

# Bob Ferguson ATTORNEY GENERAL OF WASHINGTON

Utilities and Transportation Division 1400 S Evergreen Park Drive SW • PO Box 40128 • Olympia WA 98504-0128 • (360) 664-1183

October 16, 2014

Steven V. King, Executive Director and Secretary Washington Utilities and Transportation Commission 1300 S. Evergreen Park Dr. SW P.O. Box 47250 Olympia, Washington 98504-7250

RE: In the Matter of the Petition of James and Clifford Courtney For a Declaratory Order on the Applicability of Wash. Rev. Code § 81.84.010(1) and Wash. Admin. Code § 480-51-025(2)
Docket TS-143612

Dear Mr. King:

Enclosed for filing in the above-referenced docket are the original and 12 copies of a Motion for Extension of Time to Respond to Petition, and Certificate of Service.

Sincerely,

JULIAN BEATTIE

Assistant Attorney General

JB/emd Enclosures

cc: Parties w/enc.

## BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of	) [	OOCKET TS-143612
	)	
JAMES AND CLIFFORD	) (	COMMISSION STAFF'S MOTION
COURTNEY	) F	OR EXTENSION OF TIME TO
	) R	RESPOND TO PETITION
for a Declaratory Order on the	1)	
Applicability of RCW 81.84.010(1) and	)	
WAC 480-51-025(2)	)	•
	)	

- Introduction. On October 2, 2014, James and Clifford Courtney jointly filed a petition for a declaratory order with the Washington Utilities and Transportation Commission. On October 3, 2014, the Commission served notice that responses to the petition must be filed no later than 5:00 p.m. on Monday, October 20, 2014, pursuant to WAC 480-07-930(3).
- Motion for extension of time to respond to petition. Staff of the Washington Utilities and Transportation Commission ("Staff") respectfully requests that the Commission extend the time for Staff to file its response until 5:00 p.m. on Friday, November 7, 2014.
- Counsel for Staff, Assistant Attorney General Julian Beattie, conferred with attorney Michael Bindas, who represents the petitioners. Mr. Bindas does not oppose Staff's request to extend Staff's response deadline to 5:00 p.m. on Friday, November 7, 2014.
- Legal authority. Staff requests this extension under WAC 480-07-930(1), which authorizes the Commission to grant exemptions from its procedural rules when consistent with the public interest, the Commission's regulatory mission, and applicable law. Staff contends an exemption is warranted here because Staff's counsel is new to the case and will benefit from additional time to review the complex facts, legal issues, and procedural history presented by this docket. Additionally, petitioners' counsel does not oppose this motion.

<sup>&</sup>lt;sup>1</sup> WAC 480-07-930(3) provides in relevant part, "Any person may respond to a petition for declaratory order by filing an answer within twenty days after the petition is filed or at such other time as the commission may establish by notice."

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Staff anticipates that if the Commission grants this motion, it will reserve entry of a declaratory order, if any, until after it receives Staff's response. Authority for this procedure exists under the Administrative Procedure Act, at RCW 34.05.240(5). Under RCW 34.05.240(5)(b), the Commission may "[s]et the matter for specified proceedings to be held no more than ninety days after receipt of the petition." Under RCW 34.05.240(5)(c), the Commission may "[s]et a specified time no more than ninety days after receipt of the petition by which it will enter a declaratory order."

Respectfully submitted on October <u>/6</u>, 2014, by:

ROBERT W. FERGUSON Attorney General

Julian Beattie, WSBA #45586

Assistant Attorney General
Counsel for Staff of the Washington

Utilities and Transportation Commission

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#### Docket TS-143612 CERTIFICATE OF SERVICE

I hereby certify that I have this day served the attached Motion for Extension of Time to Respond upon the persons and entities listed on the Service List below by depositing a copy of said document in the United States mail, addressed as shown on said Service List, with first class postage prepaid.

DATED at Olympia, Washington this 16th day of October, 2014.

ELIZABETH M. DeMARCO

#### For James and Clifford Courtney:

Michael Bindas Institute for Justice 10500 NE 8th Street, Suite 1760 Bellevue, WA 98004 Phone: (425) 646-9300

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### For Arrow Launch Service, Inc.:

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