

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

WASTE CONTROL, INC.,

Respondent.

DOCKET TG-140560

COMMISSION STAFF'S OBJECTION
TO AND MOTION TO STRIKE
SUPPLEMENTAL TESTIMONY AND
EXHIBITS

INTRODUCTION

1 Pursuant to WAC 480-07-375(1)(d), the Staff of the Utilities and Transportation Commission files this motion to strike the supplemental testimonies and exhibits of Layne Demas, Jacqueline Davis, and Joe Willis, filed on behalf of Waste Control on November 7, 2014, as well as any attachments to those exhibits and any and all references thereto in Waste Control's Initial Brief. The filing of such testimony and exhibits at the time of the filing of "simultaneous initial briefs," as ordered by the Administrative Law Judge is wholly inappropriate, prejudicial to Commission Staff, and unprecedented. The Commission must either grant Staff's motion to strike or afford Staff greater due process.

ARGUMENT

2 The Commission should not permit Waste Control to file new testimony and exhibits at a time when closing briefs are due.¹ Here, the parties agreed to file simultaneous initial and reply briefs, after reaching settlement on certain issues. The parties in no way agreed that the

¹ The parties' October 23, 2014, Joint Motion to Amend Procedural Schedule states: "The Parties will provide initial briefs and supplemental testimony on the remaining contested accounting adjustment issues with the parties reserving the right to object to information provided in briefing or supplemental testimony. . . ."

record in this case could be supplemented with new evidence at this juncture. In this context, it is wholly inappropriate for Waste Control to now offer new evidence in an attempt to justify, among other matters, rate case costs. The Company further accuses Staff of having a “retributive attitude” toward the conduct of these proceedings. The Company makes multiple references to a 2009 rate case that was not suspended, to details that are not a part of the current record, and even speculates as to the position on capital structure espoused by a former Director of Regulatory Services. Last, but far from least, the Company discloses information gained through confidential settlement discussions. The Commission should not condone or endorse such behavior on the part of the Company. To the contrary, the Commission should grant Staff’s motion to strike.

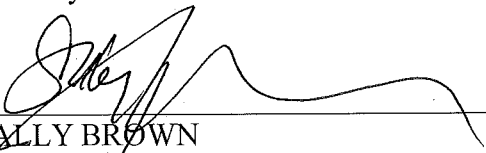
CONCLUSION

3 For the above reasons, the Commission should grant Staff’s motion to strike the supplemental testimonies and exhibits of Demas, Davis, and Willis, as well as any and all references thereto in the Company’s Initial Brief.

DATED this 17th day of November 2014.

Respectfully submitted,

ROBERT W. FERGUSON
Attorney General



SALLY BROWN
Senior Assistant Attorney General
Counsel for Washington Utilities and
Transportation Commission Staff