

ATTACHMENT A

BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

DOCKET NO. TO-011472

Complainant,

v.

DECLARATION OF BOBBY TALLEY
IN OPPOSITION TO TESORO'S
MOTION FOR SANCTION

OLYMPIC PIPE LINE COMPANY, INC.,

Respondent.

I, Bobby Talley, hereby declare as follows:

1. I am Olympic's Vice President/District Manager. My background and qualifications were attached to my prefiled testimony in this matter (BJT-IT).
2. I have reviewed Tesoro's Motion for Sanctions and make this Declaration in response based on my personal knowledge and from a review of the data and records in this case.
3. At two technical conferences held on March 15 and 21, 2002, with Tesoro's counsel, Robin Brena, Steve Marshall and I discussed the engineering drawings, specifications and design information requested by Tesoro in its Data Request No. 102. As early as February 22, 2002, Olympic had agreed to make all of its engineering drawings, specifications and design information available at its offices in Renton, WA because such documents on Olympic's 400 mile system are too voluminous and expensive to reproduce (see

attached response from Olympic). I also discussed Olympic's pipeline system referencing what are referred to in the company as "green sheets." These green sheets are a tool used by Olympic's pipeline controller to document batches of products as they travel from input to output destinations. They are developed daily and are typically comprised of three 15-inch by 22.5-inch double-sided "green" sheets for each day.

4. These green sheets are not designed to track downtime, strip run times, average throughput, or batch size, although such information can be extracted from these sheets. These sheets were specifically designed to be used by the controller to track information regarding product movement through the pipeline system (such as tank level information, personnel (internal and external) notifications of event timing, transmix injections, batch change times, total net volumes printed for custody transfer measurement (verified daily by the product accounting department)), and implemented product schedules set by the scheduling department, based on shipper nominations. In that regard, these sheets are not used to catalogue shipping information and are not used to, and are not intended to, preserve historical data.

5. During the March 15 conference, and again on the 21st, Tesoro requested analyses of green sheet data and a summation, based on such analyses, of average downtime, strip runs, throughput, and batch size, based on the information contained on the green sheets. At that conference, I explained to Tesoro that Olympic does not perform such analyses and the green sheets are not designed to be used as the basis for such analyses. I further explained that analyses of this type would be extremely time-consuming, as it would require Olympic's product movement specialist – who is currently managing or supporting product scheduling, product volume accounting, DRA management and project planning – to work six weeks at full-time to perform the analyses requested by Tesoro. BP employees

unfamiliar with the Olympic system would require even more time to be trained on the recording system and the necessary codes and terminology.

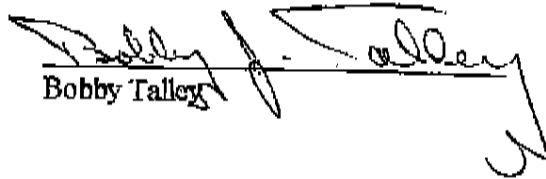
6. Terms such as "list" or "summary" does not adequately convey the scope of the work Tesoro was calling upon Olympic to perform. In order to provide an average for the factors listed, the Olympic product movement specialist would have to read each green sheet and extract downtime, strip runs, throughput and batch size from the green sheets, given the fact that such information is not categorized or summarized anywhere on the green sheets and such green sheets are not designed or used to provide such summaries. For instance, downtime would need to be calculated by reading each green sheet and identifying those times that product did not pass through a certain segment of pipe as "downtime." Regardless, such an analysis would not capture all the operational variables that affect capacity or throughput on the line. Thus, the "summary" or "lists" requested by Tesoro could only be produced after a thorough and complete analysis of data both contained in and omitted from the green sheets.

7. I am responsible for managing Olympic's overall operations and maintenance. In that capacity, I am not personally responsible for the production of the green sheets, nor does my job responsibilities entail analysis of such green sheets for average downtime, average strip runs, average throughput, and average batch size, which such sheets are not designed to track.

8. Had I been requested by Tesoro, I would have directed Olympic's pipeline product specialist to assist Tesoro's experts in analyzing the green sheets to determine average downtime, average strip runs, average throughput and average batch size. However, Tesoro did not, subsequent to the March 15 or March 21 conferences, ever make such a request to me.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge.

EXECUTED this 30th day of April, 2002 at Renton, Washington.


Bobby Talley

ATTACHMENT B

COPY**Elaine Houchen**

From: "Robin O. Brena" <rbrena@brenalaw.com>
To: "Steven Marshall" <marss@perkinscoie.com>
Cc: "Edward Finklea" <efinklea@energyadvocates.com>; "Don Trotter" <dtrotter@wutc.wa.gov>;
"John Brown" <jjbbwsq@aol.com>; "Gary Grasso" <ggrasso@bsaenergy.com>; "Elaine Houchen"
<ehouchen@brenalaw.com>
Sent: Wednesday, March 27, 2002 4:09 PM
Subject: Throughput and Capacity Discovery Requests Arising from Informal Discovery Conferences with Mr. Talley

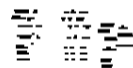
Steve:

In part, this email will confirm that Mr. Talley was made available for approximately 3 hours in total during 2 informal discovery conferences on the topics of to capacity and throughput ending last Thursday, March 21, 2002. With regard to these conferences please provide the following information as to Olympic's capacity and throughput:

1. The manuals and manufacturer's information addressing the features and advantages of the PASS and batch scheduling software programs.
2. The manual and manufacturer's information address the features and advantages of the SCDA archival software program.
3. The Controller Run Sheets (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 down time by month for 1998 and July 1, 2001 to date.
6. A list of the average DRA 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 throughput 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 35,000 to 40,000 BPD.
11. Any engineering report or calculation which shows the likely impact to throughput from lifting the pressure restriction.

