

In the Matter of: Huesitos Company II, LLC

Docket No. TG-240590 - Vol. I (February 12, 2025)



1325 Fourth Avenue, Suite 1840, Seattle, Washington 98101
Bellingham | Everett | Tacoma | Olympia | Yakima | Spokane
Seattle 206.287.9066 Tacoma 253.235.0111 | Eastern Washington 509.624.3261

www.buellrealtime.com

email: audio@buellrealtime.com

BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Determining the)
 Proper Carrier Classification of,)
 and Complaint for Penalties Against))
) DOCKET NO. TG-240590
)
 Huesitos Company II, LLC.)
)
) PAGES 1-19

VIRTUAL PREHEARING CONFERENCE

VOL I

BEFORE ADMINISTRATIVE LAW JUDGE

HARRY O. FUKANO

Held via Zoom
 Washington Utilities and Transportation Commission
 621 Woodland Square Loop SE
 Lacey, Washington 98504

TRANSCRIBED BY: ELIZABETH PATTERSON HARVEY,
FAPR, RPR, WA CCR 2731

1 A P P E A R A N C E S :

2

3 FOR COMMISSION STAFF:

4

5 Josephine Strauss
6 Josephine.Strauss@atg.wa.gov
7 Office of the Attorney General
8 P.O. Box 40128
9 Olympia, Washington 98504
10 360.664.1186

11

12 FOR HUESITOS COMPANY II, LLC:

13

14 Annette Hueso
15 Eddie Mendoza
16 Maria Muriel

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

February 12, 2025 9:30 a.m.

-o0o-

JUDGE FUKANO: Good morning. My name is Harry Fukano, and I am an administrative law judge with the Washington Utilities and Transportation Commission. Today is February 12th, 2025, and the time is approximately 9:30 a.m.

We are here today for the prehearing conference in Docket TG-240590, which is captioned Washington Utilities and Transportation Commission versus Huesitos Company II, LLC.

Let's start by taking brief appearances, starting with commission staff.

ATTORNEY STRAUSS: Good morning, your Honor. My name is Josephine Strauss from the Washington State Attorney General's office, and I'll be representing staff in this matter.

JUDGE FUKANO: And for the company?

MARIA MURIEL: Hello. We are -- say yours.

EDDIE MENDOZA: Eddie Mendoza.

MARIA MURIEL: Maria Muriel.

ANNETTE HUESO: And Annette Hueso.

MARIA MURIEL: Representing Huesitos.

1 JUDGE FUKANO: And I'm sorry; I didn't catch
2 all of them. I got Eddie Mendoza.

3 MARIA MURIEL: Maria Muriel.

4 JUDGE FUKANO: And could you spell it?

5 (Overlapping speech)

6 JUDGE FUKANO: My apologies. Could you spell
7 your last name?

8 MARIA MURIEL: Yes. M-U-R-I-E-L.

9 JUDGE FUKANO: M-U-R-I-E-L?

10 MARIA MURIEL: Yes, Muriel. That's my last
11 name.

12 JUDGE FUKANO: Thank you.

13 MARIA MURIEL: No problem.

14 ANNETTE HUESO: And Annette Hueso.

15 JUDGE FUKANO: Annette. And then would you
16 please spell your last name?

17 ANNETTE HUESO: H-U-E-S-O.

18 JUDGE FUKANO: H-U-E-S-O?

19 ANNETTE HUESO: Correct.

20 JUDGE FUKANO: Thank you very much.

21 This brings us to petitions to intervene. I
22 don't believe I see any other individuals on the line
23 that are not from company or staff. But in an abundance
24 of caution, are there any petitions to intervene in this
25 proceeding?

1 MARIA MURIEL: Yes. We may need a translator
2 because we don't speak -- or I don't speak English very
3 well yet.

4 JUDGE FUKANO: I see. Would you -- are you
5 requesting a translator for purpose of this proceeding?

6 MARIA MURIEL: Yes, please, if it's okay.

7 JUDGE FUKANO: Certainly. Can we go off the
8 record for a moment?

9 (Discussion off the record)

10 JUDGE FUKANO: So I understand from
11 conversation that commission staff has no objection to
12 rescheduling this hearing so that a translator may be
13 made available, and that the company similarly has no
14 objection to rescheduling this hearing.

15 I understand that the company has some
16 willingness to proceed today, but I do have a concern
17 that -- of whether or not -- I guess would you identify
18 for the record whether you would affirmatively like to
19 have a translator present, in which case we can
20 reschedule, or whether you feel comfortable enough with
21 the proceeding?

22 And this is not to suggest any one course of
23 action for you. If you'd like a translator, one will be
24 made available.

