

WAC 480-07-375 Motions. (1) **Defined.** Except for pleadings identified as petitions under these rules, a party's written or oral request for commission action in the context of an adjudicative proceeding is a motion. Motions should be in writing unless made on the record during a hearing before the presiding officer. The commission may take or require an action that would be the proper subject of a party's motion without receiving a motion from a party. The commission will provide oral or written notice prior to taking or requiring such action and allow for appropriate process when it acts in the absence of a party's motion. The commission recognizes four basic categories of motion:

(a) *Dispositive motions.* Dispositive motions request that the commission terminate a proceeding, resolve one or more of the substantive issues presented in the proceeding, or terminate a party's participation in the proceeding.

(b) *Procedural motions.* Procedural motions request that the commission establish or modify the process or the procedural schedule in a proceeding.

(c) *Discovery motions.* Discovery motions are requests to resolve disputes concerning the exchange of information among parties during the discovery phase of a proceeding.

(d) *Evidentiary motions.* Motions related to evidence are requests to limit or add to the evidentiary record in a proceeding.

(2) **Written motions must be filed separately.** Parties must file motions separately from any pleading or other communication with the commission. The commission will not consider motions that are merely stated in the body of a pleading or within the text of correspondence. The commission may refer to the Washington superior court rules for civil proceedings as guidelines for handling motions.

(3) **Oral motions.** A party may make an oral motion during a hearing, unless foreclosed from doing so by rule or in the presiding officer's discretion. The presiding officer will provide an opportunity for other parties to respond to any oral motion. The presiding officer may require that an oral motion be reduced to writing and may provide an opportunity for written response.

(4) **Responses to written motions that are not dispositive or do not seek a continuance.** A party that opposes a written motion, other than a dispositive motion governed by WAC 480-07-380 or a motion for continuance governed by WAC 480-07-385, may file a written response within five business days after the motion is served, or may make an oral or written response at such other time as the presiding officer may set.

[Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 17-06-051 (General Order R-588), § 480-07-375, filed 2/28/17, effective 3/31/17; WSR 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-375, filed 11/24/03, effective 1/1/04.]