

BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

OLYMPIC PIPE LINE COMPANY,
Respondent.

DOCKET NO. TO-011472

STATEMENT OF ADDITIONAL
AUTHORITY BY OLYMPIC PIPE
LINE COMPANY REGARDING
MOTION FOR RECONSIDERATION

Olympic Pipe Line Company ("Olympic") hereby submits the attached case, City of Seattle v. Burlington Northern Railroad Co., Docket No. 70884-3; 2002 Wash. LEXIS 120 (March 7, 2002), as additional authority in support of Olympic's Motion for Reconsideration dated February 11, 2002 (the "Motion") in the above-captioned matter. The Washington State Supreme Court decided this case subsequent to Olympic's submission of the Motion. The case concerns the federal preemption of state and local safety regulations addressed in the Motion at pp. 9-11, where Olympic discussed whether (i) interim rates were sufficient to support the pipeline safety enhancements required by the Federal Office of Pipeline Safety, and (ii) whether insufficient rates conflicted with accomplishment of the purposes and objectives of federal law.

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In that regard, in City of Seattle, the Washington State Supreme Court cited S. Pac. Transp. Co. v. Pub. Util. Comm'n, 9 F.3d 807, 810 (9th Cir. 1993) for the proposition that "federal preemption is required when Congress conveys an intent to preempt local law by . . . (3) 'conflict preemption,' where it is impossible to comply with both local and federal law." As noted in the Motion, Olympic's pipes valves, controls, pumps, tanks, communications and other physical attributes are shared, common facilities used to transport both intrastate and interstate petroleum shipments.

DATED this ____ day of March, 2002.

PERKINS COIE LLP

By _____
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Attorneys for Olympic Pipe Line Company

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