

BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

Bellingham Cold Storage Company and)	
Georgia-Pacific West, Inc.,)	
)	
Complainants,)	DOCKET NO. UE-001014
v.)	
)	ORDER DENYING CONTINUANCE
Puget Sound Energy, Inc.)	AND EXTENSION OF TIME
)	
Respondent.)	
.....)	

- 1 Complainants filed a motion with the Commission on July 21, 2000, asking emergency relief under their contracts with respondent, citing to "devastating losses."

- 2 The Commission on Monday, July 24, 2000, set the motion for oral argument to be held Friday, July 28, 2000. The Commission called for answers to the motion to be filed no later than Thursday, July 27, 2000. The Commission also asked some parties to respond to bench requests related to the motion.

- 3 The respondent on July 25, 2000, asked for a continuance and extension of time. The Commission authorized responses to the request for continuance to be filed no later than 4:00 p.m. on July 26, 2000. It received timely responses from Arco, the complainants, and Commission Staff. The Commission also received an untimely response from Whatcom P.U.D., which it does not consider in reaching its decision.

- 4 After reviewing the request for continuance and the responses, the Commission denies the request. The Commission resolved at the prehearing conference that a hearing for the resolution of factual issues would require time for preparation and hearing of evidence. The complainants characterize their motion as one of law, not requiring a determination of factual issues. The Commission established the schedule for oral argument based on its characterization as a legal motion, and the burden of responding to a legal motion is not so intensive that additional time is needed.

- 5 The parties in their responses to the motion and at argument may address whether a decision on the motion does require the resolution of factual issues. Whether or not a

resolution of factual issues is necessary to decide the motion may determine whether the motion may be addressed in a summary manner or whether the issues must proceed to the hearing already scheduled, to accommodate the parties' need and their right under the Administrative Procedure Act and the Constitution to present and explore the validity of evidence.

6 It is so ordered.

Dated at Olympia, Washington and effective this day of July, 2000.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

C. ROBERT WALLIS,
Administrative Law Judge