

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

In the matter of the Petition of)	
)	DOCKET NO. A-050528
)	
WILLIAM L. STUTH and AQUA)	ORDER NO. 03
TEST, INC.,)	
)	ORDER DENYING OBJECTION
For a Declaratory Order)	TO STAFF'S MOTION FOR
)	LEAVE TO FILE REPLY;
)	GRANTING STAFF'S MOTION
.....)	

1 **Nature of Proceeding.** This matter involves the request for a declaratory order, posed by William L. Stuth and Aqua Test, Inc.

2 On February 13, 2006, Commission Staff filed its closing brief. On February 17, 2006, counsel for Stuth and Aqua Test filed a reply to Staff's closing brief.

3 On February 21, 2006, Commission Staff filed with the Commission a Motion for Leave to File Reply to the response. Counsel for Stuth and Aqua Test filed its response on February 22 asking that the motion be denied because the filing of a reply brief has long passed and believes there is no good cause for allowance.

4 This matter was remanded to the Commission for a hearing on the issues involved. We have at each stage of the remanded proceeding been cognizant of the need to afford the parties every opportunity to present factual information and to express their legal and procedural views with great latitude. The result is a record that is larger than it might otherwise be. It contains repetitious material. But it has afforded the parties a full opportunity to make the record they feel necessary to support their views.

- 5 Petitioner now asks the Commission to reject a Staff motion to respond to petitioner's pleading because the request is filed one day late. We find that granting the request would impose no hardship on the petitioner. In addition, we find that substitution of counsel for the Commission late in the docket and the nature of the support for the request (ensuring accuracy in the information provided to the bench) provide adequate reasons for granting the requested opportunity to file a response.
- 6 For the reasons stated above, we deny petitioner's motion to reject Commission Staff's motion for leave to file an additional pleading. Commission Staff may file its reply no later than the close of business on February 24, 2006.

ORDER

THE COMMISSION ORDERS That:

- 7 (1) Stuth and Aqua Test's objection to Staff's Motion to File a Reply is denied.
- 8 (2) The Motion of Commission Staff to file a reply to Stuth and Aqua Test's response is granted and must be filed with the Commission no later than March 24, 2006.

DATED at Olympia, Washington, and effective this 24th day of February, 2006.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

C. ROBERT WALLIS
Administrative Law Judge