

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

Complainant,

v.

OLYMPIC PIPE LINE COMPANY, INC.,

Respondent.

DOCKET NO. TO-011472

ANSWER ON BEHALF OF
COMMISSION STAFF TO
OLYMPIC'S JULY 18
"MEMORANDUM" SEEKING
PERMISSION TO FILE A 180
PAGE OPENING BRIEF

- 1 At 6:32 PM yesterday evening, we received a fax of a document entitled "Olympic Pipe Line Company's Memorandum in Support of an Equal Number of Pages for Briefs Per Side" ("Memorandum").
- 2 We will assume for purposes of this Answer that Olympic's Memorandum will be construed as a motion. This Answer is filed on behalf of Commission Staff. Rules involved are WAC 480-09-770 and RAP 10.4.
- 3 In its Memorandum, Olympic seeks permission to file a brief the same length as Staff and Intervenors' briefs *combined*. WAC 480-09-770 states a 60 page limit for briefs. So Olympic is seeking leave to file a 180 page brief, 120 pages longer than any other party to this case.
- 4 Olympic's proposal should be rejected outright.

5 Olympic says its request to file a 180 page brief is consistent with court rules on oral
argument. But the analogous court rules are those that apply to briefs, not oral argument.
Court rules for briefs offer the same number of pages to all parties, regardless of their
designation. E.g. RAP 10.4(b)(same length of brief for appellants, petitioners and
respondents).

6 Olympic says it needs 120 extra pages to respond to the different proposals of the parties
on throughput, cost of capital, etc. Olympic is not unique in that respect. The same is
true of all parties.

7 Olympic says it was disadvantaged by the “allocation of time for witness testimony.”
There is no basis for that. Olympic sponsored 7 direct witnesses and 13 rebuttal
witnesses. Olympic withdrew two witnesses and one was not permitted to testify.
Olympic made its time estimates for cross-examination and redirect. There were no
limitations imposed. Any limitation Olympic imposed upon itself is not grounds for
granting the relief sought.

8 Olympic says it must address oral testimony and oral surrebuttal. Olympic is not unique
in that respect. The same is true of all parties.

9 Finally, Olympic says Tesoro has already filed a “brief” in the form of Mr. Brown’s filed
testimony. If Olympic actually believed that, it would have objected to admission of that
testimony. Olympic’s failure to timely object should not be rewarded.

10 Accordingly, the Commission should reject Olympic's request to file an opening brief
120 pages longer than any other party to this case.

DATED this 18th day of July, 2002.

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