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

2 JUDGE CAILLE: We are here today for the  
3 first prehearing conference in the proceeding in Docket  
4 Number TV-050537 which concerns a Penalty Assessment  
5 Against All My Sons Moving and Storage of Seattle  
6 Incorporated. My name is Karen Caille, and I am the  
7 presiding Administrative Law Judge for this proceeding.  
8 Today is November the 14th, and we are convened in a  
9 hearing room at the Commission's offices in Olympia,  
10 Washington.

11 I would like to start out this afternoon by  
12 taking appearances from the parties. I will ask you to  
13 state your name, spelling your last name, whom you  
14 represent, your street address, mailing address,  
15 telephone number, fax number, and E-mail address, and  
16 let's begin with you, Mr. Haffner.

17 MR. HAFFNER: Thank you, Your Honor. My name  
18 is Greg W. Haffner, I am with the law firm of Curran  
19 Mendoza, I am representing All My Sons Moving and  
20 Storage of Seattle, Inc., the party requesting an appeal  
21 in this matter. My address is 555 West Smith Street,  
22 Kent, Washington 98035-0140. My phone number is (253)  
23 852-2345, my fax number is (253) 852-2030, and my E-mail  
24 address is gwh@curranmendoza.com, that's  
25 C-U-R-R-A-N-M-E-N-D-O-Z-A-.com.

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1 JUDGE CAILLE: Thank you.

2 And for Commission Staff.

3 MS. JOHNSTON: Sally G. Johnston, Senior  
4 Assistant Attorney General. My street address is 1400  
5 South Evergreen Park Drive Southwest, Olympia,  
6 Washington 98504. My telephone number is area code  
7 (360) 664-1193, my fax number is area code (360)  
8 586-5522, my E-mail address is sjohnston@wutc.wa.gov.

9 I would also like to enter an appearance of  
10 another Assistant Attorney General in the division, her  
11 name is Judith R. Krebs, K-R-E-B-S.

12 JUDGE CAILLE: Do you have her -- no, okay.

13 MS. JOHNSTON: No, Your Honor, I don't have  
14 her E-mail address. Well, her E-mail is  
15 jkrebs@wutc.wa.gov, and her telephone number is area  
16 code (360) 664-1192.

17 JUDGE CAILLE: And Krebs is K-R-E-B-S?

18 MS. JOHNSTON: Correct.

19 MR. HAFFNER: Your Honor, this is Greg  
20 Haffner, I believe also on the line may be Vanna  
21 Peterson here to represent --

22 JUDGE CAILLE: Isn't she -- aren't you  
23 representing Ms. Peterson?

24 MR. HAFFNER: Yes, I just wanted to let you  
25 know who all the other parties were on the line.

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1 JUDGE CAILLE: Okay.

2 Boy, I'm getting this feedback on here.

3 Ms. Peterson, generally this is just for the  
4 attorneys, so since Mr. Haffner is representing you, he  
5 will be the person who will be talking. So again I will  
6 just ask you to mute your phone, and you can just listen  
7 in. Is that okay with you?

8 MS. PETERSON: That's fine.

9 JUDGE CAILLE: All right, thank you.

10 MS. PETERSON: Thank you.

11 JUDGE CAILLE: There are no petitions to  
12 intervene in this proceeding, so are there any  
13 preliminary or substantive motions at this point?

14 MR. HAFFNER: Not from All My Sons.

15 JUDGE CAILLE: All right, hearing none, have  
16 the parties been able to discuss whether there is a way  
17 to amicably resolve the issues in this proceeding?

18 MS. JOHNSTON: Not yet, Your Honor, although  
19 Commission Staff is always amenable to participating in  
20 settlement discussions.

21 JUDGE CAILLE: Okay, I would encourage you to  
22 consider the use of the settlement process in WAC  
23 480-07-730 and any other means of alternative dispute  
24 resolution found at WAC 480-07-700. And I will just  
25 mention that if there is a need for mediation services,

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1 the parties could contact the Director of the  
2 Administrative Law Division, Bob Wallis, and he could  
3 probably, assuming there is availability, assign an ALJ  
4 to do mediation for the parties.

5 The next item I have on my agenda is will  
6 there be a need for discovery in this proceeding?

7 MR. HAFFNER: I would like to be able to have  
8 discovery, Your Honor.

9 JUDGE CAILLE: All right, then the  
10 Commission's discovery rule should be made available in  
11 this proceeding, and the discovery process as outlined  
12 in WAC 480-07-400 through 425 will be available to you.

