

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Determining the Proper
Carrier Classification of, and Complaint for
Penalties Against:

DOLLY, INC.

DOCKET TV-171212

COMMISSION STAFF'S MOTION
FOR A CONTINUANCE TO
RESPOND TO DOLLY'S PETITION
FOR REVIEW

I. INTRODUCTION

1 Pursuant to WAC 480-07-385, Commission Staff (Staff) of the Washington Utilities
and Transportation Commission (Commission) moves for a continuance to postpone the
deadline to respond to the petition for administrative review filed by Dolly, Inc. (Dolly) on
April 20, 2018.

2 Staff seeks the continuance for two reasons. First, its assigned counsel will be at the
National Conference of Regulatory Attorneys between April 22 and April 25, 2018, and has
a prearranged vacation scheduled for April 27, 2018. Second, Dolly's petition is lengthy and
raises a number of complex issues, necessitating more time for Staff to adequately respond
to it.

II. RELIEF REQUESTED

3 Staff requests that the Commission continue the date for answering Dolly's petition
from April 27, 2018, to May 8, 2018.

III. STATEMENT OF FACTS

4 Dolly filed its petition for administrative review of Order 02 in this docket on April
20, 2018, raising more than two dozen alternative claims for relief.¹ Many of these claims
involve constitutional issues and the petition is nearly 50 pages long.² Per WAC 480-07-
610(7)(c), Staff's answer to Dolly's petition is due on April 27, 2018.

5 Staff's counsel is scheduled to attend the National Conference of Regulatory
Attorneys in Chicago between April 22 and April 25, 2018. Staff's counsel also has a
vacation scheduled for April 27, 2018.

IV. STATEMENT OF ISSUES

6 Should the Commission continue to deadline for Staff to respond to Dolly's petition
from April 27, 2018, to May 8, 2018?

V. ARGUMENT

7 The Commission's administrative rules provide for the "postponement of a deadline
established by commission rule or order," which the Commission defines as a continuance.³
The Commission will grant a request for a continuance if the requesting party demonstrates
both good cause and that the continuance will not prejudice any other party or the
Commission.⁴

8 Good cause exists to continue the deadline for Staff's response. Staff's counsel will
be travelling on official business during four of the seven days allotted for Staff to answer

¹ *In the Matter of Determining the Proper Carrier Classification of, and Complaint for Penalties Against: Dolly, Inc.*, Docket TV-171212, Dolly, Inc. Petition For Administrative Review of Initial Order 02, And In The Alternative, Corrected Initial Order 02, at 3-5, ¶¶ 5-6 (Apr. 20, 2018)

² *See id.*

³ WAC 480-07-385(1)(a)

⁴ WAC 480-07-385(2)(a).

Dolly's petition. Counsel also has a long-scheduled vacation that will consume one of the three remaining days that Staff has to answer the petition.

9 The continuance will not prejudice Dolly. The company has already filed its petition, and the rules do not provide for any further briefing from it. A short continuance should therefore not affect it at all, and a continuance seems equitable given that Dolly had 22 days to prepare its petition.

10 The Commission will also not be prejudiced by the continuance. Dolly's petition is nearly 50 pages long, an unusual length for a petition for review in a brief adjudicative proceeding. Those 50 pages contain a number of complex claims for relief. A continuance will allow Staff to prepare a complete and cogent answer to Dolly's petition, assisting the Commission through adversarial testing of Dolly's claims.

VI. CONCLUSION

Staff requests that the Commission grant its motion for a continuance and set the deadline for Staff to respond to Dolly's petition for review as May 8, 2018.

DATED this 20th day of April 2018.

Respectfully submitted,

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