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BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition Filed by
Kalama Water, LLC

Docket No. UW-240615

**RESPONDENTS MICHAEL AND
DEANNA ROUSE'S MOTION TO
REOPEN THE EVIDENTIARY
RECORD**

WAC 480-07-830

1. Pursuant to WAC 480-07-830, Respondents Michael and Deanna Rouse move to reopen the evidentiary record to submit additional evidence. The evidence, attached to the Declaration of Jeff Lindberg filed herewith and marked as Exhibit DR-4, consists of an October 18 letter to Kalama Water's attorney advising that the Rouses have unlocked the pump house that is the subject of the present petition and placed a key for Kalama Water inside the pump house, thus providing Kalama Water full access to the pump house. Exh. DR-4, page 1. Kalama Water's attorney acknowledged receipt of this correspondence, stated that he forwarded the same to Kalama Water, but, as of the date of this filing, has not been able to confirm that Mr. Tershel has attempted to access the pump house. Exh. DR-4, pages 6-7.

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2. The evidence also includes an October 15 letter from Mrs. Rouse to Kalama Water enclosing payment in full for 2024 water fees as reflected in Kalama Water’s undated Second Quarter Water Bill. Exh. DR-4, pages 2-5.

3. WAC 480-07-830(2) provides that “[a] party may file a motion to reopen the evidentiary record at any time after the record closes and before the commission enters a final order.”

4. WAC 480-07-830(3) provides that “[t]he commission may reopen the record to allow receipt of evidence that is essential to a decision and that was unavailable and not reasonably discoverable with due diligence at the time of the hearing or for any other good and sufficient cause. A motion to reopen the record must include the evidence the party proposes to add to the record and must demonstrate that the evidence meets this standard.”

5. This evidence was generated after the October 11 hearing in this matter and, as such, necessarily “was unavailable and not reasonably discoverable with due diligence at the time of the hearing.” WAC 480-07-830(3).

6. The evidence of access to the pump house effectively moots the sole issue presented by Kalama Water’s petition. The evidence of payment similarly moots the ancillary issue of the Rouses’ payment history, an issue not raised in Kalama Water’s petition but discussed at the hearing. As such, this evidence is certainly “essential to a decision” in this matter. WAC 480-07-830(3).

7. As of the date of this filing, no initial or final order has been issued in this matter. Petitioner and his attorney have the evidence that is now being offered.

8. The evidence being offered is relevant to the access issue raised in Kalama Water’s petition and also to the payment issue raised at the hearing.

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9. For the reasons discussed herein, the Rouses respectfully request that the ALJ reopen the record and admit Exhibit DR-4.

DATED this 30th day of October, 2024.

LANDERHOLM, P.S.

/s/ Jeff Lindberg
JEFF LINDBERG, WSBA #32444
Of Attorneys for Respondents Michael and Deana Rouse