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1 BEFORE THE WASHINGTON STATE
 UTILITIES AND TRANSPORTATION COMMISSION
 2 In the Matter of the)
) DOCKET NO. TV-051472
 3 PENALTY ASSESSMENT AGAINST)
 JORDAN RIVER MOVING &) Volume I
 4 STORAGE, INC.) Pages 1 to 11
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 5 _____)

6 A hearing in the above matter was held on
 7 December 14, 2005, from 1:30 p.m to 2:00 p.m., at 1300
 8 South Evergreen Park Drive Southwest, Room 108, Olympia,
 9 Washington, before Administrative Law Judge THEODORA
 10 MACE.

11 The parties were present as follows:
 THE COMMISSION, by JENNIFER
 12 CAMERON-RULKOWSKI, Assistant Attorney General, 1400
 South Evergreen Park Drive Southwest, Post Office Box
 13 40128, Olympia, Washington 98504, Telephone (360)
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15 JORDAN RIVER MOVING & STORAGE, INC., via
 bridge line by MARK D. KIMBALL, Attorney at Law, 10900
 16 Northeast Fourth, Suite 2300, Bellevue, Washington
 98004, Telephone (425) 455-9610, Fax (425) 455-1170,
 17 E-Mail is mark@mdklaw.com.

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24 Joan E. Kinn, CCR, RPR
 25 Court Reporter

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

2 JUDGE MACE: Let's be on the record in Docket
3 Number TV-051472. This is the matter of the penalty
4 assessment against Jordan River Moving & Storage, Inc.
5 Today's date is December 14th, 2005, and we are convened
6 at the offices of the Washington Utilities and
7 Transportation Commission in Olympia, Washington. My
8 name is Theodora Mace, I am the Administrative Law Judge
9 who has been assigned to hear this case.

10 I am going to take the oral appearances now
11 of counsel and the parties. I will be asking for what's
12 called the long form of appearance, and this means that
13 I would like to have your name, who you represent, your
14 address, phone, fax, and E-mail contact information, and
15 I'm going to begin with Staff is in the hearing room, so
16 if you would please give us your appearance.

17 MS. CAMERON-RULKOWSKI: I'm Jennifer
18 Cameron-Rulkowski, and I'm representing Commission
19 Staff. My address is 1400 South Evergreen Park Drive
20 Southwest, that's P.O. Box 40128, Olympia, Washington
21 98504, telephone is area code (360) 664-1186, fax is
22 area code (360) 586-5522, E-mail is
23 jcameron@wutc.wa.gov.

24 JUDGE MACE: Thank you.

25 Mr. Kimball, could you please introduce

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1 yourself for the record.

2 MR. KIMBALL: Thank you, this is Mark
3 Kimball, I'm representing Jordan River Moving & Storage,
4 Inc., which is the responding party in this matter. My
5 address for the record is 10900 Northeast Fourth Street,
6 Suite 2300, Bellevue, Washington 98004. My phone number
7 is (425) 455-9610, fax number is (425) 455-1170.

8 JUDGE MACE: I'm sorry, could you repeat
9 that.

10 MR. KIMBALL: Yes, it's (425) 455-1170.

11 JUDGE MACE: Thank you.

12 MR. KIMBALL: And my E-mail is mark, M-A-R-K,
13 @mdklaw.com.

14 JUDGE MACE: Thank you.

15 All right, we have a certain series of items
16 that we need to cover and we usually cover in a
17 prehearing conference of this nature. One of them has
18 to do with discovery, another whether a protective order
19 will be entered, and then there's the question of
20 schedule. So let me ask first whether or not the
21 parties wish to have the discovery rule invoked.

22 Mr. Kimball?

23 MR. KIMBALL: Yes.

24 JUDGE MACE: All right.

25 And do the parties see a need for a

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1 protective order?

2 MR. KIMBALL: Your Honor, this is Mark
3 Kimball again.

4 JUDGE MACE: Yes.

5 MR. KIMBALL: I'm not exactly sure what all
6 would come out in discovery, but when there are -- to
7 the extent that forms such as the bill of lading, other
8 information documents relating to moving or customer
9 moves would be produced, there may be credit card
10 information on that, there may be -- I don't think there
11 is Social Security information, but there may be credit
12 card information, possibly even copies of checks in
13 files. I think that having some sort of protective
14 order available would be a good idea simply to protect
15 the integrity of my client's customers.

