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BEFORE THE WASHINGTON

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UTILITIES AND TRANSPORTATION COMMISSION

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WASHINGTON UTILITIES AND )  
TRANSPORTATION COMMISSION, )

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)

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Complainant, ) Docket TC-120323

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v. )

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SHUTTLE EXPRESS, INC., )

9

Respondent. )

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PREHEARING CONFERENCE, VOLUME I

11

Pages 1 - 11

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ADMINISTRATIVE LAW JUDGE ADAM E. TOREM

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10:01 A.M.

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JUNE 18, 2013

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Washington Utilities and Transportation Commission

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1300 South Evergreen Park Drive Southwest

Olympia, Washington 98504-7250

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REPORTED BY: SHERRILYN SMITH, CCR# 2097

21

Buell Realtime Reporting, LLC

22

1411 Fourth Avenue

Suite 820

23

Seattle, Washington 98101

24

206.287.9066 | Seattle

360.534.9066 | Olympia

25

800.846.6989 | National

www.buellrealtime.com

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A P P E A R A N C E S

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ADMINISTRATIVE LAW JUDGE:

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ADAM E. TOREM  
Washington Utilities and  
Transportation Commission  
1300 South Evergreen Park Drive SW  
P.O. Box 47250  
Olympia, Washington 98504  
360.664.1136

4

5

6

7

8

FOR COMMISSION STAFF:

9

JENNIFER CAMERON-RULKOWSKI  
Attorney General's Office of Washington  
PO Box 40128  
Olympia, Washington 98504  
360.664.1186  
jcameron@utc.wa.gov

10

11

12

13

14

FOR SHUTTLE EXPRESS, INC.:

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JIMY SHERRELL  
Shuttle Express, Inc.  
800 Southwest 16th Street  
Renton, Washington 98057.  
206.930.6057  
jimysh@attglobal.net

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OLYMPIA, WASHINGTON; JUNE 18, 2013

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10:01 A.M.

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JUDGE TOREM: Let's go on the record.

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It's now a little bit after ten o'clock on Tuesday,

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June 18th, 2013. This is Administrative Law Judge

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Adam Torem, an administrative law judge for the

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Washington Utilities and Transportation Commission.

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This is Docket TC-120323. This is a prehearing

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conference, a complaint filed by the Commission

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against Shuttle Express, Incorporated.

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Before we go any further, let me take formal

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appearances on the record. First for Commission

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Staff.

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MS. CAMERON-RULKOWSKI: Appearing on

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behalf of Commission Staff, Jennifer

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Cameron-Rulkowski, Assistant Attorney General. My

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address is 1400 South Evergreen Park Drive Southwest,

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P.O. Box 40128, Olympia, Washington 98504-0128. My

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telephone number is (360) 664-1186, and my fax number

22

is (360) 586-5522. My e-mail address is

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jcameron@utc.wa.gov.

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JUDGE TOREM: Thank you.

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And I know we've had a change for Shuttle

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1 Express. Mr. Sherrell, if you can make sure that we  
2 also read your information into the record this  
3 morning, I would appreciate it.

4 MR. SHERRELL: Yes, I will.

5 JUDGE TOREM: Go ahead, sir.

6 MR. SHERRELL: Jimmy, J-I-M-Y, Sherrell  
7 with Shuttle Express. My address is 800  
8 Southwest 16th Street, Renton, Washington 98057. My  
9 telephone number is (206) 930-6057. My e-mail is  
10 jimysh@attglobal.net. I will be representing Shuttle  
11 Express.

12 JUDGE TOREM: Mr. Sherrell, can you  
13 spell your last name for me?

14 MR. SHERRELL: S-H-E-R-R-E-L-L.

15 JUDGE TOREM: All right, thank you.

16 I don't know if we have anybody on the bridge  
17 line today. I haven't been informed of any or heard  
18 anybody ring in. Seeing nobody here in Olympia today  
19 that could possibly want to intervene, we will go  
20 forward with just the two parties.

21 This case started with a May 1st filing of a  
22 complaint by Commission Staff, alleging several causes  
23 of action. There were four causes of action. A  
24 little bit later, after we issued the notice of  
25 prehearing conference, maybe even the same day, we got

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1 an answer that was received, at least in hard copy  
2 form, from Mr. Sherrell on May 28th. So we have a  
3 complaint and an answer. Today I understand that we  
4 are just setting up a question of discovery procedures  
5 and a schedule.

6 Ms. Cameron-Rulkowski, do you want to tell me  
7 what arrangements you may have proposed with  
8 Mr. Sherrell?

9 MS. CAMERON-RULKOWSKI: Yes, Your Honor.  
10 We would propose holding a hearing on Thursday,  
11 August 1st, to begin at 9:30 in the morning. We would  
12 propose exchanging exhibits about a week before that,  
13 and providing the names of the witnesses as well, who  
14 would be providing testimony at the hearing.

15 JUDGE TOREM: And so would it be just a  
16 one-day hearing from the Commission Staff's point of  
17 view?

18 MS. CAMERON-RULKOWSKI: Yes, Your Honor.

19 JUDGE TOREM: Mr. Sherrell, have you  
20 already cleared that date on the calendar, Thursday,  
21 August the 1st?

22 MR. SHERRELL: Yes, I do. That will  
23 work for Shuttle Express.

24 JUDGE TOREM: And so if we look at  
25 Thursday, August the 1st, what would be the proposed

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1 date for exchanging and filing witness and exhibit  
2 lists?

