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

2 JUDGE FRIEDLANDER: Good afternoon, my name
3 is Marguerite Friedlander, I'm the Administrative Law
4 Judge presiding over this proceeding. We are here
5 before the Washington Utilities and Transportation
6 Commission on Wednesday, March 25th, 2009, for a
7 prehearing conference in Docket Number TC-082064, an
8 application filed by Miller Schmer doing business as
9 Seattle Express for an extension of authority under
10 Certificate Number C-1052.

11 This application for a certificate of public
12 convenience and necessity requests authority to provide
13 extended passenger service between the hotels in the
14 City of Tukwila, Southcenter Mall, Pike Place Market,
15 and Cruise Terminals 90-91 along the following route,
16 and this may get a little involved so bear with me, east
17 on 180th Street merging onto Highway 509 North which
18 becomes East Marginal Way, then take the Western Avenue
19 exit off East Marginal Way, take Western Avenue for 1.1
20 miles, turn slight left onto Elliott Avenue for 1.2
21 miles, turn right onto Magnolia Bridge, go over bridge
22 and proceed to Terminal 90-91 Lot and return along the
23 same route.

24 Does anybody have anything especially
25 different than that? I know we had a slight confusion

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1 over noticing with regard to that route, does anybody
2 have any additions or corrections to make to that
3 description?

4 Okay, hearing nothing, the purpose of the
5 prehearing conference this afternoon is to take
6 appearances of the parties and to discuss the schedule
7 for the Commission's consideration of the application.
8 And if the parties have any other procedural issues,
9 then we will have a time at the end of the prehearing
10 conference to raise those. But first I would like to go
11 ahead and take appearances of the parties in the hearing
12 room as well as on the conference bridge. Because this
13 is the first time of everyone appearing together, I
14 would like the parties to give their full name, the
15 party they represent, the full address, preferably the
16 business address, telephone number, fax number, and
17 E-mail address. So let's go ahead and begin with the
18 applicant, appearing on behalf of Miller Schmer.

19 MR. SCHMER: This is Matt Schmer with Miller
20 Schmer, Incorporated, 8020 - 180th Street Southeast,
21 Snohomish, Washington 98296, phone number (206)
22 793-8430, fax number (360) 668-1107, E-mail address
23 matt@seattleexpress.com.

24 JUDGE FRIEDLANDER: And Seattle Express is
25 spelled just like the company?

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1 MR. SCHMER: That is correct.

2 JUDGE FRIEDLANDER: Great, thank you.

3 And we have one protestant, and that would be
4 Evergreen Trails, Inc., doing business as Gray Line of
5 Seattle, appearing on behalf of Evergreen Trails.

6 MR. RICE: Yes, this is David Rice, I'm with
7 the firm of Miller Nash LLP at 4400 Two Union Square,
8 601 Union Street, Seattle, Washington 98101. My phone
9 number is (206) 777-7424, my fax is (206) 622-7485, my
10 E-mail address is david.rice@millernash.com.

11 JUDGE FRIEDLANDER: Great, thank you.

12 And appearing on behalf of Staff today.

13 MR. TROTTER: Your Honor, I'm Donald T.
14 Trotter, I would just like to note that the prehearing
15 conference order contains my correct information, and it
16 does not include my fax number. Do you want me to just
17 confirm that, or do you want me to read through the
18 whole list?

19 JUDGE FRIEDLANDER: No, you can just confirm
20 that and give us the fax number.

21 MR. TROTTER: Okay, so I confirm the
22 information is correct, and my fax number is (360)
23 586-5522.

24 JUDGE FRIEDLANDER: Great, thank you.

25 The first matter today that we're going to

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1 deal with is discovery, and I don't know that it is
2 applicable in this case, if we need to invoke the
3 discovery rules, but I will go ahead and ask if any of
4 the parties would like to do so in this proceeding?

5 Okay, hearing nothing, when we were off the
6 record we discussed a little bit about potential
7 procedural schedules, and I will go ahead and let
8 Mr. Schmer and Mr. Rice fill me in on what's happening
9 with a potential settlement agreement, whoever would
10 like to go first.

11 MR. RICE: This is David, I will talk about
12 this.

13 JUDGE FRIEDLANDER: Okay, thank you.

14 MR. RICE: There is a draft stipulation that
15 contains a proposed revision to the language in the
16 public notice, and this is language that Mr. Schmer and
17 I have discussed for a while. We originally had a draft
18 agreement at the time of the first notice. Once the
19 notice was reissued, you know, we had to prepare a new
20 one. I have sent off the draft to Gray Line. I expect
21 them to not have a problem with it, but I have not heard
22 from my client in a while, because the person who is
23 responsible for this matter is in Alaska, and I'm not
24 sure if he has E-mail access. But at any rate, I am
25 confident that once I'm able to get in touch with him

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1 that we can reach a settlement, because he is already
2 familiar with the proposed change, he just hasn't seen
3 the actual document yet.

4 JUDGE FRIEDLANDER: Okay.

5 And, Mr. Schmer, did you have anything to add
6 to that?

7 MR. SCHMER: No, I do not.

8 JUDGE FRIEDLANDER: Okay.

9 Before we went on the record, we did discuss
10 a potential hearing date that could be set just in the
11 off chance that settlement did not occur, and why don't
12 we go ahead and go off the record, and we'll discuss a
13 potential hearing date in that eventuality.

14 So we'll be off the record.

15 (Discussion off the record.)

16 JUDGE FRIEDLANDER: I will memorialize for
17 the record what we discussed as far as the procedural
18 schedule. The parties have agreed to a drop dead date
19 for a potential settlement of the case being filed with
20 the Commission by April 20th, I should say on or before
21 April 20th. And if the Commission does not receive a
22 settlement agreement, we have tentatively scheduled May
23 5th at 9:30 here at the Commission as the date and time
24 set for a hearing in this matter.

25 So with that, I would say does anyone else

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1 have anything else to discuss of a procedural nature
2 that we need to go over today?

3 Okay, hearing nothing, we are adjourned for
4 this afternoon.

5 (Prehearing conference adjourned at 1:45
6 p.m.)

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