

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

In re Application No. D-079309 of)	DOCKET NO. TC-041725
)	
CWA, INC., d/b/a CENTRAL)	ORDER NO. 01
WASHINGTON AIRPORTER)	
)	PREHEARING CONFERENCE
For Extension of Authority under)	ORDER
Certificate No. C-01073, For a)	
Certificate of Public Convenience and)	
Necessity to Operate Motor Vehicles)	
in Furnishing Passenger and Express)	
Service as an Auto Transportation)	
Company.)	
.....		

- 1 **NATURE OF PROCEEDING.** Docket No. TC-041725 is an application by CWA, Inc. d/b/a Central Washington Airporter (CWA or Applicant) for a certificate of public convenience and necessity to extend its current authority¹ to now furnish passenger and express service between Yakima, Ellensburg, and Cle Elum.

- 2 **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in this docket at Olympia, Washington on December 8, 2004, before Administrative Law Judge Theodora M. Mace.

- 3 **APPEARANCES.** David L. Rice, attorney, Seattle, Washington, represents CWA. Jonathan Thompson, Assistant Attorney General, Olympia, Washington, represents the Commission’s regulatory staff (“Commission Staff” or “Staff”).²

¹ CWA already provides airporter service between Yakima, Ellensburg, and Cle Elum (on the one hand) and Seattle-Tacoma International Airport (on the other hand).

² 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

Contact information provided at the conference for the parties' representatives is attached as Appendix A to this order.

4 **PETITIONS FOR INTERVENTION.** This application was published in the Commission's weekly Docket for October 11, 2004. The Commission received no protests to the application within 20 days of publication as required by WAC 480-30-032(1). Because this application appeared to request authority that would overlap with that requested in a contemporaneous application filed by Diamond-West Transportation Co., Inc. (Diamond-West) in Docket No. TC-041725, it was noticed for a prehearing conference concurrent with the prehearing conference in the Diamond-West proceeding. Under WAC 480-30-032, the Commission may consolidate such applications for joint consideration.

5 **CONSOLIDATION.** Because no protest to this application was filed, and because Diamond-West amended its contemporaneous application to eliminate service that would overlap with that requested in the CWA application, the Commission will not consolidate this application with the Diamond-West application.

6 **PROTECTIVE ORDER.** No protective order is required.

7 **DISCOVERY.** The parties do not require discovery in this proceeding.

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.

- 8 **PROCEDURAL SCHEDULE.** Because there was no protest to CWA's application, and because the contemporaneous application of Diamond-West was amended to eliminate overlap with the CWA application, the CWA application will proceed on a paper record. CWA will provide documentary evidence in support of the application on or before January 7, 2005.
- 9 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file with the Commission an original plus ten (10) 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 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 **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 9th day of December, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

THEODORA M. MACE
Administrative Law Judge

APPENDIX A

**PARTIES' REPRESENTATIVES
DOCKET NO. TC-041725**

COMPANY	REPRESENTATIVE AND ADDRESS	PHONE NUMBER	FAX NUMBER	E-MAIL ADDRESS
CWA, Inc.	DAVID RICE Miller Nash LLP 4400 Two Union Square 601 Union Street Seattle, WA 98101-2352	206-622-8484	206-622-7485	<u>David.rice@millernash.com</u>
Commission Staff	JONATHAN THOMPSON Assistant Attorney General 1400 S. Evergreen Park Drive SW PO Box 40128 Olympia, WA 98504-0128	360-664-1225	360-586-5522	<u>jthompso@wutc.wa.gov</u>