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- 20 The two exceptions to this requirement in the Commission's rules, as argued by WCI, are inapplicable. First, WAC 480-07-140(6)(b)(i)(A) exempts production of documents that were not created by, for, or on behalf of a party or witness in the proceeding for which no version in the required format is available. Yet WCI is not arguing that the documents cannot be produced in the correct "format" (i.e., an Excel spreadsheet). They are already in the appropriate format. The Company asserts that the document is an "amalgamated" work product of Staff and WCI, and therefore, Ms. Davis' own exhibit was not created for, by, or on behalf of the Company or any other party to the proceeding. This argument is illogical. Ms. Davis is sponsoring the exhibit, the Company admits to playing a role in its creation, and it cannot now argue the exemption in WAC 480-07-140(6)(b)(i)(A). Further, WAC 480-07-140(6)(b)(i)(B) exempts production of voluminous documents not originally prepared in the required format. Ms. Davis' Exhibit No. JD-8 is 4 pages in length and hardly what one would call voluminous.
- 21 Staff's Data Request Nos. 7, 8, and 11 appear relevant to the issues in the adjudicative proceeding or likely to lead to the production of information that is relevant. WCI's only objection, with regard to WAC 480-07-400, relates to the "cumulative, burdensome, and expensive delays" Staff's technical objections to its hardcoded and externally-linked spreadsheets have caused WCI.<sup>52</sup> WCI has not demonstrated that the information sought by Staff is duplicative or is obtainable from another source that is more convenient, less burdensome or expensive. Staff's Motion to Compel Response to Staff Data Request Nos. 7, 8, and 11 is granted.
- 22 That said, the Commission understands WCI's frustration with Staff's decision to participate telephonically in a technical conference that was clearly meant to be conducted in person. Part of the confusion and delay relating to WCI's failure to provide responsive information to Staff must fall on Staff's shoulders. It becomes evident, through reading the multiple pages of email trails between Staff's and the Company's experts, that some disputes should be worked out face-to-face. In an effort to expeditiously promote the production of acceptable responses to Staff's Data Request Nos. 7, 8, and 11, as compelled by this Order, WCI's Motion for a Discovery Conference is granted.

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<sup>52</sup> WCI's Response, ¶ 11.