BEFORE THE

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION, Complainant, v. OLYMPIC PIPE LINE COMPANY, INC., Respondent. Docket No. TO-011472

TOSCO CORPORATION'S ANSWER IN OPPOSITION TO OLYMPIC'S MOTION FOR A CONTINUANCE

Pursuant to Washington Administrative Code ("WAC") § 480-09-420(9)(a), Tosco Corporation ("Tosco") hereby submits this Answer in Opposition to Olympic Pipe Line Company's ("Olympic" or "the Company") Motion for a Continuance. Olympic has requested a

continuance of the hearings until August 5, 2002, to provide Olympic additional time to respond to Tesoro Refining and Marketing Company's ("Tesoro") Motion for Summary Disposition and to resolve questions regarding throughput and Olympic's books and records. For the reasons described below, the Washington Utilities and Transportation Commission ("WUTC" or "Commission") should deny Olympic's request.

Tosco opposes any continuance in this proceeding. First, Tosco does not believe that the issue of throughput can be resolved by granting additional time. Even assuming Olympic's request was granted, more throughput data will not change the fact that throughput is currently and will continue to remain in a state of flux. Notably, Dr. Means has forwarded a resolution of the throughput issue that does not require updated actuals. Second, Olympic also argues that a continuance is justified to allow time for audited financial statements for 2001 to be produced.

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However, providing audited financial statements for 2001 will not changed the lack of results for 1999 and 2000.

Ever since it received its interim rate increase, Olympic has attempted to delay this proceeding, resulting in an unnecessarily complex and expensive rate case. Olympic's motion is the latest in a series of attempts to delay the case. Previous requests were denied and this one should be similarly denied. If Olympic is truly not prepared for hearings that commence tomorrow, Olympic is free to withdraw its tariff and refile its case with the Commission. Neither the shippers nor the public interest is served by continuing uncertainty in Olympic's rates brought about by further delay in deciding this request for a 62 percent general rate increase.

Olympic also cites possible settlement discussions as justification for delay. Tosco has and continues to be willing to discuss settlement. However, Tosco agrees with Staff's position that settlement is unlikely. Furthermore, parties are always free to discuss settlement during the coarse of the hearings. Thus, merely noting the possibility of settlement discussions is not justification for delay of this proceeding. The case is ready for hearing and should progress toward a resolution on the current schedule.

Dated: June 17, 2002

Respectfully submitted,

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