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1 BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
2 COMMISSION
3 In re Application No. D-079292)
)
4 ALL-WAYS TRANSPORTATION, INC.)
) DOCKET NO. TC-041320
5 For a Certificate of Public) Volume I
 Convenience and Necessity to) Pages 1 - 9
6 Operate Motor Vehicles in)
 Furnishing Passenger and)
7 Express Service as an Auto)
 Transportation Company.)
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10 A prehearing conference in the above matter
11 was held on October 29, 2004, at 1:30 p.m., at 1300
12 South Evergreen Park Drive Southwest, Olympia,
13 Washington, before Administrative Law Judge THEODORA
14 MACE.

15 The parties were present as follows:
16 ALL-WAYS TRANSPORTATION, INC., by DOLORES A.
17 WEZA (via bridge), Owner, 931 Bryden Avenue, #B,
18 Lewiston, Idaho 83501; telephone, (208) 746-0257.

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24 Kathryn T. Wilson, CCR
25 Court Reporter

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

2 JUDGE MACE: Good afternoon. Let's be on the
3 record in Docket No. TC-041320, the application of
4 All-Ways Transportation, Inc., for a certificate of
5 public convenience and necessity to operate motor
6 vehicles in furnishing passenger and express service as
7 an auto transportation company.

8 My name is Theodora Mace and I'm the
9 administrative law judge who has been assigned to hold
10 hearings on this application. We are convened for a
11 prehearing conference on October 29th, 2004, at the
12 offices of the Washington Utilities and Transportation
13 Commission in Olympia, Washington.

14 What I want to do right now is take
15 appearances from those -- there is no one in the
16 hearing room, and let me indicate that for the record,
17 but to take appearances from those on the conference
18 bridge who are calling into this hearing by telephone,
19 and Ms. Weza, that's going to be you, and what I'm
20 going to ask you to do is state your full name and
21 address, the name of the company, indicate that you are
22 representing yourself in this hearing, and give me your
23 phone number, your fax number, if you have one, and
24 your e-mail address, if you have one. Could you do
25 that for me now, please?

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1 MS. WEZA: Yes. My name is Dolores Ann Weza.
2 I am representing All-Ways Transportation in Lewiston,
3 Idaho.

4 JUDGE MACE: Can you give me the address,
5 please?

6 MS. WEZA: We are located at 931 Bryden
7 Avenue, Lewiston, Idaho, 83501. Our daytime and
8 anytime telephone number is area code (208) 746-0257.
9 A second line is area code (208) 746-7189. Our fax
10 number is area code (208) 798-0574.

11 JUDGE MACE: That's your fax number?

12 MS. WEZA: That's the fax number. We have a
13 toll-free number also. Would you like that?

14 JUDGE MACE: Sure.

15 MS. WEZA: It's 1-877-437-5237.

16 JUDGE MACE: And how about an e-mail?

17 MS. WEZA: Our e-mail address is
18 jim@syringa.net.

19 JUDGE MACE: Thank you. At a prehearing
20 conference, we usually have a number of items we need
21 to cover depending on the nature of the hearing. In
22 this case, I note that no protests have been filed, and
23 let me now ask to make sure that there is no one else
24 on the conference bridge who wants to enter an
25 appearance today. I hear no response. No protests

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1 have been filed and no one else has entered an
2 appearance aside from the Applicant. This means that
3 we can dispense with a number of items required in a
4 conference of this type, including whether discovery
5 will be necessary and whether the Commission needs to
6 enter a protective order.

7 I would like to take some time now to advise
8 the Applicant about the kinds of proofs that are still
9 required to support this application and to develop
10 with her a schedule of filing for those proofs. Now,
11 Ms. Weza, I just want to make sure that you are aware
12 that you still, even though this is an unprotested
13 application, you still need to provide proof that will
14 meet the requirements of the statute that covers this
15 type of proceeding.

16 The statutory requirements are found in
17 Chapter 81.68 RCW, and there are also requirements in
18 the rules of the Commission, Chapter 480-30 WAC. I'm
19 going to send you an appendix to the prehearing
20 conference order that I'm going to write and send you
21 after this hearing is over that gives you an outline of
22 these proofs, but I just want to go over this with you
23 now so you are aware of what you need to file.

24 You have to show, number one, that there is a
25 public need for the service you are proposing. The

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1 need for new service must be established by means of
2 statements from members of the public who actually
3 require the service. The Commission does not accept
4 what it calls self-serving statements from an applicant
5 about this. In other words, you have to provide a
6 statement from someone other than from your
7 organization to support your application saying that
8 there is a need for the service. The person that you
9 provide the statement from has to be knowledgeable
10 about the need for service in the territory in which
11 you are seeking authority.