If you have any questions concerning these matters, please advise as soon as practical. Thank you, Robin

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Anchorage, AK 99501
phone (907) 258-2000
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rbrena@brenalaw.com



4/20/02

ATTACHMENT C

BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

Complainant,

v.

OLYMPIC PIPE LINE COMPANY, INC.,

Respondent.

DOCKET NO. TO-011472

DECLARATION OF STEVEN
MARSHALL IN OPPOSITION TO
TESORO'S MOTION FOR
SANCTIONS

I, Steven C. Marshall, hereby declare as follows:

1. I am an attorney with Perkins Coie LLP, which represents the Olympic Pipe Line Company in the above-captioned docket.

2. I have reviewed Tesoro's Motion for Sanctions and make this Declaration in response based on my personal knowledge and from a review of the data and records in this case.

3. In the afternoon of April 16, 2002, William Maurer and I spoke with Robin Brena, counsel for Tesoro, and inquired whether there were any outstanding discovery issues that we could address prior to the April 16 deadline for filing a motion for sanctions set in the Commission's Tenth Supplemental Order. Mr. Brena replied that he did not then have any discovery issues to address but that he had not finished reviewing the materials produced by Olympic. Mr. Brena requested a week extension so that he could finish reviewing the

DECLARATION OF
STEVEN MARSHALL - 1

[33202-0006/BA021200.077]

materials. Mr. Maurer and I agreed to such an extension with Administrative Law Judge Wallis on the phone. Nothing was said by Tesoro about not receiving any summary lists or any separate new analysis on downtime.

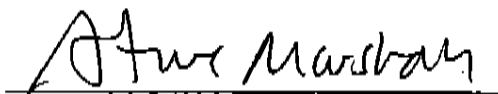
4. On April 22, 2002, prior to the deposition of Bobby Talley, I asked Mr. Brena whether there were any outstanding discovery issues we could address. He did not indicate that there were any.

5. Contrary to Tesoro's Motion, I did not agree to have Olympic create for Tesoro any summary of documents or lists from the information contained on the green sheets. Olympic's response to Mr. Brena on lists was made through Olympic's FERC counsel on April 4 and Tesoro confirmed that in its letter of April 5, 2002.

6. Since February 22, 2002, Olympic had formally agreed to provide all engineering documents it had for Tesoro's experts to review at Renton, Washington. Tesoro never called to arrange a time to have its experts review the documents in Renton. Instead, Tesoro requested a subset (the green sheets) to be copied, which Olympic arranged to have color copied.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge.

EXECUTED this 30th day of April, 2002 at Bellevue, Washington.


Steven Marshall

ATTACHMENT D

SIDLEY AUSTIN BROWN & WOOLLCOTT LLP

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April 4, 2002

Robin O. Brena, Esq.
 Brena, Bell & Clarkson, P.C.
 310 K Street
 Suite 601
 Anchorage, Alaska 99501

Re: FERC Docket No. IS01-441-000,
Olympic Pipe Line Company

Dear Robin:

At the discovery conference/oral argument held in the above-captioned matter on Thursday, March 28, 2002, Olympic agreed to provide, and the Presiding Judge compelled Olympic to provide, among other things, materials and information responsive to the requests you made in your e-mail to Steve Marshall dated March 27, 2002, pertaining to Olympic's capacity and throughput. Among the materials you requested are what your e-mail refers to as "Controller Run Sheets (Green Cards) for 1998 and July 1, 2001, to date" (Item No. 3).

We advised you by telephone on Monday afternoon (our time) that color copies of such sheets, which may be necessary if your consultants are to be able to read all of the information recorded on them, will be expensive and time consuming to prepare; they consist of over 2000 double-sided sheets and Olympic personnel have been quoted a price of approximately \$5,000 and five days for the preparation of one set of copies. Black and white copies would be considerably less expensive and time-consuming to prepare, but would not contain all of the information recorded on the sheets. Your response, as we understood it, was that, if Olympic can produce summary data which is responsive to the various requests set forth in your e-mail of March 27, then you would be indifferent, more or less, as to whether the so-called green sheets are produced in any form, but particularly in color. We also understood your response to be that if Color copies are desired by Tesoro, one set of copies would probably suffice.

We believe that it will be useful at this juncture to advise you of what Olympic is able, and is not able, to produce in response to your e-mail – with respect both to

04/30/2002 14:44 FAX 425 453 7350

Robin O. Brena, Esq.
April 4, 2002
Page 2

information that may be contained in the green sheets, and to information that may not be contained in the green sheets, so that we can both make informed decisions as to how to proceed well before the "drop dead" date of April 12, 2002, agreed to at the discovery conference/oral argument of March 28, 2002, and reflected in the Presiding Judge's order issued April 1, 2002. Accordingly, each of the requests set forth in your e-mail of March 27, 2002, as you numbered them, are addressed, in turn, below.

1. Manuals and Manufacturer's Information Regarding the PASS and Batch Scheduling Software Programs, Features and Advantages.

Olympic does not have in its possession manuals for the PASS (Pipeline Automated Scheduling System) software program. However, Olympic is attempting to obtain materials and information that explain the PASS program. Olympic does have in its possession documentation regarding the batch scheduling software (BSS) program and will produce such documentation as soon as possible on or before April 12, 2002.

