



22 believe you indicated last time that you might be  
23 moving, and I'm not sure if we have your current  
24 address. And then if your telephone number, fax number,  
25 and E-mail address are the same, you don't have to give

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1 them. But if any of those have changed, please give us  
2 those as well.

3 MR. VALENTINETTI: Steve Valentinetti, 1224 -  
4 153rd Street South, Spanaway, 98387, Spanaway,  
5 Washington. The phone numbers are the same. We do have  
6 a new shop that I don't have the address for, but it's  
7 just a shop. Our business information will go to this  
8 address.

9 JUDGE SCHAER: All right.

10 MR. VALENTINETTI: And the phone numbers  
11 remain the same.

12 JUDGE SCHAER: All right.

13 And then, Mr. Rice, do you want to make an  
14 appearance on behalf of your clients.

15 MR. RICE: Yes, my name is David Rice, I'm  
16 with the firm of Miller Nash, LLP. I'm here on behalf  
17 of Shuttle Express and Gray Line. My address is 4400  
18 Two Union Square, 601 Union Street, Seattle, Washington  
19 98101.

20 JUDGE SCHAER: And are your other contact  
21 information the same as they were at your last  
22 appearance?

23 MR. RICE: That's correct.

24 JUDGE SCHAER: All right. Is there anything  
25 that we need to take up as a preliminary matter this

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1 morning?

2 First thing I then would like to take up is I  
3 was contacted last week, as I indicated before we went  
4 on the record, by Mr. Rice indicating that he was having  
5 some problem obtaining answers to certain inquiries that  
6 he had made, and I attempted last week to set up a  
7 discovery conference where there could be a three-way  
8 conversation between you, Mr. Valentinetti, Mr. Rice,  
9 and me to find out what the problem might be and to try  
10 to get that problem resolved. I believe that you  
11 indicated last week that you weren't able to participate  
12 in that; is that correct?

13 MR. VALENTINETTI: That's correct.

14 JUDGE SCHAER: Do you want to tell me why  
15 that was at this time?

16 MR. VALENTINETTI: Well, we're not as  
17 familiar with the law as yourself and Mr. Rice, and we  
18 don't want to -- we don't want to start a new prehearing  
19 conference. We did that a month ago. If Mr. Rice  
20 didn't like the way that we had typed in our VIN numbers  
21 and stuff for the vehicles, we could send him a new one.  
22 But since your secretary said just bring it here, we did  
23 that.

24 JUDGE SCHAER: Okay. So you have with you in  
25 the hearing room information on all of your vehicles at

0022

1 the current time?  
2 MR. VALENTINETTI: As we did before.  
3 JUDGE SCHAER: Had you already provided this  
4 information --  
5 MR. VALENTINETTI: Yes.  
6 JUDGE SCHAER: -- to Mr. Rice?  
7 MR. VALENTINETTI: Yes.  
8 JUDGE SCHAER: Okay, why don't you go ahead  
9 and distribute what you have, so that all three of us  
10 can be looking at it, and we can find out if there are  
11 any problems so --  
12 MR. VALENTINETTI: I didn't make 11 copies  
13 yet.  
14 JUDGE SCHAER: Well --  
15 MR. VALENTINETTI: I only made one of them.  
16 JUDGE SCHAER: Is that the only document that  
17 you were going to want to pass out, because I can go and  
18 get some copies made for all of us, so give me  
19 everything that you might want to make copies of.  
20 MR. VALENTINETTI: That was it.  
21 MR. RICE: Excuse me, Your Honor, that's the  
22 first time I have seen that document. The only document  
23 I have is one that was sent to me on the 14th of March,  
24 which didn't have the VIN number and the license plate  
25 numbers. So assuming that that has the numbers, then  
0023  
1 it's satisfactory to me.  
2 JUDGE SCHAER: Well, let's get it  
3 distributed.  
4 MR. RICE: Sure.  
5 JUDGE SCHAER: And I will give you some time  
6 to look at it if it's not something you have seen  
7 before, and then you can let me know if we need to do  
8 anything further, Mr. Rice.  
9 MR. RICE: Okay.  
10 JUDGE SCHAER: But let's have it in front of  
11 us when we do that.  
12 MR. RICE: Of course.  
13 JUDGE SCHAER: The record should reflect that  
14 Mr. Valentinetti has distributed a document with the  
15 heading Seattle Super Shuttle at the top, which lists  
16 six vans and those VIN numbers for five of those vans.  
17 The other one has been sold.  
18 Would you like to have a few moments to look  
19 at this, Mr. Rice?  
20 MR. RICE: Yes, thank you.  
21 JUDGE SCHAER: Okay, let's go off the record  
22 for just a moment and let counsel look at this and see  
23 if there's any other concerns that he has.  
24 (Discussion off the record.)  
25 JUDGE SCHAER: Did you want to go ahead and  
0024  
1 indicate now that we're on the record whether you have  
2 any concerns with this, Mr. Rice?  
3 MR. RICE: I don't have any concerns with it.  
4 It is the first time I have seen it though, so.  
5 JUDGE SCHAER: Certainly. But this will give

6 you what you need to prepare for Thursday's hearing?

7 MR. RICE: That's correct.

8 JUDGE SCHAER: Was there any other  
9 information that you were seeking before Thursday's  
10 hearing?

11 MR. RICE: No, we have a subpoena that we  
12 issued, but I believe that that is for material that  
13 should be brought to the hearing.

14 JUDGE SCHAER: All right.

15 Have you received that subpoena,  
16 Mr. Valentinetti?

17 MR. VALENTINETTI: Yes.

18 JUDGE SCHAER: And are you going to be able  
19 to provide that information at the hearing on Thursday?

20 MR. VALENTINETTI: A lot of it, but not all  
21 of it.

22 JUDGE SCHAER: Okay. Is there anything you  
23 want to raise now that you may not be able to bring so  
24 that we can talk about how to deal with that problem?

25 MR. VALENTINETTI: Are we on the record now?

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1 JUDGE SCHAER: Yes, we are, sir.

2 MR. VALENTINETTI: Okay, and this is one  
3 reason why we said no to the prehearing conference that  
4 you wanted to schedule, because we spoke in the  
5 prehearing conference before about what needed to be  
6 brought.

7 JUDGE SCHAER: Yes.

8 MR. VALENTINETTI: Which Mr. Rice agreed to.  
9 And then we see a tremendous, you know, as a matter of  
10 fact I've got it here.

11 Judge Hendricks: Do you think that it  
12 would be fairly limited in nature?

13 Mr. Rice: It would be limited in  
14 nature, absolutely.

15 And then we get this tremendous, you know,  
16 dah, dah, dah, dah, dah, provide all of this information  
17 for every company you have ever managed, every employee  
18 you have ever had we want their criminal history, I mean  
19 it's incredible. And I know Mr. Rice makes \$1,000 bucks  
20 an hour and wants to drag this out as long as possible,  
21 but I think this is ridiculous.

22 JUDGE SCHAER: Okay, well, let's look first  
23 at the transcript of the last hearing, which I believe  
24 you were referring to.

25 MR. VALENTINETTI: Okay.

0026

1 JUDGE SCHAER: And I'm looking at page 13 of  
2 that transcript. Do you have that available to you, and  
3 do you also, Mr. Rice?

