

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

Complainant,

v.

OLYMPIC PIPE LINE COMPANY, INC.,

Respondent.

DOCKET NO. TO-011472

MOTION ON BEHALF OF
COMMISSION STAFF FOR AN
ORDER REQUIRING OLYMPIC
TO REFILE ITS ATTACHMENT
PROPOSED FINDINGS AND
CONCLUSIONS IN THE
REQUIRED FORMAT

AND

FOR CLARIFICATION OF BRIEF
RECORD CITATION AND LINE
FORMAT REQUIREMENTS FOR
THE REPLY BRIEFS

EXPEDITED ACTION
REQUESTED

Moving Party.

1 Commission Staff hereby moves for an Order 1) requiring Olympic to refile its Attachment proposed findings and conclusions in the same format as the brief; and 2) for clarification regarding record citations and line format for the Reply Briefs.

Facts.

2 In its July 19, 2002 Prehearing Conference Order (“Order”) at ¶ 13, the Commission stated: “Parties must follow the briefing format in WAC 480-09-770.” The

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REQUIREMENTS FOR THE REPLY BRIEFS - 1

Commission required any Attachment proposed findings and conclusions to be presented in the same format as the brief itself. Order at ¶ 15.

3 Olympic's Attachment Proposed Findings and Conclusions to its Opening Brief
are single spaced, *i.e.*, they are not presented in the same format as the brief itself.

4 At the July 18, 2002 prehearing conference, ALJ Wallis stated that for purposes
of the post-hearing briefs, he preferred citations to the record be contained in the body of
the briefs, and footnotes could be used for "parentheticals, citations to legal authority" or
long string cites to the record in specific instances. (Tr. 5322:22 to 5323:19).

5 In Olympic's and Tesoro's Opening Briefs, virtually all citations to the record are
contained in footnotes.

6 In addition, it appears that the Opening Brief of Olympic used the "Exactly" code
for line spacing, not the "Double" space code. The "Exactly" code permits more lines
per page of text than the "Double" space code.

Discussion.

7 All parties need to follow the same rules.

8 The Commission Order was clear that Attachment Findings and Conclusions be in
the same format as the brief. Olympic did not comply. Other parties complied. Olympic
needs to comply.

9 By contrast, the issues of a) line spacing; and b) placement of citations to the
record, were not addressed by the Commission in its Order (although the latter issue was
resolved on the record). Neither WAC 480-09-770 nor WAC 480-09-420 contain

guidance on either issue. Accordingly, the best we can do at this point is ask the Commission to be prescriptive on these two issues for the Reply Briefs.

Relief Sought.

10 Staff requests the Commission order Olympic to refile its Attachment Proposed Findings and Conclusions in the same format as its Opening Brief.

11 Staff requests the Commission rule, for Reply Briefs, that the predominant place for citations to the record is the body of the brief, and that the line spacing code should be “Double” space, not “Exactly.”

12 Staff also requests expedited consideration of this motion, given the filing deadline for the Reply Briefs.

Respectfully submitted this 22nd day of August, 2002.

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