2. Manual and Manufacturer's Information Regarding SCDA Archived Software Program, Features and Advantages.

Copies of materials responsive to this request will be produced as soon as possible on or before April 12, 2002.

3. Controller Run Sheets ("Green Cards") for 1998 and July 1, 2001 to date.

This, as noted above, is the primary subject of the present letter, with Olympic's production to be determined at least in part by Tesoro's wishes in light of Olympic's ability to produce information and materials in response to your other requests.

4. -Pumping Orders for 1998 and July 1, 2001 to Date.

Records of such orders are maintained for no more than approximately two (2) months. Olympic will produce copies of such orders in its possession as soon as possible on or before April 12, 2002.

5. List of Average Downtime by Month for 1998 and July 1, 2001 to Date.

No such "list" is prepared or maintained by Olympic, although such a list could be compiled from the green sheets that you have requested by your consultants. For this purpose, color copies of the green sheets would be required.

11/11/02
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Robin O. Brena, Esq.
April 4, 2002
Page 3

6. List of Average DRA Purchased and Returned by Month for 1998 and July 1, 2001 to Date.

Copies of records responsive to this request will be produced as soon as possible on or before April 12, 2002.

7. List of Strips Run by Month for 1998 and July 1, 2001 to Date

No such "list" is prepared or maintained by Olympic although such a list could be compiled from the green sheets that you have requested by your consultants. For this purpose, color copies of the green sheets would be required.

8. List of Average Throughput by Product by Month for 1998 and July 1, 2001, to Date

No such "list" is prepared or maintained by Olympic, although such a list could be compiled from the green sheets that you have requested by your consultants. For this purpose, color copies of the green sheets would be required.

9. List of Average Batch Size by Product by Month for 1998 and July 1, 2001, to Date

No such "list" is prepared or maintained by Olympic, although such a list could be compiled from the green sheets by your consultants. Olympic will provide an explanation of how such information can be calculated as soon as possible by or before April 12, 2002.

10. Materials and Information Supporting Olympic's Claim Before the WUTC that Bayview Would Increase Throughput by 35,000 to 40,000 BPD

Olympic personnel are searching Olympic's files to determine whether such materials or information exists. Copies of any such materials or information that is found will be produced as soon as possible on or before April 12, 2002.

11. Any Engineering Report or Calculation Showing Likely Impact on Throughput of Lifting Pressure Restriction

Olympic personnel are searching Olympic's engineering files to determine whether such materials or information exists. Copies of any such materials or information will be produced as soon as possible on or before April 12, 2002. If Olympic's engineering personnel determine that such a calculation can be made post

SIDLEY AUSTIN BRONSON & WOOD LLP

WASHINGTON, D.C.

Robin O. Brena, Esq.
April 4, 2002
Page 4

hoc, such a calculation will be produced as soon as possible on or before April 12, 2002.

In light of the foregoing, please let us know as soon as possible what your wishes are with respect to copying and production of the green sheets.

Sincerely yours,

Lawrence A. Miller
Lorrie M. Marci

11/11/02

ATTACHMENT E

APR-05-02 FRI 12:45 PM

BRENA BELL & CLARKSON PC

FAX NO. 907 258 2001

P. 02/02

BRENA, BELL & CLARKSON, P.C.

ROBERT C. BRENA, OWNER
 JAMES C. BELL, OF COUNSEL
 NEVIN G. CLARKSON, OF FIRM BELL
 DAVID W. WENDEL, OF COUNSEL
 PAULA T. VRANA, MANAGING ATTORNEY

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April 5, 2002

Lawrence A. Miller, Esq.
 Counsel for Olympic Pipeline Company
 Sidley Austin Brown & Wood
 1501 K Street, N.W.
 Washington, D.C. 20005

By Fax and Email

Re: Olympic Pipe Line Company
 FERC Docket No. ISO1-441-000
 Our File No. 010-151

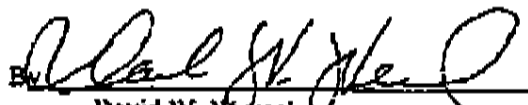
Dear Mr. Miller:

We are writing to follow up on your letter of April 4, 2002, in which you indicated that Olympic does not prepare or maintain lists of average down time, strip runs by month, average throughput by product by month, or average batch size by product by month. Therefore, it appears that this summary data which would be responsive to Tesoro's discovery requests is not available. Please confirm with us as soon as possible whether or not Olympic intends to compile the summary data in lieu of producing the source documents. If Olympic doesn't intend to compile such summary information, then we will have to arrange for the source documents to be copied.

Our preliminary review of the discovery materials served yesterday indicates that Olympic produced only a partial transcript of the deposition of Bobby Talley in Case No. 99-2-01467-3 (Dates Nos. OPI2670-OP12741). Please produce a complete copy of the transcript as soon as possible.

Very truly yours,

BRENA, BELL & CLARKSON, P.C.