4 MR. RICE: I need to get out my copy of that  
5 transcript.

6 JUDGE SCHAER: Okay, I will give you a moment  
7 to do that.

8 MR. VALENTINETTI: I'm looking at page 10  
9 real quick, if we could look at that for a second, and  
10 that's what I was referring to.

11 JUDGE SCHAER: Well, we can look at page 10,  
12 and that will discuss, I believe, what you were required  
13 to provide, but then the final ruling on discovery, as I  
14 understand it, is on page 13. So why don't you take a  
15 moment to read that page while Mr. Rice is looking for  
16 his copy of the transcript. We can kind of all be on  
17 the same page hopefully.

18 So are you ready to go, Mr. Rice?

19 MR. RICE: I'm at page 13.

20 JUDGE SCHAER: Why don't you go ahead and  
21 review page 10 as well, as Mr. Valentinetti indicated  
22 that that was where he was getting his argument.

23 MR. RICE: Okay, I have read it.

24 JUDGE SCHAER: Okay, go ahead,  
25 Mr. Valentinetti, what were the concerns that you wanted  
0027

1 to share with the Bench at this time?

2 MR. VALENTINETTI: Well, I think that the  
3 issues are on his subpoena.

4 JUDGE SCHAER: Okay.

5 MR. VALENTINETTI: Proof of insurance, I  
6 think that's good, we will provide that. Registration  
7 and title for all equipment, we're happy to provide  
8 that. Equipment and maintenance, we're happy to provide  
9 that. Financial records, I think we bypass that in the  
10 -- in the thing, but we have that information anyway,  
11 but it's not part of this.

12 JUDGE SCHAER: Okay.

13 MR. VALENTINETTI: The driving records for  
14 any proposed vehicle operators, we have a ton of  
15 proposed vehicle operators. We don't have them hired  
16 yet. We're not in operation. We tried to start this  
17 thing in October, and now we're in it's April. So we  
18 have the driving records for me and Mr. Hartley. And,  
19 you know, proposed, I mean that could be everyone. I  
20 mean we've got probably 30 people that might be  
21 employees at some point, but we don't know who they are.

22 JUDGE SCHAER: Do you have some kind of a  
23 process that you use when you're hiring people to check  
24 on their driving records?

25 MR. VALENTINETTI: Yeah.

0028  
1 JUDGE SCHAER: Would you be able to describe  
2 that at the hearing?

3 MR. VALENTINETTI: Sure.

4 JUDGE SCHAER: As well as provide the driving  
5 information for yourself and Mr. Hartley?

6 MR. VALENTINETTI: We have that information.

7 JUDGE SCHAER: Okay.

8 MR. VALENTINETTI: Criminal history  
9 pertaining to the vehicle operators, we don't have that,  
10 the vehicle operators meaning our employees.

11 JUDGE SCHAER: Is that a question that you  
12 ask when you hire people again?

13 MR. VALENTINETTI: We ask them to fill out  
14 the application that has a question like that, but no,  
15 we don't do a criminal history background check.

16 JUDGE SCHAER: But you do ask the question,  
17 and you do to that extent have a record of anyone before  
18 you hire them?

19 MR. VALENTINETTI: Yeah.

20 JUDGE SCHAER: Go ahead, please.

21 MR. VALENTINETTI: And the criminal history  
22 for the Seattle Super Shuttle owners, we're having  
23 trouble even finding how to get the criminal history  
24 record in print for this thing for us. So what we have  
25 done is today for Mr. Rice we have brought the form that  
0029

1 says we release this information, and since you guys are  
2 a big law firm, you can probably get it much quicker  
3 than us. We have run into some walls.

4 JUDGE SCHAER: Okay, let's go off the record  
5 for just a moment and discuss that issue.

6 (Discussion off the record.)

7 JUDGE SCHAER: While we were off the record,  
8 Mr. Valentinetti was able to produce a copy of a  
9 Washington State Patrol form, which apparently is a form  
10 that can be used to request a criminal history record on  
11 an individual. And it's my understanding from what you  
12 have said, Mr. Valentinetti, that you were able to  
13 obtain this form and that you were told informally by  
14 the State Patrol that it would take a couple of weeks to  
15 obtain this kind of record on anyone; is that correct?

16 MR. VALENTINETTI: That is correct.

17 JUDGE SCHAER: And it's my understanding,  
18 Mr. Rice, that you had wanted this kind of information  
19 about the applicants; is that correct?

20 MR. RICE: That is true.

21 JUDGE SCHAER: And so that you had asked them  
22 in a subpoena to bring with them this kind of document;  
23 is that where we are in terms of discovery?

24 MR. RICE: That's true.

25 JUDGE SCHAER: And if such a document is not  
0030

1 a part of their records, Mr. Rice, would it be your  
2 intention to try to make these applicants obtain that  
3 information beyond what they have already in their  
4 records?

5 MR. RICE: Yes, we believe that they have a  
6 burden to show fitness to provide this particular  
7 service. If they want to provide a passenger service  
8 where they carry people, the public around between  
9 SeaTac and downtown, then the burden is on them to make  
10 a showing that they don't have anything in their  
11 background that would be -- that would raise any  
12 questions, and a major part of that background would be  
13 a criminal conviction if it were to exist. We don't  
14 know that it does, and frankly, we don't have any  
15 evidence to suggest that it does. And this is part of  
16 our due diligence that we have done, but we believe that  
17 fundamentally they do have a burden.

18 JUDGE SCHAER: So you believe that any  
19 applicant before the Commission as part of the  
20 information that they need to be prepared to provide in

21 an application hearing would be that they would need to  
22 apply for and obtain a criminal background check and  
23 provide that information to any protesting carriers; is  
24 that my understanding of your position, Mr. Rice?

25 MR. RICE: I think that that is not something  
0031

1 that is specifically in the regulations that I'm aware  
2 of, but I believe that particularly if they're asked by  
3 a protestant, that they should produce such a document  
4 if the issue is raised.

5 JUDGE SCHAER: And, Mr. Valentinetti, are you  
6 going to be available at Thursday's hearing and Friday's  
7 hearing to make yourself available? Are you going to be  
8 there in person to testify?

9 MR. VALENTINETTI: Yes, I will be there in  
10 person.

11 JUDGE SCHAER: And will you be willing to  
12 testify under oath in response to questions from  
13 Mr. Rice about any convictions that you may have in your  
14 background?

15 MR. VALENTINETTI: Yes, I will.

16 JUDGE SCHAER: And is that also true for you,  
17 Mr. Hartley?

18 MR. HARTLEY: Yes.

19 JUDGE SCHAER: Okay. I'm not sure this issue  
20 is framed before me right now, Mr. Rice, but I'm going  
21 to indicate to you that beyond their testimony under  
22 oath, it would be my inclination to rule that any  
23 information used by you to question the veracity of that  
24 testimony would be something that it would be your  
25 responsibility to obtain and that these -- that an

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1 applicant for authority before the Commission does not  
2 have a responsibility to obtain a criminal background  
3 check and keep that record in its file so that it may be  
4 cross-examined.

