

[Service Date January 12, 2005]

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

CHELAN COUNTY,)	DOCKET NO. TR - 041066
)	
Petitioner,)	ORDER NO. 01
v.)	
)	
CASCADE AND COLUMBIA RIVER)	
RAILROAD,)	
)	
Respondent.)	
)	
.....)	
)	
CASCADE AND COLUMBIA RIVER)	DOCKET NO. TR - 041076
RAILROAD,)	
)	ORDER NO. 01
Petitioner,)	
v.)	
)	PREHEARING CONFERENCE
CHELAN COUNTY,)	ORDER; ORDER OF
)	CONSOLIDATION
Respondent.)	
)	
.....)	

1 **NATURE OF PROCEEDING.** Docket No. TR-041066 is an application by Chelan County, Washington for upgrade of the Chestnut Street railroad crossing of the Cascade and Columbia River Railroad (Cascade and Columbia or the railroad) in Chelan Falls, Washington. Docket No. TR-041076 is an application by the railroad for closure of the A street railroad crossing in Chelan Falls, Washington.

2 **CONFERENCE.** The Washington Utilities and Transportation Commission
(Commission) convened a prehearing conference in these dockets at Olympia,
Washington on January 10, 2005 before Administrative Law Judge Theodora M.
Mace.

3 **APPEARANCES.** Louis Chernak, attorney, Wenatchee, Washington, represents
Chelan County. Buck D. Workman, Vice-President, represents Cascade and
Columbia. Jonathan C. Thompson, Assistant Attorney General, Olympia,
Washington, represents the Commission's regulatory staff ("Commission Staff"
or "Staff").¹ Contact information provided at the conference for the parties'
representatives is attached as Appendix A to this order.

4 **PETITIONS FOR INTERVENTION.** No petitions to intervene were filed.

5 **PROTECTIVE ORDER.** A protective order will not be entered in this docket.

6 **DISCOVERY.** The parties asked that the discovery rules be invoked in this
docket, pursuant to WAC 480-07-400. The matter is one that qualifies for
discovery, and the rules are invoked.

7 **PROCEDURAL SCHEDULE.** The Commission adopts the following procedural
schedule:

April 1, 2005 Parties file and serve exhibit and witness lists

April 6, 2005 Evidentiary hearing

¹ In formal proceedings, such as this case, the Commission's regulatory staff functions as an independent party with the same rights, privileges, and responsibilities as any other party to the proceeding. There is an "ex parte wall" separating the Commissioners, the presiding Administrative Law Judge, and the Commissioners' policy and accounting advisors from all parties, including Staff. RCW 34.05.455.

May 6, 2005 Simultaneous post-hearing briefs

June 6, 2005 Initial order

8 **ORDER OF CONSOLIDATION.** Pursuant to WAC 480-07-320, we find that there are facts and issues of law that are common to both of these dockets and order that the two dockets be consolidated for consideration and hearing. The Commission may sever the two dockets when it deems that doing so is appropriate and may enter a single order or separate orders in the dockets as appropriate.

9 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file with the Commission an original plus six (6) copies of all pleadings, motions, briefs, and other prefiled materials. Paper copies of these materials are required to conform to the format and publication guidelines set forth in WAC 480-07-395 and 480-07-460, and must be three-hole punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.

10 All filings must be mailed to the Commission Executive Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250, or delivered by hand to the Commission Executive Secretary at the Commission's Records Center at the Washington Utilities and Transportation Commission, 1300 S. Evergreen Park Drive, S.W., Olympia, Washington, 98504. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.

11 An electronic copy of all filings must be provided by e-mail delivery to <records@wutc.wa.gov>. Alternatively, Parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette including the filed document(s). The Commission prefers that parties furnish

electronic copies in .pdf (Adobe Acrobat) format, supplemented by a separate file in MS Word 6.0 (or later), or WordPerfect 5.1 (or later) format. Parties are required to organize and identify electronic files as specified in WAC 480-07-140(5).

12 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission does have limited ability to provide dispute resolution services; if you wish to explore those services, please call the Director, Administrative Law Division, at 360-664-1142.

13 **NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective this 12th day of January 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

THEODORA M. MACE
Administrative Law Judge

APPENDIX A

**PARTIES' REPRESENTATIVES
DOCKET NOS. TR-041066/TR-041076**

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
Cascade and Columbia River Railroad	Buck Workman General Manager 901 Omak Ave. Omak, WA 98841	509-826-3752	509-826-3866	Buck.workman@railamerica.com
Chelan County	Louis Chernak Attorney 200 N. Chelan PO Box 654 Wenatchee, WA 98807	509-667-6200	509-665-0445	lchernak@wapa-sep.wa.gov
Commission Staff	Jonathan Thompson Assistant Attorney General 1400 S. Evergreen Park Drive SW PO Box 40128 Olympia, WA 9504	360-664-1225	360-586-5522	jthompso@wutc.wa.gov

APPENDIX B

**PROCEDURAL SCHEDULE
DOCKET NOS. TR-041066/TR-041076**

EVENT	DATE	INTERVAL
Parties file and serve exhibit and witness lists	April 1, 2005	
Evidentiary Hearing	April 6, 2005	
Simultaneous post-hearing briefs	May 6, 2005	
Initial Order	June 6, 2005	