 David W. Wendel

DWW/cmh

c: Robert Nonna, Esq.
 Diane Schratwieser, Esq.
 Marc Sisk, Esq.
 Stephen Teichler, Esq.
 Mr. Charles Magee

ATTACHMENT F


SIDLEY AUSTIN BROWN & WOOD LLP


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WRITER'S DIRECT NUMBER
 (202) 736-8273

WRITER'S E-MAIL ADDRESS
 lmarcil@sidley.com

April 8, 2002

BY FACSIMILE & FIRST CLASS MAIL

David W. Wensel, Esq.
 Brena, Bell & Clarkson, P.C.
 310 K Street
 Suite 601
 Anchorage, AK 99501

Re: FERC Docket No. IS01-441-000,
Olympic Pipe Line Company

Dear Mr. Wensel:

This letter responds to your April 5, 2002 letter and confirms that Olympic does not intend to compile data regarding average down time, strip runs by month, average throughput by product by month, and average batch size by product by month. Olympic will produce the source documents, referred to as "green sheets," from which such data may be compiled by Tesoro. Please give me a call regarding their copying.

Pages 72-114 of the Bobby Talley deposition transcript were inadvertently omitted from Olympic's production on April 4, 2002. They will be produced via Federal Express tonight.

Sincerely yours,

Lorrie M. Marcil
 Lorrie M. Marcil

ATTACHMENT G

BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

Complainant,

v.

OLYMPIC PIPE LINE COMPANY, INC.,

Respondent.

DOCKET NO. TO-011472

DECLARATION OF WILLIAM R.
MAURER IN OPPOSITION TO
TESORO'S MOTION FOR
SANCTIONS

I, William R. Maurer, hereby declare as follows:

1. I am an attorney with Perkins Coie LLP, which represents the Olympic Pipe Line Company in the above-captioned docket.

2. I have reviewed Tesoro's Motion for Sanctions and make this Declaration in response based on my personal knowledge and from a review of the data and records in this case.

3. In the afternoon of April 16, 2002, Steve Marshall and I spoke with Robin Brena, counsel for Tesoro, and inquired whether there were any outstanding discovery issues that we could address prior to the April 16 deadline for filing a motion for sanctions set in the Commission's Tenth Supplemental Order. Mr. Brena replied that he did not then have any discovery issues to address but that he had not finished reviewing the materials produced by Olympic. Mr. Brena requested a week extension so that he could finish reviewing the

DECLARATION OF WILLIAM R. MAURER

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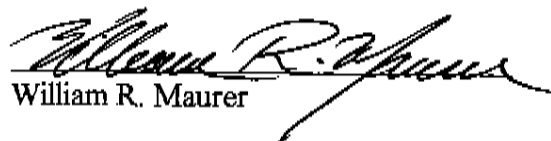
[33202-0006/BA021200.068]

materials. Mr. Marshall and I agreed to such an extension with Administrative Law Judge Wallis on the phone. Nothing was said by Tesoro about not receiving any summary lists or a separate new analysis on downtime.

4. On April 23, 2002, following the deposition of Cindy Hammer, I asked Mr. Brena whether a motion for sanctions would be forthcoming from Tesoro. He replied that one would. Thus, from April 8, 2002 until the conversation that Mr. Brena and I had on April 23, 2002, I had received no indication whatsoever from Tesoro that they believed that Olympic had failed to provide new summary lists or other new documents, despite my having directly asked Tesoro about any open discovery issues on April 16, 2002.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge.

EXECUTED this 30th day of April, 2002 at Bellevue, Washington.


William R. Maurer

ATTACHMENT H



PERKINS COIE LLP

ONE BELLEVUE CENTER, SUITE 1800 - 411 - 108TH AVENUE NORTHEAST - BELLEVUE, WASHINGTON 98004-5584
TELEPHONE: 425 453-6980 • FACSIMILE: 425 453-7350

WILLIAM R. MAURER
Direct: (425) 453-7111
Internet: maurw@perkinscoie.com

April 25, 2002

VIA FACSIMILE, ELECTRONIC MAIL, AND U.S. MAIL

Robin Brena
Brena, Bell & Clarkson, P.C.
310 K Street
Suite 601
Anchorage, AK 99501

**Re: Tesoro Motion for Sanctions
WUTC v. Olympic Pipe Line Company**

Dear Robin:

Following the depositions Tuesday, you indicated to me that you plan to file a motion on Thursday requesting that the Washington Utilities and Transportation Commission sanction Olympic Pipe Line Company. The apparent basis of this motion is your allegation that Olympic has failed to create an analysis and summation for you from certain operational data contained on "green sheets" that Olympic has both made available and copied for you.

These green sheets are a tool used by Olympic's pipeline controller to document batches of products as they travel from input to output destinations. They are developed daily and are typically comprised of three 15-inch by 22.5-inch double-sided "green" sheets for each day. They are not designed to track downtime, strip run times, average throughput, or batch size, although such information can be extracted from such sheets. These sheets were specifically designed to be used by the controller to track information regarding product movement through the pipeline system (such as tank level information, personnel (internal and external) notifications of event timing, transmix injections, batch change times, total net volumes printed for custody transfer measurement (verified daily by the product accounting department)), and implemented product schedules set by the scheduling department, based on shipper nominations. In that regard, these sheets are not used to catalogue shipping

[33202-0006/BA021140.070]

April 25, 2002
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information and are not used to, and are not intended to, preserve historical data in the format you requested.

At the informal discovery conference on March 21, 2002 with Bobby Talley, you requested analyses¹ of green sheet data and a summation, based on such analyses, of average downtime, strip runs, throughput, and batch size, based on the information contained on the green sheets. At that conference, Mr. Talley explained to you that Olympic does not perform such analyses and the green sheets are not designed to be used as the basis for such analyses. Mr. Talley further explained to you that analyses of this type would be extremely time-consuming, as it would require Olympic's product movement specialist – who is currently managing product scheduling, product volume accounting, DRA management and project planning – to work six weeks at full-time to perform such analyses. BP employees that are unfamiliar with the Olympic system would require even more time to be trained on the recording system and the necessary codes and terminology.

