



City of Tacoma
Hearing Examiner

October 18, 2017

Eivor Donahue
Reidar Ilvedson
Superlon Plastics
2116 Taylor Way
Tacoma, WA 98421-4302
(First Class & Electronic Mail Delivery)

Jessica Ludwig, Sr. Account Executive
Jennifer Collins Ramos CS Supervisor
Tacoma Public Utilities
3628 S. 35th Street
Tacoma, WA 98409-3192
(Interoffice & Electronic Mail Delivery)

Re: *Superlon Plastics Co., Inc. v. Tacoma Public Utilities*
File No. HEX 2017-019 (CA #100229357)

Dear Parties,

In regard to the above referenced matter please find enclosed a copy of the Hearing Examiner's Order Denying Reconsideration entered on October 18, 2017.

Sincerely,

Louisa Legg
Office Administrator

Enclosure (1) – Order Denying

CERTIFICATION

On this day, I forwarded a true and accurate copy of the documents to which this certificate is affixed via United States Postal Service postage prepaid or via delivery through City of Tacoma Mail Services to the parties or attorneys of record herein.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED October 18, 2017, at Tacoma, WA.

Louisa Legg

1 TMC Section 1.23.140 goes on to state that, “The requirements set forth herein
2 regarding the time limits for filing of motions for reconsideration and contents of such
3 motions are jurisdictional. Accordingly, motions for reconsideration that are not timely filed
4 with the Office of the Hearing Examiner or do not set forth the alleged errors *shall be*
5 *dismissed by the Examiner.*” [Emphasis added].

6 The office of the Hearing Examiner must comply with its enabling legislative
7 authority—in this instance, TMC 1.23.140. Substantial compliance, as opposed to strict
8 compliance, with filing deadlines is not accounted for in the TMC or in controlling case law.

9 THEREFORE, IT IS HEREBY ORDERED that Superlon’s request for reconsideration
10 is hereby dismissed for failure to file in compliance with the requirements of Tacoma
11 Municipal Code Section 1.23.140.

12 DATED this 18th day of October, 2017.

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14 _____
15 JEFF H. CAPELL, Hearing Examiner
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ORDER DENYING
RECONSIDERATION

- 2 -

ORIGINAL

City of Tacoma
Office of the Hearing Examiner
Tacoma Municipal Building
747 Market Street, Room 720
Tacoma, WA 98402-3768