

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION	)	DOCKET NO. TO-011472
	)	
Complainant,	)	NINETEENTH SUPPLEMENTAL
	)	ORDER REJECTING PROPOSED
v.	)	EXHIBIT; CLARIFYING FORMAT
	)	STANDARDS; ALLOWING FAX
OLYMPIC PIPE LINE COMPANY	)	FILING OF ANSWERING BRIEFS
	)	
Respondent.	)	
	)	
.....	)	

1 This order address three procedural matters. One is Olympic Pipe Line Company’s offer of an exhibit to the record after the close of the evidentiary hearing; a second is Commission Staff’s request for refile and clarification of brief format standards; and a third grants conditional permission for fax filing of parties’ answering briefs on Wednesday, August 28, 2002.

2 **1. Audited financial statement.** Olympic Pipe Line Company on August 12, 2002, filed with the Commission a document designated as an audited financial statement. Olympic asks that it be received in evidence. Commission Staff offers no objection; Tesoro and Tosco oppose receipt.

3 Olympic’s inability to produce an audited financial statement has been a matter of concern to the parties and to the Commission throughout this proceeding. Olympic has repeatedly stated that an audited statement would be produced. It was not yet available at the conclusion of the evidentiary hearing. The Commission neither agreed to accept the statement as a late-filed exhibit nor refused to receive it; instead, Olympic was granted leave to offer it, if it became available, and other parties to respond.

4 Reviewing the request and the responses, we believe that the proposed exhibit should be rejected. At some point, a proceeding must conclude. Receiving the document would require additional briefing and would invite further discovery, and reopening the record for further cross examination. Olympic already has presented a considerable volume of evidence on its own financial circumstances, its financial condition, and its financial records.

5       **2. Briefing format.** Commission Staff calls attention to the format of Olympic’s brief and proposed findings and conclusions, pointing out that they are not in compliance with formatting requirements. Staff also notes parties’ differing treatment of citations. Staff asks the Commission to order Olympic to refile its Proposed Findings and Conclusions in the same format as its Opening Brief. It also asks the Commission to clarify, 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.” Tesoro supports the motion for clarification.

6       We acknowledge that Olympic’s proposed findings and conclusions are not in compliance with formatting requirements and note that Olympic appears not to have responded to Staff’s motion. It is possible, however, that confusion may have existed on this point, and we are reluctant to require refiling.

7       Parties must submit answering briefs in double-space format.

8       The discussion relating to placement of citations and parentheticals was to direct that parties not include long citations or parentheticals in the text. It was intended to encourage but not require parties to place brief matters such as transcript citations in the body of the text. It was not intended, as Tesoro notes, to be a mandate that such citations appear in the text. We understand that individual personal preference may differ on the issue.

9       **3. Submission of Answering Briefs.** Answering briefs are due in the Commission’s records center no later than 1:00 p.m. on Wednesday, August 28. Because of the short turn-around time for these briefs, the Commission will accept telefax filings if such filings on condition that they are *completely* received in the Records Center’s telefacsimile machine *no later than* 11:30 a.m. to allow time for copying and handling to be ready for distribution at 1:00 p.m. As always, parties choosing this option accept the risk of mechanical failure, traffic overload, and electronic aberrations, and accept that an administrative fee may be charged for producing copies for distribution. Parties are also asked to provide the materials via electronic mail when they are filed, and parties who choose to file by fax must file an original paper document for purposes of the record no later than noon of the following business day.

DATED at Olympia, Washington and effective this 26th day of August, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

C. ROBERT WALLIS  
Administrative Law Judge