25 MARIA MURIEL: Okay, I will ask, and I will

1 like --

2 (Sotto voce conversation between company
3 representatives)

4 ANNETTE HUESO: Yeah. Yeah, yeah. We --

5 MARIA MURIEL: We would like to proceed if it's
6 okay.

7 JUDGE FUKANO: We can proceed. If you are
8 comfortable with proceeding without a translator, we may
9 proceed today.

10 And we can see about scheduling one for a
11 hearing that will be set in the future regarding the
12 disposition of this case.

13 MARIA MURIEL: Thank you.

14 JUDGE FUKANO: With that clarification, then,
15 we will proceed. And if there is anything that I say
16 that you have any trouble understanding, please let me
17 know, and we will do our best to clarify and ensure that
18 that is properly communicated to you.

19 MARIA MURIEL: Thank you very much, and thank
20 you for the patience.

21 JUDGE FUKANO: Of course. Thank you for the
22 patience as well.

23 I believe we were left off at petitions to
24 intervene. I do not see any other non-company or
25 non-staff parties on the line, but in an abundance of

1 caution, are there any parties that wish to intervene in
2 this proceeding?

3 Hearing nothing, let's proceed. Do either of
4 the parties have any proposals to limit the issues in
5 this matter to specific issues, or --

6 MARIA MURIEL: We don't understand very much
7 why we are, like, breaking, like, the rules. We thought
8 that we were, like, accomplished all that we need to
9 accomplish. So if you or the other lady can explain us
10 why, the reasons that are -- that exist for this penalty,
11 we'll be very...

12 ANNETTE HUESO: Grateful.

13 MARIA MURIEL: Grateful.

14 JUDGE FUKANO: I see. And this hearing is
15 simply to schedule further proceedings under this docket.

16 So this is not a hearing where evidence will be
17 presented or the case is kind of being properly
18 adjudicated for purpose of evidence. This is a --
19 essentially a scheduling hearing in order to set up
20 further proceedings in this docket.

21 Some of your questions may be best directed
22 towards commission staff, who may be able to provide
23 further input regarding the allegations contained in
24 staff's complaint in this case. Does that make sense?

25 MARIA MURIEL: Yes, yes.

1 So let me ask the following: There is a way
2 to, like, solve the issue in this instance, or it's not
3 the idea of this hearing?

4 JUDGE FUKANO: For purpose of this hearing,
5 this is a scheduling hearing. So this is just to set out
6 the process and procedures that will be made available
7 for this case.

8 There will be a separate hearing date to
9 adjudicate the case where staff will put on its evidence
10 regarding its complaint, if that is your question.

11 MARIA MURIEL: Okay.

12 JUDGE FUKANO: And I want to turn to staff.
13 Staff Counsel, are there any limitations with respect to
14 the scope of issues in this case that you foresee
15 needing?

16 ATTORNEY STRAUSS: None that I foresee, your
17 Honor, just the matters that are listed in the complaint.

18 JUDGE FUKANO: Thank you.

19 And similarly to the company, are there any
20 limitations on the issues that you foresee being needed
21 in this proceeding?

22 MARIA MURIEL: Not that we are aware of.

23 JUDGE FUKANO: Thank you.

24 Would the parties like to have discovery rules
25 made available to them in this proceeding?

1 And discovery is essentially the process of
2 requesting data and information from another party in
3 this case that is relevant to the issues that are raised
4 in the complaint.

5 Starting with commission staff, would you like
6 discovery rules made available?

7 ATTORNEY STRAUSS: Staff doesn't oppose the
8 discovery rules being made available.

9 However, at this point, staff has already
10 issued its report in this matter, so it doesn't have a
11 lot of outstanding questions to ask.

12 JUDGE FUKANO: Understood. Thank you.

13 Does the company anticipate needing discovery
14 in this case?

15 MARIA MURIEL: I think that we will need -- we
16 are not familiar with this procedure, so we don't know
17 the steps that we need to follow, and what does it mean,
18 every step that you are mentioning.

19 The thing that we like is to -- to know which
20 were, like, the -- the rules, and why we were broken it.
21 And of course, the times that it says in the letter that
22 we received.

23 JUDGE FUKANO: I apologize for my pausing.

24 MARIA MURIEL: That's okay.

25 JUDGE FUKANO: So as the hearing officer in

1 this proceeding, I cannot take the position of explaining
2 staff's complaint.

3 I'm here to sort of evaluate the evidence
4 against commission standards and to oversee the
5 proceedings in this.

6 So my suggestion would be that if you have
7 outstanding questions about the complaint, that you
8 perhaps reach out to commission staff or the investigator
9 assigned to the complaint that may be able to provide
10 some additional explanation or direction as far as how
11 the process will proceed.

12 But for my position, I cannot be in a position
13 to explain, sort of, the complaint as the hearing
14 officer.

15 The alternative as well would be to seek other
16 independent legal counsel who may be able to provide
17 additional input.