13 Is there a need for a discovery, well, we  
14 will get to that when we get to scheduling, but remind  
15 me if there is a need for a discovery cutoff in this  
16 proceeding.

17 If there are any discovery problems that  
18 arise, please note that I will be available to consider  
19 those on an expedited basis and by telephone.

20 The next matter that I would like to consider  
21 is whether there is going to be a need for a protective  
22 order.

23 MS. JOHNSTON: I don't think so, Your Honor.

24 JUDGE CAILLE: What about you, Mr. Haffner?

25 MR. HAFFNER: I don't believe there would be.

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1                   JUDGE CAILLE: Okay. Should you find there  
2 is a need for one, if you will just notify me or file a  
3 motion, we will see that a protective order is put into  
4 place.

5                   That brings me to the discussion on the  
6 issues. The notice served on All My Sons on September  
7 15th, 2005, alleges 696 violations of Chapter 480-15 WAC  
8 and Commission Tariff 15-A. The notice assesses  
9 penalties in the amount of \$69,600. Other than the  
10 issues of whether the violations occurred and the  
11 penalty amount, are there other issues the parties are  
12 aware of at this time?

13                   MS. JOHNSTON: I'm not aware of any other  
14 issues, Your Honor.

15                   MR. HAFFNER: I'm not either, Your Honor.

16                   JUDGE CAILLE: All right. Do either of you  
17 wish to comment on the other issues at this time, the  
18 ones I mentioned?

19                   MS. JOHNSTON: I don't believe I do.

20                   JUDGE CAILLE: And you, Mr. Haffner?

21                   MR. HAFFNER: Nothing that I think would be  
22 appropriate at this point.

23                   JUDGE CAILLE: Okay.

24                   MR. HAFFNER: It's, you know, we're seeking a  
25 reduction in the penalties and to have some of them

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1 recognized as potentially improper and invalid, but that  
2 speaks for itself in the matter of the request for the  
3 appeal.

4 JUDGE CAILLE: And this is a hearing, I guess  
5 I don't really consider it an appeal, but the notice  
6 went out assessing penalties and listing the violations,  
7 and this hearing is for you to contest that. So if you  
8 would just refer to it as a hearing rather than an  
9 appeal, I think it will make it clearer for the record.

10 MR. HAFFNER: Thank you.

11 MS. JOHNSTON: Yeah, I think it's styled as  
12 an application for mediation of penalties.

13 JUDGE CAILLE: That brings us to the  
14 scheduling of the proceeding, and have the parties had  
15 an opportunity to discuss schedule?

16 MS. JOHNSTON: No, we have not.

17 JUDGE CAILLE: All right, how about if we go  
18 off the record, and we'll discuss schedule now, and then  
19 we'll go back on the record and I will put in the  
20 results of that discussion.

21 We're off the record.

22 (Discussion off the record.)

23 JUDGE CAILLE: We have had an off record  
24 discussion concerning scheduling of this matter, and the  
25 parties have agreed to the following schedule. The

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1 parties will conduct discovery which will conclude on  
2 March 10th, and hopefully during that time the parties  
3 will also enter into settlement discussions. On March  
4 21st we will hold a teleconference status hearing at  
5 10:00 in the morning. And Staff will file, assuming  
6 things have not changed, Staff will file its prefiled  
7 testimony March 24th, the company will file its response  
8 testimony April 21st, Staff rebuttal testimony will be  
9 filed May 12th, and we have set aside the week of June  
10 5th, that would be June 5th through the 9th, for  
11 hearings.

12                   Is there anything that I have not covered  
13 that we spoke of during our off record discussion?

14                   I will prepare a prehearing conference order  
15 that will contain the substance of what we have  
16 discussed today and the procedural schedule. I believe  
17 everyone is familiar with where you need to file. In  
18 this proceeding I'm going to need an original plus 8  
19 copies for internal distribution to the Commission.

20                   Mr. Haffner, do you need me to go over the,  
21 well, that will be in my prehearing conference order.

22                   And again, the Commission encourages you to  
23 consider stipulations to facts and to consider  
24 alternative dispute resolution, and please advise us of  
25 any progress that you make.



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1                   Is there anything further?

2                   Then this meeting is adjourned, thank you.

3                   (Hearing adjourned at 2:15 p.m.)

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