5 I'm going to let you know that now, so if you  
6 want to take any steps between now and Thursday to look  
7 into the possibility of acquiring that and to know  
8 whether you may want to look for reopening the hearing  
9 or putting in a late filed exhibit that you will be able  
10 to prepare adequately for the hearing. I will not rule  
11 specifically on this until it's specifically before me,  
12 but it is not my sense that it's something that would  
13 need to be provided to you by subpoena in the hearing  
14 this week.

15 Were there any other matters that you wanted  
16 to question at this point, Mr. Valentinetti?

17 MR. VALENTINETTI: In number seven on his  
18 subpoena, it says information pertaining to the vehicle  
19 operators as well, not just -- not just me and  
20 Mr. Hartley.

21 JUDGE SCHAER: Now it's my understanding from  
22 an earlier discussion that you don't currently have  
23 other operators in your employ; is that correct?

24 MR. VALENTINETTI: Well, we are not operating  
25 in this -- in this mode at all now.

0033

1 JUDGE SCHAER: Okay, so that --

2 MR. VALENTINETTI: We have -- we have -- we  
3 have vehicles, we have -- we're ready to go, but, you  
4 know, we're -- obviously we have been held up for six  
5 months with this thing. So first of all, there is,  
6 yeah, there is no criminal history for me and  
7 Mr. Hartley, and, you know, if they wanted it, they  
8 should have just asked us two weeks ago when we had the  
9 prehearing conference, but especially for employees.

10 JUDGE SCHAER: So --

11 MR. VALENTINETTI: I mean if we can't get it  
12 for ourselves, we can't get it for the employees in time  
13 for that. And that is in here, and I just want to make  
14 sure that when it comes, he doesn't say, well, okay for  
15 you guys, don't bring it, you can testify, but our  
16 employees are not going to be here to testify.

17 JUDGE SCHAER: And that's because you don't  
18 have any employees; is that correct?

19 MR. VALENTINETTI: We have people lined up to  
20 be. We do have prospective employees, but they're not  
21 employed, because --

22 JUDGE SCHAER: Do you have the job  
23 applications that these people have filled out?

24 MR. VALENTINETTI: Some.

25 JUDGE SCHAER: And do you have the answers

0034

1 that are on those job applications?

2 MR. VALENTINETTI: Mm-hm.

3 JUDGE SCHAER: And you do have a question I  
4 believe you indicated about whether or not there are  
5 convictions, criminal convictions in the past; is that  
6 correct?

7 MR. VALENTINETTI: Yes.

8 JUDGE SCHAER: Okay. I think you should  
9 bring those to the hearing room with you.

10 MR. VALENTINETTI: Okay.

11 JUDGE SCHAER: So that if there is a ruling  
12 that you need to provide that information that it's  
13 available to us and we can move forward. But pretty  
14 much with a subpoena, I believe that you have a duty to  
15 bring what you have, but not necessarily a duty to go  
16 out and do some kind of background check or other kind  
17 of activity.

18 MR. VALENTINETTI: Okay.

19 JUDGE SCHAER: That you don't already have in  
20 your corporate record or your business record.

21 Please tell me again, are you a corporation  
22 or a partnership, so I call you the right thing?

23 MR. VALENTINETTI: Corporation now.

24 JUDGE SCHAER: Okay. So that's something  
25 that you don't have in your corporation's records.

0035

1 Is there anything else in the subpoena that  
2 you want to specifically talk about so everyone here  
3 knows what should be available in the hearing room?

4 MR. VALENTINETTI: Wait, let me just go



5 through it. Financial records, when we made our  
6 application to the Washington State Utilities and  
7 Transportation Commission, at that point, it was a  
8 partnership.

9 JUDGE SCHAER: Okay.

10 MR. VALENTINETTI: Meaning personal assets.

11 JUDGE SCHAER: Mm-hm.

12 MR. VALENTINETTI: Now it's a corporation.

13 JUDGE SCHAER: Okay.

14 MR. VALENTINETTI: It's going to be different  
15 numbers.

16 JUDGE SCHAER: Okay. And I believe looking  
17 at the application, which I have, the application does  
18 indicate now that it's in the name of a corporation.

19 MR. VALENTINETTI: We were in that -- when we  
20 first -- when we first got the ball rolling and, you  
21 know, it takes more time to establish a corporation, and  
22 we had some equipment and things that we had to  
23 purchase, so we had to set up immediately as a business.  
24 And since we knew we weren't going to be operating, we  
25 weren't going to have the liability and risk to the --

0036

1 to the public and stuff, we established ourselves as a  
2 partnership first, because you can do that in seconds.  
3 And then it's now moved to a corporation.

4 JUDGE SCHAER: Looking at page three of the  
5 application that you filed, you have kind of a balance  
6 sheet shown there.

7 MR. VALENTINETTI: Mm-hm.

8 JUDGE SCHAER: And then there's a request at  
9 the bottom of question 15 that you enclose a balance  
10 sheet and profit and loss statement, if available,  
11 number 15.

12 MR. VALENTINETTI: We can do that.

13 JUDGE SCHAER: So looking at these numbers,  
14 if these numbers are not going to be current on  
15 Thursday, then I want you to bring current numbers, and  
16 I want you to have the backup available to the current  
17 numbers.

18 MR. VALENTINETTI: Okay.

19 JUDGE SCHAER: So that if you're asked  
20 questions about them, you can answer them. Because  
21 that's the information that -- the questions that are on  
22 this application outline for you the information that  
23 the Commission needs to have in the record so that it  
24 can decide whether or not to grant your application,  
25 okay?

0037

1 MR. VALENTINETTI: Okay.

2 JUDGE SCHAER: Okay, anything else?

3 MR. RICE: Pardon me, Your Honor.

4 JUDGE SCHAER: Go ahead, Mr. Rice.

5 MR. RICE: Let me make sure that I understand  
6 one matter. You asked Mr. Valentinetti to bring a  
7 balance sheet, current numbers for the response to 15,  
8 and then you mentioned backup, meaning some of the  
9 documentary evidence which we requested. Do you mean

10 the documentary evidence we requested in number four,  
11 the financial records, cash on hand in the bank, that  
12 sort of thing, proof of ownership; is that what you're  
13 referring to?

14 JUDGE SCHAER: Mr. Rice, I don't have a copy  
15 of your subpoena.

16 MR. RICE: Oh, I'm sorry.

17 JUDGE SCHAER: No one has put that before me.  
18 If you would like to do that and have us go through that  
19 more particularly, I would be willing to do that so that  
20 everybody here knows what we need to have with us on  
21 Thursday and Friday in order to get this job done.

22 But what I was referring to in looking at  
23 this is simply the numbers that are shown here and then  
24 the work papers that would support those numbers. So  
25 that if it says cash on hand in the bank is \$200,000 or

0038

1 whatever figure it may be, that we have whatever your  
2 accountant used to come up with that number or the bank  
3 statement or whatever that is based on.

4 Usually when you see something like a balance  
5 sheet, in my experience, you have kind of work papers  
6 that go behind that that show where the numbers came  
7 from. And that's what I was discussing. I don't know  
8 if there is something more asked for in your subpoena or  
9 not.

