

WAC 480-07-395 Pleadings, motions, and briefs—Format requirements; citation to record and authorities; verification; errors; construction; amendment. (1) **Format.** All pleadings, motions, and briefs must meet the following format requirements:

(a) *Appearance.*

(i) Text must be double-spaced, 12-point type, and in palatino, times new roman, or an equally legible serif font, with footnotes in the same font and of at least 10-point type;

(ii) Each paragraph must be numbered;

(iii) Margins must be at least one inch from each edge of the page; and

(iv) Any required paper copies must be submitted on three-hole punched, 8 1/2 x 11 inch paper.

(b) *Length.* Pleadings, motions, and briefs must not exceed sixty pages exclusive of table of contents, table of authorities, signature blocks, exhibits, appended authorities, supporting affidavits or declarations, and other documents. The presiding officer may alter the page limit to accommodate the number and complexity of the disputed issues presented for commission resolution.

(c) *Organization.* Every pleading, motion, and brief must be organized as follows:

(i) *Caption.* The commission notice initiating an adjudicative proceeding will include a caption that parties must use for all pleadings, motions, and briefs they file in that proceeding. Pleadings that request that the commission initiate an adjudicative proceeding should include a preliminary caption. At the top of the first page must appear the phrase, "BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION." On the left side of the page, the name of the proceeding must be set out as either "[Name], Complainant, v. [Name], Respondent." for a formal complaint or "In the matter of the [petition, application, etc.] of [Name of the pleading party] for [identify relief sought]." On the right side of the page for all pleadings, the caption must include the docket number if one has been assigned, the name of the party submitting the document, and the name of the document (e.g., staff motion for continuance).

(ii) *Body of pleading.* A pleading must include the following information:

(A) The pleading party's name and the nature of the pleading, and an initial pleading also must include the contact information as specified in WAC 480-07-360(3) for the party and its representative, if any;

(B) All rules or statutes that the pleading puts in issue;

(C) A statement of facts on which the party relies in a form comparable to complaints in civil actions before the superior courts of this state; and

(D) The relief the pleading party requests.

(iii) *Body of motion.* A motion must include the following information:

(A) A statement of the specific relief the movant requests that the commission grant or deny;

(B) A succinct statement of the facts that the movant contends are material to the requested remedy;

(C) A concise statement of the legal issue or issues on which the movant requests the commission to rule; and

(D) Any evidence on which the motion is based. If a party relies on declarations, affidavits, deposition transcripts, or documentary

evidence, the party must specify those documents, quote the cited material verbatim, and attach a copy of relevant pages to a declaration that identifies and verifies the documents. Parties should highlight or otherwise clearly identify the portions of the cited evidence on which they place substantial reliance.

(iv) Body of brief. Unless excused by the presiding officer, the parties must include in their briefs that exceed ten pages in length a table of contents in outline format. The conclusion of any brief must state the relief the party requests.

(v) Citation to record. Portions of the record relied on or quoted in the body of a brief must be cited using footnotes.

(A) Transcript. Transcript references should be as follows: [witness's surname], TR. [page]:[line(s)]. If the transcript reference spans multiple pages, the reference should be as follows: [witness's surname], TR. [page]:[line] - [page]:[line]. Examples: Smith, TR. 21:5-14; Jones, TR. 356:4 - 357:21.

(B) Exhibits. Exhibits must be marked as required under WAC 480-07-460, and references to those exhibits should be as follows: Exh. [number]. In the case of prefiled testimony offered or received as an exhibit, page numbers, line numbers, and the witness's surname should be added following the style specified in this section for transcript references (e.g., Smith, Exh. ABS-1T at 21:15-17). In other exhibits, references to pages, lines for text, rows and columns for tables, or other specific references may be added in addition to the sponsoring witness's surname, if applicable, to clarify the information cited (e.g., Smith, Exh. ABS-5 at 12, Table 2).

(vi) Citation to authority. Parties must use the citation formats specified in the current edition of the style sheet of the Washington supreme court reporter of decisions. The presiding officer may require parties to file copies of the text of authorities that are cited in parties' briefs and upon which parties place substantial reliance. Unless excused by the presiding officer, parties must include a table of cited authorities, with the full citation of each reference and its location in the brief.

(vii) Attachments or appendices. If a party attaches more than one attachment or appendix to a pleading, the party must separate the body of the brief and each attachment or appendix in any required paper copies with a tabbed blank sheet of paper.

(2) **Verification.** All pleadings and motions, except complaints brought by the commission or matters raised by the commission on its own motion, must be dated and signed either by a party representative of record in his or her individual name, or by the party, if the party is not represented. Parties that are not represented by an attorney must include a statement in any pleading that the facts asserted in the pleading are true and correct to the best of the signer's belief. Parties that bring complaints under RCW 80.04.110 or 81.04.110 challenging the reasonableness of the rates or charges of utilities the commission regulates must provide additional verification as specified in those statutes.

(3) **Errors in pleadings or motions.** The commission may return a pleading or motion to a party for correction when the commission finds the pleading or motion to be defective or insufficient. The commission may disregard or correct obvious typographical errors, errors in captions, or errors in spelling of names of parties.

(4) **Liberal construction of pleadings and motions.** The commission will liberally construe pleadings and motions with a view to effect justice among the parties. The commission will consider pleadings and

motions based primarily on the relief they request and will not rely solely on the name of the document. The commission, at every stage of any proceeding, will disregard errors or defects in pleadings, motions, or other documents that do not affect the substantial rights of the parties.

(5) **Amendments.** The commission may allow amendments to pleadings, motions, or other documents on such terms as promote fair and just results.

[Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 17-06-051 (General Order R-588), § 480-07-395, filed 2/28/17, effective 3/31/17; WSR 08-18-012 (Docket A-072162, General Order R-550), § 480-07-395, filed 8/22/08, effective 9/22/08; WSR 06-16-053 (Docket A-050802, General Order R-536), § 480-07-395, filed 7/27/06, effective 8/27/06; WSR 03-24-028 (General Order R-510, Docket No. A-010648), § 480-07-395, filed 11/24/03, effective 1/1/04.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.