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BEFORE THE WASHINGTON STATE

UTILITIES AND TRANSPORTATION COMMISSION

In re)
 Application No. D-079294 of) DOCKET NO. TC-041340
)
 PENNCO TRANSPORTATION, INC.) Volume I
) Pages 1 to 23
 For Extension of Authority)
 Under Certificate No. C-01054,)
 For a Certificate of Public)
 Convenience and Necessity to)
 Operate Motor Vehicles in)
 Furnishing Passenger and)
 Express Service as an Auto)
 Transportation Company.)

In re)
 Application No. D-079302 of) DOCKET NO. TC-041593
)
 HECKMAN MOTORS, INC., d/b/a)
 OLYMPIC BUS LINES)
)
 For Extension of Authority)
 Under Certificate No. C-992,)
 For a Certificate of Public)
 Convenience and Necessity to)
 Operate Motor Vehicles in)
 Furnishing Passenger and)
 Express Service as an Auto)
 Transportation Company.)

A prehearing conference in the above matter

was held on December 16, 2004, from 1:30 p.m to 2:20
p.m., at 1300 South Evergreen Park Drive Southwest, Room

108, Olympia, Washington, before Administrative Law

Judge THEODORA MACE.

Joan E. Kinn, CCR, RPR

Court Reporter

1 The parties were present as follows:

2 THE COMMISSION, by JONATHAN THOMPSON,
3 Assistant Attorney General, 1400 South Evergreen Park
4 Drive Southwest, Olympia, Washington 98504-0128,
5 Telephone (360) 664-1225, Fax (360) 586-5522, E-Mail
6 jthomps@wutc.wa.gov.

7 HECKMAN MOTORS, INC. d/b/a OLYMPIC BUS LINES,
8 by JACK HECKMAN, President, 111 East Front Street, Port
9 Angeles, Washington 98362, Telephone (360) 417-0700, Fax
10 (360) 452-1460, E-Mail jackheckman@olympen.com.

11 PENNCO TRANSPORTATION, INC., by KEVIN HARRIS,
12 President, 933 Carlsborg Road, Sequim, Washington 98382,
13 Telephone (360) 582-3736, E-Mail
14 kevinh@macrosystems.com.

15 BREMERTON-KITSAP AIRPORTER, INC., by RICHARD
16 E. ASCHE, President, P.O. Box 1255, Port Orchard,
17 Washington 98366, Telephone (360) 876-1737, Fax (360)
18 876-5521, E-Mail reasche@aol.com.

19 EVERGREEN TRAILS, INC. d/b/a GRAY LINE OF
20 SEATTLE AND SHUTTLE EXPRESS, INC., by DAVID L. RICE,
21 Attorney at Law, Miller Nash LLP, 601 Union Street,
22 Suite 4400, Seattle, Washington 98101, Telephone (206)
23 777-7424, Fax (206) 622-7485, E-Mail
24 david.rice@millernash.com.

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1 PROCEEDINGS

2 JUDGE MACE: Let's be on the record today in
3 Docket Numbers TC-041340, this is an application filed
4 by Pennco Transportation, Inc., and in docket TC-041593,
5 an application filed by Olympic Bus Lines, Inc.

6 The Pennco Transportation application was
7 filed for an extension of authority under Certificate
8 Number C-01054 for a Certificate of Public Convenience
9 and Necessity to provide door-to-door passenger service
10 by reservation only between Clallam and Jefferson
11 Counties and Seattle and Tacoma hotels and cruise
12 terminals, between Clallam and Jefferson Counties and
13 Kingston and Bainbridge ferry terminals, between Kitsap
14 County and Seattle and Tacoma hospitals, Amtrak
15 stations, Greyhound stations, cruise terminals, hotels,
16 and the Seattle Tacoma International Airport with closed
17 door service between Kitsap County and the indicated
18 points in King and Pierce County and between Kitsap
19 County and Kingston and Bainbridge ferry terminals. The
20 applicant is also requesting that its authority be
21 revised to remove a restriction related to providing
22 service to passengers from any point served by Heckman
23 Motors, Inc. d/b/a Olympic Bus Lines.