18 Staff is legal counsel to commission staff, and
19 so they would not be able to provide legal advice. But
20 they may be able to explain some of the allegations in
21 the complaint. Does that make sense?

22 MARIA MURIEL: I think so.

23 JUDGE FUKANO: And during this case, is there
24 information or data that you anticipate requesting from
25 commission staff as part of this process?

1 MARIA MURIEL: We would like to know the proofs
2 that they mentioned in notice that we received.

3 JUDGE FUKANO: Okay. I will make discovery
4 available in this proceeding in an abundance of caution.

5 Do the parties anticipate exchange of any
6 confidential information?

7 MARIA MURIEL: Sorry?

8 JUDGE FUKANO: In proceedings before the
9 commission, the commission may issue what's called a
10 protective order, which is -- staff has indicated that it
11 does not intend to seek further information from your
12 company.

13 But there are instances in which materials that
14 that are requested from different parties are
15 confidential because they contain sensitive financial
16 information or similar information that is best protected
17 from sort of public review.

18 Once material is put into the record, it is
19 considered a public record and can therefore be requested
20 by members of the public pursuant to the Public Records
21 Act. While I understand that staff has indicated that it
22 does not intend to seek further discovery, if you intend
23 to seek further information from staff, there may be some
24 call for additional protections, although -- well, I'll
25 leave it at that. But if you -- do you anticipate asking

1 for sensitive financial or other business information
2 from staff related --

3 MARIA MURIEL: Sorry, I didn't hear you very --
4 very well. There were some issues. You were saying the
5 last sentence, but I couldn't hear.

6 JUDGE FUKANO: Oh, I was asking whether you
7 anticipate requesting any confidential or sensitive
8 information from staff regarding this proceeding.

9 MARIA MURIEL: I don't think so.

10 JUDGE FUKANO: Thank you.

11 Has there been any discussion between the two
12 parties regarding a potential procedural schedule for
13 this case?

14 MARIA MURIEL: We received a schedule
15 yesterday, I think. We couldn't reach the -- by the
16 numbers that were there. So we can re-agree or arrange
17 some other schedule, but we received it. Yes.

18 ATTORNEY STRAUSS: Your Honor, staff did send
19 out a proposed procedural schedule. We are amenable to
20 moving some of those proposed dates. Happy to speak with
21 the company about that.

22 I do apologize if the numbers on there, the
23 calls did not go through. I don't know what happened on
24 my end, so I do apologize about that.

25 MARIA MURIEL: That's okay. Thank you.

1 JUDGE FUKANO: Then perhaps we can take a brief
2 recess for about 15 minutes, and staff and the company
3 can discuss the proposed procedural schedule.

4 If someone can -- I will step away and take off
5 my headphones so I will not be part of this discussion.
6 But if someone can message me either -- would commission
7 staff be available to message me either through Teams or
8 Zoom, and I will return back to the hearing for us.

9 MARIA MURIEL: For us, it's okay.

10 ATTORNEY STRAUSS: Yes, your Honor.

11 JUDGE FUKANO: Thank you. Then we will be off
12 the record for now.

13 (Recess)

14 JUDGE FUKANO: The parties have agreed on a
15 procedural schedule, which staff's counsel will now read
16 into the record.

17 ATTORNEY STRAUSS: Yes, your Honor.

18 The parties have agreed on a preliminary
19 settlement conference for February 19th.

20 A discovery deadline of March 19th.

21 A deadline for exhibits, exhibit lists, and
22 witness lists to be filed on March 26th.

23 And we would request a hearing sometime the
24 first week of April.

25 JUDGE FUKANO: I will confirm that the parties'

1 proposed schedule works for the commission and
2 incorporate it into the prehearing conference order.

3 ATTORNEY STRAUSS: Your Honor, would you like
4 me to also e-mail these dates to you?

5 JUDGE FUKANO: That would be most appreciated.

6 ATTORNEY STRAUSS: Absolutely.

7 JUDGE FUKANO: Thank you.

8 And to clarify, do the parties, as part of the
9 procedural schedule, anticipate filing prefiled
10 testimony?

11 MARIA MURIEL: Sorry? Again, I couldn't hear
12 you.

13 JUDGE FUKANO: Do the parties anticipate
14 providing prefiled testimony in this case?

15 ATTORNEY STRAUSS: Your Honor, staff does not
16 foresee filing prefiled testimony.

17 JUDGE FUKANO: Understood. So all testimony
18 will be provided directly at hearing.

19 ATTORNEY STRAUSS: Yes, your Honor.

20 JUDGE FUKANO: Understood. Thank you.

21 I'd like to remind the parties that the
22 documents in this, in this case, should be filed online
23 through the electronic filing link on the commission's
24 web page.

