comply with the requirements of WAC 480-07-395.~~

(134) **Transcript.** Each party will bear its own costs for transcripts or tape recordings, including charges for expedited service when a party requests it. To protect valuable commercial information unique to the court reporter's work product or services and for which the court reporter charges a fee for copies, the commission will not post on its website, or otherwise provide or make publicly available, any copy of the transcript of an evidentiary hearing until after post-hearing briefing has concluded.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 06-16-053 (Docket A-050802, General Order R-536), § 480-07-470, filed 7/27/06, effective 8/27/06; 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-470, filed 11/24/03, effective 1/1/04.]

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WAC 480-07-480 Hearing--Stipulation of facts. A

stipulation is an agreement among parties intended to establish one or more operative facts in a proceeding. The commission encourages parties to enter stipulations of fact. The parties to any proceeding or investigation before the commission may agree to all of the facts or any portion of the facts involved in the controversy. The parties to a stipulation may file it in writing or enter it orally into the record. A stipulation, if accepted by the commission, is binding on the stipulating parties. The parties may present the stipulation as evidence at the hearing. The commission may reject the stipulation or require proof of the stipulated facts, despite the parties' agreement to the stipulation.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-480, filed 11/24/03, effective 1/1/04.]

WAC 480-07-490 Hearing--Exhibits and documentary evidence.

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(1) **Designation of part of document as evidence.** A party ~~that~~^{who} offers ~~only evidence that consists of~~ a portion of a document for admission into the evidentiary record must designate ~~that~~^{the} portion as a separate exhibit ~~that is offered~~. If irrelevant matter included in the original document would unnecessarily encumber the record, the presiding officer may admit only the offered portion into ~~document will not be received in~~ evidence, ~~but the relevant or material matter may be read into the record, or the presiding officer may receive a copy of the excerpt as an exhibit. If only a portion is offered or received,~~ will allow other parties to ~~may examine the document and offer other portions into evidence.~~

(2) **Official Government records.** A party may offer into evidence an official document prepared and issued by any governmental authority that is not publicly available or readily accessible by all parties ~~may be introduced~~ in the form of a certified copy. A party may request that the commission take official notice of ~~Official~~ records contained in government websites or ~~official~~ publications or in nationally recognized reporting service publications that are in general circulation and readily accessible to all parties ~~may be introduced by reference,~~ provided that the requesting party ~~offering the~~

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~~document~~ clearly identifies the record and its source. The presiding officer may require the requesting party ~~offering such evidence~~ to provide a copy for the record and to each party.

(3) **Commission's files.** ~~The presiding officer may receive documents on file with the commission by reference to number, date, or by any other method of identification satisfactory to the presiding officer. If only a portion of a document is offered in evidence, the part offered must be clearly designated. The presiding officer may require the party offering the evidence to provide a copy to the record and to each party.~~

~~(4) **Records in other proceedings.** A portion of the record of any other commission proceeding that is otherwise admissible may be received as an exhibit in the form of a copy; by citation to the transcript or exhibit number; or by incorporation into the transcript of the current proceeding, as determined by the presiding officer.~~

~~(5) **Documents from the public.** When a member of the public presents a document in conjunction with his or her testimony, the commission may receive the document as an illustrative exhibit. The commission may receive as illustrative exhibits any letters that have been received by the secretary of the~~

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commission and by public counsel from members of the public regarding a proceeding. Documents a public witness presents that are exceptional in their detail or probative value may be separately received into evidence as proof of the matters asserted after an opportunity for cross-examination.

~~(6) **Resolutions.** The presiding officer may receive in evidence authenticated resolutions of the governing bodies of municipal corporations and of chambers of commerce, boards of trade, commercial, mercantile, agricultural, or manufacturing societies and other civic organizations. Any recital of facts contained in a resolution may not be considered as proof of those facts.~~

——(47) **Objections.** Any evidence offered is subject to appropriate and timely objection. The presiding officer need not specifically ask each ~~party representative~~ whether that party objects to an offer of evidence or other motion or proposed action. Parties that have objections must state them. Failure to object constitutes a waiver of the right to object.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-490, filed 11/24/03, effective 1/1/04.]

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WAC 480-07-495 Hearing--Rules of evidence; official

notice. (1) **Admissibility; exclusion; offer of proof.** All relevant evidence is admissible if the presiding officer believes it is the best evidence reasonably obtainable, considering its necessity, availability, and trustworthiness. The presiding officer will consider, but is not required to follow, the rules of evidence governing general civil proceedings in nonjury trials before Washington superior courts when ruling on the admissibility of evidence.

The presiding officer may exclude evidence that is irrelevant, repetitive, or inadmissible, whether or not a party objects to the evidence. Parties objecting to the introduction of evidence must state the grounds for the objection at the time the evidence is offered. The presiding officer may permit the party offering rejected evidence to describe briefly for the record its nature and purpose as an offer of proof. A written offer of proof may be required.

(2) **Official notice.**

(a) The commission may take official notice of:

(i) Any judicially cognizable fact, ~~—~~ Examples of

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whichever facts include, but are not limited to, the following:

(A) Rules, regulations, interpretive and policy statements, administrative rulings, and orders, exclusive of findings of fact, of the commission and other governmental agencies;

(B) Contents of certificates, permits, and licenses issued by the commission; and

(C) Tariffs, classifications, and schedules regularly established by, or filed with, the commission as required or authorized by law;

(ii) Technical or scientific facts within the commission's specialized knowledge; and

(iii) Codes or standards that have been adopted by an agency of the United States, or this state or of another state, or by a nationally recognized organization or association.

(b) The commission may, in its discretion upon notice to all parties, inspect physical conditions that are at issue and take official notice of the results of its inspection.

(c) The presiding officer will notify parties of material officially noticed and its source. The presiding officer will afford parties an opportunity to contest facts and material so noticed. The presiding officer may require a party proposing that official notice be taken to provide copies of officially

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noted matter ~~forte~~ the record and to all other parties.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-495, filed 11/24/03, effective 1/1/04.]

WAC 480-07-498 Hearing--Public comment. The commission will receive as a bench exhibit any public comment filed, or otherwise submitted by nonparties, in connection with an adjudicative proceeding. The exhibit will be treated as an illustrative exhibit that expresses public sentiment received concerning the pending matter. The commission may convene one or more public comment hearing sessions to receive oral and written comments from members of the public who are not parties in the proceeding. When the commission conducts a public comment hearing, ~~athe~~ presiding officer will make an opening statement explaining the purpose of the hearing and will briefly summarize the principal issues in the matter. The presiding officer will administer an oath to those members of the public that indicate a desire to testify concerning their views on the issues. The presiding officer will call each member of the

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public who wishes to testify, will inquire briefly into the identity and interests of the witness, and will provide an opportunity for a brief statement ~~by the party~~. Typically, public witnesses may expect to have three to five minutes to make an oral statement. Oral statements may be supplemented by written comments signed by the public witness presenting them.

[Statutory Authority: RCW 80.01.040 and 80.04.160. 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-498, filed 11/24/03, effective 1/1/04.]

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