12 Also, if you are requesting a certificate to
13 operate in territory already served by a certificate
14 holder, you must show that the existing transportation
15 company or companies will not provide service in the
16 territory to the satisfaction of the Commission. This
17 proof may also be in the form of written statements
18 from independent witnesses, just as the other items can
19 be proved.

20 Then finally, you have to show that you as an
21 applicant are fit, willing, and able to provide the
22 proposed service. You must show that you have
23 sufficient financial resources and assets to conduct
24 the proposed operations, and you must show that you are
25 willing and able to comply with the applicable laws and

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1 the Commission's rules. And that latter item, you can
2 provide a statement from yourself, and that's not a
3 problem there.

4 So those are the things that you are still
5 going to have to show to the Commission, and you can do
6 that, as I said, by filing written statements. So what
7 we have to do today is make sure that we have a
8 deadline by which you will file those statements so
9 that I can review them and make some findings to see
10 whether or not they do meet the requirements of the
11 statute.

12 Also, it's possible that you could what's
13 called waive an initial order in this case. That means
14 once I get the statements from you, instead of my
15 writing an order, that would go immediately to a final
16 order of the Commission, and that way, it could
17 expedite the proceeding for you, and I just want to
18 mention that as an alternative for you so you can think
19 about it. The one thing it does is it eliminates one
20 opportunity, if you don't like what I've written in the
21 order, one opportunity for you to sort of protest what
22 I've written.

23 MS. WEZA: I understand.

24 JUDGE MACE: Do you have any questions about
25 this right now?

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1 MS. WEZA: Not really. I'm an Idaho person,
2 and this is the first I've come to Washington for help.

3 JUDGE MACE: I want to make this as smooth as
4 I can for you. I wish there was more that I could do,
5 but there isn't. I have to have you file these
6 statements, and I have to review them, and an order has
7 to be entered before any grant of authority can be
8 given, and I have to advise you that there is the
9 possibility that somehow your proofs will be found
10 wanting. That doesn't happen often, but I just want to
11 let you know there is that possibility.

12 So how long do you think it would take you to
13 supply me with the proofs that are required with these
14 written statements that I've mentioned?

15 MS. WEZA: I would say until the 15th of
16 November, if it's necessary to make contacts, of
17 course.

18 JUDGE MACE: Let me just say this. It's
19 going to take until probably Tuesday or Wednesday next
20 week for me to get the prehearing conference order to
21 you that will give you information about the
22 requirements you have to meet and about the format for
23 filing documents and the number of copies you are going
24 to have to file, so you get that by November 3rd. I
25 know that you want to do this pretty quickly, but

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1 November 15th comes up pretty fast. How about if we
2 set it for November 19th?

3 MS. WEZA: November 19th is satisfactory.

4 JUDGE MACE: Let's just indicate that for
5 purposes of our schedule then, you will submit your
6 written proofs by November 19th, and then I will take
7 it from there, and hopefully, we can work quickly to
8 get you the relief you are requesting.

9 MS. WEZA: Excuse me, Judge Mace. Is there
10 anywhere that I can ask questions?

11 JUDGE MACE: Go ahead.

12 MS. WEZA: I don't mean today. I mean after
13 I've received the papers.

14 JUDGE MACE: You can call the Commission. Do
15 you have the number for this office here, the
16 administrative law division?

17 MS. WEZA: The one that I just called?

18 JUDGE MACE: No, it's a different number.
19 It's (360) 664-1139, and if you have any questions,
20 that's the number you should call.

21 MS. WEZA: That's the office of Kippy Walker?

22 JUDGE MACE: That's correct.

23 MS. WEZA: I do have that. Thank you anyway
24 though.

25 JUDGE MACE: Let me make sure I've covered

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1 everything I need to cover today. As I indicated, when
2 you get the prehearing conference order, you should
3 read it carefully because it's going to tell you the
4 number of copies of documents you have to provide and
5 it's going to tell you where you have to send them, so
6 make sure you look it over. If there is any problem or
7 any question you have about the prehearing conference
8 order, get back to our office as quickly as you can so
9 we can clarify what needs to be done.

10 MS. WEZA: All right. That's good advice.

11 JUDGE MACE: I think that's all we have to
12 deal with right now, so the hearing is concluded.

13 MS. WEZA: Thank you.

14 (Prehearing conference concluded at 1:42 p.m.)

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