

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION)	DOCKET NOS. UG-020230 & UG-020232
)	
Complainant,)	
)	FIRST SUPPLEMENTAL ORDER; PREHEARING CONFERENCE ORDER
v.)	
)	
BASIN FROZEN FOODS, INC.,)	
)	
Respondent.)	
.....)	

1 **Proceeding:** Docket Nos. UG-020320 and UG-020232 are a complaint filed by the Washington Utilities and Transportation Commission, on its own motion. The complaint alleges that Basin Frozen Foods, Inc. has failed to comply with and violated federal and state pipeline safety regulations.

2 **Conference:** The Commission convened a prehearing conference in this docket at Olympia, Washington on October 24, 2002 before Administrative Law Judge C. Robert Wallis.¹

3 **Appearances.** The following persons entered appearances. Respondent Basin Frozen Foods, Inc. appeared by Kevin Weber, President, Warden WA. Commission Staff appeared by Donald T. Trotter, Senior Assistant Attorney General, Olympia WA. Contact information provided at the conference for the parties' representatives is attached as Appendix A to this order.

4 **Petitions for Intervention.** The Commission received no requests for intervention.

5 **Consolidation.** The Commission has entered an order on consolidation in these dockets.

6 **Discovery.** Parties desire to engage in discovery of information in the proceeding. The proceeding qualifies under WAC 480-09-480 as a proceeding in which inquiries may be made to the extent provided in the rule. Basin was allowed to voice any objections involving the rule no later than the close of business on Monday, October, 28, 2002. It raised no objection. The discovery rule is invoked.

¹ Judge Wallis presided because of the temporary unavailability of Judge Schaar, who is expected to preside at remaining portions of the hearing.

7 **Hearing schedule.** The parties agreed upon the following schedule for the proceeding, which is based on designating an initial 30-day period for discussions of potential settlement.

8 **If discussions achieve settlement**, the parties agree to the following schedule:

Last day to file a settlement stipulation	November 25, 2002
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If a settlement stipulation is filed on or before Nov. 25, hearing on the proposal will be held	December 12, 2002
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If a settlement stipulation is not filed, the following schedule will be followed:

Commission Staff files testimony and exhibits	January 10, 2003
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Basin Frozen Foods files testimony and exhibits	February 21, 2003
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Commission Staff files rebuttal testimony and exhibits	March 14, 2003
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Prehearing conference ² (to be cancelled or held by teleconference, depending on need) to address procedural matters that may assist in the conduct of the hearing.	March 20, 2003
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Hearing begins (two days will be reserved)	March 24, 2003
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Post-hearing process: Unless the Commission requests oral argument in lieu of briefs, simultaneous written briefs will be filed on	April 24, 2003
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9 **Document preparation and process issues.** Parties must file fourteen copies of each document filed with the Commission. Appendix B states relevant Commission rules and other directions for the preparation and submission of evidence and for other process in this docket. Parties will be expected to comply with these provisions.

10 **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

² This step is added to the process suggested by the parties to facilitate conduct of the hearing by addressing any procedural issues prior to start of the hearing.

services; if you wish to explore those services, please call the Director, Administrative Law Division, at 360-664-1142.

Dated at Olympia, Washington, and effective this ____ day of October, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

C. ROBERT WALLIS
Administrative Law Judge

NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the date of mailing of this statement, pursuant to WAC 480-09-460(2). Absent such objections, this prehearing conference order will control further proceedings in this matter, subject to Commission review.

APPENDIX A

PARTIES' REPRESENTATIVES				
DOCKET NO. UG-020230/UG-020232				
updated 10/25/02				
COMPANY	REPRESENTATIVE and ADDRESS	PHONE NUMBER	FAX NUMBER	E-MAIL ADDRESS
Basin Frozen Foods	KEVIN WEBER 1203 Basin Avenue Warden, WA 98857	509-349-2210	509-349-2375	
Commission Staff	DONALD T. TROTTER Assistant Attorney General 1400 S Evergreen Park Dr. SW Olympia, WA 98504	360-664-1189	360-586-5522	dtrotter@wutc.wa.gov

Appendix B

I. Requirements for ALL paper copies of testimony, exhibits, and briefs

The following requirements are restated from and clarify the Commission's rules relating to adjudications.

- A. All paper copies of briefs, prefiled testimony, and original text in exhibits must be
- On 8-1/2x11 paper, punched for insertion in a 3-ring binder,
 - Punched with **OVERSIZED HOLES** to allow easy handling.
 - Double-spaced
 - 12-point or larger text and footnotes, Times New Roman or equivalent serif font.
 - Minimum one-inch margins from all edges.

Other exhibit materials need not be double-spaced or 12-point type, but must be printed or copied for optimum legibility.

- B. All electronic and paper copies must be
- **SEQUENTIALLY NUMBERED** (all pages). **THIS INCLUDES EXHIBITS.** It is not reasonable to expect other counsel or the bench to keep track of where we are among several hundred (or sometimes even just several) unnumbered pages.
 - **DATED ON THE FIRST PAGE OF EACH ITEM** and on the label of every diskette. If the item is a revision of a document previously submitted, it must be clearly labeled (**REVISED**), with the same title, and with the date it is filed clearly shown. Electronic files must be designated R for revision, when applicable, with an ordinal number showing the revision number.

II. Identifying exhibit numbers; Exhibits on cross examination.

A. **Identifying exhibits.** It is essential to mark documents so you, opposing counsel, and the Commission can find them. We ask you to comply with this clarification of prior practice, based on recent experience:

- **Use the witness's initials and add an ordinal number for each exhibit.** Identify testimony with a T and confidential exhibits with a C. Example: Witness Jane Quintessentia Public. Her original testimony would be JQP-1T or JQP-1TC, her first attached exhibit would be JQP-2, etc. NEVER identify the attachments merely with a single ordinal number, as that will provide the maximum confusion to everyone, including your witness.

B. Prepare a list of your exhibits with their title and (JQP) designation in digital form and in a format specified by the Commission. Send it to the presiding officer before the appropriate prehearing conference. That will simplify identification and ease administrative burdens.

NOTE: Be prepared to submit all of your possible exhibits on cross examination several days prior to the hearing. We will attempt to schedule a prehearing conference to deal with the exhibits as close as possible to the hearing itself, but we have administrative needs that require prefiling.