10 MR. RICE: That is part of it. We also  
11 requested copies of proof of ownership where we're  
12 talking about physical property, like, for example, the  
13 vans, a deed or a title, something that we could look at  
14 to show ownership. That was an additional item in  
15 addition to the bank records.

16 MR. VALENTINETTI: Why don't we just go  
17 through the whole thing if that's what we're going to  
18 do. Let's go through the -- let's -- why don't we give  
19 her a copy of this.

20 JUDGE SCHAER: Would you like to do that?

21 MR. VALENTINETTI: Sure.

22 JUDGE SCHAER: Because that's not really what  
23 today is set up to do, but it sounds to me like a  
24 worthwhile use of our time.

25 MR. VALENTINETTI: I think it is.

0039

1 JUDGE SCHAER: To make sure that everybody  
2 understands what we need to be doing.

3 MR. VALENTINETTI: I think that this is part  
4 of what I said, you know, and Mr. Rice has gone way  
5 beyond the scope of what I understood in the prehearing  
6 conference.

7 JUDGE SCHAER: Okay.

8 MR. VALENTINETTI: So it, you know --

9 JUDGE SCHAER: This does go beyond the  
10 question that you were asked to respond to ahead of  
11 time, but this does tie into in my mind,  
12 Mr. Valentineti, the statement that Judge Hendricks  
13 made that you were going to need to be able to respond  
14 to subpoenas as defined in our rules. Now I don't know

15 if you have a copy of our procedural rules with you in  
16 the hearing room. If you don't, I can get a copy for  
17 you. And I'm sure you have one in your offices, because  
18 you said you did on your application. But, you know,  
19 our rules have certain discovery procedures that go far  
20 beyond a subpoena that we open up in certain cases, but  
21 a minimum that we have in every case is that you can  
22 issue a subpoena.

23 MR. VALENTINETTI: Okay.

24 JUDGE SCHAER: So the rule is not really  
25 about is there any discovery at all so much as it's

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1 about --

2 MR. VALENTINETTI: I understand.

3 JUDGE SCHAER: -- can you get more than just  
4 what the subpoena would allow.

5 MR. VALENTINETTI: Let's give you this copy  
6 and start from there.

7 JUDGE SCHAER: Okay, well, I'm going to  
8 suggest that we go off the record for about ten minutes,  
9 give the court reporter a break. We'll get that copy  
10 made, and maybe even you can have some conversation  
11 together about what's available, what's not. And then  
12 we will come back and continue to go through it.

13 Would that work for you as well, Mr. Rice?

14 MR. RICE: That's fine with me, Your Honor.

15 JUDGE SCHAER: Okay, then let's go off the  
16 record for our morning recess, and we will be back on  
17 the record at 11:20.

18 (Recess taken.)

19 JUDGE SCHAER: While we were off the record,  
20 the parties were able to share copies of the subpoena  
21 duces tecum that has been issued to the applicants in  
22 this proceeding.

23 And also during the time we were off the  
24 record, I was able to provide a copy of the Commission's  
25 procedural rules to the applicant and to point him to

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1 the particular rule that governs discovery, which is WAC  
2 480-09-480, and indicated to him informally off the  
3 record and will again repeat that if you look at the  
4 beginning of that rule, you will see the reference to  
5 subpoenas that I believe is the reference reflected in  
6 paragraph 13 of -- on page 13 of the transcript in Judge  
7 Hendricks' ruling in the earlier prehearing conference,  
8 which brings us to a discussion of this particular  
9 subpoena duces tecum that has been issued by protestants  
10 to Seattle Super Shuttle.

11 And I believe we have discussed that it may  
12 be useful at this point simply to go through the  
13 different provisions and make sure that we have a common  
14 understanding of what information is available and what  
15 is to be provided so that we can move forward without  
16 these kinds of disputes when the actual hearing begins  
17 this Thursday.

18 So why don't we start then, if you look, I'm  
19 looking at the first page at line 22, item 1, proof of

20 insurance, is there any kind of misunderstanding or lack  
21 of understanding about what that means or what should be  
22 brought to the hearing room?

23 MR. VALENTINETTI: No, we're happy to provide  
24 that, Your Honor.

25 JUDGE SCHAER: Okay. And then item 2,

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1 registration and title for all equipment.

2 MR. VALENTINETTI: We're happy to provide  
3 that.

4 JUDGE SCHAER: Okay. Number 3, equipment  
5 maintenance and inspection records.

6 MR. VALENTINETTI: Happy to provide that.

7 JUDGE SCHAER: Number 4, financial records.

8 MR. VALENTINETTI: That's a broad statement  
9 on Mr. Rice's subpoena.

10 JUDGE SCHAER: Now we have looked before we  
11 went off the record at question 15 on the application in  
12 a rather summary matter, and let's turn there again for  
13 a moment. That's at page 3 of the application. Do you  
14 have that available to you, Mr. Valentinetti?

15 MR. VALENTINETTI: Page 3 of the application?

16 JUDGE SCHAER: Yes, sir.

17 MR. VALENTINETTI: Yes, I believe I do.

18 JUDGE SCHAER: I'm looking, it looks to me  
19 like I'm looking at something different than what you  
20 are looking at.

21 MR. VALENTINETTI: Oh, okay.

22 JUDGE SCHAER: Maybe you're --

23 MR. VALENTINETTI: I see, I'm sorry, I'm  
24 looking at fax page 3. Here it is.

25 JUDGE SCHAER: Okay.

0043

1 MR. VALENTINETTI: Page 3.

2 JUDGE SCHAER: You will see that question 15,  
3 complete the following financial data, and then you see  
4 the answers, and I believe we previously discussed that  
5 the answers to some of those questions have changed; is  
6 that correct?

7 MR. VALENTINETTI: Yes, and at that time, you  
8 said bring a current balance sheet, and we're happy to  
9 do that.

10 JUDGE SCHAER: And I also asked you to bring  
11 the --

12 MR. VALENTINETTI: Records backing it up.

13 JUDGE SCHAER: -- backup records to each of  
14 those.

15 MR. VALENTINETTI: Okay.

16 JUDGE SCHAER: And when I look at question 4  
17 of the subpoena, I see somewhat the same question,  
18 although it may go a little bit further when you're  
19 looking at proof of ownership such as deeds, titles, or  
20 bank records.

21 What were you looking for here, Mr. Rice,  
22 beyond the balance sheet and any kind of work papers  
23 that support that?

24 MR. RICE: We are looking for some kind of

25 evidence that whatever information appears in the  
0044

1 financial data disclosure, that it's accurate, that if  
2 they say, for example, that they have a piece of  
3 property that is an asset of Seattle Super Shuttle that  
4 it actually is an asset. And granted, we can -- we can  
5 discuss some of these things at the hearing, but  
6 certainly it is useful to us to see exactly what these  
7 documents say.

8 And I think that's one reason that, you know,  
9 the subpoena, that the rules allow people to issue a  
10 subpoena duces tecum is because it's useful to have the  
11 documents in your hand so that you can go into depth  
12 with the witness and get a complete answer. And -- I'm  
13 sorry.

