

BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

Complainant,

v.

OLYMPIC PIPE LINE COMPANY, INC.,

Respondent.

DOCKET NO. TO-011472

OLYMPIC PIPE LINE COMPANY'S
REPLY TO ANSWER OF
COMMISSION STAFF

1. In its Answer filed this morning regarding Olympic's Memorandum in Support of an Equal Number of Pages for Briefs Per Side, Commission Staff failed to fully describe the Commission's rule regarding the length of briefs. Staff states that "WAC 480-09-770 states a 60 page limit for briefs." Answer at 1. In fact, WAC 480-09-770 contemplates the submission of briefs longer than 60 pages under certain circumstances, all of which Olympic has met in this case:

Briefs must not exceed sixty pages without permission from the presiding officer for good cause shown. The presiding officer will consider the number and complexity of the issues in varying the allowed length of briefs.

WAC 480-09-770 (emphasis added).

2. It cannot be denied that the issues in this case are numerous and complex. In that regard, Olympic has demonstrated good cause in that it will be disadvantaged if it is not allowed to fully respond to the arguments of Staff and Intervenors, each of which challenges almost every aspect of Olympic's case. Olympic bears the burden of proof in this case; it should be granted enough pages to fulfill that burden, consistent with due process. If the Commission were to reject Olympic's request outright, as Staff suggests, Olympic's opponents would have three times the number of pages to challenge Olympic's case as Olympic would have to support it. This would deny Olympic procedural due process.

3. Olympic respectfully requests the Commission to permit Olympic a number of pages of briefing equal to the combined pages of the opposing parties.

DATED this ____ day of July, 2002.

Respectfully submitted,

PERKINS COIE LLP

By _____
Steven C. Marshall, WSBA #5272
William R. Maurer, WSBA #25451

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 18, 2002, I caused to be served copies of Olympic Pipe Line Company's Reply via email and facsimile, to the following parties:

Mr. Donald T. Trotter/Lisa Watson Washington Utilities and Transportation Commission 1400 S. Evergreen Park Drive S.W. P. O. Box 40128 Olympia, WA 98504-0128 360-586-5522 (Fax) dtrotter@wutc.wa.gov	Mr. Edward A. Finklea/Chad Stokes Energy Advocates LLP 526 N.W. 18th Avenue Portland, OR 97209-2220 503-721-9121 (Fax) efinklea@energyadvocates.com
Robin O. Brena, Esq. Brena Bell & Clarkson, P.C. 310 K Street, Suite 601 Anchorage, AK 99501 907-258-2001 (Fax) rbrena@brenalaw.com	C. Robert Wallis Administrative Law Judge 1300 S. Evergreen Park Drive S.W. Olympia, WA 98504-7250 360-664-1142 (Fax) bwallis@wutc.wa.gov

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this 18th day of July, 2002, in Bellevue, Washington.

Pam Iverson