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**THE SUPREME COURT**  
STATE OF WASHINGTON



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October 27, 2010

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Re: Supreme Court No. 82225-5 - City of Port Angeles v. Our Water-Our Choice, et al.  
Court of Appeals No. 36935-4-II

Clerk and Counsel:

The Petitioners' "MOTION TO MODIFY RULING" (motion) was received and filed on this date.

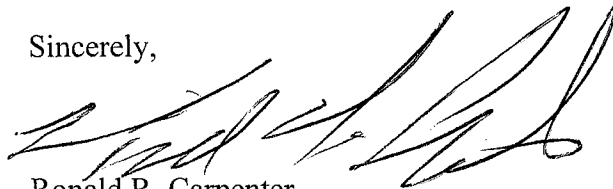
The motion is set for consideration by a Department of the Court on the Court's January 4, 2011, Motion Calendar. The motion will be determined without oral argument, see RAP 17.5(b).

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Any answers to the motion should be served and received by this Court for filing by not later than November 29, 2010. Any reply to any answers should be served and received by this Court for filing by not later than December 15, 2010.

I note in closing that the cost ruling was entered pursuant to the directive contained in RAP 14.6(a), and therefore does not appear to be prematurely entered. An award for costs is not actually made until the review is final, and then is made either in the mandate or a post mandate supplemental judgment, see RAP 14.6(c). Should this Court grant the pending motion for reconsideration and therein change the nature of the prevailing party, then the provision set forth in the last sentence of RAP 14.4(a) would apply.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald R. Carpenter", written in a cursive style.

Ronald R. Carpenter  
Supreme Court Clerk

RRC:alb