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1 BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION

2 COMMISSION

3	SPOKANE COUNTY,)	
)	DOCKET NOS. TR-950332
4)	TR-950333
	Petitioner,)	TR-950334
5)	TR-961353
	vs.)	TR-970009
6)	TR-980936
	UNION PACIFIC RAILROAD)	TR-980937
7)	TR-980938
	COMPANY,)	
8)	VOLUME I
	Respondent.)	Pages 1 - 5

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11 A prehearing conference in the above matter
12 was held on July 12, 1999 at 10:25 a.m., at 1300 South
13 Evergreen Park Drive Southwest, Olympia, Washington,
14 before Administrative Law Judge C. ROBERT WALLIS.

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16 The parties were present as follows:

17 THE WASHINGTON UTILITIES AND TRANSPORTATION
18 COMMISSION STAFF, by JEFFREY D. GOLTZ, Senior Assistant
19 Attorney General, 1400 South Evergreen Park Drive
20 Southwest, Post Office Box 40128, Olympia, Washington
21 98504.

Also Present: MICHAEL ROWSWELL, Rail Carrier
Compliance Specialist.

21 UNION PACIFIC RAILROAD, by WILLIAM J.
22 SCHROEDER, Attorney at Law, 717 West Sprague Avenue,
Suite 1200, Spokane, Washington 99201 (via bridge.)

23 SPOKANE COUNTY, by ROBERT B. BINGER, Deputy
24 Prosecuting Attorney, West 1115 Broadway Avenue,
Spokane, Washington 99260 (via bridge.)

25 Kathryn T. Wilson, CCR
Court Reporter

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

2 JUDGE WALLIS: Let's be on the record,
3 please. This is a prehearing conference in the matter
4 of Spokane County versus Union Pacific Railroad Company
5 in Dockets TR-950332 et al. This prehearing conference
6 is being held before the Washington Utilities and
7 Transportation Commission on July 12th, 1999, pursuant
8 to due and proper notice to all interested persons.

9 Let me call for appearances at this time and
10 start with the Petitioner, the County.

11 MR. BINGER: My name is Robert Binger,
12 B-I-N-G-E-R, Deputy Prosecuting Attorney, West 1115
13 Broadway, Spokane, 99260.

14 JUDGE WALLIS: And the Respondent?

15 MR. SCHROEDER: William Schroeder
16 representing Union Pacific Railroad Company. My
17 address is 717 West Sprague Avenue, Suite 1200,
18 Spokane, Washington, 99201-3505.

19 JUDGE WALLIS: For the Commission?

20 MR. GOLTZ: Jeff Goltz, attorney generals'
21 office, 1400 South Evergreen Park Drive, Olympia,
22 98504-0128.

23 JUDGE WALLIS: My name is Robert Wallis, and
24 I have been assigned by the Commission to preside on
25 this matter.

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1 In discussions prior to going on the record,
2 we have addressed scheduling matters. The prior
3 prehearing conference order served on April 26th, 1999,
4 contemplated that a report would be prepared and would
5 be available in June of this year. It turns out that
6 that report has not yet been prepared and issued, but
7 the County indicates that they expect it can be mailed
8 on Wednesday of this week or Monday of next week.

9 Following that, the County will be engaging
10 in internal discussions regarding engineering and
11 commissioner preferences, and the parties will be
12 engaging in negotiations on the issues involved in
13 these proceedings. The parties are optimistic that
14 many and perhaps even all issues may be resolved, and
15 the Commission certainly encourages negotiations and
16 encourages settlement of that sort.

17 It is expected that some form of hearing will
18 be required and the opportunity during that hearing for
19 members of the public to present testimony to the
20 Commission. It is also possible that settlement
21 negotiations may not be quite so successful as the
22 parties anticipate. Consequently, we will be
23 scheduling a hearing and reserving three days for that
24 hearing with the understanding and the expectation that
25 we will not require all three of those days. We will

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1 be scheduling a time during the evening of the first
2 day when members of the public may be heard.
3 Mr. Rowswell of the Commission staff is going to be
4 working with our administrative assistant and with
5 personnel from the County to help the Commission
6 identify appropriate hearing location or locations to
7 hold these proceedings.

8 We looked at the tasks that need to be done
9 following the issuance of the report and have
10 determined that the week of October 11th is an
11 appropriate time to schedule the hearing to begin on
12 the Monday of that week at ten o'clock in the morning
13 to allow people to come over in the morning if they
14 desire to do that. It is, as I mentioned, possible
15 that resolution of all issues may lead to a change in
16 this schedule, and we certainly encourage the parties
17 to work toward that result.

18 Let me ask if there is anything that I have
19 omitted or anything that parties would like to add to
20 this discussion. Let the record show that there is no
21 response. I'm going to forward the file to our
22 administrative assistant, ask her to work with
23 Mr. Rowswell and the County, and see that we get a
24 notice of hearing prepared and served.

25 In conjunction with this, I'm going to

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1 suggest that we schedule a prehearing conference
2 approximately two weeks prior to the start of the
3 hearing. That would be during the last week in
4 September. Do parties have any particular conflicts
5 during that week that we should avoid?

6 MR. GOLTZ: I do. I have to be to an
7 attorney generals' office meeting, a three-day meeting
8 the 29th, 30th and 1st, so either the 27th or 28th,
9 that would be better.

10 JUDGE WALLIS: Mr. Schroeder?

11 MR. SCHROEDER: Either of those two days are
12 fine with me, Judge.

13 JUDGE WALLIS: Mr. Binger?

14 MR. BINGER: Those days would be fine with
15 the County.

16 JUDGE WALLIS: So we will look at that for
17 schedule. Is there any reason why we cannot anticipate
18 using a teleconference for that prehearing conference?
19 Let the record show there is no negative response and
20 we'll plan it on that basis. Is there anything further
21 to come before the Commission? It appears there is
22 not. I want to thank everybody for attending and
23 certainly wish you well in your negotiations.

24 (Prehearing conference concluded at 10:30 a.m.)

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