24 In the Olympic Bus Lines application, the
25 applicant is seeking authority or an extension of its

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1 current authority to conduct passenger service between
2 Port Angeles, Sequim, Discovery Bay, Kingston, Edmonds,
3 Silverdale, and Seattle Tacoma International Airport and
4 between Port Angeles, Sequim, Discovery Bay, Kingston,
5 Edmonds, Silverdale, and Seattle restricted against
6 service between Seattle and Seattle Tacoma International
7 Airport, Silverdale and Seattle, and Silverdale and
8 Seattle Tacoma International Airport.

9 Having said that, we are conducting this
10 prehearing conference today on these two applications
11 because they were filed contemporaneously and request
12 overlapping authority. Under the Commission's rule WAC
13 480-30-032, the Commission may consolidate overlapping
14 applications for joint consideration. These
15 applications have not yet been consolidated, and I will
16 address that issue as we go through the items we need to
17 address during the prehearing conference.

18 My name is Theodora Mace, I am the
19 Administrative Law Judge who has been assigned to hold
20 hearings in this case, and I'm going to ask now for oral
21 appearances of those who are present representing
22 parties in this case. I am going to ask you to give
23 what we call a long form of your appearance. That means
24 I need to have you state your full name, who you
25 represent, your full address, phone number, fax number,

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1 and E-Mail address. Please speak slowly and clearly so
2 that the reporter can record your information
3 accurately.

4 I will begin with Pennco, I would like to
5 know who is representing Pennco here.

6 Yes, go ahead.

7 MR. HARRIS: Kevin Harris.

8 JUDGE MACE: Hold on here, let me make sure
9 I've got your name, Kevin Harris, okay, and what is your
10 position with Pennco?

11 MR. HARRIS: President.

12 JUDGE MACE: All right, go ahead.

13 MR. HARRIS: Address is 1819 - 31st Street.

14 JUDGE MACE: The address we have for you is
15 933 Carlsborg Road.

16 MR. HARRIS: That's a business address, yes,
17 that's fine.

18 JUDGE MACE: That address is okay?

19 MR. HARRIS: Yes.

20 JUDGE MACE: That's the address for Pennco
21 Transportation?

22 MR. HARRIS: Correct.

23 JUDGE MACE: All right, why don't we use that
24 address.

25 MR. HARRIS: Okay.

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1 JUDGE MACE: Go ahead.

2 MR. HARRIS: Phone number is (360) 582-3736.

3 I don't know the fax number.

4 JUDGE MACE: Okay, and how about an E-mail?

5 MR. HARRIS: E-Mail is

6 kevinh@macrosystems.com.

7 JUDGE MACE: Okay, thank you.

8 We have a protestant in this application from
9 Evergreen Trails d/b/a Gray Line of Seattle, who is
10 here?

11 MR. RICE: Your Honor, I am here on behalf of
12 Evergreen Trails.

13 JUDGE MACE: All right.

14 MR. RICE: I am David Rice, and I'm with the
15 law firm of Miller Nash, LLP, our address is 4400 Two
16 Union Square, 601 Union Street, Seattle, Washington
17 98101, my phone number is (206) 777-7424, my fax is
18 (206) 622-7485, my E-mail address is
19 david.rice@millernash.com.

20 JUDGE MACE: We also have a protest from
21 Bremerton-Kitsap Airporter, Inc., is there anyone here
22 on behalf of Bremerton-Kitsap Airporter?

23 We have a protest from Heckman Motors, Inc.
24 d/b/a Olympic Bus Lines, is there any -- yes.

25 MR. HECKMAN: I'm Jack Heckman, I'm President

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1 of Heckman Motors, and our business address is 111 East
2 Front Street, Port Angeles, and our phone number is area
3 code (360) 417-0700.

4 JUDGE MACE: Your zip code is 98362?

5 MR. HECKMAN: That's correct.

6 JUDGE MACE: And how about a fax number?

7 MR. HECKMAN: (360) 452-1460.

8 JUDGE MACE: And an E-mail.

9 MR. HECKMAN: Jackheckman@olyphen.com.

10 JUDGE MACE: And Staff.

11 MR. THOMPSON: I'm Jonathan Thompson,
12 Assistant Attorney General representing the Commission
13 Staff. My street address is 1400 South Evergreen Park
14 Drive Southwest, P.O. Box 40128, Olympia, Washington
15 98504, my phone number is (360) 664-1225, my fax is
16 (360) 586-5522, and my E-mail is jthompso@wutc.wa.gov.

17 JUDGE MACE: All right, thank you.

18 I would like to turn to the Heckman Motors
19 application now. And, Mr. Heckman, I'm assuming your
20 appearance would be the same for the Heckman Motors
21 application.