On March 27, 2002, *six days* after the March 21 conference with Mr. Talley, you sent an email requesting, among other things, the following documents, despite Mr. Talley's explanation that, apart from the green sheets themselves, no such documents existed:

- a list of average downtime by month and for 1998 and July 1, 2001 to date;
- a list of strip runs by month for 1998 and July 1, 2001 to date;
- a list of average throughput by product by month for 1998 and July 1, 2001, to date; and

¹ The word "summary," as used in David Wensel's letter of April 5, 2002, does not adequately convey the scope of the work you were calling upon Olympic to perform. In order to provide an average for the factors you list, an Olympic operations employee would have to read each green sheet and extract downtime, strip runs, throughput and batch size from the green sheets, despite the fact that such information is not categorized or summarized anywhere on the green sheets. For instance, downtime would need to be calculated by reading each green sheet and identifying those times that product did not pass through a certain segment of pipe as "downtime."

Thus, the "summary" discussed in Mr. Wensel's letter could only be produced after a thorough and complete analysis of data both contained in and omitted from the green sheets.

April 25, 2002

Page 3

- a list of average batch size by product by month for 1998 and July 1, 2001, to date.

A copy of your March 27, 2002, email is attached to this letter as Attachment A.

On April 4, 2002, Larry Miller of Sidley Austin Brown & Wood LLP responded to your email. Mr. Miller explained that no such "lists" were prepared or maintained by Olympic, "although such a list could be compiled from the green sheets by your consultants. Olympic will provide an explanation of how such information can be calculated as soon as possible by or before April 12, 2002." Olympic provided such an explanation by April 12. A copy Mr. Miller's letter is attached to this letter as Attachment B.

On April 5, 2002, David Wensel of your office responded to Mr. Miller. Mr. Wensel's letter stated, with emphasis added, that "it appears that this summary data which would be responsive to Tesoro's discovery requests is not available. Please confirm with us as soon as possible whether or not Olympic intends to compile the summary data *in lieu of producing the source documents*. If Olympic doesn't intend to compile such summary information, *then we will have to arrange for the source documents to be copied*." A copy of Mr. Wensel's April 5, 2002, letter is attached to this letter as Attachment C.

Olympic responded that it would produce the source documents, but had no separate summary documents. Lorrie Marcil of Sidley Austin replied on April 8, 2002, and "confirm[ed] that Olympic does not intent to compile data regarding average down time, strip runs by month, average throughput by product by month, and average batch size by product by month. Olympic will produce the source documents, referred to as 'green sheets,' from which such data may be compiled by Tesoro. Please give me a call regarding their copying." A copy of Ms. Marcil's April 8, 2002, letter is attached to this letter as Attachment D.

On April 15 and 16, 2002, Mr. Wensel reviewed the green sheets at the law offices of Karr Tuttle Campbell in Seattle. Olympic has also arranged for the green sheets to be copied and sent to you per your request.

On April 16, 2002, Steve Marshall and I called you to see if there were any issues with discovery that we could address prior to the prehearing conference on discovery set to be held on April 18, 2002. You indicated that you did not have any

April 25, 2002
Page 4

but that you were not finished reviewing the green sheets. You asked for an additional week to analyze the data, a proposal to which we agreed.²

On April 22, 2002, Steve Marshall asked at the morning deposition session if there were any discovery issues outstanding that we could address. You did not indicate that there were any.

At no time did you respond to Ms. Marcil's April 8 letter by suggesting that you believed production of the green sheets was not sufficient. Olympic reasonably understood, based on Mr. Wensel's April 5 letter, that the options available to it were to perform the requested analyses or produce the green sheets so that Tesoro's experts could perform such analyses. See Wensel letter ("Please confirm with us as soon as possible whether or not Olympic intends to compile the summary data *in lieu of producing the source documents*. If Olympic doesn't intend to compile such summary information, then we will have to arrange for the source documents to be copied.") Olympic has produced the green sheets in lieu of compiling the summary data so that Tesoro could "arrange for the source documents to be copied." Olympic thus fulfilled one of the two options presented by Mr. Wensel's April 5 letter.

Mr. Wensel's April 5 letter did not indicate that Tesoro believed that Olympic's inability to create new lists or perform any new analyses constituted a discovery violation. Despite our repeated inquiries to you, you did not once bring this issue up between April 8, 2002, and this past Tuesday, when you indicated to me that you intended to file a motion for sanctions.

Although it remains unclear what statutory or regulatory responsibility Olympic has to summarize and analyze its discovery data for you, had you conferred with us in response to our repeated inquiries regarding discovery (and as you represented to the Commission in your April 18 motion that you would), we would

² Your motion to postpone this conference indicates that you needed the extra week to complete review of the materials submitted by Olympic, "discuss any inadequacies in the discovery with counsel for Olympic, and prepare a motion for sanctions, if necessary." Tesoro Motion dated April 18, 2002. No mention was made of summary lists. You did not, and still have not, discussed any inadequacies in such discovery with Olympic's counsel, with the exception of stating that you intended to file a motion for sanctions. This scarcely constitutes the "discussion" contemplated by your motion.

April 25, 2002
Page 5

have told you that Olympic would be willing to summarize a few months of the sheets for the analysis you have requested. This would allow your experts to normalize this information to weather conditions and seasonal demand fluctuations. This analysis would take a few weeks and depends on the availability of Olympic's product movement specialist to perform such work while maintaining the safe and reliable operation of the pipeline.