14 JUDGE SCHAER: Go ahead.

15 MR. RICE: I'm finished.

16 JUDGE SCHAER: Okay. And having heard that,  
17 Mr. Valentinetti, those are the kinds of questions that  
18 you're going to be asked by Mr. Rice on Thursday, and  
19 let me just simply indicate that to the extent that you  
20 have, the more that you have that supports what your  
21 number is is probably the better off you're going to be.

22 MR. VALENTINETTI: Okay.

23 JUDGE SCHAER: So --

24 MR. VALENTINETTI: We will bring our current  
25 balance sheet and as much of this information as we

0045  
1 have.

2 JUDGE SCHAER: All right. Then let's move on  
3 to number 5. Are there any bond requirements that you  
4 are aware of, Mr. Rice, when you ask this question?

5 MR. RICE: I know it's my understanding that  
6 in some cases there are bond requirements. I do not  
7 know whether any might specifically apply to  
8 Mr. Valentinetti in his operations. I know he operates  
9 what's called a crew transport transportation service at  
10 the airport, and I did not -- I do not know if the Port  
11 requires -- Port of Seattle requires him to maintain  
12 some kind of bond in the event that something occurs. I  
13 do not know.

14 JUDGE SCHAER: So you're talking about a  
15 possible responsibility that he may hold for a business  
16 other than the business that is the subject of the  
17 application?

18 MR. RICE: This is a transportation business  
19 that he currently owns. I mean it's -- we're not  
20 interested in other parts, other businesses that he  
21 operates that are not transportation businesses that  
22 involve moving around members of the public. We're only  
23 interested in the things that have to do with his  
24 transportation businesses.

25 JUDGE SCHAER: Okay. Because if I were to  
0046

1 read this question, I would probably read it as being  
2 limited to Seattle Super Shuttle since that is the topic  
3 of this proceeding. Are you actually asking about a

4 different company, or is it your understanding that  
5 these are operations of Seattle Super Shuttle,  
6 Incorporated?

7 MR. RICE: Your Honor, if he doesn't -- well,  
8 looking at the way this first question is written, this  
9 particular one is directed at Seattle Super Shuttle. So  
10 if he doesn't have any bond requirements as Seattle  
11 Super Shuttle, then he doesn't need to bring anything.

12 JUDGE SCHAER: Okay.

13 MR. RICE: However, the issues that we are  
14 touching on now which go to transportation services that  
15 he also offers that are very similar to the one he would  
16 like to offer in this case, those are addressed in the  
17 next section.

18 JUDGE SCHAER: Okay, well, let's get through  
19 this section first.

20 MR. RICE: Sure.

21 JUDGE SCHAER: Are you aware of any bond  
22 requirements that apply to Seattle Super Shuttle?

23 MR. RICE: I am not.

24 JUDGE SCHAER: Number 6 then we have I  
25 believe previously discussed who may or may not be

0047

1 vehicle operators, and I believe that we have two people  
2 here present who will be testifying who are going to be  
3 vehicle operators or may be vehicle operators; is that  
4 correct, you and Mr. Hartley?

5 MR. VALENTINETTI: Yes.

6 JUDGE SCHAER: And then you have some job  
7 applications which you may provide that indicate answers  
8 to this question, but you actually don't employ other  
9 drivers for this corporation at this time?

10 MR. VALENTINETTI: Right.

11 JUDGE SCHAER: Is that correct?

12 MR. VALENTINETTI: That's correct.

13 JUDGE SCHAER: And then I believe the  
14 criminal history we have also discussed, and to the  
15 extent that you have records on criminal history, I  
16 would ask you to provide them, but --

17 MR. VALENTINETTI: No, we don't -- we don't  
18 have the records, but we're willing to answer any  
19 questions under oath.

20 JUDGE SCHAER: Certainly. Okay, well, then  
21 let's look at the next portion of this. We have already  
22 discussed this, I believe, regarding Seattle Super  
23 Shuttle. Are there other transportations that -- when  
24 you say you, who are you referring to, Mr. Rice? Are  
25 you referring to the corporation has owned or --

0048

1 MR. RICE: Well, we directed this particular  
2 subpoena to Brian Hartley.

3 JUDGE SCHAER: Okay.

4 MR. RICE: But there's also a similar one  
5 that went to Mr. Valentinetti, and so the you for the  
6 two of them. So any -- so for Seattle Super Shuttle and  
7 all other transportation companies that the two of them  
8 currently or in the past owned or managed. That's who

9 we're directing this at.  
10 JUDGE SCHAER: Are there other companies that  
11 either of you have in the past owned or managed,  
12 Mr. Valentinetti?

13 MR. VALENTINETTI: Yes, I have owned other  
14 companies, but not public transportation companies.

15 JUDGE SCHAER: Okay. When you say -- is  
16 there a difference between public transportation  
17 companies as you say it --

18 MR. VALENTINETTI: Yes.

19 JUDGE SCHAER: -- and transportation  
20 companies as is written here, or are we talking about  
21 the same thing?

22 MR. VALENTINETTI: Well, there is a  
23 difference.

24 JUDGE SCHAER: Okay.

25 MR. VALENTINETTI: There is a difference. I  
0049

1 think what Mr. Rice is referring to is, I'm not sure, I  
2 tried to ask him at the break to be specific, but he  
3 brought up Courtesy Transport, which is a company that  
4 delivers lost luggage from SeaTac Airport.

5 JUDGE SCHAER: And is that a company that you  
6 own or have owned?

7 MR. VALENTINETTI: In the past.

8 JUDGE SCHAER: In the past, you have owned  
9 it?

10 MR. VALENTINETTI: In the past.

11 JUDGE SCHAER: Okay.

12 MR. VALENTINETTI: And it is not governed by  
13 the WUTC and really has no pertinence in this thing at  
14 all.

15 JUDGE SCHAER: Is that a company that you're  
16 asking about, Mr. Rice?

17 MR. RICE: Your Honor, we were under the  
18 understanding that Mr. Valentinetti and Mr. Hartley  
19 might operate a crew transport service.

20 JUDGE SCHAER: Okay.

21 MR. RICE: Which is a privately contracted  
22 service where buses will work with airlines to take  
23 crews to their hotels, and that was one of the -- that  
24 was one of the particular things that we were interested  
25 in in this case.

0050

1 But we were curious, we did some searching  
2 around, and there were other company names that came up  
3 that sounded like they might be transportation  
4 companies, Flagship Crew Shuttle I believe is one. And  
5 since these services sounded like they involved taking  
6 members of the public in buses from SeaTac to  
7 designations beyond SeaTac, it seems very relevant to  
8 this proceeding. Because if he were to have obtained  
9 any citations from the Port of Seattle for violations  
10 for failure to do certain safety procedures, then that  
11 would be enlightening as to what kind of operation he  
12 would run as Seattle Super Shuttle.

13 JUDGE SCHAER: Okay, what I'm trying to

14 determine right now is what the scope of this question  
15 would be in terms of what Mr. Valentinetti has just said  
16 about a company that he had that delivered lost luggage.  
17 Is that something that --

18 MR. RICE: It --

19 JUDGE SCHAER: I just want to know if we  
20 have --

21 MR. RICE: If this is --

22 JUDGE SCHAER: Are we going to have an issue  
23 about -- is that -- are we going to have an issue about  
24 whether or not that's a public transportation company or  
25 whether that's a transportation company as indicated on

0051

1 page 2 on line 10?

