

David L. Rice
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December 15, 2004

VIA FEDERAL EXPRESS

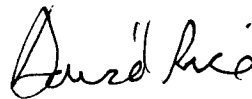
Ms. Carole J. Washburn
Executive Secretary
Washington Utilities and Transportation Commission
Post Office Box 47250
1300 S. Evergreen Park Dr. SW
Olympia, Washington 98504-7250

Subject: Docket No. UT-041353

Dear Ms. Washburn:

Attached for filing are an original and 10 copies of CWA, Inc.'s Objection to Portions of the Prehearing Conference Order in the above-referenced docket. Please return a conformed copy in the self-addressed, stamped envelope provided. Please call if you have any questions.

Very truly yours,



David L. Rice

cc w/enc: Parties of Record

**BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

In re Application of No. D-079295

DIAMOND-WEST TRANSPORTATION
CO., INC.

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.

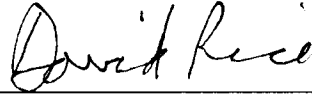
Docket No. TC-041353

CWA, INC.'S OBJECTION TO
PORTIONS OF THE PREHEARING
CONFERENCE ORDER

1 CWA, Inc. ("CWA") files this Objection to Portions of the Prehearing Conference Order issued on December 9, 2004 ("Order"), pursuant to WAC 480-07-430(3). Specifically, CWA objects to the Order's statement that "[a]t the prehearing conference, CWA withdrew its protest to the [Diamond-West] application." See Order at ¶ 8. There has apparently been a misunderstanding, because CWA's counsel did not intend to withdraw CWA's protest. CWA intends to enter into a stipulation with Diamond-West that will contain a mutually-agreeable restriction on the authority that Diamond West seeks. CWA wants to remain a party to this proceeding to ensure that the Commission adopts the authority as agreed to by the parties or with amendments that are acceptable to CWA. If the Commission rejects the filed amendment, CWA will request a continuance of the hearing so that it can prepare a case and present witnesses. For these reasons, CWA respectfully requests the Administrative Law Judge to revise the Order so that CWA remains a party to this proceeding.

DATED this 15th day of December, 2004.

MILLER NASH LLP



David L. Rice
WSB No. 29180

Attorneys for Protestant
CWA, Inc.

CERTIFICATE OF SERVICE
WUTC DOCKET NO. TC-041353

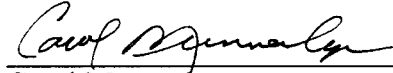
I, Carol Munnerlyn, hereby certify under penalty of perjury that I caused to be served by electronic mail and first-class U.S. mail, postage fully prepaid, a copy of the foregoing on the Applicant at the following address:

William J. Davis
Diamond-West Transportation Co., Inc.
Post Office Box 1313
Enumclaw, WA 98022
diawest@foxinternet.com

and by electronic and first-class U.S. mail to:

Jonathan Thompson
Assistant Attorney General
Attorney General's Office
1400 S. Evergreen Park Dr. SW
Post Office Box 40128
Olympia, WA 98504-0128
jthomps@wutc.wa.gov

Dated this 15th day of December, 2004.



Carol Munnerlyn
Secretary