

WAC 480-07-370 Pleadings—General. Types of pleadings permitted. Pleadings include, but are not necessarily limited to, formal complaints, answers to complaints, petitions, responses to petitions, replies, applications for authority, protests, and objections. The commission may allow other pleadings upon written motion or on the commission's own motion.

(1) *Formal complaints.*

(a) Defined. Formal complaints are complaints filed in accordance with RCW 80.04.110 or 81.04.110, complaints filed under RCW 80.54.030, and commission complaints in proceedings designated by the commission as formal commission proceedings. For purposes of this rule, a formal complaint does not include an informal complaint filed pursuant to WAC 480-07-910 or a commission complaint and order suspending a rate increase or other tariff filing.

(b) Contents. A formal complaint must be in writing and must clearly and concisely set forth the grounds for the formal complaint, the relief requested, and the commission's jurisdiction to commence an adjudication and grant the requested relief. A formal complaint must state:

(i) The complainant's name and address and the contact information for the individuals to receive service on behalf of the complainant as required under WAC 480-07-360(3);

(ii) The full name and address of the person complained against, which should be the name and address contained in the commission's records if the respondent is a public service company;

(iii) Facts that constitute the basis of the formal complaint and requested relief, including relevant dates;

(iv) Citations to statutes or commission rules the complainant alleges that the respondent has violated and that provide the commission with jurisdiction to resolve the complaint and grant the relief the complainant requests; and

(v) Facts and law sufficient to demonstrate that the complainant has complied with all other prerequisites including, but not necessarily limited to, the requirements in RCW 80.04.110 or 81.04.110, if applicable.

(2) *Answer to formal complaint.*

(a) Defined. A pleading responding to a formal complaint is an answer.

(b) Timing. If the commission decides to commence an adjudicative proceeding on its own complaint or in response to a formal complaint brought by another person, the commission will serve the complaint on the respondent. A respondent must file any answer to a formal complaint, whether required or optional, within twenty days after the commission serves the complaint or such other time as the commission specifies in the notice accompanying the complaint.

(c) When required. A named respondent must file an answer to a complaint brought by any party other than the commission.

(d) When optional. A party may file an answer to a complaint brought by the commission.

(e) Content. Answers must include the following information:

(i) The name and contact information of the respondent and the individuals to receive service on behalf of the respondent as required under WAC 480-07-360(3);

(ii) Admissions or denials, specifically and in detail, of all material allegations of the formal complaint; and

(iii) Full and complete disclosure of the respondent's affirmative defenses, if any.

(3) *Petitions.*

(a) Defined. All original pleadings that seek relief other than formal complaints and applications as defined in this section and all pleadings that seek relief from a commission order, are petitions. The commission may undertake an action that would be the proper subject of a party's petition, such as authorizing exemption from a commission rule, without receiving a petition from a party. The commission will provide written notice and allow for appropriate process when it acts in the absence of a party's petition.

(b) Contents. A petition must be in writing and must clearly and concisely set forth the grounds for the petition, the relief requested, and the commission's jurisdiction to grant the requested relief. A petition must state:

(i) For original petitions, the name and contact information of the petitioner and the individuals to receive service on behalf of the petitioner as required under WAC 480-07-360(3) if the petitioner is requesting that the commission commence an adjudicative proceeding in response to the petition;

(ii) Facts that constitute the basis of the petition and requested relief, including relevant dates; and

(iii) Citations to statutes or commission rules that provide the commission with jurisdiction and authority to grant the requested relief.

(4) *Response to a petition.*

(a) Defined. A pleading responding to a petition is a response.

(b) Timing of response. Responses to a petition must be filed within twenty days after the petition is filed unless the commission or these rules establish a different deadline or the petition seeks commission action that the commission generally considers taking at an open public meeting (e.g., an accounting petition). Responses to petitions the commission considers at an open meeting should be filed no later than three business days before that open meeting. The presiding officer will establish the time for responses to interlocutory petitions in an adjudicative proceeding.

(c) When permitted. Any person directly affected by an original petition may file a response. Any party to the adjudicative proceeding may file a response to a petition filed in that proceeding except as otherwise provided in this chapter or a commission order.

(d) Content. Responses must include the following information:

(i) For original petitions, the name and address of the respondent and the individuals to receive service on behalf of the respondent as required under WAC 480-07-360(3) if the respondent seeks to become a party to any adjudicative proceeding the commission commences in response to the petition;

(ii) All legal and factual bases that support the respondent's position either to grant or deny the petition.

(5) *Reply to an answer or response.*

(a) Defined. The pleading responding to an answer or response is a reply. A party must not file a reply without permission from the commission, which the commission will grant only upon a showing of good cause.

(b) Motion for permission to reply. A party that wishes to reply to an answer or response must file a motion requesting permission to reply within five business days after the respondent serves the answer or response. The motion must explain why a reply is necessary includ-

ing, but not necessarily limited to, whether the answer or response raises new facts or legal argument requiring a reply. A party should file a proposed reply as an attachment to its motion. The motion is deemed denied unless the commission grants the motion within five business days after the movant files it.

(c) Commission direction or invitation for a reply. The commission may require or invite a party to file a reply.

(6) *Application*. An application is a request for a license, certificate, permit, or other authority to provide a service regulated by the commission or a request to transfer or amend any such authority.

(7) *Protest*. Persons who assert that their interests would be adversely affected if the commission grants an application other than an application for auto transportation service pursuant to WAC 480-30-096 may file a protest. A protest to an application must conform to the requirements of any rules that apply to the type of application the person is protesting. A protestant must serve a copy of the protest on the applicant.

(8) *Objection*. Persons who assert that their interests would be adversely affected if the commission grants an application for auto transportation service pursuant to WAC 480-30-096 may file an objection. An objection must conform to the requirements of WAC 480-30-116. The objector must serve a copy of the objection on the applicant.

[Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 17-06-051 (General Order R-588), § 480-07-370, filed 2/28/17, effective 3/31/17; WSR 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-370, filed 11/24/03, effective 1/1/04.]