BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION **Complainant** **v.** **CASCADE NATURAL GAS CORPORATION,** **Respondent**	**DOCKET PG-230800** **INTERVENOR SAPPHIRE GAS SOLUTIONS LLC'S RESPONSE TO COMMISSION STAFF'S MOTION TO STRIKE**

I. INTRODUCTION

1 Sapphire Gas Solutions LLC ("Sapphire") submits this Response in opposition to Commission Staff's Motion to Strike a portion of Sapphire's reply. Staff's motion relies on the erroneous conclusion that a reply may not cite to documents in the record. Sapphire's reply addresses arguments raised in Staff's reply to Cascade Natural Gas Corporation's response to the motion to dismiss. Sapphire provided some additional context on the issues that was necessary for the issues raised by Staff's reply. Given the motion to strike, Sapphire will say the silent part out loud. Staff's reply made outrageous allegations about Sapphire and it was not the first time. The Response included additional examples that were necessary to highlight as context for Sapphire's reply brief. Staff's motion concludes that paragraphs from Sapphire's reply must be stricken because those paragraphs "address Staff's response to Sapphire's motion to dismiss," but fails to acknowledge that Staff's reply reraised those very issues, forcing Sapphire to reply.[1] Finally, regardless of whether the Commission agrees that

[1] Staff's Motion to Strike, 1 ¶ 1.

Sapphire's entire reply is in response to Staff's reply to Cascade, the Commission can and should exercise its discretion to consider each of Sapphire's arguments in the latest reply.

II. RELIEF REQUESTED

2 Sapphire requests that the Commission deny Staff's motion to strike so that Sapphire's reply to Staff's reply may be considered in full by the Commission.

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. After intervening, Sapphire filed a Motion to Dismiss all causes of action in the complaint. Staff filed its response to Sapphire's Motion to Dismiss. Cascade filed its response to Sapphire's Motion to Dismiss. On July 18, 2025, Staff filed its motion for leave to reply and its reply to Cascade's response to Sapphire's Motion to Dismiss. On July 21, 2025, Sapphire filed its reply to Staff's reply, addressing the reply. Staff subsequently objected, filing its Motion to Strike on July 23, 2025. Now, Sapphire responds to Staff's Motion to Strike.

IV. STATEMENT OF ISSUES

4 Should the Commission allow a party to fully respond to a reply, including allowing that party to show a pattern in another party's pleadings?

V. ARGUMENT

A. A reply can refer to other documents.

5 Staff appears to take the position that Sapphire is making untimely argument because parts of the reply at times refers to Staff's response to Sapphire's motion to dismiss,

rather than only to Staff's reply to the Cascade response to Sapphire's motion to dismiss. The Staff reply raised issues that required Sapphire to refer to Staff's earlier response to the Sapphire motion to dismiss to provide a full response to the subject of the Staff reply. Moreover, and independently, the references from the earlier Staff response also demonstrate the pattern of outrageous allegations by Staff against Sapphire, demonstrating that the outrageous allegations in the latest reply by Staff are not an aberration. This is important context for Sapphire's reply.

B. Each of the Portions of the Reply Staff Does Not Want the Commission to See are Apparent From reading the Previously Filed Documents.

6 The apparently offensive portions of Sapphire's reply do not cite any new case law, rules or factual matters. They do bring to the Commission's attention prior questionable arguments and positions—the quiet part of the reply now said out loud. The pattern is important context for Sapphire's reply to Staff's reply to Cascade's response to Sapphire's motion to dismiss.

C. The Commission has broad discretion to consider the portions of the Reply that Staff seeks to Strike.

7 Even if the Commission concludes that some part of Sapphire's reply is not a reply to Staff's reply, the Commission has broad discretion to consider those arguments and should do so in the interest of justice. The Commission "may grant an exemption from, or modify the application of, any of its rules in individual circumstances if the exemption or modification is consistent with the public interest, the purposes underlying regulation, and applicable statutes."[2] The timing of the reply does not delay the matter since Staff has not objected to other parts of Sapphire's reply and the paragraphs Staff objects to do not cite any new authority

[2] WAC 480-07-110.

or arguments, but simply points out the pattern of incorrect allegations and misapplications of law, demonstrating the consistency of such failings with Staff's reply.

8 Even without the paragraphs Staff objects to, the Commission can consider the fact that Staff alleges Sapphire relied on a case that was not cited in Sapphire's filing, sought to rely on a case for a proposition that is not found in the case and misapplies plain language.

9 Sapphire believes that each of the points raised in the reply brief are part of its reply to Staff's reply to Cascade. But, even if not, for the reasons stated here the Commission should consider those points in its exercise of its discretion.

VI. CONCLUSION

10 Sapphire requests that the Commission deny Staff's motion to strike (in part) Sapphire's reply to Staff's reply.

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Respectfully submitted,
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