3 MS. CAMERON-RULKOWSKI: I would propose  
4 Thursday, July 25th.

5 JUDGE TOREM: Mr. Sherrell, does that  
6 work for your company?

7 MR. SHERRELL: Yes, that works for  
8 Shuttle Express.

9 JUDGE TOREM: So my understanding is  
10 this would be a less formal, not prefiled testimony,  
11 but simply a list of witnesses, with a quick one- or  
12 two-sentence summary of what their main points would  
13 be, and then any supporting exhibits sponsored by each  
14 witness identified on a separate list, as well as  
15 copies of each exhibit coming in.

16 MS. CAMERON-RULKOWSKI: Yes, Your Honor.  
17 I would anticipate, then, that we would share them  
18 with you as well.

19 JUDGE TOREM: My hope would be that I  
20 could preread, if not preview some of those exhibits  
21 before they come in, so I will be able to follow along  
22 with witness testimony, and see if I have any  
23 questions, and go forward from there.

24 Do you know how many witnesses Staff might be  
25 intending to call that day?

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1 MS. CAMERON-RULKOWSKI: Most likely two,  
2 Your Honor.

3 JUDGE TOREM: Mr. Sherrell, you would be  
4 entitled to cross-examine and just ask questions of  
5 any of those Staff witnesses. When their testimony is  
6 done, or during the course of the hearing, object to  
7 testimony you thought was irrelevant or otherwise  
8 something I shouldn't consider.

9 We are not strictly bound by courtroom rules  
10 of evidence, but if you take a look at our procedural  
11 rules in WAC 480-07 on adjudications, there are some  
12 guidelines as to what exhibits need to look like,  
13 there's some guidelines as to what witness testimony  
14 would be relevant, and go from there.

15 Any witnesses you were going to put on,  
16 including yourself, would be subject to the same  
17 cross-examination by Staff and same objections as to  
18 relevance. So the rules are the same for both sides.  
19 Staff has the burden of proving the allegations in  
20 their complaints and you need only to defend those  
21 that you deem necessary.

22 I understand Staff has proposed, at least in  
23 the investigative report, a sizable penalty. In their  
24 complaint, they asked for no specified dollar amount,  
25 that they would be proving that up, I understand, at

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1 hearing. There may be something that you want to find  
2 out from Staff in advance, if they are going to follow  
3 along with the Transportation Staff's recommendation  
4 or not.

5 So I wonder if we have to do anything more  
6 than informal discovery, Ms. Cameron-Rulkowski?

7 MS. CAMERON-RULKOWSKI: Staff doesn't  
8 anticipate needing to do discovery in this case. If  
9 something changed in the next few weeks, then we would  
10 come forward. I think that any change would simply be  
11 if Mr. Sherrell decided that he needed to do some  
12 discovery, then we might need to do some responsive  
13 investigation.

14 JUDGE TOREM: Mr. Sherrell, this is a  
15 long way of getting around to asking you about your  
16 intentions for discovery, as well as the number of  
17 witnesses you might present.

18 MR. SHERRELL: Yes, I understand the  
19 procedure, I've been through it before. My only  
20 discovery that I want to know is if there has been any  
21 complaints of Shuttle Express during the time period  
22 of the alleged violation. I looked on the website,  
23 and I couldn't even find my name listed. That would  
24 be the only thing that I would ask. I can probably  
25 ask that during the hearing. Anyway, that's just -- I



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1 would like that for the record.

2 JUDGE TOREM: I think that that's the  
3 kind of thing that, just using informal tools, like  
4 that question you just asked will probably result in a  
5 quick exchange of information. I'm not going to  
6 invoke the discovery rules. If it does change, that  
7 we need to get into more formal data requests or other  
8 tools of discovery, let me know. Those are described  
9 in WAC 480-07-400. I think just a subpoena, as a  
10 party here, you can send those out. I need to sign  
11 one on behalf. I would guess that dealing with Staff,  
12 if you just sent a letter or made a phone call, you  
13 would probably get the information that you needed  
14 pretty quickly.

15 MR. SHERRELL: Yes, I agree.

16 JUDGE TOREM: So the schedule appears  
17 clear on the ALD calendar that I've got a copy of. I  
18 can't vouch for this room being able directly on  
19 August 1st, but we will see if it is. I don't see  
20 that as an open meeting date, so we should be good to  
21 go. We would be back up in this room on August 1st at  
22 9:30 in the morning. I will put that in writing, in a  
23 prehearing conference order.

24 Are there any other issues we need to take up  
25 today?

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1 MR. SHERRELL: I would like to know who  
2 is present today.

3 JUDGE TOREM: Let me have  
4 Ms. Cameron-Rulkowski introduce who is present, her  
5 clients.

6 MS. CAMERON-RULKOWSKI: Certainly. On  
7 my right, I have Betty Young and my left, I have Dave  
8 Pratt. They are both with Transportation Safety.

9 MR. SHERRELL: Okay.

10 JUDGE TOREM: From Staff's perspective,  
11 any other business we need to conduct on the record  
12 today?

13 MS. CAMERON-RULKOWSKI: None from Staff,  
14 Your Honor.

15 JUDGE TOREM: Mr. Sherrell?

16 MR. SHERRELL: None.

17 JUDGE TOREM: Let me encourage you,  
18 while you are here, to ask for any of the information  
19 you might need, since you made the trip down to  
20 Olympia, make it worth your while a little bit.

21 We are adjourned at this point, at about  
22 10 minutes, quarter after the hour. Thank you.

23 (Prehearing conference concluded 10:12 a.m.)

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C E R T I F I C A T E

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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 in and for the State of Washington,

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do hereby certify that the foregoing transcript is

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true and accurate to the best of my knowledge, skill

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and ability.

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SHERRILYN SMITH

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