22 Let me indicate for the record I just
23 received a message that Mr. Asche, who is the President
24 of Bremerton-Kitsap Airporter, Inc. and filed a protest
25 in the Pennco application is running late and is stuck

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1 in traffic. We'll see how we do in terms of getting
2 through our items on our list of things to do in the
3 prehearing conference, and perhaps Mr. Asche will appear
4 later during the proceeding.

5 Going back to the Heckman Motors application,
6 I see that there's been a protest filed by Shuttle
7 Express, Inc. Is there anyone here on behalf of Shuttle
8 Express?

9 MR. RICE: Your Honor, I am here on behalf of
10 Shuttle Express.

11 JUDGE MACE: And that's Mr. Rice, and I'm
12 assuming your appearance would be the same.

13 MR. RICE: That's correct.

14 JUDGE MACE: And then we also have a protest
15 from Bremerton-Kitsap Airporter, and again Mr. Asche,
16 who is the President of that concern, is running late.

17 And we have an appearance on behalf of Staff,
18 and, Mr. Thompson, your appearance would be the same for
19 this application; is that correct?

20 MR. THOMPSON: That's correct.

21 And just for clarification, it's Asche.

22 JUDGE MACE: Oh, Asche, thank you.

23 MR. HARRIS: Your Honor.

24 JUDGE MACE: Yes.

25 MR. HARRIS: A question for a point of

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1 clarification. Pennco did not object to Olympic's
2 application because we were under the impression that
3 our application would clear before theirs, so I would
4 like to if possible since we're considering
5 consolidating the two, I just wanted to make sure that
6 we can object if need be to items within their
7 application since ours will actually not clear if you
8 combine them together first.

9 JUDGE MACE: I'm not sure what you mean by
10 clear.

11 MR. HARRIS: If there is some point that we
12 take exception to in their application, I would like to
13 be able to respond to that, and I did not officially
14 protest their application, because I was under the
15 impression that our application was ahead. But since
16 part of our conversation today is about consolidating
17 the two, I would like to have the ability to take
18 exception to something in their application if need be.

19 JUDGE MACE: You know, I'm not clear about
20 the rules about protest and whether or not you would be
21 able to in effect protest their application having not
22 filed a protest during the protest period. I will have
23 to take that under advisement.

24 MR. HARRIS: Okay.

25 JUDGE MACE: I take it that you wish to

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1 protest their application under the circumstances?

2 MR. HARRIS: That's correct, if in fact the
3 two applications get consolidated, then I do wish to
4 protest the application.

5 JUDGE MACE: All right. That actually is the
6 very next item that I want to address on the record
7 today. I wanted to ask if there was any objection to
8 the consolidation of this application, of these
9 applications.

10 Mr. Harris, is that right?

11 MR. HARRIS: Yeah, I object, I feel that our
12 application was filed in a timely fashion, and I feel
13 that the authority that we have requested was in part to
14 a large extent already previously granted to Pennco, but
15 at the time it was a little ahead of the marketplace,
16 and so we weren't able to make that authority
17 economically feasible. But because of changes in some
18 transportation issues in the area, we feel confident
19 that what we have requested now is economically viable.
20 We feel that it is in part to a large extent because of
21 our application that Olympic has made their application,
22 and so we feel that we would be unjustly served to have
23 the applications combined.

24 JUDGE MACE: Any response to that,
25 Mr. Heckman?

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1 MR. HECKMAN: I have been working with Staff
2 on our as they call it cleaning up of our tariff. We
3 have had the tariff approximately five years, and what
4 we have added in our new application here has actually
5 already been in our tariff, but it wasn't actually in
6 our actual operating authority, which is why Staff when
7 they caught this asked us to clean it up and then reask
8 for the stuff that we actually already had in our
9 tariff. So it really wasn't in response to Pennco's
10 application at all. I had already been dealing with
11 Staff and trying to clean this up before I ever even saw
12 Pennco's application. And I think if you look at the
13 time frames with Staff when I started working on it, you
14 will see that that was before their application. And I
15 think what Mr. Harris is referring to is the
16 Kingston-Edmonds connection, which we have been
17 servicing since the day we got our certificate.