If you wish to discuss this any further, please call me at your earliest convenience.

Sincerely,



William R. Maurer

WRM:wrm
Attachments

cc: The Honorable Robert Wallis (w/att.)
Service List (w/att.)

ATTACHMENT A

**COPY****Elaine Houchen**

From: "Robin O. Brena" <rbrena@brenalaw.com>
To: "Steven Marshall" <marss@perkinscoie.com>
Cc: "Edward Finklea" <efinklea@energyadvocates.com>; "Don Trotter" <dtrotter@wutc.wa.gov>;
 "John Brown" <jfbwbsq@aol.com>; "Gary Grasso" <ggrasso@bsaenergy.com>; "Elaine Houchen" <ehouchen@brenalaw.com>
Sent: Wednesday, March 27, 2002 4:09 PM
Subject: Throughput and Capacity Discovery Requests Arising from Informal Discovery Conferences with Mr. Talley

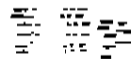
Steve:

In part, this email will confirm that Mr. Talley was made available for approximately 3 hours in total during 2 informal discovery conferences on the topics of to capacity and throughput ending last Thursday, March 21, 2002. With regard to these conferences please provide the following information as to Olympic's capacity and throughput:

1. The manuals and manufacturer's information addressing the features and advantages of the PASS and batch scheduling software programs.
2. The manual and manufacturer's information address the features and advantages of the SCDA archival software program.
3. The Controller Run Sheets (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 down time by month for 1998 and July 1, 2001 to date.
6. A list of the average DRA 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 throughput 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 35,000 to 40,000 BPD.
11. Any engineering report or calculation which shows the likely impact to throughput from lifting the pressure restriction.

If you have any questions concerning these matters, please advise as soon as practical. Thank you, Robin

Robin O. Brena, Esq.
 Brena, Bell & Clarkson, P.C.
 310 K Street, Suite 601
 Anchorage, AK 99501
 phone (907) 258-2000
 fax (907) 258-2001
rbrena@brenalaw.com



ATTACHMENT B


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WRITER'S DIRECT NUMBER
 (202) 736-8209

WRITER'S E-MAIL ADDRESS
 lmiller@sidley.com

April 4, 2002

Robin O. Brena, Esq.
 Brena, Bell & Clarkson, P.C.
 310 K Street
 Suite 601
 Anchorage, Alaska 99501

Re: FERC Docket No. IS01-441-000,
Olympic Pipe Line Company

Dear Robin:

At the discovery conference/oral argument held in the above-captioned matter on Thursday, March 28, 2002, Olympic agreed to provide, and the Presiding Judge compelled Olympic to provide, among other things, materials and information responsive to the requests you made in your e-mail to Steve Marshall dated March 27, 2002, pertaining to Olympic's capacity and throughput. Among the materials you requested are what your e-mail refers to as "Controller Run Sheets (Green Cards) for 1998 and July 1, 2001, to date" (Item No. 3).

We advised you by telephone on Monday afternoon (our time) that color copies of such sheets, which may be necessary if your consultants are to be able to read all of the information recorded on them, will be expensive and time consuming to prepare; they consist of over 2000 double-sided sheets and Olympic personnel have been quoted a price of approximately \$5,000 and five days for the preparation of one set of copies. Black and white copies would be considerably less expensive and time-consuming to prepare, but would not contain all of the information recorded on the sheets. Your response, as we understood it, was that, if Olympic can produce summary data which is responsive to the various requests set forth in your e-mail of March 27, then you would be indifferent, more or less, as to whether the so-called green sheets are produced in any form, but particularly in color. We also understood your response to be that if Color copies are desired by Tesoro, one set of copies would probably suffice.

We believe that it will be useful at this juncture to advise you of what Olympic is able, and is not able, to produce in response to your e-mail -- with respect both to

Robin O. Brena, Esq.
April 4, 2002
Page 2

information that may be contained in the green sheets, and to information that may not be contained in the green sheets, so that we can both make informed decisions as to how to proceed well before the "drop dead" date of April 12, 2002, agreed to at the discovery conference/oral argument of March 28, 2002, and reflected in the Presiding Judge's order issued April 1, 2002. Accordingly, each of the requests set forth in your e-mail of March 27, 2002, as you numbered them, are addressed, in turn, below.

1. Manuals and Manufacturer's Information Regarding the PASS and Batch Scheduling Software Programs, Features and Advantages.

Olympic does not have in its possession manuals for the PASS (Pipeline Automated Scheduling System) software program. However, Olympic is attempting to obtain materials and information that explain the PASS program. Olympic does have in its possession documentation regarding the batch scheduling software (BSS) program and will produce such documentation as soon as possible on or before April 12, 2002.

2. Manual and Manufacturer's Information Regarding SCDA Archived Software Program, Features and Advantages.

Copies of materials responsive to this request will be produced as soon as possible on or before April 12, 2002.

3. Controller Run Sheets ("Green Cards") for 1998 and July 1, 2001 to date.

This, as noted above, is the primary subject of the present letter, with Olympic's production to be determined at least in part by Tesoro's wishes in light of Olympic's ability to produce information and materials in response to your other requests.

4. Pumping Orders for 1998 and July 1, 2001 to Date.

Records of such orders are maintained for no more than approximately two (2) months. Olympic will produce copies of such orders in its possession as soon as possible on or before April 12, 2002.

