

BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

MURREY'S DISPOSAL COMPANY,

Respondent.

DOCKET TG-230778

COMMISSION STAFF'S MOTION
FOR LEAVE TO FILE REVISED
TESTIMONY OF BENJAMIN
SHARBONO

I. INTRODUCTION

1 Pursuant to WAC 480-07-375(1)(d) and 480-07-460(a)(1)(i), Commission Staff respectfully request leave to revised its response testimony originally filed on May 29, 2024, with the Revised Testimony of Benjamin Sharbono and supporting Confidential Exhibit BS-10C. Given the fact that this testimony was filed only three business days prior to this motion, other parties to this case will not be prejudiced and good cause exists for the Commission to grant this motion to file revised testimony.

II. FACTUAL BACKGROUND

2 On September 15, 2023, Murrey's Disposal Co. d/b/a Olympic Disposal (the Company) filed a general rate case with the Commission. After protracted negotiation, the Commission issued Order 01 on December 21, 2023, suspending this case and setting it for adjudication. The Company filed its direct testimony on March 19, 2024. Staff filed its response testimony on May 29, 2024. Staff now submits this motion to supplement that response testimony.

III. COMMISSION STAFF'S MOTION

3 Under WAC 480-07-460(1)(a)(i), a party may submit substantive revisions to prefiled testimony or exhibits only after receiving leave from the presiding officer. WAC 480-07-460(1)(b) requires that a party submit a motion for revised or supplemental testimony as soon as practicable after discovering the need for such revision or supplementation.¹ In considering such motions, the Commission has generally examined the timing of such motions, the prejudice to any other parties, and whether accepting such testimony will disrupt the procedural schedule of the case.²

4 In this instance, Staff's timing for its motion is prompt and will have no disrupting effect on the overall schedule of the case. Staff's testimony was submitted only three business days ago, and the Company's rebuttal and cross-answering testimony is not due until June 28, 2024. This timeline also demonstrates that other parties will not be prejudiced by the timing of Staff's motion, as parties will still have ample time to evaluate the relatively short additions to its testimony that Staff requests to submit.

5 The Commission also has good cause for granting this motion. Staff intends to present new testimony on major disallowances which would otherwise be left uncontested. The public interest is squarely on the side of the Commission allowing such testimony as without it, ratepayers may be required to pay additional rates for expenses which should not be attributable to them and from which they derive no service or benefit. In such cases, the Commission should allow the revised testimony and exhibit submitted by Staff.

¹ Though the WAC only lists supplemental or revised exhibits as requiring such haste, the Commission has generally treated this rule as applying to all motions for supplemental or revised testimony. *See, e.g., WUTC v. Cascade Natural Gas Corp.*, Docket No. UG-210755, Order 04 at ¶ 6 (Dec. 17, 2021).

² *Id.* at ¶ 7.

IV. CONCLUSION

6 For the reasons listed above, Staff respectfully requests that the Commission grant its motion for leave to file the Revised Testimony of Benjamin Sharbono and supporting Exhibit BS-10C and have such testimony be treated in the same manner of as the rest of Staff's prefiled testimony in this proceeding.

DATED this 4th day of June 2024.

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