2 MR. RICE: It sounds like a transportation  
3 company.

4 JUDGE SCHAER: So you would --

5 MR. RICE: To me.

6 JUDGE SCHAER: So you would be wanting him to  
7 have in the hearing room information about the company  
8 that delivered --

9 MR. RICE: Exactly.

10 JUDGE SCHAER: -- lost luggage?

11 MR. RICE: It is -- they do what sounds like  
12 a parcel delivery service.

13 JUDGE SCHAER: Okay.

14 MR. RICE: Which is --

15 JUDGE SCHAER: Do you have that information  
16 available?

17 MR. VALENTINETTI: Probably not by Thursday,  
18 no.

19 JUDGE SCHAER: Okay, just looking at this,  
20 okay.

21 MR. RICE: Your Honor?

22 JUDGE SCHAER: I just -- I'm not going to --  
23 until you ask the question and I rule on it, we're  
24 getting a little bit ahead of ourselves. I'm just  
25 trying to figure out where the battles are going to be.

0052

1 MR. RICE: Okay.

2 JUDGE SCHAER: And whether we can have  
3 information in the hearing room so that if I rule a  
4 certain way, the information is available.

5 Are there any other companies that you have,  
6 that you currently or in the past owned or managed,  
7 Mr. Valentinetti, that would appear might be encompassed  
8 in this question at line 10 on page 2?

9 MR. VALENTINETTI: Well, as Mr. Rice stated,  
10 Flagship Crew Shuttle is, does not haul the public, it's  
11 private contracting.

12 JUDGE SCHAER: Is it something that you  
13 currently or in the past owned or managed?

14 MR. VALENTINETTI: Yes.

15 JUDGE SCHAER: Okay.

16 MR. VALENTINETTI: And that is -- that is not  
17 the public, that's private.

18 JUDGE SCHAER: Okay, well, I'm not going to



19 get into those issues right now, as I have just  
20 indicated to Mr. Rice. What I want to know is what are  
21 we talking about here.

22 And then are there other companies other than  
23 the two that we have just discussed? And you may want  
24 to ask Mr. Hartley if there are any that involve him  
25 also, because I want to know what it is we're talking

0053

1 about at this point. Are there any other companies that  
2 are owned or in the past owned or managed by you by  
3 Mr. Hartley that would -- are there any other  
4 transportation companies that Mr. Hartley currently or  
5 in the past owned or managed other than the two that we  
6 have just discussed?

7 MR. VALENTINETTI: For the sake of this,  
8 there is, yeah, there is another company.

9 JUDGE SCHAER: Okay.

10 MR. VALENTINETTI: Here's the companies, I  
11 will list them.

12 JUDGE SCHAER: Okay.

13 MR. VALENTINETTI: But they are not pertinent  
14 to this issue.

15 JUDGE SCHAER: Well, we're not -- we're going  
16 to get to that. We're not getting to that right now.  
17 Right now we're just finding out who they are, okay?

18 MR. VALENTINETTI: Okay.

19 JUDGE SCHAER: Go ahead, please.

20 MR. VALENTINETTI: Seattle Super Shuttle,  
21 Flagship Crew Shuttle, which is really an extension of  
22 that. It's what we're doing with the vans until we've  
23 got authority to operate.

24 JUDGE SCHAER: Okay.

25 MR. VALENTINETTI: And it's private,

0054

1 non-regulated by the Utilities and Transportation  
2 Commission. And citations for that or any of that  
3 information, we would be happy to provide for Mr. Rice.

4 JUDGE SCHAER: Okay, anything else, any other  
5 companies?

6 MR. VALENTINETTI: Courtesy Transport is  
7 history; that's way back.

8 JUDGE SCHAER: Okay.

9 MR. VALENTINETTI: There's Airline Delivery  
10 Service, which is a new company after Courtesy Transport  
11 that delivers luggage. But once again, it's a baggage  
12 thing. It's not a parcel. It's not regulated by the  
13 State. It's an extension, it's a private extension of  
14 the airline, which I'm sure that you're familiar with,  
15 because you work here at the Utilities and  
16 Transportation Commission.

17 JUDGE SCHAER: Any other companies?

18 MR. VALENTINETTI: (Shaking head.)

19 JUDGE SCHAER: Okay.

20 MR. VALENTINETTI: That owned and managed, I  
21 mean --

22 JUDGE SCHAER: Owned and managed, yes.

23 MR. VALENTINETTI: -- I'm an old guy, I mean

24 I managed a ski school.

25 JUDGE SCHAER: No, I'm talking about

0055

1 transportation companies.

2 MR. VALENTINETTI: No.

3 JUDGE SCHAER: Okay. For either one of the  
4 two of you?

5 MR. VALENTINETTI: No.

6 JUDGE SCHAER: Okay. What I would like you  
7 to have with you in the hearing room on Thursday for any  
8 of the three companies we have just discussed is any  
9 certificates of authority that you may currently have,  
10 if there aren't any, then there aren't any; any business  
11 licenses that you currently uphold; any information on  
12 citations, violations; any information you may have  
13 about tax liens or warrants; and any proof of regulatory  
14 fee payments.

15 And in saying those things, I do not mean to  
16 imply in any way that you have those things, because  
17 there may be no certificates required, there may be no  
18 regulatory fees required, there may be no tax liens or  
19 warrants. But if you have them, I would like you to  
20 have them available.

21 MR. VALENTINETTI: Okay.

22 JUDGE SCHAER: And if there are questions  
23 asked about them and if you want to dispute producing  
24 them, we will get to the point of my deciding whether or  
25 not those need to be produced.

0056

1 MR. VALENTINETTI: Okay.

2 JUDGE SCHAER: But that will give us what we  
3 need to have so that we can get into the hearing room  
4 and resolve the disputes we have and move forward. Is  
5 that clear to anybody? Are there any questions about  
6 this? Anything else that you think I have misstated or  
7 have --

8 MR. RICE: No, Your Honor.

9 JUDGE SCHAER: -- need to interpret more  
10 broadly?

11 MR. RICE: We don't have anything else.

12 JUDGE SCHAER: Okay, well, that should get us  
13 through then our discussion of kinds of documents and  
14 information we need to have available.

15 I would like to ask at this time if you can  
16 tell me who your witnesses are going to be and any more  
17 precise estimates of time for those witnesses. I would  
18 imagine that your estimate for yourself and Mr. Hartley  
19 has just grown exponentially when you found out what  
20 kinds of questions you may have to answer, but what  
21 witnesses do you contemplate at this point,  
22 Mr. Valentinetti?

23 MR. VALENTINETTI: Annette Sterzen.

24 JUDGE SCHAER: And you're going to need to  
25 spell the names for me and for the court reporter,

0057

1 please, if you can.