16 JUDGE MACE: All right, I will see to it that
17 a protective order is entered.

18 Then I guess next the question of a schedule.
19 Oftentimes these are handled in one day in a more or
20 less informal type of a proceeding. I don't want to
21 blow this out of proportion, but I do want to give
22 everybody a chance to present the testimony and evidence
23 that they want to. Have the parties had a chance to
24 talk about scheduling?

25 MR. KIMBALL: No.

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1 JUDGE MACE: Have the parties talked about
2 resolving this complaint or this assessment?

3 MR. KIMBALL: I don't believe so.

4 MS. CAMERON-RULKOWSKI: Not to my knowledge.

5 JUDGE MACE: Okay. What I would like to have
6 you do is take a few minutes to discuss scheduling, and
7 you might want to insert a time frame for discussing a
8 date upon which you would discuss settlement if that's
9 something that the parties are amenable to. That way
10 it's in the schedule, and everybody knows it's there,
11 and it's something for you as a target for you to think
12 about. It may be that this case couldn't settle, but
13 there is always that possibility. So if you would
14 include something like that in the schedule, I would
15 appreciate it.

16 Anything else before I go off the record to
17 let you have time to discuss schedule?

18 MS. CAMERON-RULKOWSKI: I would like to say
19 that Commission Staff is always amenable to offers of
20 settlement, and perhaps we could clarify which of the
21 penalty assessment items are contested.

22 JUDGE MACE: And I think that would be a good
23 plan. I don't know if it's a good use of our time on
24 the record today. I don't know if Mr. Kimball would be
25 prepared to do that. Maybe you could take some time

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1 after we're off the record, I would be happy to just let
2 you use the phone after that so that you could have that
3 discussion right away, but I don't know if I want to
4 take up time on the record to do that.

5 MR. KIMBALL: Your Honor, I'll just indicate
6 really quickly, in our request for hearing we actually
7 did list which items were contested and which ones were
8 not contested.

9 JUDGE MACE: And you haven't changed from
10 that since that point; is that correct?

11 MR. KIMBALL: Correct.

12 MS. CAMERON-RULKOWSKI: Perhaps we can
13 discuss that off the record.

14 JUDGE MACE: Yes.

15 All right, well, let's take 15 minutes now, I
16 will let you take some time to discuss a schedule. I
17 just want to point out that I am in hearing from roughly
18 the 3rd of January until the 20th unless that hearing
19 schedule changes, and then I have many free days after
20 that, but I wanted to point that out. And I can't think
21 of anything else, so I will adjourn for 15 minutes and
22 let you talk about scheduling. I'm right in the office
23 across the way, you can come and get me if you're done
24 sooner than that.

25 (Discussion off the record.)

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1 JUDGE MACE: So Ms. Rulkowski, would you like
2 to report on what you have discussed.

3 MS. CAMERON-RULKOWSKI: Certainly. We have
4 discussed getting in some settlement proposals by Jordan
5 River by the 10th of January and then having a
6 settlement discussion on the 20th of January. And if
7 we're not able to resolve the matter at that time, then
8 we would go to discovery with a discovery cutoff date of
9 the 17th of February. And then we had discussed
10 briefing if that's something that you would like to see.

11 JUDGE MACE: What about a hearing, have
12 you --

13 MS. CAMERON-RULKOWSKI: Yes, we had discussed
14 having a hearing on or after March 27th, depending on
15 your availability, and we had discussed briefing
16 deadlines dependent on that hearing date.

17 JUDGE MACE: Well, I would like to hold a
18 hearing in the first or second full week of March, maybe
19 the 15th of March.

20 MR. KIMBALL: That's fine. I guess we would
21 have to then obviously adjust the other dates.

22 JUDGE MACE: Well, we have a month from --
23 well, we won't of course be having prefiled testimony,
24 so that's not an issue, but you have a month from your
25 discovery cutoff, in fact you have two months, three

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1 months, four months from today, sorry. I mean it's not
2 like you're not aware of what the assessments are. I
3 don't know what adjustment you would have to make, but
4 that's up to you. I think I would like to shoot for
5 March 15th as a hearing date unless there is some other
6 scheduling difficulty I'm not aware of.

