

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

SHUTTLE EXPRESS, INC.,

Respondent.

DOCKET TC-120323

UNOPPOSED MOTION OF
SHUTTLE EXPRESS, INC. FOR
EXTENSION OF TIME TO SEEK
ADMINISTRATIVE REVIEW OF
INITIAL ORDER

TO: STEVEN V. KING, Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, Washington, 98504-7250; and

TO: Administrative Law Judge Adam Torem

TO: PARTIES OF RECORD

MOTION

1 Pursuant to WAC 480-07-825(2), Respondent Shuttle Express, Inc. (“Shuttle Express”) moves for an extension of time to file a petition for administrative review of the Initial Order issued this Docket on November 1, 2013. Absent an order granting an extension, the petition would be due on November 21, 2013. Good cause exists to extend the deadline to Friday, January 3, 2014.

2 The undersigned counsel’s office is in the Eastern Time Zone. The Initial Order was served electronically at 6:43 p.m. (EDT) on Friday, November 1, 2013 after business hours ended for the week. Counsel left for depositions for another client in Salt Lake City early Sunday morning on November 3, 2013 and did not return until the evening of Wednesday, November 6, 2013. Counsel was in the office last week briefly on Thursday, November 7, 2013 but was preparing for depositions in Boston for Friday, November 8,

2013. Counsel left his office again early afternoon on the 7th and did not return until the following evening.

3 Monday, November 13, 2013, was the first full business day counsel has been in the office since service of the Initial Order. Due to the demands of the aforementioned depositions in another case, about half the time for filing a petition had already run before counsel had an opportunity to review the Initial Order in any depth and discuss it with the client, Shuttle Express.

4 Shuttle Express expects that it will want to petition for administrative review. Absent the press of other work, ten days would be sufficient. However, counsel has an extremely heavy workload for the next month in the same case that had depositions last week. Pre-filed written testimony, hearing exhibits, and pre-hearing briefs are due on November 27, 2013, the day before Thanksgiving. The hearing is scheduled to run from December 10 - 13, 2013. Witness and hearing preparation are likely to almost fully occupy the time between Thanksgiving and the start of the hearing. The other case is a major matter, involving tens of thousands of documents, and is very time-consuming. Further, Counsel has other ongoing work.

5 Although it may be possible to complete a petition for review timely despite the competing time demands on counsel, it would be a hardship. The issue in this docket is long-standing and the company is currently complying with the order. Accordingly, given counsel's schedule followed by the holiday period, there is good cause to extend the time to file the petition for administrative review to January 3rd.

6 Counsel has discussed this motion with Staff and Staff does not oppose the request for an extension. The parties are in agreement to extend the filing to January 3, 2014.

Respectfully submitted this 13th day of November, 2013.

LUKAS, NACE, GUTIERREZ & SACHS, LLP



Brooks E. Harlow
Counsel for Shuttle Express, Inc.