5. List of Average Downtime by Month for 1998 and July 1, 2001 to Date.

No such "list" is prepared or maintained by Olympic, although such a list could be compiled from the green sheets that you have requested by your consultants. For this purpose, color copies of the green sheets would be required.

Robin O. Brena, Esq.
April 4, 2002
Page 3

6. List of Average DRA Purchased and Returned by Month for 1998 and July 1, 2001 to Date.

Copies of records responsive to this request will be produced as soon as possible on or before April 12, 2002.

7. List of Strips Run by Month for 1998 and July 1, 2001 to Date

No such "list" is prepared or maintained by Olympic although such a list could be compiled from the green sheets that you have requested by your consultants. For this purpose, color copies of the green sheets would be required.

8. List of Average Throughput by Product by Month for 1998 and July 1, 2001, to Date

No such "list" is prepared or maintained by Olympic, although such a list could be compiled from the green sheets that you have requested by your consultants. For this purpose, color copies of the green sheets would be required.

9. List of Average Batch Size by Product by Month for 1998 and July 1, 2001, to Date

No such "list" is prepared or maintained by Olympic, although such a list could be compiled from the green sheets by your consultants. Olympic will provide an explanation of how such information can be calculated as soon as possible by or before April 12, 2002.

10. Materials and Information Supporting Olympic's Claim Before the WUTC that Bayview Would Increase Throughput by 35,000 to 40,000 BPD

Olympic personnel are searching Olympic's files to determine whether such materials or information exists. Copies of any such materials or information that is found will be produced as soon as possible on or before April 12, 2002.

11. Any Engineering Report or Calculation Showing Likely Impact on Throughput of Lifting Pressure Restriction

Olympic personnel are searching Olympic's engineering files to determine whether such materials or information exists. Copies of any such materials or information will be produced as soon as possible on or before April 12, 2002. If Olympic's engineering personnel determine that such a calculation can be made post

SIDLEY AUSTIN BRENNAN & WOOD LLP

WASHINGTON, D.C.

Robin O. Brena, Esq.
April 4, 2002
Page 4

hoc, such a calculation will be produced as soon as possible on or before April 12, 2002.

In light of the foregoing, please let us know as soon as possible what your wishes are with respect to copying and production of the green sheets.

Sincerely yours,

Lawrence A. Miller
Lorrie M. Marcil

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11
11

ATTACHMENT C

APR-05-02 FRI 12:45 PM



BELL & CLARKSON PC

FAX NO. 907 258 2001

P. 02/02

BRENA, BELL & CLARKSON, P.C.

ROBIN C. BRENA, OWNER
 JESSIE C. BELL, OF COUNSEL
 KEVIN G. CLARKSON, OF COUNSEL
 DAVID W. WENSEL, OF COUNSEL
 PAULA T. VRANA, MANAGING ATTORNEY

ATTORNEYS AT LAW

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April 5, 2002

By Fax and Email

Lawrence A. Miller, Esq.
 Counsel for Olympic Pipeline Company
 Sidley Austin Brown & Wood
 1501 K Street, N.W.
 Washington, D.C. 20005

Re: Olympic Pipe Line Company
 FERC Docket No. ISO1-441-000
 Our File No. 010-151

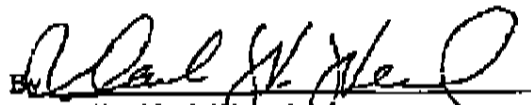
Dear Mr. Miller:

We are writing to follow up on your letter of April 4, 2002, in which you indicated that Olympic does not prepare or maintain lists of average down time, strip runs by month, average throughput by product by month, or average batch size by product by month. Therefore, it appears that this summary data which would be responsive to Tesoro's discovery requests is not available. Please confirm with us as soon as possible whether or not Olympic intends to compile the summary data in lieu of producing the source documents. If Olympic doesn't intend to compile such summary information, then we will have to arrange for the source documents to be copied.

Our preliminary review of the discovery materials served yesterday indicates that Olympic produced only a partial transcript of the deposition of Dobby Talley in Case No. 99-2-01467-3 (Bates Nos. OP12670-OP12741). Please produce a complete copy of the transcript as soon as possible.

Very truly yours,

BRENA, BELL & CLARKSON, P.C.


 David W. Wensel

DWW/cmh

c: Robert Donna, Esq.
 Diane Schratwieser, Esq.
 Marc Sisk, Esq.
 Stephen Teichler, Esq.
 Mr. Charles Magee



ATTACHMENT D


SIDLEY AUSTIN BROWN & WOOD LLP


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WRITER'S DIRECT NUMBER
(202) 736-8273

WRITER'S E-MAIL ADDRESS
lmarcil@sidley.com

April 8, 2002

BY FACSIMILE & FIRST CLASS MAIL

David W. Wensel, Esq.
Brena, Bell & Clarkson, P.C.
310 K Street
Suite 601
Anchorage, AK 99501

Re: FERC Docket No. IS01-441-000,
Olympic Pipe Line Company

Dear Mr. Wensel:

This letter responds to your April 5, 2002 letter and confirms that Olympic does not intend to compile data regarding average down time, strip runs by month, average throughput by product by month, and average batch size by product by month. Olympic will produce the source documents, referred to as "green sheets," from which such data may be compiled by Tesoro. Please give me a call regarding their copying.

Pages 72-114 of the Bobby Talley deposition transcript were inadvertently omitted from Olympic's production on April 4, 2002. They will be produced via Federal Express tonight.