2 MR. VALENTINETTI: Starts with an S.

3 JUDGE SCHAER: Okay.  
4 MR. VALENTINETTI: Sounds like -- I'm not  
5 going to be able to do that.  
6 JUDGE SCHAER: Okay, just give me close,  
7 Sterzen, S-T-E-R-Z-E-N; is that a good --  
8 MR. VALENTINETTI: (Nodding head.)  
9 David, what's his last name? We don't know  
10 these people that well.  
11 JUDGE SCHAER: Okay.  
12 MR. VALENTINETTI: They're witnesses that are  
13 going to talk, you know, maybe Mr. Rice is more familiar  
14 with them.  
15 JUDGE SCHAER: Do you know them?  
16 MR. RICE: I don't know these people.  
17 JUDGE SCHAER: Okay.  
18 MR. RICE: Where would I know them from?  
19 JUDGE SCHAER: What's David's last name, do  
20 you have that?  
21 MR. VALENTINETTI: We will have to send that  
22 in, I think.  
23 JUDGE SCHAER: Okay. Anyone else? Will the  
24 two of you be witnesses?  
25 MR. VALENTINETTI: (Nodding head.)  
0058  
1 JUDGE SCHAER: Okay. Anyone else that you  
2 can identify at this time?  
3 MR. VALENTINETTI: (Shaking head.)  
4 JUDGE SCHAER: And I hope you are keeping in  
5 mind the appendix that we discussed at the first  
6 prehearing conference, the Appendix A that outlines the  
7 responsibilities that you will have for providing  
8 witnesses, when they will be able to show.  
9 MR. VALENTINETTI: I don't have the  
10 information here with me, but I will review it between  
11 now and Thursday.  
12 JUDGE SCHAER: Okay. Please do, because  
13 there are certain kinds of need that you will need to  
14 provide proof of that can not be provided by you or  
15 Mr. Hartley. You will need witnesses to provide that as  
16 indicated in the appendix. Anyone else at this time?  
17 MR. VALENTINETTI: Any additional witnesses?  
18 JUDGE SCHAER: Any other names, yes, of  
19 witnesses, yes.  
20 MR. VALENTINETTI: If we come up with another  
21 witness or two, is that all right?  
22 JUDGE SCHAER: Yes, and as soon as you do, if  
23 you could share that information just by an E-mail or a  
24 fax to Mr. Rice and to me, that would be useful.  
25 MR. VALENTINETTI: It's been difficult for  
0059  
1 us, because we thought we were going to do this process,  
2 like I said before, in October to be ready for  
3 Thanksgiving. And so we were all geared up for it, and  
4 then, you know, and then earthquake and then --  
5 JUDGE SCHAER: Yeah, well, this hearing date  
6 has been set for a while, so I hope you will be gearing  
7 up for Mother's Day and that you've got all these people

8 lined up, because we've got the time set aside to take  
9 their testimony, and you have had the information since  
10 our last conference of what kinds of things you're going  
11 to need to show and how this will be put together for us  
12 on Thursday and Friday.

13 Mr. Rice, do you have names of witnesses for  
14 me at this point?

15 MR. RICE: Your Honor, if I may first ask a  
16 question regarding the witnesses.

17 JUDGE SCHAER: Yes.

18 MR. RICE: Seeing as we don't have names of  
19 the witnesses and there may be an additional person  
20 added later, is it possible to give a time and date  
21 certain when we could have those witness lists? And one  
22 reason I ask for that is that we would like to use their  
23 names and check them against the records that my clients  
24 have to see if they have registered any complaints or  
25 things of that nature, and that's why we would like that

0060

1 information in advance.

2 JUDGE SCHAER: Well, I have asked  
3 Mr. Valentinetti to share names with both you and me by  
4 E-mail if he obtains them, but I am not going to require  
5 that we have a cutoff time for those.

6 MR. RICE: Okay.

7 JUDGE SCHAER: It's been my experience in  
8 past transportation cases that often witnesses are being  
9 lined up during the hearing or that a witness may be for  
10 a certain entity, but it depends on who is available at  
11 the time that we need someone to come over and talk  
12 about that entity's needs or how they are or are not  
13 being met. So you're going to have to obtain some of  
14 that information just through the questioning of the  
15 witnesses, Mr. Rice.

16 MR. RICE: Okay.

17 JUDGE SCHAER: Okay, so who do you have lined  
18 up at this point?

19 MR. RICE: We have two witnesses.

20 JUDGE SCHAER: Okay.

21 MR. RICE: One witness for each of the  
22 protestants. For Shuttle Express, the witness is John  
23 Rowley, J-O-H-N, R-O-W-L-E-Y.

24 JUDGE SCHAER: And what is his position with  
25 Shuttle?

0061

1 MR. RICE: He is their general counsel.

2 JUDGE SCHAER: Is he active in the day-to-day  
3 management of that company?

4 MR. RICE: That's correct, he is.

5 JUDGE SCHAER: Okay.

6 MR. RICE: He is going to testify regarding  
7 the operations of Shuttle Express.

8 JUDGE SCHAER: Okay, and he will be able to  
9 answer fact questions on that?

10 MR. RICE: That's correct.

11 JUDGE SCHAER: And your other witness?

12 MR. RICE: The other witness is for Gray Line

13 of Seattle. The witness is David Gudgel, spelled  
14 G-U-D-G-E-L. He is the general manager of Gray Line of  
15 Seattle.

16 JUDGE SCHAER: Mm-hm.

17 MR. RICE: Your Honor, we have some direct  
18 examination exhibits that we plan to use when we -- at  
19 the hearing. At what point do we need to produce or  
20 identify those exhibits?

21 JUDGE SCHAER: We will do that at the day of  
22 hearing, Mr. Rice.

23 MR. RICE: Day of hearing?

24 JUDGE SCHAER: Yes.

25 MR. RICE: Okay. I have a -- the reason I

0062

1 ask is that I have a witness and exhibit list, and I  
2 just won't distribute that. I will just wait until the  
3 day of the hearing then.

4 JUDGE SCHAER: You're welcome to do that now,  
5 if you would like to. But to the extent that you would  
6 feel that might be unfair since you haven't received  
7 that from the applicants, I will allow you to keep that  
8 until the day of the hearing. It's up to you how you  
9 would proceed.

10 MR. RICE: Thank you.

11 JUDGE SCHAER: It may be that they would be  
12 able to have what was questioning to be able to look at  
13 things ahead of time, but I will leave that to your  
14 discretion.

15 MR. RICE: Thank you, Your Honor.

16 JUDGE SCHAER: Okay, so is there anything  
17 else we need to discuss today, any other topics you want  
18 to bring up?

19 MR. VALENTINETTI: I have a question about  
20 the scheduling of the witnesses and the process that we  
21 will go through on Thursday.

22 JUDGE SCHAER: Okay, go ahead.

23 MR. VALENTINETTI: Well, we have never been  
24 through this kind of thing before. It starts at 9:30.

25 JUDGE SCHAER: Yes. At 9:30, it will start

0063

1 out you will be putting on your direct case, so you will  
2 be putting on evidence of the things that are in the  
3 application. You will be putting on evidence of the  
4 things that are discussed in Appendix A about the need  
5 for the service.

6 Let's look at the prehearing conference order  
7 for a moment. Do you have the notice of prehearing  
8 conference available to you? It was dated February 9th.  
9 If you don't, we can take a moment, and I can get a copy  
10 made of Appendix A so we can all look at it together.

11 MR. VALENTINETTI: I don't believe I have it  
12 here.

13 JUDGE SCHAER: Okay, well, let's go off the  
14 record for just a moment, and I will get a copy made.  
15 (Discussion off the record.)

