BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION, Complainant, v. CASCADE NATURAL GAS CO., Respondent.	DOCKET PG-230800 COMMISSION STAFF'S MOTION TO STRIKE

I. INTRODUCTION

1 Pursuant to WAC 480-07-375, Commission Staff (Staff) respectfully requests that the Commission strike paragraphs 7 and 11-16 of Sapphire Gas Solution LLC's (Sapphire) reply to Staff's reply to Cascade Natural Gas Corporation's (Cascade) response to Sapphire's motion to dismiss, as those paragraphs seek to untimely address Staff's response to the motion to dismiss. Any reply to Staff's response is untimely as the time to file such a reply lapsed two business days before Sapphire's reply was filed.

II. RELIEF REQUESTED

2 Staff requests that the Commission strike the portions of Sapphire's reply that untimely seek to respond to Staff's Response to the Motion to Dismiss.

III. STATEMENT OF FACTS

3 On March 27, 2025, Staff filed a complaint against Cascade for violations of state and federal pipeline safety laws and regulations.[1] On July 1, 2025, Sapphire filed a motion to dismiss the complaint.[2] On July 10, 2025, Staff filed its response to Sapphire's motion to

[1] *Wash. Utils & Transp. Comm'n v. Cascade Natural Gas Co.*, Docket PG-230800, Complaint (Mar. 27, 2025).
[2] *Wash. Utils & Transp. Comm'n v. Cascade Natural Gas Co.*, Docket PG-230800, Motion to Dismiss (Jul. 1, 2025).

dismiss.[3] On July 11, 2025, Cascade filed its response to Sapphire's motion to dismiss.[4] On July 18, 2025, Staff filed its motion to for leave to reply and its reply to Cascade's response to Sapphire's motion to dismiss.[5] On July 21, 2025, Sapphire filed its reply to Staff's reply, addressing both Staff's reply and Staff's response.[6] Paragraphs 7 and 11-16 of Sapphire's reply[7] address Staff's response to Sapphire's motion to dismiss.[8]

IV. STATEMENT OF ISSUES

4 Should the Commission strike from the record the portions of paragraphs 7 and 11-16 of Sapphire's reply as untimely since they seek to reply to Staff's response beyond the time permitted under the rules?

V. EVIDENCE RELIED UPON

5 Staff relies upon the documents on file in Docket PG-230800, the argument and authority cited herein, and Exhibit A attached hereto.

VI. ARGUMENT

6 Sapphire's reply ignores the Commission rules on timely filing a reply to a response or an answer.

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[3] *Wash. Utils & Transp. Comm'n v. Cascade Natural Gas Co.*, Docket PG-230800, Staff's Response to Sapphire's Motion to Dismiss (Jul. 10, 2025).
[4] *Wash. Utils & Transp. Comm'n v. Cascade Natural Gas Co.*, Docket PG-230800, Cascade's Response to Sapphire's Motion to Dismiss (Jul. 11, 2025).
[5] *Wash. Utils & Transp. Comm'n v. Cascade Natural Gas Co.*, Docket PG-230800, Staff's Motion for Leave to Reply (Jul. 18, 2025); *Wash. Utils & Transp. Comm'n v. Cascade Natural Gas Co.*, Docket PG-230800, Staff's Reply to Cascade's Response (Jul. 18, 2025).
[6] *Wash. Utils & Transp. Comm'n v. Cascade Natural Gas Co.*, Docket PG-230800, Sapphire's Reply to Staff's Reply (Jul. 21, 2025).
[7] A redline of the portions of the reply that Staff requests be stricken is attached to this motion as "Exhibit A."
[8] *Wash. Utils & Transp. Comm'n*, Docket PG-230800, Sapphire's Reply to Staff's Reply at 3 ¶ 7, 5 ¶ 11- 7 ¶ 16,

A. Portions of Sapphire's Reply are Untimely and Must be Stricken From the Record

7 Under Commission rules, a reply is a "pleading responding to an answer or response[.]"[9] A party wishing to file a reply must do so "within five business days after the respondent serves the answer or response."[10] A "business day" under the rules is "any day the Commission's offices are open to the public."[11] Under Commission rules the "period of time for doing an act governed by this chapter is determined by excluding the first day and including the last day[.]"[12]

8 Staff filed its response on July 10, 2025. Excluding the first day and including the last business day, Sapphire's reply to Staff's response, if its motion for leave were granted by the Commission, was due on July 17, 2025. Sapphire filed its reply on July 21, 2025, two business days after the time to do so expired. Moreover, in its motion for leave, Sapphire did not request an exemption from the time in which to file its reply.

9 In its reply, Sapphire, at paragraphs 7 and 11-16 responds to various portions of Staff's response and cites to various portions of Staff's response in its arguments. If Sapphire wished to respond to the arguments in Staff's response, it should have done so by the appropriate time: July 17, 2025. However, Sapphire did not reply to those arguments by that date and instead chose to submit a reply to Staff's *reply* and address its arguments there. Staff's motion for leave and reply does not extend the time by which Sapphire must move for its own reply to Staff's response.

[9] WAC 480-07-370(5)(a).
[10] WAC 480-07-370(5)(b).
[11] WAC 480-07-130(1)(b).
[12] WAC 480-07-130(2).

10 The portions of paragraphs 7 and 11-16 of Sapphire's reply that address Staff's response are untimely and Staff respectfully requests that they be stricken from the record.[13]

VII. CONCLUSION

11 For the reasons stated above, Staff requests that the Commission strike from the record paragraphs 7 and 11-16 of Sapphire's reply from the record.

DATED this 23rd day of July, 2025.

Respectfully submitted,

NICHOLAS W. BROWN
Attorney General

/s/ Josephine Strauss, WSBA No. 58283
Assistant Attorney General
Office of the Attorney General
Utilities and Transportation Division
P.O. Box 40128
Olympia, WA 98504
360-709-4850
Josephine.Strauss@atg.wa.gov

[13] See Exhibit A to this motion for the exact sections that Staff requests be stricken.