

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Olympic Pipe Line Company

Docket No. IS01-
441-
003

ORDER COMPELLING RESPONSES TO DISCOVERY REQUESTS

(Issued April 1, 2002)

1. Before the undersigned are two Motions to Compel, the first filed by Tosco Corporation ("Tosco") on March 15, 2002, and the second filed by Tesoro Refining and Marketing Company ("Tesoro") on March 20, 2002. Both intervenors complain about the lack of responsiveness and/or timeliness of answers to various Discovery Requests due from Olympic Pipe Line Company ("Olympic").

2. On March 28, 2002, a hearing was convened on both Motions to Compel. The intervenors agreed that off-the-record discussions might result in an agreement on the discovery requests at issue. After these discussions and negotiations (without the presence or input of the undersigned), the intervenors announced they had reached an agreement with Olympic that, in essence, required Olympic to comply with all outstanding discovery requests.

3. With respect to the Motion to Compel filed by Tosco, Tosco and Olympic agreed that responses, as summarized below, would be submitted by Olympic to Tosco on or before April 3, 2002.

ù An unprotected electronic version of Exhibit OPL-30 and 31, to be used solely for purposes of this proceeding.

ù A written narrative explanation of the integrity plan previously provided, explaining the process by which Olympic intends to restore the pipeline system to operation at full pressure, with relevant dates.

ù A hard copy and electronic version of the derivation of fuel and power costs factors shown in Schedule 22.7 and Exhibit OPL-30 and 31.

ù Equilon does not have a breakdown of payroll experts for 1998 and 1999 and Tosco accepts this response.

4. It is therefore ORDERED that Olympic shall submit the responses as outlined in Paragraph 3, supra, to Tosco Corporation on or before April 3, 2002.

5. With respect to the Motion to Compel filed by Tesoro, Tesoro and Olympic agreed that responses, as summarized below, would be submitted by Olympic to Tesoro on or before April 12, 2002.

ù Discovery Request 119--external audit information. (This is information available through Arthur Andersen, information provided to the auditors, and the auditors' worksheets and information.) It is agreed that the information should be provided and that, to the degree that privilege is claimed, there will be a privilege log attached to it. It is recognized that Olympic's books and records have not been audited since 1999, and that this request is an attempt to verify the veracity of other information provided. In addition, January 2002 and February 2002 Financial Statements will be provided as soon as they are available.

ù Discovery Request 112(b)--Whatcom Creek's direct and indirect costs. Olympic indicated the direct costs have been provided and quantified and that they do not account for the indirect costs associated with the Whatcom Creek incident.

I agreed that if they make that representation on the record (that the indirect costs associated with Whatcom Creek have not been accounted for), then we can move on. In other words, there is nothing else to produce with respect to, or in response to this request.

ù Discovery Request 127--quantification of Whatcom Creek (invoices from the insurance coordinator, the insurance coordinator's ledger or information by category, and a reconciliation to show how the Whatcom Creek expenses are treated on the company books. This request may have been fulfilled, but it is subject to check at this point.

ù Discovery Request 122 CWIP Accounts with projects identified. This request may have been fulfilled, but it is subject to check at this point.

ù Discovery Request 102(c) engineering documents and studies which discuss the design and capacity of the system. It is acknowledged that Tesoro met with Olympic's engineer on two different occasions, the last being March 21, 2002. Tesoro requested additional information, summarized below as eleven specific items. It is agreed that these eleven items shall be produced. They are:

(1) The manuals and manufacturers information addressing the features and advantages of the PATH and BATCH scheduling software programs.

(2) The manual and manufacturer's information addressing the features and advantages of the SCDA Archival Software Program.

(3) The controller run sheets, also referred to as green cards, for 1998 and July 1, 2001 to date.

(4) The pumping orders for 1998 and July 1, 2001 to date.

(5) A list of the average downtime by month for 1998 and July 1, 2001, to date.

(6) A list of the average DRA, Drag Reducing Agent, purchased and returned by month for 1998 and July 1, 2001 to date.

(7) A list of the strips run by month for 1998 and July 1, 2001 to date.

(8) A list of the average throughputs by product by month for 1998 and July 1, 2001 to date.

(9) A list of the average batch size by product by month for 1998 and July 1, 2001 to date.

(10) Worksheets, documentary support, engineering reports, and other documents or information which supports Olympic's claim in its filings before the WUTC that Bayview would increase throughput by 35 to 40,000 barrels per day.

(11) Any engineering report or calculation which shows the likely impact of throughput from lifting the pressure restriction.

ù Discovery Request 133-- a calculation of what Olympic's throughput will be when the pressure restriction currently in place is lifted; and, when the DRA is added.

ù Discovery Requests No. 169 and 170 concerning affiliated [company] transactional information. This request may have been fulfilled, but it is subject to check at this point.

ù Discovery Requests No. 110 and 162--correspondence between Olympic and the Office of Pipeline Safety, Data Request No. 110 and 162. Olympic informed Tesoro that this information is available in Seattle, and is subject to check.

ù Discovery Request No. 100 the prior testimony of six people (Batch, Hammer, Omohundro, Collins, Talley, and Schink).

Olympic will provide the information requested so long as the testimony in question relates to information that may be relevant to this proceeding, e.g. energy issues, particularly rate-setting issues.

ù Discovery Request No. 107 cost-of-service calculations for 1996 through 1998. It is acknowledged that counsel for Olympic is requesting this information from another attorney, and it is possible that the other attorney will tell Olympic that the information requested is no longer in existence.

ù Discovery Request No. 113 litigation costs and expenses, particularly as it relates to information requested in Request 127.

6. It is therefore ORDERED that Olympic Pipe Line Company shall submit the responses as outlined in Paragraph 5, supra, to Tesoro Refining and Marketing Company, on or before April 12, 2002.

7. Olympic is reminded of its obligations to serve copies of its responses on Commission Trial Staff in a manner consistent with that used in the past in this proceeding.

8. For the purpose of clarification, let it be reiterated that the due dates for the above responses from Olympic to Tosco and Tesoro are only for those discovery requests detailed herein. These production deadlines in no way affect or impact on any other discovery requests that may have been outstanding as of March 28, 2002, or those that should follow in time in the course of this proceeding.

9. Any and all relief not specifically granted herein should be considered denied.

IT IS SO ORDERED.

Jeffie J. Massey
Presiding Administrative Law Judge

