

Robert J. Backstein, Hearing Examiner
Snohomish County Hearing Examiner's Office
M/S 405
3000 Rockefeller Ave.
Everett, WA. 98201

File No. **02 104238**
Feb. 25th 2003

RE: Cingular's argument on Reconsideration dated Feb. 24th 2003

Dear Mr. Backstein:

The purpose of the comment period following the reconsideration request is to allow parties of record to comment on the grounds that the applicant is seeking reconsideration. This is why the applicant is required before the reconsideration deadline to: "State specific grounds upon which relief is requested; Describe the specific relief requested; and Where applicable, identify the specific nature of any newly discovered evidence or changes proposed." SCC 2.02.167(4). All arguments for reconsideration must be on the table before this comment period begins so all parties can make their comments on the reconsideration request. For Cingular to submit more information at the end of this comment period does not allow for other parties to comment without effectively re-opening the hearing. Cingular's comments should have been limited only to those specifics mentioned in their February 6th request. To respond with 14 pages of comment on a three-paragraph request, in the last hour of comment period, is certainly an attempt to avoid comments or extend the proceedings.

Cingular claims that they did not know what format their reconsideration request should be in. This format is described in SCC 2.02.167(4). As explained in our previous arguments, this format was missing any specifics as required before the February 6th deadline.

In the interest of a speedy conclusion to this case, the Examiner's reconsideration should be limited to the information provided by the Applicant by the reconsideration request deadline. Anything else would set a precedent that would be counter to the Snohomish County Code and the Hearing Examiner's rules.