

1 **BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMISSION**

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3	)	
4	)	
5	)	DOCKET NO. UT-040535
6	)	
7	)	MOTION FOR ORDER
8	)	DISALLOWING
9	)	RESPONSE TO
10	)	PETITION FOR
11	)	ADMINISTRATIVE REVIEW
12	)	

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16 Complainant timely filed his Petition for Administrative Review in this matter. The

17 filing deadline for Response was 10/7/04. Repondent sent a letter to the Commission, dated

18 10/1/04 (and received 10/4/04), requesting an extension of time until 10/14/04. The letter was

19 signed by John H. Ridge. Mr. Ridge had never filed or served a Notice of Appearance in this

20 proceeding. On 10/14/04, Respondent filed and served its Response to the Petition, accompanied

21 by a Notice of Appearance.

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23 A valid Notice of Mr. Ridge’s appearance – whose appearance is apparently intended to

24 serve as a substitution for Mr. O’Connell – should have been properly filed and served prior to

25 the request for extension of time. CR 71(d). It was not even so filed or served prior to filing and

26 service of the Response.

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28 Absent said Notice, Mr. Ridge could not appear in this matter on behalf of Respondent.

29 The request for extension was therefore invalid, and the Response filed 10/14/04 is untimely.

30 Said Response should therefore be excluded from the record in this matter.

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32 UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF

33 WASHINGTON, I DECLARE THE FOREGOING TO BE TRUE AND CORRECT TO

34 THE BEST OF MY KNOWLEDGE.

35 Signed this 19<sup>th</sup> day of October, 2004, in Bellevue, WA.

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38 Jeffrey D. Glick, Complainant

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40 I hereby certify that I have this day served this document upon Respondent in this

41 proceeding, by First Class U.S. mail, postage prepaid.

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43 Dated at Bellevue, WA this 19<sup>th</sup> day of October, 2004.

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46 Jeffrey D. Glick, Complainant

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