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Via Electronic Mail

December 31, 2019

Andrew J. O'Connell
Administrative Law Judge
Washington Utilities and Transportation Commission
621 Woodland Square Loop S.E.
P.O. Box 47250
Olympia, WA 98504-7250

RE: *WUTC v. Peninsula Sanitation Service, Inc.*
Docket TG-190476

Dear Judge O'Connell:

By this letter, Staff of the Washington Utilities and Transportation Commission ("Commission") responds to the Notice of Ex Parte Communication issued today in Docket TG-190476 ("Notice"). The December 31, 2019 email referenced in the Notice was sent to the Administrative Law Judge in error. This email was intended as an internal communication subject to the attorney-client privilege. RCW 5.60.060(2)(a); *State v. Perrow*, 156 Wn. App. 322, 328, 231 P.3d 853 (2010) ("Washington's attorney-client privilege is found at RCW 5.60.060(2)(a) . . . [t]he privilege applies to communications and advice between an attorney and client and extends to documents that contain a privileged communication.") (*citing Dietz v. Doe*, 131 Wn.2d 835, 842, 935 P.2d 611 (1997)). Therefore, Commission Staff respectfully requests that those who received this communication return, sequester, or destroy it, and remove it from publication. *See Wash. Super. Ct. Civ. R. 26(b)(6)*.

Counsel for both Commission staff and Peninsula Sanitation Service, Inc. intend to informally resolve the issues raised in the December 31, 2019 email.

Sincerely,

/s/ *Daniel J. Teimouri*, WSBA No. 47965
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DJT/emd

cc: Parties (electronic only)

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