

BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

Complainant,

v.

OLYMPIC PIPE LINE COMPANY

Respondent.

DOCKET NO. TO-011472

OLYMPIC PIPE LINE COMPANY'S
RESPONSE TO TESORO'S MOTION
TO COMPEL

**I. RESPONSE BY OLYMPIC PIPELINE COMPANY
TO TESORO'S MOTION TO COMPEL**

1. Olympic Pipe Line Company ("Olympic"), hereby responds to a motion by Tesoro Refining and Marketing Company ("Tesoro") before the Washington Utilities and Transportation Commission ("WUTC" or "Commission") to compel responses to its Third Set of Discovery Requests. In accordance with WAC 480-09-420, the name and address of Olympic is as shown below. Please direct all correspondence related to this Request as follows:

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MOTION TO COMPEL - 1

[/011472, Olympic, Corrected Response to Tesoro's Motion to
Compel, 2-15-02.doc074]

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II. RELEVANT STATUTES AND REGULATIONS

2. This response is based upon, or may bring into issue, the following statutes and rules: WAC 480-09-420, WAC 480-09-480, and Civil Rule 26.

III. DISCUSSION AND SUMMARY OF ARGUMENTS

3. On February 1, 2002 Tesoro served on Olympic its "Third Set of Discovery Requests Relating to Olympic Pipe Line Company's Amended Petition For Immediate Relief." (Tesoro has attached those data requests as Exhibit A to its motion and we need not repeat that effort here). The document purports to tie these requests to the already concluded Interim Rate case, and its three day turnaround. Under WAC 480-09-480(6)(a)(v)-(vi), Commission precedent, see, e.g., WUTC v. Puget Sound Energy, Inc., Docket No. UE-011163, 2001 Wash. LEXIS 333, at *9-10 (Set. 25, 2001), and Civil Rule 26, Olympic refused to comply with Tesoro's insistence on a three-day turnaround.

4. WAC 480-09-480(6)(v) provides that "[t]he party responding to the data request shall provide the response to the data requested to the requesting party within ten days of receipt of the request." In calculating then ten days, however, "[w]eekends and holidays will be excluded in calculating these time limits." See id. (emphasis added). Thus, Tesoro's requests are due at the earliest on February 15th, 2002.

5. On February 14, 2002, before the due date of Olympic's responses to Tesoro's data requests, Tesoro filed a Motion To Compel Responses to its third set of discovery requests. Tesoro erroneously calculated that the responses were due on February 11, ten calendar days from the service of the data requests including weekends and holidays.

6. Furthermore, this set of data requests are virtually identical to those filed by Tesoro in the FERC proceedings on February 7, 2002. Olympic is currently working on its responses to those requests. Olympic will therefore likely object to these data requests as duplicative and unduly burdensome under WAC 480-09-480(6)(a)(vi).

7. This premature motion to compel and these duplicative discovery requests underscore the necessity for the Commission to grant Olympic's request to adjust the general rate case schedule and to limit further discovery. Olympic's already limited staff and budget is overwhelmed by the numerous requests for information from FERC, the WUTC, and from Intervenors in the dual proceedings.

DATED this 15th day of February, 2002.

Respectfully submitted

PERKINS COIE LLP

By _____
Steven C. Marshall, WSBA #5272

VERIFICATION

STATE OF WASHINGTON)
)
COUNTY OF KING) ss.

_____, being first duly sworn, on oath deposes and says:

That he is the legal representative of Olympic Pipeline Company, that he has read the foregoing Motion For an Order Limiting Discovery, that he knows the contents thereof and that he believes the same to be true to the best of his knowledge and belief.

Patrick Ryan, WSBA #25499
Perkins Coie LLP
One Bellevue Center, Suite 1800
411 – 108th Ave. Northeast
Bellevue, WA 98004-5584

SUBSCRIBED and SWORN to before me this 15th day of February, 2002.

Print Name: _____

Notary Public in and for the State of
Washington, residing at _____

My commission expires: _____

**OLYMPIC'S RESPONSE TO TESORO'S
MOTION TO COMPEL - 5**

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