16 JUDGE SCHAER: While we were off the record,  
17 I made copies of the Appendix A that had been attached

18 to the prehearing conference order, and this was  
19 discussed with the parties at the prehearing conference  
20 as to whether this was a statement that reflected the  
21 issues we would be addressing in the hearing. And  
22 Mr. Valentinetti has just asked about how the hearing  
23 will proceed, so I'm indicating that this will be the  
24 burden that he will be providing information about.

25 I would expect that both he and Mr. Hartley  
0064

1 will testify. They will be cross-examined by Mr. Rice  
2 and may be asked questions by me in order to make sure  
3 that the record is complete on these issues. And then  
4 you will have an opportunity to present your witnesses.

5 In terms of witness scheduling, we have two  
6 days scheduled for this hearing. Ideally we will get  
7 done in one, but if we need both days, we will take both  
8 days. I would suggest that you attempt to schedule your  
9 witnesses to appear on Thursday and that if we need to  
10 accommodate your witnesses by taking them out of order  
11 or taking them at a certain time when they're able to  
12 appear, we will do that, and for your witnesses as well,  
13 Mr. Rice. We will try to make this work as smoothly as  
14 we can for the witnesses who are coming in from the  
15 outside to assist the Commission in making this  
16 decision. And for those of us who have to be there the  
17 whole time, we will fit your testimony in then where it  
18 works to use our time most efficiently.

19 After that presentation, then Mr. Rice will  
20 have an opportunity to present his witnesses, and you  
21 will have an opportunity to examine those witnesses. I  
22 will have an opportunity to ask any questions of them  
23 that I need to ask in order to make the record complete.

24 Following that, you will have an opportunity  
25 for rebuttal, which will mean if there is something that  
0065

1 is brought up that you have facts about that are  
2 contrary to what you have heard, you will have an  
3 opportunity to either testify yourselves or call  
4 witnesses to rebut that.

5 And then if there are any items that come up  
6 during the hearing that we need to get information on  
7 that's not available, hopefully after today that won't  
8 happen, but if it does, then we can talk about having  
9 late filed exhibits, which would be information that  
10 would be sent in to the Commission following the  
11 hearing.

12 At some point, I will close the record of the  
13 hearing, and then I will put together an order, which  
14 will be an initial order, of how I think this should  
15 come out. And then there will be a process for anyone  
16 who might disagree with any portions of that order to  
17 petition for a review of what they don't like. That's  
18 all outlined in the procedural rules under petition for  
19 administrative review.

20 I missed a step. What I will be in all  
21 likelihood doing at the end of the hearing, either at  
22 that point or if we have some late filed exhibits we

23 will push the date out a bit, but I will be asking for a  
24 brief from each side where you can outline for me the  
25 reasons why you think that what you are seeking should

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1 be allowed, and outline the facts that are in the record  
2 that support what you're seeking.

3 So any other questions about where we're  
4 going from here?

5 MR. VALENTINETTI: I have a couple more.

6 JUDGE SCHAER: Okay, go ahead.

7 MR. VALENTINETTI: The disk, everything that  
8 we provide to the Court you want on disk also?

9 JUDGE SCHAER: Well, if you are filing things  
10 like your brief later, other things like that, if you  
11 can put them on disk or if you can E-mail them in so  
12 that we have them electronically, that helps me when I'm  
13 working on things if there's something really brilliant  
14 that I want to block and move into my order.

15 MR. VALENTINETTI: I see.

16 JUDGE SCHAER: It helps with that. And also,  
17 the Commission tries very hard to make its information  
18 available to the public. So things that come in on disk  
19 we will post and make available on our web site so that  
20 they are available in our on line library to other  
21 people in the building working on this or to people who  
22 have questions about this area. So that is something  
23 that we request that you do is provide an electronic  
24 version of what you file with us.

25 If you have any problems with that, we ask

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1 that you -- the best thing to do is call in and talk to  
2 the records center, and which is (360) 664-1234, it's a  
3 very easy number, and they will be able to talk to you  
4 about -- we can do Word, we can do Word Perfect, we can  
5 do Excel, we can do the other kind of spreadsheet. We  
6 have the capability to work with a lot of different  
7 software, but we would like to get your information  
8 electronically if we can.

9 Any other questions? You said you had more  
10 than one.

11 MR. VALENTINETTI: I think not at this time.  
12 Well, I have a question for Mr. Rice.

13 JUDGE SCHAER: Is it something you need to  
14 handle on the record or something you can discuss after  
15 we go off the record?

16 I see that you're looking at a check and --

17 MR. VALENTINETTI: I was going to say,  
18 thanks, Dave, for the check, do you want to do lunch  
19 today?

20 MR. RICE: No problem.

21 JUDGE SCHAER: There is a statute, I believe,  
22 that requires that if you issue a subpoena, you have to  
23 send money with it so the person who has to come can  
24 cover the expenses of doing so.

25 MR. VALENTINETTI: Wow, that's very generous.

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1 MR. RICE: It's yours.

2 JUDGE SCHAER: The last time I looked, it was  
3 something like ten cents a mile or some other generous  
4 amount. But it appears that Mr. Rice has complied very  
5 diligently with the rule on that.

6 MR. VALENTINETTI: Yes, very nice, very nice  
7 gesture.

8 JUDGE SCHAER: Okay, so anything else we need  
9 to take up?

10 Mr. Rice, go ahead, please.

11 MR. RICE: Your Honor, I don't know if you  
12 need to know this or not, there will be another attorney  
13 here as well on Thursday from my firm. His name is  
14 Brooks Harlow.

15 JUDGE SCHAER: Okay.

16 MR. RICE: And he has the same mailing  
17 address as I do.

18 JUDGE SCHAER: Thank you for that  
19 information. I'm trying to recall if I think maybe  
20 Mr. Harlow appeared with you at the prehearing, or did  
21 he, or in place of you, or am I just dreaming that?

22 MR. RICE: I don't think he has made an  
23 appearance on the record.

24 JUDGE SCHAER: Okay.

25 MR. RICE: But his name is on all of the

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1 documents that we have filed with the Commission.

2 JUDGE SCHAER: That may be where I have seen  
3 his name in relation to this matter then.

4 MR. RICE: Yes.

5 JUDGE SCHAER: Okay, anything else?

6 I have given directions to everyone. We will  
7 be starting Thursday morning at 9:30 at the Criminal  
8 Justice Training Center in Burien, Washington. This  
9 place, this location was selected because it was close  
10 to the airport, and we were trying to accommodate the  
11 need of the applicant's witnesses to be close to where  
12 they work. We will be working all day Thursday, and if  
13 we can not complete our work on Thursday, then we will  
14 reconvene Friday and go from there.

15 In the meantime, you all have my business  
16 card. If there are procedural matters or questions that  
17 come up, you may contact me. If there are questions  
18 where we need to have both parties represented, I will  
19 attempt to schedule some kind of a telephone conference,  
20 but I don't contemplate there will be anything between  
21 now and Thursday that we need to address.

22 So we will be off the record until Thursday  
23 morning at 9:30.

24 (Hearing adjourned at 12:10 p.m.)

25