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BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

CITY OF SPOKANE VALLEY,)
)
 Petitioner,)
 v.) DOCKET TR-111033
)
UNION PACIFIC RAILROAD)
)
 Respondent.)

PREHEARING CONFERENCE, VOLUME I

Pages 1 - 10

ADMINISTRATIVE LAW JUDGE MARGUERITE E. FRIEDLANDER

1 p.m.

AUGUST 30, 2011

Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive Southwest
Olympia, Washington 98504-7250

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1 JUDGE FRIEDLANDER: Okay, good
2 afternoon. Let's be on the record in Docket
3 TR-111033. I'm Marguerite Friedlander, administrative
4 law judge presiding over this matter. We are here
5 today before the Washington Utilities and
6 Transportation Commission on Tuesday, August 30th,
7 2011, for a prehearing conference, and the request of
8 the City of Spokane Valley to modify warning devices
9 and install sidewalks at a highway-rail grade crossing
10 at Pines Road in Spokane County.

11 On June 21st, 2011, the Commission sent a
12 letter to Union Pacific Railroad Company, notifying
13 them of the request and asking that the Railroad
14 respond within 20 days of whether they supported the
15 petition.

16 On July 13th, 2011, the Railroad notified the
17 Commission that while it does not object to the
18 petition, it does have concerns regarding cost
19 allocations for the installations.

20 Now, let's go ahead and begin with
21 appearances. Appearing today on behalf of the City of
22 Spokane Valley, Mr. --

23 MR. CADITZ: Caditz.

24 JUDGE FRIEDLANDER: -- Caditz.

25 MR. CADITZ: Thank you, Your Honor. My

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1 name is Bryan Caditz, B-R-Y-A-N, C-A-D-I-T-Z. The law
2 firm is Hedeem & Caditz, which is H-E-D-E-E-N &
3 Caditz. Our address is 600 University Street,
4 Seattle, 98101 -- oh, excuse me, Suite 2100. My
5 telephone number is (206) 903-9953. Fax is
6 (206) 903-9956, and my e-mail address is
7 bryan@hedeencaditz.com, which is
8 h-e-d-e-e-n-c-a-d-i-t-z, dot com.

9 JUDGE FRIEDLANDER: Thank you.

10 And you can go ahead and be seated. And we
11 are very informal. You can sit down when presenting.

12 MR. CADITZ: Okay.

13 JUDGE FRIEDLANDER: Thank you.

14 Okay, and appearing today on behalf of Union
15 Pacific Railroad Company, Ms. Larson.

16 MS. LARSON: Carolyn Larson. I'm with
17 the law firm of Dunn Carney Allen Higgins & Tongue,
18 LLP. Our address is 651 Southwest -- I'm sorry, 851
19 Southwest Sixth Avenue, Portland, 97204. The phone
20 number for --

21 JUDGE FRIEDLANDER: Excuse me,
22 Ms. Larson. I have that you're in Suite 1500; is that
23 right?

24 MS. LARSON: Yes, I'm sorry.

25 JUDGE FRIEDLANDER: Okay. That's fine.

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1 I just want to make sure that all the mail that needs
2 to, gets to you.

3 MS. LARSON: Okay.

4 My e-mail address is
5 c-l-a-r-s-o-n-@-d-u-n-n-c-a-r-n-e-y, dot com.

6 JUDGE FRIEDLANDER: Okay. And --

7 MS. LARSON: And --

8 JUDGE FRIEDLANDER: Oh, I'm sorry, I
9 don't think we got your phone number and fax.

10 MS. LARSON: Okay. Phone number is
11 (503) 417-5462, and the fax is (503) 224-7324.

12 JUDGE FRIEDLANDER: Great, thank you.

13 And appearing today on behalf of Staff,
14 Mr. Fassio.

15 MR. FASSIO: Good morning, Your Honor.
16 Michael Fassio, Assistant Attorney General. My
17 address is 1400 South Evergreen Park Drive Southwest,
18 Box 40128, Olympia, Washington 98504. Phone number,
19 (360) 664-1192, fax number, (360) 586-5522. E-mail
20 address is m-f-a-s-s-i-o-@-w-u-t-c, dot wa, dot gov.

21 JUDGE FRIEDLANDER: Thank you.

22 And is there anyone else who wishes to make an
23 appearance today?

24 (Pause in the proceedings.)

25 JUDGE FRIEDLANDER: Okay, let the record

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1 reflect that no one has come forward.