7 MS. CAMERON-RULKOWSKI: That's fine.

8 MR. KIMBALL: That's fine.

9 JUDGE MACE: And then what were you talking
10 about for briefs?

11 MS. CAMERON-RULKOWSKI: We were talking about
12 having an initial simultaneous brief due from both sides
13 two weeks before the hearing and a responsive brief due
14 a week before the hearing.

15 MR. KIMBALL: I guess in light of the moved
16 up schedule, what I would request then would be the
17 initial briefs due maybe on --

18 JUDGE MACE: Well, I actually was thinking of
19 briefs after the hearing. That's usually the way we do
20 it here, unless you had some other reason for having the
21 briefs ahead of the hearing. I mean I know that under
22 certain circumstances in court you do pretrial briefs,
23 but I think for this we don't necessarily need to have
24 that. In fact, we could dispense with briefs all
25 together, and you could just make oral argument at the

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1 close of your hearing on the 15th, then you wouldn't
2 have to prepare briefs.

3 MS. CAMERON-RULKOWSKI: That's fine.

4 JUDGE MACE: Mr. Kimball, what do you think?

5 MR. KIMBALL: I don't want to waive the right
6 to submit a brief. Maybe we could leave that issue open
7 through the hearing, and then if either party wants to
8 request the opportunity to present a brief at the time
9 of the hearing or after the hearing, maybe we could
10 address it then.

11 JUDGE MACE: Okay, so right now I will put in
12 the schedule that we will have oral arguments at the
13 close of hearing but that briefing is not waived, and
14 you can have a chance at that point to ask me if you can
15 submit briefs.

16 MR. KIMBALL: All right.

17 JUDGE MACE: If I do allow briefs, probably
18 there won't be very much time. I mean I will probably
19 give you two weeks, three weeks at the outside, so just
20 so you know up front that there won't be a lengthy
21 period of time after the hearing for briefing.

22 MR. KIMBALL: That's more than enough time.

23 MS. CAMERON-RULKOWSKI: That's fine.

24 JUDGE MACE: I would like to have some idea
25 of how many witnesses and what type and number of

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1 exhibits we may be looking at for the hearing. I have
2 assumed that it can take place in one day, but it might
3 be helpful to get a better idea for the number of
4 witnesses.

5 Ms. Rulkowski, how about Staff?

6 MS. CAMERON-RULKOWSKI: Ms. Young.

7 JUDGE MACE: And, Mr. Kimball, what do you
8 think?

9 MR. KIMBALL: I would think probably three,
10 and my recollection in meeting with my client is that
11 two of the three principals have information about the
12 allegations, and then I believe there was one driver
13 that they would call as a witness as well.

14 JUDGE MACE: All right. I'm wondering if we
15 have a hearing set for the 15th, I would like to have a
16 list of your witnesses by March 10th just so I'm not
17 surprised. It doesn't sound like there's any problem
18 based on your estimate, but I think it would be a good
19 idea to have you submit a list of witnesses. And I
20 would also like to have a list of the exhibits you're
21 going to be bringing to the hearing. It doesn't have to
22 be any lengthy description, but just something that
23 gives us an idea of what you intend to bring.

24 MR. KIMBALL: All right.

25 JUDGE MACE: And on that same date.

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1 MR. KIMBALL: And that would be March 10th?

2 JUDGE MACE: Yeah, so witnesses and exhibits.

3 Is there anything else that either of the
4 parties wants to bring to my attention at this point?

5 MS. CAMERON-RULKOWSKI: Nothing from Staff.

6 JUDGE MACE: Okay.

7 Mr. Kimball?

8 MR. KIMBALL: Nothing further.

9 JUDGE MACE: All right. Please contact me if
10 you run into any problems with either the settlement
11 proposals or discovery. Otherwise unless, well, and of
12 course I encourage you to in your settlement discussions
13 please let me know what happens as a result of those. I
14 would appreciate getting an E-mail or a phone call from
15 you after the 20th of January just to let me know what
16 the status is.

17 MS. CAMERON-RULKOWSKI: Will do.

18 JUDGE MACE: And other than that, I will see
19 you on the 15th of March next year.

20 MR. KIMBALL: Thank you.

21 MS. CAMERON-RULKOWSKI: Thank you.

22 JUDGE MACE: All right, thank you.

23 (Hearing adjourned at 2:00 p.m.)

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