

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND	)	DOCKET TR-110221
TRANSPORTATION COMMISSION,	)	
	)	
Complainant.	)	
	)	NOTICE OF PREHEARING
v.	)	CONFERENCE
	)	(Set for May 9, 2011,
MEEKER SOUTHERN RAILROAD,	)	at 1:30 p.m. )
	)	
Respondent.	)	
	)	
.....	)	

1 On April 1, 2011, Commission Staff (Staff) filed a complaint against Meeker Southern Railroad (Meeker Southern). On April 21, 2011, Meeker Southern filed an answer to the complaint. The complaint alleges 50 violations of Washington Utilities and Transportation Commission (Commission) Order 01 in Docket TR-100036 by Meeker Southern commencing operations on a spur track at the 134<sup>th</sup> Avenue East grade crossing in Pierce County, Washington (USDOT #085536R) prior to completing all required work to the satisfaction of Commission Staff and Pierce County Public Works and Utilities Staff. A more detailed account of the allegations is reflected in the complaint and supporting investigation, which is available for inspection at the Commission’s office located at Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington, and on the Commission’s web site at [www.utc.wa.gov/110221](http://www.utc.wa.gov/110221).

2 **STATUTORY AUTHORITY:** The Commission has jurisdiction over this matter under RCW Title 80 and RCW Title 81, and has legal authority to regulate railroads and railroad companies as public service companies pursuant to RCW 81.04.010(11). The statutes that apply to this matter include RCW 80.01, RCW 80.04, and RCW 81.53, including but not limited to RCW 80.01.040, RCW 81.04.010, RCW 81.04.110, RCW 81.04.380, RCW 81.04.460, and RCW 81.53.060.

3 The Commission will hear this matter under the Administrative Procedure Act (APA),  
particularly Part IV of RCW 34.05 relating to adjudications. The provisions of the  
APA that relate to this proceeding include, but are not limited to RCW 34.05.413,  
RCW 34.05.422, RCW 34.05.431, RCW 34.05.440, RCW 34.05.449, and  
RCW 34.05.452. The Commission will also follow its procedural rules in WAC 480-  
07 in this proceeding.

4 The Commission finds there is good cause to hear this matter on shortened notice.  
*See WAC 480-07-440(1)(a).*

5 **THE COMMISSION GIVES NOTICE That it will hold a prehearing conference  
in this matter at 1:30 p.m., on May 9, 2011, in Room 108 of the Commission's  
headquarters, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W.,  
Olympia, Washington.**

6 The purpose of the prehearing conference is to consider requests for intervention,  
resolve scheduling matters including establishing dates for distributing evidence and  
workpapers, to, identify the issues in the proceeding and determine other matters to  
assist the Commission in resolving the matter, as listed in WAC 480-07-430.

7 **INTERVENTION:** Persons who wish to intervene should file a petition to intervene  
in writing at least three business days before the date of the prehearing conference.  
*See WAC 480-07-355(a).* The Commission will consider oral petitions to intervene  
during the conference, but strongly prefers written petitions to intervene. Party  
representatives must file a notice of appearance with the Commission no later than the  
business day before the conference. *See WAC 480-07-345(2).* Any party or witness in  
need of an interpreter or other assistance should fill out the form attached to this  
notice and return it to the Commission. The Commission will set the time and place  
for any evidentiary hearings at the prehearing conference, on the record of a later  
conference or hearing session, or by later written notice.

8 **THE COMMISSION GIVES NOTICE that any party who fails to attend or  
participate in the prehearing conference set by this Notice, or any other stage of**

**this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**

9 The names and mailing addresses of all known parties and their known representatives are as follows:

COMPLAINANT: Washington Utilities and Transportation  
Commission  
1300 S. Evergreen Park Drive S.W.  
P.O. Box 47250  
Olympia, WA 98504-7250

Representative: Fronda Woods  
Assistant Attorney General  
1400 S. Evergreen Park Drive S.W.  
P.O. Box 40128  
Olympia, WA 98504-0128  
(360) 360-1225  
[fwoods@utc.wa.gov](mailto:fwoods@utc.wa.gov)

Respondent: Meeker Southern Railroad  
4725 Ballard Ave. NW  
Seattle, WA 98107

Representative: David Halinen  
Halinen Law Offices PS  
1019 Regents Blvd  
Fircrest, WA 98466  
(253) 627-6680  
[davidhalinen@halinenlaw.com](mailto:davidhalinen@halinenlaw.com)

10 Administrative Law Judge Adam E. Torem, from the Commission's Administrative Law Division, will preside during this proceeding.

- 11 The Commission will give parties notice of any other procedural phase of the proceeding in writing or on the record, as appropriate during this proceeding.

DATED at Olympia, Washington, and effective April 29, 2011.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER  
Executive Director and Secretary

Inquiries may be addressed to:

Executive Director and Secretary  
Washington State Utilities and  
Transportation Commission  
Richard Hemstad Building  
1300 S. Evergreen Park Drive S.W.  
P.O. Box 47250  
Olympia, WA 98504-7250  
(360) 664-1160

**NOTICE**

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

If you need an interpreter, or have other special needs, please fill out this form and return it to Washington State Utilities and Transportation Commission, Attention: David W. Danner, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket : \_\_\_\_\_

Case Name: \_\_\_\_\_

Hearing Date: \_\_\_\_\_ Hearing Location: \_\_\_\_\_

Primary Language: \_\_\_\_\_

Hearing Impaired (Yes) \_\_\_\_\_ (No) \_\_\_\_\_

Do you need a certified sign language interpreter:

Visual \_\_\_\_\_ Tactile \_\_\_\_\_

Other type of assistance needed: \_\_\_\_\_

English-speaking person who can be contacted if there are questions:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: (\_\_\_\_) \_\_\_\_\_