18 JUDGE MACE: Well, anyone else have anything
19 they want to say about consolidation?

20 MR. THOMPSON: I would just say I think, not
21 having the rule in front of me and actually not having
22 really anticipated this being an issue, I think the rule
23 basically provides that if competing applications seek
24 to serve overlapping authority and a second application
25 is made within 30 days, then more or less it's a matter

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1 of course that they would be consolidated.

2 JUDGE MACE: That's my general recollection
3 of the rule too, but I would like to -- I will take this
4 under advisement, I will look at the rule a little more
5 carefully. It may well be that the matters have to be
6 consolidated just because of the convenience of the
7 Commission and a rule, et cetera, but I will consider
8 what you have said here today.

9 Let me take a moment to turn to
10 Bremerton-Kitsap Airporter, I believe Mr. Asche has
11 entered the hearing room. Would you please enter your
12 full appearance. I understand that you're a protestant
13 to both applications here today, both the Pennco and the
14 Olympic Bus Lines application, is that right?

15 MR. ASCHE: That is correct.

16 JUDGE MACE: And would you state your full
17 name, who you represent, full address, telephone, fax,
18 and E-mail.

19 MR. ASCHE: Okay, my name is Richard E.
20 Asche, Bremerton-Kitsap Airporter, Inc., telephone
21 number is (360) 876-1737, fax number (360) 876-5521, and
22 E-Mail address reasche@aol.com.

23 JUDGE MACE: And your address is the P.O. Box
24 1255?

25 MR. ASCHE: That's correct.

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1 JUDGE MACE: Port Orchard?

2 MR. ASCHE: That's correct, 98366.

3 JUDGE MACE: Thank you.

4 I need to ask next whether the parties
5 anticipate that they will be seeking discovery of each
6 other in this hearing or in this proceeding, any need
7 for me to invoke the discovery rule at this point?

8 If it becomes an issue and you need to
9 conduct discovery, please notify me and I will indicate
10 that the rule is invoked.

11 All right, and let's also turn to the
12 question of a protective order. Do any of the parties
13 anticipate the need for the Commission to enter a
14 protective order because there are certain competitive
15 information they seek to have protected from public
16 disclosure?

17 MR. HARRIS: I would say yes to that, so if
18 I'm understanding you correctly, we would reserve the
19 right that information that's disclosed within the
20 course of the hearing would not in total be released to
21 the public; is that correct?

22 JUDGE MACE: Well, yeah, when a protective
23 order is entered, you have the -- and you have to be
24 very careful about what you designate as confidential
25 information.

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1 MR. HARRIS: Right.

2 JUDGE MACE: The information then comes into
3 the record in such a way that it's kept separate from
4 other parts of the record so that it's not immediately
5 available to the public. The Commission wants to be
6 very careful about what is designated as confidential.

7 MR. HARRIS: I understand.

8 JUDGE MACE: And would only allow designation
9 as confidential those types of secret trade information
10 that could damage your competitive position, et cetera.
11 Do you still feel you --

12 MR. HARRIS: I would like to, yes.

13 JUDGE MACE: All right, I will see that
14 there's a protective order entered.

15 MR. ASCHE: Does that mean it would go out on
16 the Web, any information goes out on the Web?

17 JUDGE MACE: No, what goes on out on the Web
18 usually is -- well, I don't want to misrepresent what
19 goes out on the Web. My understanding of what's on the
20 Web I guess may be pleadings that are filed. I don't
21 know for sure whether all of the filings that are made
22 in the case appear on our Web site. I don't know that.

23 Does Staff have any information about that?

24 MR. THOMPSON: Well, I think typically if
25 there is information that you want to have treated as

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1 confidential, you would file one document that had the
2 confidential information in it, and that would not be
3 posted on the Internet. But then you would have to file
4 another one that had a blank essentially or a redacted
5 area where there was confidential information, and
6 that's what would be posted on the Internet, and people
7 wouldn't be able to see the confidential information.

8 MR. HARRIS: But whether or not we actually
9 specify something as confidential, I mean we don't have
10 to specify anything, we just have the right to do that
11 now, correct?

12 JUDGE MACE: Correct.

13 MR. HARRIS: Okay, just making sure.

14 JUDGE MACE: And the protective order gives
15 you instruction about if there is information that you
16 want to have deemed confidential how you have to treat
17 it for purposes of the record.

