

[Service Date December 30, 2011]

December 30, 2011

John Anderson

Via E-mail

jda@nikola.com

RE: *Washington Utilities and Transportation Commission v. Lowper, Incorporated*
Docket UW-110892

Dear Mr. Anderson:

The Washington Utilities and Transportation Commission (Commission) welcomes public comment and appreciates the comments you provided in the above-referenced docket. The law, however, restricts the persons within the Commission to whom you may send your comments in litigated cases such as this one.

Specifically, an interested person is not permitted to communicate with the individual Commissioners, the administrative law judge, or anyone advising the Commissioners with respect to the merits of any case on which they must make a decision unless all parties to the case are present and able to respond. The purpose of this restriction is to make sure that the proceedings are not only fair, but appear to be fair by prohibiting one side in a dispute from having individual communication with, and potentially unfair influence on, the person(s) who decide the outcome of the case. This restriction applies not just to each party in the case but to anyone who has a direct or indirect interest in its outcome.

Your comments reflect that you have a direct interest in the outcome of this case. Accordingly, you should not have sent a copy of your comments directly to the Commissioners, who are the ultimate decision-makers in any litigated case at the Commission.

I therefore request that you do not send any further communications concerning this docket to the Commissioners, any of their advisors or assistants, or to me, as the administrative law judge in this matter. You should direct any future comments to the Commission's Records Center or to the Commission's regulatory staff, including Mr. Ward and Mr. Eckhardt. For your reference, I have attached copies of the relevant statute and Commission regulation on "ex parte communications."

Thank you in advance for your cooperation.

Sincerely,

MARTIN LOVINGER
Administrative Law Judge

Attachments