

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION	)	DOCKET NO. TO-011472
	)	
Complainant,	)	FIFTH SUPPLEMENTAL ORDER; PREHEARING CONFERENCE ORDER
	)	
v.	)	
	)	
OLYMPIC PIPE LINE COMPANY	)	
	)	
Respondent.	)	
.....	)	

- 1     **Proceeding:** Docket No. TO-011472 is a filing by Olympic Pipe Line Company on October 31, 2001, for a general and for an interim increase in its rates and charges for providing pipe line transportation service within the state of Washington.
- 2     **Conference:** The Commission convened a prehearing conference at Olympia, Washington on December 12, 2001, before Administrative Law Judge C. Robert Wallis, pursuant to shortened notice and agreement of the parties.
- 3     **Appearances.** The following persons entered appearances. Respondent Olympic Pipe Line Company appeared by Steven Marshall, attorney, Seattle. Intervenor Tesoro appeared by Robin Brena, attorney, Anchorage, AK. Commission Staff appeared by Donald T. Trotter and Lisa Watson, Assistant Attorneys General, Olympia, WA.
- 4     **Purpose of the prehearing conference.** The conference was established to discuss discovery and scheduling issues, and to consider such procedural matters as the parties or the Commission might raise. Each party related its views as to the progress of discovery.
- 5     Tesoro related that it had received none of the materials as to which its motion to compel was granted. Olympic did not dispute that it had failed to respond to the requests – by providing the information, by explaining when it would be available, or by stating an objection to providing it – within the three days established for responses. It argued that Olympic is a small company, with few employees, and that it prioritized by responding first to Commission Staff data requests. Each of those responses has been rejected as a reasonable excuse for failure to respond to Tesoro data requests. Olympic also stated that it was busy preparing and filing testimony relating to its general filing, which is not a

matter previously raised as an excuse or shared as a reason for failure to meet its commitment.

6 Olympic agreed to provide all of the information in its possession to Tesoro no later than noon, Friday, December 14, 2001. A further prehearing conference has previously been scheduled for 1:30 p.m. on that date and will be held to assess progress discovery.

7 **Request to modify procedural schedule.** Tesoro requested that the schedule for filings be held in abeyance until discovery issues are resolved. The motion was denied, but the filing dates of December 14 and 21 for testimony of Staff and Intervenors and December 21 for rebuttal were cancelled. Alternate days were suggested, but upon later review of the Commission's calendar appear to be unworkable. Dates will be established at the prehearing conference or by later notice.

8 **Request for reconvened technical conference.** Tesoro asked that the prior technical conference be reconvened after production of its discovery to allow it to clarify information provided to it in discovery. The question was held in abeyance pending a review of the extent of information that Tesoro receives in response to Olympic's commitment.

9 **Further conferences.** Further conferences will be convened as needed.

Dated at Olympia, Washington, and effective this 13th day of December, 2001.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

C. ROBERT WALLIS  
Administrative Law Judge

**NOTICE TO PARTIES:** Any objection to the provisions of this Order must be filed within ten (10) days after the date of mailing of this statement, pursuant to WAC 480-09-460(2). Absent such objections, this prehearing conference order will control further proceedings in this matter, subject to Commission review.