18 All right, let's turn next to the question of
19 issues in this proceeding. These are both applications
20 for authority to do certain types of passenger
21 transportation, and I'm assuming that the issues are
22 whether or not the applicants meet the requirements of
23 the statute and the rules with regard to obtaining that
24 authority. Are there any other issues that the parties
25 think ought to be brought to my attention at this point?

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1 Staff?

2 MR. THOMPSON: Well, yes, there's of course
3 just basic fitness and so forth, but there are also
4 various issues between various parties under the
5 certificate statute where the statute provides that,
6 summarizing, that a certificate will not be granted
7 unless it can be shown that the existing certificate
8 holder will not serve to the satisfaction of the
9 Commission, so.

10 JUDGE MACE: But that's part of what we would
11 have to consider in this proceeding.

12 MR. THOMPSON: Right.

13 JUDGE MACE: As a matter of course, because
14 it's part of the statutory requirement.

15 MR. THOMPSON: Right.

16 JUDGE MACE: So I understood those.

17 MR. THOMPSON: Okay.

18 JUDGE MACE: I just wondered if there was
19 anything out of the ordinary that I needed to know.

20 Well, then having accomplished most of the
21 items on this agenda, we need to discuss a procedural
22 schedule. You need to give me --

23 MR. ASCHE: Your Honor, I have one question.

24 JUDGE MACE: Yes.

25 MR. ASCHE: Is the matter of fitness

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1 determined before a hearing or after the hearing or
2 during the hearing?

3 JUDGE MACE: I believe fitness is an issue at
4 the hearing, you bring evidence on fitness. Unless the
5 parties seek to handle it some other way, in which case
6 you can discuss that among yourselves. But typically as
7 I understand it, it's all part of the issues that are
8 brought into the hearing itself.

9 MR. ASCHE: Okay.

10 JUDGE MACE: All right, I will need to have
11 probably two weeks actually given the holiday period to
12 get a prehearing conference order out, and I want you to
13 consider that when you're devising your schedule.
14 Another thing I want to have you consider is that I will
15 be out of the office from January 13th to the 30th. I
16 do not believe I otherwise have hearings scheduled or
17 vacation time planned after that. So if you will take
18 that into consideration when you're talking about how
19 we're going to do the hearing.

20 I'm assuming we would not have prefiled
21 testimony, that's not usually the case in these types of
22 proceedings, so you will need to devise a hearing date,
23 and you will need to know whether we need to have more
24 than one day for example. I would like to have you set
25 a date by which you will advise each other and me how

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1 many witnesses you intend to call. In terms of the
2 witnesses that you intend to call, you need to realize
3 that you need to prove your case. That is to say you
4 need to provide proofs on the statutory issues, but we
5 like to avoid cumulative testimony. That is to say 100
6 witnesses testifying that you're a nice person and you
7 do a good job is too much unfortunately. We don't have
8 time for that, and so you need to present an appropriate
9 number of witnesses, I can't tell you the exact number,
10 but not to the point where you present cumulative
11 testimony about the issues.

12 All right, I think that that's all the
13 information I need to give you, and what I will do now
14 is adjourn for 15 minutes or so, and perhaps with the
15 help of Mr. Thompson you can come up with a schedule.

16 MR. THOMPSON: It may be helpful to resolve
17 the issue of whether the cases would be consolidated so
18 we know whether there would be a single hearing or two
19 hearings.

20 JUDGE MACE: That's true. I think frankly
21 that you should schedule a proceeding as if this case
22 were going to be consolidated. The Commission
23 encourages consolidation of matters like this, I know
24 that about the rule, and I think that just for judicial
25 economy that would be the best way to handle it. We

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1 have overlapping protestants in each application, and
2 just to be able to do this in an efficient way, that I
3 think is what we should proceed on. If there is some
4 reason after I think about these arguments presented
5 today that persuades me they should not be consolidated,
6 when I issue the prehearing conference order I will take
7 that into consideration and we may have to revisit the
8 schedule, but I think we should assume that we're going
9 to go forward on a consolidated basis.

10 All right, 15 minutes.

11 (Recess taken.)

12 JUDGE MACE: The parties have discussed
13 scheduling, and it appears that February 17th and 18th
14 would work for a schedule. However, Mr. Rice is going
15 to consult with his clients and get back to me by
16 tomorrow morning to confirm that those dates are
17 acceptable. I indicated to the parties that I want to
18 have their witness lists by February 11th, that's a
19 Friday before the hearing. I have also been advised
20 that the parties may be able to come to some kind of
21 accommodation, in other words to settle their
22 differences, and I hope that that would be the case.
23 The Commission encourages settlement, and of course it
24 would be less expensive for everybody concerned if that
25 happened. So I encourage that, and if there is anything

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1 I can do to facilitate that, just contact me.