2 I will let the parties know that pursuant to
3 WAC 480-07-400, the Commission's discovery rules are
4 made available to the parties.

5 At this point, do any of the parties feel the
6 need for a protective order?

7 MR. CADITZ: No.

8 JUDGE FRIEDLANDER: Okay.

9 MR. CADITZ: Not that I'm aware of.

10 MS. LARSON: No, Your Honor.

11 JUDGE FRIEDLANDER: Great, thank you.

12 That makes my job very easy.

13 And it's my understanding from discussions
14 prior to going on the record, that the parties will
15 need a few extra minutes to come up with a procedural
16 schedule. So we will be off the record for -- how
17 long do you anticipate?

18 MR. FASSIO: Maybe ten minutes.

19 JUDGE FRIEDLANDER: Okay. We will go
20 back on the record at, say, 1:55. Okay, we're off the
21 record. Thank you.

22 (A brief recess.)

23 JUDGE FRIEDLANDER: We'll be back on the
24 record.

25 It's my understanding that the parties have

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1 reached a proposed draft schedule. If somebody would
2 like to volunteer to elucidate.

3 MR. FASSIO: I can do that, Your Honor.

4 JUDGE FRIEDLANDER: Great, thank you.

5 MR. FASSIO: The first date we have is
6 November 18th, 2011. Spokane Valley files its written
7 case in chief, testimony and any associated exhibits.

8 JUDGE FRIEDLANDER: Okay.

9 MR. FASSIO: The second date
10 is January 20th, for Respondents, Union Pacific
11 Railroad and Staff, to file their written testimony
12 and exhibits.

13 JUDGE FRIEDLANDER: Okay.

14 MR. FASSIO: February 24th, all parties
15 file a rebuttal, or cross-answering written testimony,
16 and exhibits.

17 JUDGE FRIEDLANDER: Okay.

18 MR. FASSIO: And we picked a date,
19 March 28th, for a hearing. We believe it shouldn't
20 take more than one day.

21 JUDGE FRIEDLANDER: So my question would
22 be, and maybe it's too early to know this, but in
23 other railroad cases I've seen, they've had a public
24 comment hearing. Is there a need to have a public
25 comment hearing in this matter, or are we looking at

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1 not a lot of public furor?

2 MR. FASSIO: My understanding from Staff
3 is that a public hearing is more customary in a
4 cross-enclosure case, so Staff doesn't find it
5 necessary to have a public hearing in this case.

6 JUDGE FRIEDLANDER: Okay.

7 Does anybody else have any thoughts on this?
8 Ms. Larson?

9 MS. LARSON: I agree. I think that
10 given the limited issue that we would be talking about
11 at a hearing, it doesn't sound like the kind of issue
12 that would be customary, where you would customarily
13 have public input.

14 JUDGE FRIEDLANDER: Okay, thank you.

15 Mr. Caditz?

16 MR. CADITZ: The City agrees.

17 JUDGE FRIEDLANDER: Okay, perfect.

18 Thank you.

19 So will we be doing any posthearing briefing?

20 MR. FASSIO: We left that to be
21 determined.

22 JUDGE FRIEDLANDER: Okay, that's fine.
23 Should it be needed, just let me know, and we can
24 modify the procedural schedule.

25 So is there anything else relating to the

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1 procedural schedule that we need to discuss at this
2 time?

3 MR. FASSIO: Not from Staff, Your Honor.

4 JUDGE FRIEDLANDER: Okay, great.

5 Thank you.

6 MR. CADITZ: Not from the City, Your
7 Honor.

8 JUDGE FRIEDLANDER: Thank you.

9 Then I will let everyone know that when you
10 file, we will need an original and seven copies of
11 unredacted, and an original and one of redacted
12 filings.

13 Is there anything further, before we adjourn?

14 MS. LARSON: Nothing from me, Your
15 Honor.

16 JUDGE FRIEDLANDER: Okay, thank you.

17 Hearing nothing, we are adjourned. Thank you.

18 (Prehearing conference concluded 1:58 p.m.)

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STATE OF WASHINGTON

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COUNTY OF KING

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I, Sherrilyn Smith, a Certified

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Shorthand Reporter and Notary Public in and for the

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State of Washington, do hereby certify that the

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foregoing transcript is true and accurate to the best

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of my knowledge, skill and ability.

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IN WITNESS WHEREOF, I have hereunto

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set my hand and seal this 6th day of September, 2011.

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SHERRILYN SMITH

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MY COMMISSION EXPIRES:

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JUNE 2012

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