25 If the parties intend to submit exhibits, there

1 will be requirements for filing exhibits and an exhibit
2 list in advance of the hearing, which will be done only
3 electronically.

4 I will enter a prehearing order with details on
5 this topic.

6 Also, the commission's rules provide for
7 electronic service of documents. The commission will
8 serve the parties electronically, and the parties will
9 serve each other electronically.

10 If you have any corrections or updates to our
11 main service list in this docket, please file a written
12 notice of appearance, or e-mail me at
13 Harry.O.Fukano@utc.wa.gov.

14 If any party has not yet designated a lead
15 representative for service, please do so via an e-mail to
16 me as soon as possible. My e-mail again is
17 Harry.O.Fukano@utc.wa.gov.

18 Also, if anyone would like to add names and
19 e-mail addresses of other representatives or support
20 staff who should also receive electronic courtesy copies
21 of all documents filed in this proceeding, please e-mail
22 that to me as well.

23 MARIA MURIEL: Okay. Only to be sure, those
24 documents will be electronically and they will be sent to
25 us through mail, or will be in a platform that we need to

1 log in?

2 JUDGE FUKANO: The exchange of documents in
3 this case will just be by e-mail, so they will -- there
4 will be no paper copies.

5 There is a electronic filing portal --

6 MARIA MURIEL: Mm-hm.

7 JUDGE FUKANO: -- on the commission's website
8 that parties use to file documents with the commission in
9 this case. And additional information about that process
10 can be found on the commission's website.

11 MARIA MURIEL: Okay. Thank you.

12 JUDGE FUKANO: Under WAC 480-07-460(1)(b), the
13 deadline for filing any errata sheets to exhibits may be
14 established in a prehearing conference order. Does
15 anyone have an objection to setting a deadline a week
16 prior to the evidentiary hearing?

17 And an errata sheet is a sheet used to correct
18 errors that may have occurred in earlier filed exhibits.

19 ATTORNEY STRAUSS: No objection, your Honor.

20 MARIA MURIEL: There is no objections here.

21 JUDGE FUKANO: Hearing no objection, I will
22 incorporate that date into the prehearing conference
23 order.

24 Is there any other matters that we need to
25 address today before we adjourn?

1 ATTORNEY STRAUSS: No other objection -- or no
2 other matters, your Honor.

3 However, I did just send that e-mail to you and
4 the other party. So I just want to confirm that the
5 other party did receive that so that we have their
6 correct e-mails on it.

7 MARIA MURIEL: We have in the computer that --
8 that e-mail.

9 ANNETTE HUESO: Yeah. What e-mail do you have
10 on file?

11 ATTORNEY STRAUSS: So, it looks like -- hold
12 on. Let me find it. One second.

13 I have two e-mails. I have AR@HuesitosLLC.com
14 and Office@huesitosLLC.com.

15 ANNETTE HUESO: Both are correct.

16 ATTORNEY STRAUSS: Okay.

17 And then, your Honor, I did get an
18 undeliverable for your e-mail. Would you mind just
19 giving me your e-mail one more time?

20 JUDGE FUKANO: Certainly. It's
21 Harry.O.Fukano@utc.wa.gov.

22 ATTORNEY STRAUSS: I see. Okay. I'm resetting
23 that now. My apologies.

24 JUDGE FUKANO: No problem. I will confirm once
25 I receive it.

1 ATTORNEY STRAUSS: It should have just sent.

2 JUDGE FUKANO: I do see it containing a
3 settlement conference deadline; discovery deadline;
4 exhibit, exhibit list, and witness deadline; and an area
5 for a hearing in the first week of April. Thank you.

6 ATTORNEY STRAUSS: Thank you.

7 JUDGE FUKANO: Okay. I will issue shortly --
8 an order shortly containing the procedural schedule and
9 other guidelines for the disposition of this case.

10 We are adjourned. Thank you very much.

11 ATTORNEY STRAUSS: Thank you, Your Honor.

12 ANNETTE HUESO: Thank you very much.

13 (Proceedings concluded at 10:09 a.m.)

14

15

16

17

18

19

20

21

22

23

24

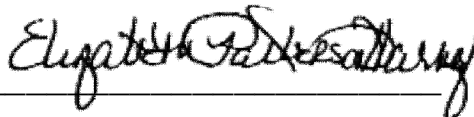

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF REPORTER)
STATE OF WASHINGTON)
) ss
COUNTY OF KING)

I, Elizabeth Patterson Harvey, a Certified Court Reporter and Registered Professional Reporter within and for the State of Washington, do hereby certify under penalty of perjury that the foregoing legal recordings were transcribed under my direction; that I received the electronic recording in the proprietary format; that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of February, 2025.

Elizabeth Patterson Harvey, CCR 2731