

BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

Complainant,

v.

OLYMPIC PIPE LINE COMPANY, INC.,

Respondent.

DOCKET NO. TQ-011472

**EXPEDITED TREATMENT
REQUIRED**

MOTION OF RESPONDENT OLYMPIC
PIPE LINE COMPANY FOR
ADDITIONAL TIME TO FILE AN
ANSWER TO TESORO'S FIRST
MOTION FOR SUMMARY
DETERMINATION AND TO STRIKE
TESTIMONY

Olympic Pipe Line Company ("Olympic") submits this Motion for Additional Time to File an Answer to Tesoro's First Motion for Summary Determination and to Strike Testimony ("Motion"). Pursuant to WAC 480-09-135(2), Olympic requests expedited treatment of this motion in light of the fact that its Answer is otherwise due at the close of business Thursday, June 13, 2002.

1. This Motion brings into issue the following regulations: WAC 480-09-420, WAC 480-09-425, WAC 480-09-426, and WAC 480-09-440.

2. Tesoro filed a 37-page motion at 4 p.m. on Thursday, June 6, 2002. Tesoro moves to strike testimony filed by Olympic on December 13, 2001, and for a determination that Olympic's December 13, 2001 testimony does not present a prima facie case.

OLYMPIC'S MOTION FOR ADDITIONAL
TIME TO FILE AN ANSWER TO TESORO'S
FIRST MOTION FOR SUMMARY
DETERMINATION AND TO STRIKE - 1

3. Although Tesoro had more than five months to make this motion, Olympic is now required to respond in five working days to a motion, which is in the nature of a motion for summary determination. Olympic must coordinate with multiple witnesses and respond to Tesoro's over thirty citations to authority.

4. Olympic respectfully requests an extension of time. Olympic has had to respond to other critical deadlines in this same five-day period. Olympic filed its rebuttal case testimony on June 11, 2002, and must prepare for and participate in a prehearing conference on June 13. Also on June 13, the parties will file their prehearing statement of witnesses and issues. In this same five-day period, Tesoro has filed additional data requests, and Olympic responded to recommendations on prior discovery responses. Other than taking time to attend the wedding of his daughter on Saturday June 8, Olympic's lead counsel and other staff have been working virtually around the clock to prepare the filing of rebuttal testimony.

5. Tesoro did not have to wait to the last hour of the last day to make its filing. In fact, Olympic will argue that most, if not all, of Tesoro's motion was due five months ago. Given all of the other deadlines and issues, Olympic requests an extension of time to no earlier than Monday, June 17, 2002 to file its Answer.

6. WAC 480-09-425(3)(c) provides that "[t]he commission may alter the time allowed for any answer or reply if it believes the public interest so requires." Further, WAC 480-09-440(1) provides that "the commission may grant a continuance if the requesting party demonstrates good cause for the continuance."

7. By making this request, Olympic does not waive its right to object to Tesoro's motion as being untimely in its entirety. Tesoro's motion to strike seeks a ruling that Olympic has not established its prima facie case. Accordingly, Tesoro's motion is in the nature of a motion for summary disposition, as set forth in WAC 480-09-426. Typically, such a motion

is to be presented more than 30 days before the next applicable hearing session, treatment warranted by such complex pleadings. Accordingly, Olympic is left with an inadequate time to prepare a response prior to the upcoming hearing.¹


III. Conclusion

Olympic respectfully requests that the Commission issue an order extending the date for Olympic to file its Answer to Tesoro's Motion to Monday, June 17, 2002.

DATED this 12 day of June, 2002.

Respectfully submitted,

PERKINS COIE LLP

By  * 25349
Steven C. Marshall, WSBA #5272
William R. Maurer, WSBA #25451

¹ Olympic notes that it objected to the hearing schedule in this case as violative of due process requirements, as is noted in the Tenth Supplemental Order.