

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of	)	DOCKET TO-031973
)	
OLYMPIC PIPE LINE COMPANY,	)	ORDER 04
TESORO REFINING AND)	
MARKETING COMPANY AND	)	PREHEARING CONFERENCE
CONOCOPHILLIPS COMPANY,	)	ORDER AND NOTICE OF HEARING
	)	(Set for November 13, 2008,
for an Order Approving Terms of a	)	at 1:00 p.m.
Settlement Agreement Between)	
Olympic, Tesoro, and ConocoPhillips)	
and Approving Rates Set Pursuant to)	
Said Agreement.)	
.....)	
)	
In the Matter of the Petition of	)	DOCKET TO-081785
)	
OLYMPIC PIPE LINE COMPANY,	)	ORDER 03
)	
for an Order Approving Terms of a	)	PREHEARING CONFERENCE
Storage Lease Agreement with BP	)	ORDER AND NOTICE OF HEARING
West Coast Products, LLC.	)	(Set for November 13, 2008,
	)	at 1:00 p.m.)
.....)	

1 **NATURE OF PROCEEDING.** Docket TO-031973 involves a request filed by Olympic Pipe Line Company (Olympic) for approval of a settlement agreement between Olympic, Tesoro Refining and Marketing Company (Tesoro), and ConocoPhillips Company (Conoco) which would revise Olympic’s shipping rates and tariff, effective January 1, 2009 (Petition). Docket TO-081785 involves a related request filed by Olympic for approval of a storage lease agreement whereby BP West Coast Products, LLC (BPWCP) would lease 85 percent of Olympic’s Bayview facility’s storage capacity. The Washington Utilities and Transportation Commission (Commission) consolidated these matters on October 14, 2008,

2 **CONFERENCE.** The Commission convened a prehearing conference in this docket at Olympia, Washington on November 10, 2008, before Administrative Law Judges Ann E. Rendahl and Marguerite E. Russell.

3 **APPEARANCES.** Arthur W. Harrigan, Jr. and Christopher T. Wion, Danielson Harrigan Leyh & Tollefson, LLP, Seattle, Washington, represent Olympic.¹ Robin O. Brena, Brena Bell & Clarkson, P.C., Anchorage, Alaska, represents Tesoro. Donald T. Trotter, Assistant Attorney General, Olympia, WA, represents the Commission's regulatory staff (Commission Staff or Staff).² Contact information provided at the conference for the parties' representatives is attached as Appendix A to this order.³

4 **PETITIONS FOR INTERVENTION.** No individuals entered an appearance at the prehearing conference seeking to intervene.

5 **PROTECTIVE ORDER.** The parties asked that the Commission enter a protective order in both of these dockets under RCW 34.05.446, RCW 80.04.095, WAC 480-07-420 and WAC 480-07-423 to protect the confidentiality of proprietary information. The requests were granted and protective orders have been entered in these consolidated dockets.⁴

6 **PROCEDURAL SCHEDULE.** The Commission will hold a hearing in these dockets on Thursday, November 13, 2008, at 1:00 p.m. At the hearing, the parties

¹Mr. Harrigan stated at the November 10, 2008, prehearing conference that he was also appearing on behalf of BPWCP.

²In formal proceedings, such as this, the Commission's regulatory staff functions as an independent party with the same rights, privileges, and responsibilities as other parties to the proceeding. There is an "*ex parte* wall" separating the Commissioners, the presiding Administrative Law Judge, and the Commissioners' policy and accounting advisors from all parties, including regulatory staff. *RCW 34.05.455*.

³Although no one representing Conoco was present at the prehearing conference, Scott McRee is listed in the Petition in Docket TO-031973 as counsel for Conoco. As such, Mr. McRee's contact information is listed in Appendix A for Conoco.

⁴These dockets were not consolidated until after the protective orders had been issued separately for each matter. Therefore, each docket has its own protective order, coincidentally Order 02 for each.

will proffer a panel of witnesses who will answer questions from the Commission relating to the settlement agreement between Olympic, Tesoro, and Conoco, and the settlement agreement between Olympic and Staff, as well as the underlying filings.

- 7 **NOTICE OF HEARING. PLEASE TAKE NOTICE** That a hearing in the consolidated dockets will be held on November 13, 2008, at 1:00 p.m., in Room 206 of the Commission's offices, located at the Richard Hemstad Building, 1300 S. Evergreen Park Drive, SW, Olympia, Washington. The Commission's bridge line (360-664-3846) is available for those parties unable to attend the conference in person.
- 8 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties who wish to file additional documents must file an original plus **four** copies of all pleadings. These materials must conform to the format and publication guidelines in WAC 480-07-395 and WAC 480-07-460. The Commission prefers that materials be three-hole punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.
- 9 All filings must be mailed or delivered to the Executive Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.
- 10 An electronic copy of all filings must be provided through the Commission's Web Portal (www.wutc.wa.gov/e-filing) or by e-mail delivery to records@wutc.wa.gov. Alternatively, parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette or CD including the filed document(s). Parties must furnish electronic copies in MS Word 6.0 (or later) supplemented by a separate file in .pdf (Adobe Acrobat) format. Parties must follow WAC 480-07-140(5) in organizing and identifying electronic files.

- 11 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective November 10, 2008.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

MARGUERITE E. RUSSELL
Administrative Law Judge

ANN E. RENDAHL
Administrative Law Judge

APPENDIX A

**PARTIES' REPRESENTATIVES
DOCKET TO-031973
DOCKET TO-081785**

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
Olympic/ BPWCP	Arthur W. Harrigan, Jr. Christopher T. Wion Danielson Harrigan Leyh & Tollefson, LLP 999 Third Avenue, Ste. 4400 Seattle, WA 98104	206-623-1700	206-623-8717	arthurh@dhl.com chrisw@dhl.com
Tesoro	Robin O. Brena Brena Bell & Clarkson, P.C. 810 N Street, Ste. 100 Anchorage, AK 99501	907-258-2000	907-258-2001	rbrena@brenalaw.com
Conoco	Scott McRee 600 N. Dairy Ashford Rd. Houston, TX 77079	281-293-1682		Scott.a.mcree@conocophillips.com
Staff	Donald T. Trotter 1400 S. Evergreen Park Dr. SW P.O. Box 40128 Olympia, WA 98504	360-664-1189	360-753-5522	dtrotter@utc.wa.gov