

From: [Kopta, Gregory \(UTC\)](#)
To: ealvordattorney@yahoo.com
Cc: [Casey, Chris \(UTC\)](#); [Brown, Sally \(UTC\)](#)
Subject: RE: Dockets TG-151573 & TG-143802; Final Order Modifying Initial Order
Date: Wednesday, June 22, 2016 12:59:00 PM

Ms. Alvord,

The incorrect citation in Commission Staff's petitions for administrative review does not change my view. The Commission's rules, not party pleadings, establish the applicable filing deadlines, and as I explained in my prior response to you, the rule governing responses to petitions for administrative review of initial orders in brief adjudicative proceedings is WAC 480-07-610(7)(c), not WAC 480-07-825(4)(b).

I also note that the Commission's records center has no record that Bobby Wolford Trucking filed its answer to Staff's petitions with the Commission. I understand that Mr. Casey received a copy of that document, which was forwarded to the Commission's Administrative Law Division as a courtesy, but WAC 480-07-145(4) provides that "service upon the assistant attorney general does not constitute filing with the commission." Responses or answers to petitions for administrative review must be filed and served by the deadline under both WAC 480-07-610(7)(c) and WAC 480-07-825(4)(b), so the Company did not comply with either rule.

To minimize deadline confusion should you choose to request administrative relief, please be aware that the service date on the Final Order, June 17, 2016, is the date when the applicable time period begins to run, not the date on which you received that order. Accordingly, any petition for reconsideration of the Final Order must be filed and served by June 27, 2016.

Gregory J. Kopta

Director, Administrative Law Division
(360) 664-1355

Utilities and Transportation Commission

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From: ealvordattorney@yahoo.com [mailto:ealvordattorney@yahoo.com]
Sent: Wednesday, June 22, 2016 11:11 AM
To: Kopta, Gregory (UTC) <gkopta@utc.wa.gov>
Subject: Re: Dockets TG-151573 & TG-143802; Final Order Modifying Initial Order

Dear Mr. Kopta:

Thank you for your email. I respectfully disagree with your assessment of our position in this matter. As you may note, the Staff's *own Petition for Administrative Review* cites WAC 480-07-825 as its legal authority for seeking review. (See page 2, paragraph 2 of Staff's Petition).

WAC 480-07-825 (4)(b) clearly provides for *ten (10) days* to provide an Answer. Wolford's Answer was served within that time frame.

I would appreciate your response to this and whether it remains your position that Wolford seek formal review/reconsideration.

Thank you,

Elizabeth Alvord, Attorney
221 Lake Avenue West
Kirkland, WA 98033
(425) 505-1865

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From: "Kopta, Gregory (UTC)" <gkopta@utc.wa.gov>
To: "ealvordattorney@yahoo.com" <ealvordattorney@yahoo.com>
Cc: "Casey, Chris (UTC)" <ccasey@utc.wa.gov>
Sent: Monday, June 20, 2016 4:07 PM
Subject: Dockets TG-151573 & TG-143802; Final Order Modifying Initial Order

Ms. Alvord,

I am responding to your message on behalf of the Commission. This proceeding was a brief adjudicative proceeding, and WAC 480-07-610 is the Commission procedural rule governing such proceedings. That rule requires responses to petitions for administrative review of an initial order to be filed within seven days after service of the petition. WAC 480-07-610(7)(c). Even accepting your representation, without deciding, that Commission Staff served Bobby Wolford Trucking with Staff's petition for administrative review of Order 02 on June 7, 2016, the Company did not file a response within seven days, *i.e.*, by June 14, 2016. The Commission entered and served its final order on June 17, 2016, well after the date responses to the petition were due and prior to receipt of the Company's untimely filing.

The Commission does not consider Bobby Wolford Trucking's response to Staff's petition for administrative review of Order 02 to be a petition for reconsideration of Order 03. Nor will the Commission reconsider its final order on its own motion. The notice at the end of Order 03 describes the availability of further administrative relief should the Company choose to seek it.

Please direct any future procedural questions to my attention, rather than to the Commissioners.

Gregory J. Kopta

Director, Administrative Law Division
(360) 664-1355

Utilities and Transportation Commission

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From: ealvordattorney@yahoo.com [<mailto:ealvordattorney@yahoo.com>]

Sent: Monday, June 20, 2016 2:46 PM

To: Danner, Dave (UTC) <ddanner@utc.wa.gov>; Jones, Philip (UTC) <pjones@utc.wa.gov>; Rendahl, Ann (UTC) <arendahl@utc.wa.gov>

Cc: Casey, Chris (UTC) <ccasey@utc.wa.gov>

Subject: Final Order Modifying Initial Order

Dear Commissioners:

I am writing to you concerning the Final Order Modifying Initial Order in the matter of Bobby Wolford Trucking & Salvage, Docket TG-151573 and TG-143802.

This Order was apparently filed on June 17 and reached my office today, June 20.

The concern that I have is this: Under the WAC, Bobby Wolford Trucking was permitted ten (10) days from the date of service to file its Answer to the Staff's Petition for Review. Wolford was served the Petition on June 7. Wolford filed its Answer to the Petition on June 17, within the 10 day time requirement.

Despite this, the Commission did not consider Wolford's Answer prior to issuing this Final Order.

At this point, we would appreciate guidance from the Commission on this problem. Will the Commission take this under reconsideration on its own volition or does Wolford need to file a motion?

Respectfully yours,

Elizabeth Alvord, Attorney
221 Lake Avenue West
Kirkland, WA 98033

(425) 505-1865

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