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

2 JUDGE CAILLE: We are here today for a
3 prehearing conference in Docket No. TC-040369. This is
4 an application by Muhlbaier, Barry and Amy, doing
5 business as A&B Specialized Transport for a certificate
6 of public convenience and necessity to operate motor
7 vehicles in furnishing passenger and express service as
8 an auto transportation company.

9 My name is Karen Caille, and I'm the
10 administrative law judge assigned to this proceeding.
11 Today is July the 8th, and we are convened in a hearing
12 room at the Commission's offices in Olympia,
13 Washington. The purpose of our conference today is to
14 discuss the hearing process, scheduling, and any other
15 items that might be of concern to the parties.

16 So at this time, I will ask the parties to
17 make their appearances. Please state your name,
18 spelling your last name, who you represent, your street
19 address, mailing address, telephone, fax number, and if
20 you have one, an e-mail address, and let's begin with
21 the Applicant. Go ahead, Mr. Muhlbaier.

22 MR. MUHLBAIER: My name is Barry Muhlbaier,
23 M-u-h-l-b-a-i-e-r. Street address is 601 204th Avenue
24 Court, KPS, Lakebay, Washington, 98349. Telephone
25 number is (253) 884-7806. Fax number, (253) 884-7829,

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1 and e-mail address is mulby2@aol.com.

2 JUDGE CAILLE: Thank you. For Commission
3 staff?

4 MR. SWANSON: Christopher G. Swanson,
5 assistant attorney general for Commission staff,
6 S-w-a-n-s-o-n; address, 1400 South Evergreen Park Drive
7 Southwest, PO Box 40128, Olympia, Washington
8 98504-0128; phone number, (360) 664-1220; fax number
9 (360) 586-5522. E-mail address, cswanson@wutc.wa.gov.

10 JUDGE CAILLE: Thank you very much. Let the
11 record reflect there are no other appearances. For the
12 record, originally, there was a protest that was filed
13 by the Bremerton Kitsap Airporter on June 17th, 2004.
14 The Commission received a letter whereby the Bremerton
15 Kitsap Airporter has withdrawn its protest.

16 Prior to going on the record this morning, we
17 had a discussion about what that means, and I explained
18 along with the help of our staff member, Ms. Allen, and
19 Mr. Swanson that we will still have to have a hearing
20 because according to the statute, we have to have a
21 hearing if there is still overlapping territory, so
22 even though that person is no longer protesting, that
23 company is no longer protesting, we will still have a
24 hearing, and because there are no protestants in this
25 proceeding, we will allow written testimony -- I guess

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1 written statements of witness statements, and I've also
2 asked the Applicant to provide one or two live
3 witnesses, and all of this can be done over the
4 telephone, so we will do a telephone hearing.

5 I also advised him that I will be doing a
6 prehearing conference order, and I will attach to that
7 order the appendix I usually send out that informs the
8 Applicant exactly what they have to prove up in order
9 to get a certificate. Does that pretty much cover
10 everything but the schedule that we discussed off
11 record?

12 MR. SWANSON: So I think you said this,
13 Judge, but my understanding is that the Applicant could
14 also submit any documents he wanted to; is that
15 correct?

16 JUDGE CAILLE: Yes. Any other documents that
17 would support those requirements that are in
18 Appendix A.

19 MR. MUHLBAIER: Okay.

20 JUDGE CAILLE: The other thing we did was we
21 did discuss a deadline for filing those letters or
22 statements of your witnesses, and that filing date
23 would be July the 30th.

24 MR. MUHLBAIER: Yes, ma'am.

25 JUDGE CAILLE: And we picked the date of

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1 August 18th for the hearing. Now, we didn't pick a
2 time. Mr. Muhlbaier, is there a time that's more
3 convenient for you, the morning or the afternoon?

4 MR. MUHLBAIER: The afternoon works better.

5 JUDGE CAILLE: What time do you think would
6 be best for you and your witnesses?

7 MR. MUHLBAIER: About the same time, 1:30.

8 JUDGE CAILLE: Okay. So we'll make that for
9 1:30.

10 MR. MUHLBAIER: Can this time be changed if
11 need be?

12 JUDGE CAILLE: It can be if you give me
13 enough notice, but what I will be sending out is the
14 prehearing conference order will have that time in it,
15 so that's sort of official notice of when the hearing
16 will be. As I said, I think it's only going to take
17 about an hour, so if you would like to schedule a
18 little later, that's possible.

19 MR. MUHLBAIER: What's the latest that you
20 would be available to do it?

21 JUDGE CAILLE: I would say 3:30.

22 MR. MUHLBAIER: Let's go with 3:30, and that
23 will give me a chance to make sure that everyone is
24 there and get everything set up.

25 JUDGE CAILLE: I don't have anything further.

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1 I will issue a prehearing conference order, and that
2 will have the schedule in it, and it will also have the
3 appendix that has the requirements for the certificate.
4 Is there anything further from the parties this
5 afternoon?

6 MR. SWANSON: Nothing for Commission staff.

7 JUDGE CAILLE: Anything further from you,
8 Mr. Muhlbaier?

9 MR. MUHLBAIER: No, ma'am. If you are
10 sending me everything I need to provide, that's all I
11 have. I have one question, actually. Bremerton Kitsap
12 has filed a withdrawal. Can they turn around and
13 refile -- once they withdraw, can they turn around and
14 try to block again?

15 JUDGE CAILLE: No, I don't think so. It's
16 very unlikely that they would do that though. If they
17 were going to protest, they would be in the hearing.

18 MR. MUHLBAIER: That's fine. That's the only
19 thing I was wondering about.

20 JUDGE CAILLE: All right then. This hearing
21 is closed, and thank you very much for your attention.

22 MR. MUHLBAIER: Thank you, ma'am.

23 (Prehearing concluded at 1:53 p.m.)

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