

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND)	DOCKET TE-140414
TRANSPORTATION COMMISSION,)	
)	
Complainant,)	ORDER 01
)	
v.)	
)	
SEVENTH GENERATION,)	PREHEARING CONFERENCE
)	ORDER; NOTICE OF HEARING
Respondent.)	(Set for July 14, 2014, at 9:30 a.m.)
)	
.....)	

1 **NATURE OF PROCEEDING.** This proceeding arises out of a complaint filed by Commission Staff on April 17, 2014, against Seventh Generation, alleging that Seventh Generation engaged in business as a charter party carrier in February 2014 by completing two trips from Kent to Snoqualmie Summit East for Mohan Skiing and Boarding. The complaint’s first cause of action alleges that Seventh Generation completed the trips when it did not hold a certificate from the Commission, in violation of RCW 81.70.220 and WAC 480-30-086. The complaint’s second cause of action alleges that Seventh Generation completed those two trips after the Commission had cancelled its prior certificate on November 19, 2013, in violation of RCW 81.70.260. The complaint seeks a penalty of up to \$2,000 for each count, for a total penalty of up to \$4,000.

2 **CONFERENCE.** The Commission convened a prehearing conference in this docket at Olympia, Washington, on Monday, May 19, 2014, before Administrative Law Judge Adam E. Torem.

3 **APPEARANCES.** Brett Shearer, Assistant Attorney General, Olympia, represents the Commission’s regulatory staff (Commission Staff or Staff).¹ Mr. David Hare, *pro*

¹ In formal proceedings, such as this, the Commission’s regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the

se, represents respondent Seventh Generation. Contact information for the parties' representatives is attached as Appendix A to this order.

4 **INTERVENTION.** The Commission did not receive any petitions for intervention.

5 **DISCOVERY.** The parties will rely on informal discovery and do not anticipate the need for formal discovery under WAC 480-07-400.

6 **PROCEDURAL SCHEDULE.** The parties agreed on, and the Commission adopts, the following procedural schedule:

Wednesday, July 2, 2014 Witness & Exhibit List Filing Deadline

Monday, July 14, 2014 Evidentiary Hearing

7 **NOTICE OF HEARING.** The Commission will hold an evidentiary hearing in this matter on **Monday, July 14, 2014, at 9:30 a.m., in Room 206, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

8 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file an **original plus 3 copies** of all pleadings, motions, briefs, and other prefiled materials. These materials must conform to the format and publication guidelines in WAC 480-07-395 and WAC 480-07-460. The Commission prefers that materials 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.

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

presiding administrative law judge, and the Commissioners' policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

- 10 An electronic copy of all filings must be provided through the Commission's Web Portal (www.utc.wa.gov/e-filing) or by e-mail delivery to <records@utc.wa.gov >. Alternatively, parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette, a flash drive, or CD including the filed document(s). Parties must furnish electronic copies in MS Word 6.0 (or later) supplemented by a separate file in .pdf (Adobe Acrobat) format. Parties must follow WAC 480-07-140(5) in organizing and identifying electronic files.
- 11 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Parties may submit documents electronically to the Commission on the filing deadline to expedite the filing process, but must file an original, plus 3 paper copies, of the documents with the Commission by 12:00 noon on the first business day following the filing deadline established in the procedural schedule. WAC 480-07-145(6). Parties may submit documents electronically through the Commission's Web Portal (www.utc.wa.gov/efiling) or by e-mail to records@utc.wa.gov. Finally, to perfect filing, parties must simultaneously provide e-mail courtesy copies of filings to the presiding administrative law judge at atorem@utc.wa.gov as well as to the parties to the proceeding.
- 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 360-664-1355.

- 13 **NOTICE TO PARTIES:** A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.

DATED at Olympia, Washington, and effective May 20, 2014.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ADAM E. TOREM
Administrative Law Judge

APPENDIX A
PARTIES' REPRESENTATIVES
DOCKET TE-140414

<u>PARTY</u>	<u>REPRESENTATIVE</u>	<u>PHONE</u>	<u>E-MAIL</u>
Seventh Generation – Respondent	David Hare Seventh Generation Charters, Inc. P.O. Box 931 Rochester, WA 98579	360-273-7987	seventhgenerationcharters@wildblue.net
Commission Staff	Brett Shearer Assistant Attorney General 1400 S. Evergreen Park Drive S.W. P.O. Box 40128 Olympia, WA 98504-0128	360-664-1192	bshearer@utc.wa.gov
	Sally Brown		sbrown@utc.wa.gov