Sincerely yours,

Lorrie M. Marcil
Lorrie M. Marcil


CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date I caused to be served copies of the foregoing document and this Certificate of Service via email, facsimile and U.S. Mail, to the following:

<p>Mr. Donald T. Trotter/Lisa Watson Washington Utilities and Transportation Commission 1400 S. Evergreen Park Drive S.W. P. O. Box 40128 Olympia, WA 98504-0128 360-586-5522 (Fax) dtrotter@wutc.wa.gov</p>	<p>Mr. Edward A. Finklea/Chad Stokes Attorney at Law Energy Advocates LLP Attorneys at Law 526 N.W. 18th Avenue Portland, OR 97209-2220 503-721-9121 (Fax) efinklea@energyadvocates.com</p>
<p>Robin O. Brena, Esq. Brena Bell & Clarkson, P.C. 310 K Street, Suite 601 Anchorage, AK 99501 907-258-2001 (Fax) RBRENA@BRENALAW.COM</p>	<p>C. Robert Wallis Administrative Law Judge 1300 S. Evergreen Park Drive S.W. Olympia, WA 98504-7250 bwallis@wutc.wa.gov</p>

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this 25th day of April, 2002 in Bellevue, Washington.


 Pam Iverson

ATTACHMENT I

PERKINS COIE LLP

ONE BELLEVUE CENTER, SUITE 1800 - 411 - 108TH AVENUE NORTHEAST - BELLEVUE, WASHINGTON 98004-5584
TELEPHONE: 425 453-6980 - FACSIMILE: 425 453-7350

Mach 22, 2002

Robin Brena, Esquire
Brena, Bell & Clarkson, P.C.
310 K Street
Anchorage, AK 99501

Re: Olympic PipeLine Company WUTC Docket No. TO-011472

Dear Mr. Brena:

With regard to Tesoro Data Request No. 110, which requests Office of Pipeline Safety (OPS) documents sent to or received by Olympic, Olympic responded to Tesoro on February 22 and 28 by stating that "Olympic will make correspondence to OPS since June 1, 1999 available for review, subject to the Protective Order when appropriate, at the offices of Karr Tuttle in Seattle, Washington."

On March 6, 7 and 8 Olympic repeated its response and said that Tesoro should make arrangements directly with Bill Beaver of Karr Tuttle to set up a time to review those documents, which consisted of several banker boxes. The March 8 transcript states:

MR. MARSHALL: We had initially responded to this [Tesoro data request No. 110] some time ago. I believe the FERC counsel, [Olympic's] FERC counsel, suggested that Mr. Brena arrange with Mr. Beaver at Karr Tuttle to look at those at a mutually agreeable time. We said yesterday that we would do that.

Mr. Brena wanted to have them just all copied unless they involved more than three banker boxes, and then we determined that there were as many as eight and maybe more banker boxes, at which time Mr. Brena rethought the copying aspect.

What we would really like to do, particularly with my schedule, is just to have Mr. Brena call Mr. Beaver directly and make those arrangements with him. I can't do all this and be here

[00000-0000/BA020800.102]

March 21, 2002

Page 2

and arrange my schedules. So at mutually agreeable time is what we had initially asked them to do, and we make that freely. And he's free to look at them and then have whatever copied that he wants to have copied.

MR. BRENA: Your Honor, it's a considerable trip for me to come down here, not that I haven't been doing it plenty of times, but I would like to get it done in this trip. And it's my understanding that some kind of accommodation to make that possible was going to occur.

JUDGE WALLIS: Is there a way that on the next break we can see if arrangements can be made to that effect?

MR. MARSHALL: Yes, I think Mr. Brena has Mr. Beaver's telephone number, and if he doesn't, we will provide it for him. I think that's the most efficient way to arrange it. I will not be available at all tomorrow. I have a--well, a number of things.

JUDGE WALLIS: Very well.

MR. BRENA: I'll be happy to do that, see what the availability is. And if there remains an issue, I'll bring it back to Your Honor.

As of March 21, Mr. Beaver reports that he has had no call from any other representative of Tesoro regarding the OPS documents at his offices.

Very truly yours,


Steven C. Marshall

SCM:mnh

cc: C. Robert Wallis
Ed Finklea
Don Trotter

Peterson, Cindy-BEL

From: Peterson, Cindy-BEL
Sent: Friday, March 22, 2002 6:55 AM
To: 'bwallis@wutc.wa.gov'; 'rbrena@brenalaw.com'; '@Finklea, Ed'; 'cstokes@energyadvocates.com'; 'dtrotter@wutc.wa.gov'; 'lwatson@wutc.wa.gov'; 'ggrasso@bsaenergy.com'; 'jfbwsq@aol.com'; 'fhanley@ausinc.com'
Cc: Marshall, Steve-BEL; Ryan, Patrick W.-SEA; Peterson, Cindy-BEL; 'christyomohundro@aol.com'; 'wbeaver@karrtuttle.com'; 'lmiller@sidley.com'; 'lmarcil@sidley.com'; 'batchrc@bp.com'; 'hammerca@bp.com'; 'zabranbj@bp.com'; 'bradyp5@bp.com'; 'hildj@bp.com'; 'foxhb@bp.com'; 'cummindm@bp.com'; Maurer, Bill-BEL
Subject: Robin Brena, Esquire



BA020800102.DOC

BA020800102

Title: Robin Brena, Esquire
Typist: Peterson, Cynthia G.
Author: Marshall, Steven C.
Department: Unassigned
Client/Matter: 00000-0000 Perkins Coie General

Please extract the attached file.