

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

MURREY’S DISPOSAL COMPANY,

Respondent.

DOCKET TG-230778

ORDER 06

GRANTING STAFF’S MOTION
FOR LEAVE TO FILE REVISED
TESTIMONY, EXHIBIT, AND
EXHIBIT LIST

BACKGROUND

- 1 On December 21, 2023, the Washington Utilities and Transportation Commission (Commission) suspended this matter, which concerns Murrey’s Disposal Company’s (Murrey’s or Company) most recent rate case pending an investigation into whether the filed rates were fair, just, reasonable, and sufficient.
- 2 On February 5, 2024, the Commission issued Order 02 setting a procedural schedule for this proceeding.¹
- 3 Order 02 set March 8, 2024 as the final date for the filing of direct testimony by the Company. On February 22, 2024, the presiding officer granted by email an unopposed motion for a continuance to extend the deadline to March 19, 2024. The Company’s filing on March 19, 2024, did not comply with Commission filing rules.² The Company’s direct testimony was successfully filed on April 19, 2024.
- 4 Commission staff (Staff) filed response testimony on May 29, 2024, in accordance with the procedural schedule. That same day, Public Counsel indicated by letter that it would not be submitting testimony.
- 5 On June 5, 2024, Staff filed a Motion for Leave to File Revised Testimony, Exhibit, and Exhibit List (Motion). In its Motion, Staff explained that it discovered a substantive omission of testimony for a “major disallowance which would otherwise be left

¹ Order 02, Appendix B (February 5, 2024).

² See Order 05 at ¶11.

uncontested.”³ Staff posits good cause for the substantive change, because the public interest would be served by considering this disallowance; the three business day delay was not prejudicial; and that there remained ample time for the Company to prepare rebuttal and cross-answering testimony.⁴ Staff further notes that the additional testimony is short in length.

6 The omission relates to disallowances of \$99,973 of legal fees or approximately six percent of the overall request. The additional testimony is approximately two additional pages.

7 On June 11, 2024, the Company filed a Response to Staff’s Motion for Leave to Amend Testimony (Response). Therein, the Company argues that the three business days that had elapsed amounted to six calendar days – and that this was a material amount of time given the July 28, 2024 deadline for the Company to prepare its reply testimony and cross-answering testimony by. As a result, the Company posits that allowing the additional topic to be revised into the response testimony would be prejudicial to its procedural rights.⁵

DISCUSSION AND DECISION

8 Washington Administrative Code (WAC) 480-07-460(1)(a)(i) permits parties to seek leave from the presiding officer by written motion if they wish to revise prefiled testimony or exhibits with substantive changes, and WAC 480-07-460(1)(b) requires parties to file motions to make substantive changes as soon as practicable after discovering the need to make the change. Staff explained that it submitted the Motion and associated revised testimony and exhibits within four working days after it filed response testimony on May 29, 2024.

9 Staff made the necessary corrections and filed its Motion promptly after discovering the omission, less than a week after it filed responsive testimony and nineteen working days in advance of the deadline for rebuttal and cross-answering testimony.

10 In its Response, the Company objected to Staff’s Motion. The Company raises various concerns about the limited amount of time it has to prepare a response, and that the added topic of legal fees was surprising to the Company and would require the Company to

³ Staff’s Motion at ¶ 5.

⁴ *Id.* at ¶ 4.

⁵ *Declaration of Joe Wonderlick in Opposition to Staff’s Motion for Leave to File Revised Testimony*, at ¶11 (June 11, 2024).

develop new arguments and identify new witnesses. The Company noted that the amount at issue was substantial, even if the length of the added testimony was not.

11 To the extent that the Company has concerns about having adequate time to respond to the disallowance raised in the revised filing, our rules allow for parties to seek a continuance. *See* WAC 480-07-385.

12 Notwithstanding the Company's procedural objections, we find that exclusion of the substance of the revised testimony would not benefit the Commission in determining whether the proposed rates are fair, just, reasonable, and sufficient.

13 Given the imperative to ensure all relevant arguments are fully adjudicated and entered into the record, we find good cause to grant Staff's Motion.

ORDER

14 **THE COMMISSION ORDERS That Staff's Motion for Leave to File Revised Testimony, Exhibit, and Exhibit List is GRANTED.**

Dated at Lacey, Washington, and effective June 17, 2024.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Bijan Hughes
BIJAN HUGHES
Administrative Law Judge