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1 BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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3 WASHINGTON UTILITIES AND )  
4 TRANSPORTATION COMMISSION, ) DOCKET NO. UT-941134  
5 Complainant, ) VOLUME 1  
6 vs. ) PAGES 1 - 6  
7 SMJ COMMUNICATIONS, INC., )  
8 Respondent. )  
9 -----)

8 A pre-hearing conference in the above  
9 matter was held on November 3, 1994, at 3:32 p.m. at  
10 1300 South Evergreen Park Drive Southwest before  
11 Administrative Law Judge ELMER CANFIELD.

12 The parties were present as follows:

13 SMJ COMMUNICATIONS INC., by BROOKS E.  
14 HARLOW, Attorney at Law, 4400 Two Union Square, 601  
15 Union Street, Seattle, Washington 98101-2352.

16 WASHINGTON UTILITIES AND TRANSPORTATION  
17 COMMISSION STAFF, by ANN RENDAHL, Assistant Attorney  
18 General, 1400 South Evergreen Park Drive Southwest,  
19 Olympia, Washington 98504.

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Cheryl Macdonald

Court Reporter

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1 P R O C E E D I N G S

2 JUDGE CANFIELD: This pre-hearing  
3 conference will please come to order. We're convened  
4 in the matter of Washington Utilities and  
5 Transportation Commission, complainant, vs. SMJ  
6 Communications, Inc. Respondent, docket No.  
7 UT-941134. This matter is being heard by Elmer  
8 Canfield, administrative law judge with the Office of  
9 Administrative Hearings at Olympia, Washington on  
10 November 3, 1994. The case is assigned to senior  
11 administrative law judge Alice L. Haenle who has asked  
12 me to fill in for her at today's session due to a  
13 schedule conflict.

14 I would like to take appearances at the  
15 outset. We're going to be taking appearances,  
16 interventions and dealing with some preliminary-type  
17 matters, and I would like to ask for the appearances  
18 beginning with the respondent, please.

19 MR. HARLOW: Good afternoon, Your Honor.  
20 My name is Brooks Harlow. I'm with the law firm of  
21 Miller, Nash, Wiener, Hager and Carlsen. My address  
22 is 601 Union Street, Suite 4400, Seattle, Washington  
23 98101-2352. My fax number is 206-622-7485. I'm  
24 appearing on behalf of the respondent SMJ  
25 Communications.

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1 JUDGE CANFIELD: Thank you. Next.

2 MS. RENDAHL: Ann Rendahl, assistant  
3 attorney general, representing the Commission staff in  
4 this matter, and my address is 1400 South Evergreen  
5 Park Drive Southwest, Olympia, Washington 98504-0128.

6 JUDGE CANFIELD: Thank you. Are there any  
7 other appearances to be made at this time?

8 Let the record reflect there are none. And  
9 I will note that there's no petitions to intervene  
10 pending as well. And I will further note that public  
11 counsel has notified the Office of Administrative  
12 Hearings that they do not plan to participate in this  
13 proceeding. Should that change they can notify us  
14 otherwise, but as it stands now they indicated they  
15 would not be appearing and participating.

16 And just before going on the record the  
17 parties did indicate that they are working on a  
18 settlement and maybe I can have one of the parties  
19 outline the situation briefly for the record, as far  
20 as what is being requested at this juncture.

21 MS. RENDAHL: As the parties are entering  
22 into settlement discussions, it's requested that the  
23 pre-hearing schedule for today be postponed until the  
24 June 5 and 6 hearing dates currently set forth in the  
25 notice of hearing. During that time period between

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1 today and June it's hopeful that a settlement will be  
2 reached and the complaint will be withdrawn. However,  
3 we would like to retain those hearing dates in case  
4 the settlement does not occur.

5 JUDGE CANFIELD: So between now and then  
6 what's anticipated to take place?

7 MS. RENDAHL: It's anticipated that the  
8 company will make several filings with the Commission,  
9 to make a tariff filing and a competitive  
10 classification filing and those, both the tariff  
11 filing and competitive classification filing, will be  
12 presented before the Commission during that time  
13 period.

14 JUDGE ANDERL: Mr. Harlow, any comments on  
15 that as it's been outlined by Ms. Rendahl?

16 MR. HARLOW: No. We join in the request in  
17 continuing the pre-hearing conference until June 5,  
18 1995 for the reasons Ms. Rendahl stated.

19 JUDGE CANFIELD: And as far as some idea of  
20 a time that this may take place, is it anticipated  
21 that these filings are going to be made and in place  
22 prior to that June 5 and 6 date?

23 MR. HARLOW: It's anticipated they will be  
24 filed and approved prior to that date.

25 JUDGE CANFIELD: And assuming filing and a

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1 Commission approval, Ms. Rendahl, you indicate, then,  
2 that it's anticipated that the complaint would be  
3 withdrawn.

4 MS. RENDAHL: That's correct. If both  
5 filings are made and the Commission grants both, the  
6 staff would withdraw its complaint in this matter.

7 JUDGE CANFIELD: And just out of  
8 cautiousness it's being requested that the schedule  
9 dates June 5 and 6, 1995 be retained for the time  
10 being.

11 MS. RENDAHL: Correct, and that the  
12 pre-hearing conference be continued until that time.

13 JUDGE CANFIELD: I will grant the request  
14 to continue the pre-hearing conference to June 5 and  
15 6, 1995. Those are the dates that were announced in  
16 the complaint and notice of hearing that was issued in  
17 this matter on September 7, 1994, and as outlined by  
18 the parties, those matters are going to be discussed  
19 further and filings are going to be made and request  
20 for Commission approval of those matters will be made.

21 And is it anticipated that the -- that  
22 there would be a letter or an order on the pre-hearing  
23 conference or just a postponement or continuance-type  
24 letter? I'm filling in for Alice Haenle on this so I  
25 would like to know what the parties anticipate.

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1 MS. RENDAHL: I believe just a continuance  
2 letter is sufficient. If the Commission approves both  
3 filings the staff would then submit copies of orders  
4 by the Commission in both filings and submit those to  
5 the ALJ, the administrative law judge, seeking  
6 withdrawal of the complaint.

7 JUDGE CANFIELD: Would you concur with  
8 that, Mr. Harlow?

9 MR. HARLOW: Yes.

10 Anything further to discuss then? I've  
11 granted the request to continue the matter to the June  
12 5/6, 1995 dates. The parties have outlined what they  
13 propose doing between now and then. Anything further,  
14 Ms. Rendahl?

15 MS. RENDAHL: No, Your Honor.

16 JUDGE CANFIELD: Anything further, Mr.  
17 Harlow?

18 MR. HARLOW: No, Your Honor.

19 JUDGE CANFIELD: Okay. With that, then, I  
20 will adjourn today's session and the matter will be  
21 continued, and I will get out a short letter to that  
22 effect within the next several days. This session is  
23 adjourned.

24 (Hearing adjourned at 3:41 p.m.)

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