2 As I said off the record, the prehearing
3 conference order, which may not come out until right
4 after -- might not come out until perhaps January 2nd or
5 so, will confirm whether or not this case will be
6 consolidated, confirm the schedule, and advise you of
7 any filing requirements that we have with regard to how
8 many numbers of documents you have to file and so on.

9 Is there anything else we need to address at
10 this point?

11 MR. THOMPSON: Just one question, were you
12 going to require along with witness lists that the
13 parties also file any documentary evidence they intend
14 to use on that same date or --

15 JUDGE MACE: I was not going to ask them to
16 file copies of the documents. I can include with a
17 witness list a list of the documents that you will file
18 that you intend to bring as evidence in the case. You
19 don't have to file the actual documents, but you have to
20 list what you're going to provide. We will call it an
21 exhibit list. We don't want to have surprises, I don't
22 want you to hold back. If it comes to that and we have
23 a hearing, I don't want any holding back about what you
24 intend to bring to the hearing to support your case. I
25 want to know everything ahead of time. All right.

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1 MR. HARRIS: May I ask a question?

2 JUDGE MACE: Surely.

3 MR. HARRIS: All three of us that do business
4 on the Peninsula are here without counsel, can counsel
5 be introduced or is that --

6 JUDGE MACE: What do you mean, can counsel be
7 introduced, can you hire an attorney before the hearing?

8 MR. HARRIS: Yeah, now that we are in the
9 mix, could that happen?

10 JUDGE MACE: Well, that's an interesting
11 question, that's a good question. If it turned out, for
12 example, that one of the three of you or however many
13 decided to hire an attorney, I would appreciate it if
14 you hired that attorney as soon as possible. Because
15 oftentimes what will occur is if you go to the attorney
16 a week before the hearing and the attorney says there is
17 no way I can represent you in this hearing with only a
18 week's notice, and that's legitimate, you know, you
19 can't ask an attorney to do that. But then here we are,
20 we're stuck with our hearing date, and maybe everybody
21 else is prepared for the hearing, and it's really not
22 fair.

23 If you're going to hire an attorney, hire one
24 right away. If you're having a problem, I expect at
25 least by February 11 that you're going to advise me that

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1 you're having a problem and you want to hire an attorney
2 and that you need more time or that your attorney needs
3 more time. Don't wait until an hour before the hearing,
4 that's really important for me and for the parties that
5 you don't prejudice us that way. So I will expect to
6 have information about the status of your case with
7 regard to whether you have hired counsel by February 11
8 as well. Okay, thank you for asking that question.

9 Anything else?

10 MR. THOMPSON: I was just thinking you might
11 want to advise that the parties should, if they do get
12 to the point where they have reached an agreement, that
13 they do inform the Commission as soon as possible of
14 that.

15 JUDGE MACE: Right, I will appreciate that.
16 Again, that helps us to clear up space we have on the
17 calendar so that we can insert some other case.

18 MR. THOMPSON: And I would also ask that
19 Staff be included in the discussions, settlement
20 discussions, as well, so if there are any issues or
21 problems that we would see in how you all might resolve
22 an issue that we can bring that to your attention. We
23 would be happy to facilitate as well.

24 MR. HARRIS: Does that also apply for you as
25 counsel for Staff, when we're trying to work through

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1 these issues as lay persons, can you make specific --
2 can you give specific guidance?

3 MR. THOMPSON: Well, I can't give you legal
4 advice, but I can tell you what the Commission might
5 have problems with in terms of a settlement.

6 JUDGE MACE: Let's be off the record for a
7 minute.

8 (Discussion off the record.)

9 JUDGE MACE: I'm advised that the parties are
10 going to meet after the prehearing conference to discuss
11 this, and as Mr. Thompson points out, the sooner that
12 you can arrive at some accommodation, the better, so
13 that we have adequate notice.

14 Anything else?

15 All right, then we are adjourned until
16 February 17th depending on confirmation from Mr. Rice,
17 and I hope that you are able to resolve the case.

18 Thank you.

19 (Hearing adjourned at 2:20 p.m.)

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