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ANNE M. MONTGOMERY

July 28, 2004

TODD A. BUSKIRK
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Of Counsel

Hon. Ann E. Rendahl
Administrative Law Judge
Washington Utilities & Transportation Commission
PO Box 47250
Olympia, WA 98504-7250

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OFFICE OF THE
ATTORNEY GENERAL
COMMUNICATIONS SECTION

**Re: Consolidated Docket Nos. TG-040221, TG-040248 and
TG-040553**

Dear Judge Rendahl:

There has been some discussion between Applicants' counsel regarding the Prehearing Order as it relates to prefiled testimony. This has led to a question as to the applicability of the prefiled testimony date of August 13, 2004 to shipper/generator witnesses. It is Mr. Haffner's and my understanding that the August 13 date applies to operating, not shipper, witnesses; however, the order is not entirely clear on that issue. It has been my experience that shipper witnesses do not submit prefiled testimony and are named only a few days before hearing. The purpose, of course, being to prevent protestants from soliciting, or otherwise embarrassing, or even harassing, these witnesses. (I have no indication that Protestant here has done or will do this but, frankly, in the past, it has proven irresistible to some protestants).

Accordingly, I would request a brief conference call to clarify this issue. I would add that if Mr. Haffner and my understanding is incorrect, I, and I believe Mr. Haffner, will request an extension of the August 13 date of at least two weeks; which may, or may not, require commensurate extensions of the other dates in the Prehearing Conference Order.

Because of the timing involved, I am sending this letter electronically to you and to counsel, including the Assistant Attorney General. Hard copies will be mailed today.

Very truly yours,

RYAN SELLS UPTEGRAFT, INC. P.S.

TO AVOID DELAY
JAMES K. SELLS
DICTATED BUT NOT READ
SENT WITHOUT SIGNATURE

JKS:cs

cc: Mr. Greg. W. Haffner
Mr. Stephen B. Johnson
Mr. Gregory J. Trautman