

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,	DOCKET TG-240761
Complainant,	ORDER 05
v.	
DTG ENTERPRISES, INC.,	ORDER GRANTING LEAVE TO FILE SUMMARY DETERMINATION REPLY
Respondent.	

BACKGROUND

- 1 On December 18, 2024, the Washington Utilities and Transportation Commission (Commission) issued a complaint against DTG Enterprises, Inc., (DTG or Company) for violations of state law and administrative rule and noticed a prehearing conference scheduled for February 6, 2025.
- 2 On February 6, 2025, the Commission convened a virtual prehearing conference before Administrative Law Judge Harry Fukano. Subsequently, on March 18, 2025, the Commission issued Order 02, Prehearing Conference Order; Denying Motion to Consolidate. Among other matters, Order 02 established a procedural schedule for this proceeding.
- 3 On April 29, 2025, Commission Staff (Staff) filed its testimony and supporting exhibits with the Commission.
- 4 On May 27, 2025, the Company filed a Motion for Summary Determination.
- 5 On June 16, 2025, Staff filed a Response to DTG’s Motion for Summary Determination.
- 6 On June 24, 2025, the Company filed a Motion for Permission to Reply to Response to Motion for Summary Determination. In its motion, DTG states that good cause exists for the Commission to grant leave to reply because the evidence that Staff relies on in its

response opposing summary determination is either inadmissible or irrelevant.¹ DTG further argues that a reply is warranted to respond to Staff's legal arguments raised in its response.²

DISCUSSION

7 WAC 480-07-370(5)(b) provides:

A party that wishes to reply to an answer or response must file a motion requesting permission to reply within five business days after the respondent serves the answer or response. The motion must explain why a reply is necessary including, but not necessarily limited to, whether the answer or response raises new facts or legal argument requiring a reply. A party should file a proposed reply as an attachment to its motion. The motion is deemed denied unless the commission grants the motion within five business days after the movant files it.³

8 Considering this standard and in the interest of having more developed argument regarding the motion for summary determination, the Commission finds that DTG has established good cause to file a reply addressing the factual and legal arguments raised by Staff's Response.⁴

¹ *WUTC v. DTG Enterprises, Inc.*, Docket TG-240761, DTG's Motion for Permission to Reply to Response for Summary Determination at 2 ¶ 6.

² *WUTC v. DTG Enterprises, Inc.*, Docket TG-240761, DTG's Motion for Permission to Reply to Response for Summary Determination at 2-3 ¶¶ 7-8.

³ *See also* WAC 480-07-370(5)(a) ("The pleading responding to an answer or response is a reply. A party must not file a reply without permission from the commission, which the commission will grant only upon a showing of good cause.").

⁴ While the Commission exercises its discretion to allow a reply in this instance in the interest of a more complete argument for the purpose of summary determination, the Commission retains full discretion to reject requests for leave to reply that are beyond the deadline, fail to demonstrate good cause, or are otherwise procedurally unwarranted. Unless invited by the Commission, replies should be used sparingly to address legal and factual issues that could not have been reasonably anticipated at the time of filing the initial motion, given that other parties generally have no opportunity to respond to a reply under the Commission's rules.

ORDER

- 9 The Commission grants DTG's Motion for Permission to Reply to Response to Motion for Summary Determination.

DATED at Lacey, Washington July 1, 2025.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Harry Fukano

Harry Fukano

Administrative Law Judge

NOTICE TO PARTIES: This is an Interlocutory Order of the Commission.

Administrative review may be available through a petition for review, filed within 10 days of the service of this Order pursuant to WAC 480-07-810.