0001

 1 BEFORE THE WASHINGTON

 2 UTILITIES AND TRANSPORTATION COMMISSION

 3 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 4 WASHINGTON UTILITIES AND )DOCKET NO. TR-180854

 TRANSPORTATION COMMISSION, )

 5 )

 Complainant, )

 6 )

 v. )

 7 )

 UNION PACIFIC RAILROAD )

 8 COMPANY, )

 )

 9 )

 Respondent. )

10

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

11

 PREHEARING CONFERENCE, VOLUME I

12

 Pages 1-8

13

 ADMINISTRATIVE LAW JUDGE NELLI DOROSHKIN

14 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

15

 January 8, 2019

16

 9:27 A.M.

17

18 Washington Utilities and Transportation Commission

 1300 South Evergreen Park Drive Southwest

19 Olympia, Washington 98504

20

 REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358

21

 Buell Realtime Reporting, LLC

22 1325 Fourth Avenue, Suite 1840

 Seattle, Washington 98101

23 (206) 287-9066 | Seattle

 (253) 235-0111 | Tacoma

24 (800) 846-6989 | National

25 www.buellrealtime.com

0002

 1 A P P E A R A N C E S

 2 ADMINISTRATIVE LAW JUDGE:

 3 NELLI DOROSHKIN

 Washington Utilities and

 4 Transportation Commission

 1300 South Evergreen Park Drive SW

 5 Olympia, Washington 98504

 (360) 664-1160

 6

 7 FOR COMMISSION STAFF:

 8 JOE DALLAS

 Office of the Attorney General

 9 Utilities and Transportation

 Division

10 1300 South Evergreen Park Drive SW

 PO Box 47250

11 Olympia, Washington 98504

 (360) 664-1192

12 joe.dallas@utc.wa.gov

13

 HARRY FUKANO

14 Office of the Attorney General

 Assistant Attorney General

15 PO Box 40128

 Olympia, Washington 98504

16 (360) 664-1225

 harry.fukano@utc.wa.gov

17

18 FOR UNION PACIFIC RAILROAD

 COMPANY:

19

 ROBERT BYLSMA

20 Senior General Attorney

 Union Pacific Railroad Company

21 10031 Foothills Boulevard

 Roseville, California 95747

22 (916) 789-6229

 rcbylsma@up.com

23

24

 \* \* \* \* \*

25

0003

 1 OLYMPIA, WASHINGTON; JANUARY 8, 2019

 2 9:27 A.M.

 3 --o0o--

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

 5

 6 JUDGE DOROSHKIN: Let's just be on the

 7 record. Good morning. Today is Tuesday,

 8 January 8th, 2019. The time is approximately 9:30 a.m.

 9 This is a prehearing conference in Docket TR-180854 on

10 the Commission's complaint against Union Pacific

11 Railroad.

12 My name is Nelli Doroshkin. I'm an

13 administrative law judge with the Commission in this

14 proceeding and I'll be presiding in this matter.

15 After this hearing, I will prepare an order

16 outlining the procedure going forward in this case.

17 So to begin, I'll take appearances beginning

18 with Staff.

19 MR. DALLAS: Good morning, Judge Doroshkin.

20 My name is Joe Dallas, and I'm an assistant attorney

21 general with the Utilities and Transportation Division,

22 and today I'm here representing Commission Staff.

23 MR. FUKANO: Good morning, Judge. Harry

24 Fukano, Assistant Attorney General, also appearing on

25 behalf of Staff.

0004

 1 MR. BYLSMA: Good morning, Your Honor.

 2 Robert Bylsma, Senior General Attorney for Union

 3 Pacific, appearing on behalf of Union Pacific.

 4 JUDGE DOROSHKIN: Okay. Thank you.

 5 And hearing no one on the bridge line, which

 6 is unavailable, we will continue.

 7 So there are no petitions to intervene as of

 8 today's date from what I've seen on the docket, so we

 9 will continue there as well. And no parties are in the

10 hearing room to make oral petitions to intervene.

11 Okay. Regarding electronic filing and

12 electronic service, I want to remind the parties that

13 the Commission's procedural rules require electronic

14 filing and service.

15 Then regarding designated persons for

16 service, if a party has not yet designated a lead

17 representative for service, please do so via an email to

18 me and the parties as soon as possible, preferably by

19 the end of the day today. And my email is

20 nelli.doroshkin@utc.wa.gov.

21 Also, if you would like to add names and

22 email addresses of other representatives or support

23 staff who would receive -- who should receive electronic

24 courtesy copies of all documents filed in this

25 proceeding, please email that to me as well.

0005

 1 And then finally, there is an agreed

 2 procedural schedule I understand?

 3 MR. DALLAS: That is correct.

 4 JUDGE DOROSHKIN: Okay. Before you give me

 5 a copy of the schedule, if you have it written down, one

 6 thing I would like Union Pacific and Staff to consider

 7 is whether there is a factual dispute here. Are there

 8 any factual issues in dispute or is there an agreement

 9 on that?

10 MR. DALLAS: Judge Doroshkin, that is

11 something we have yet to discuss.

12 JUDGE DOROSHKIN: Okay. So one thing that

13 we might take a brief recess for here to consider that

14 possibility is, if there are no factual issues, then

15 there might not be a need for an evidentiary hearing.

16 We could do a paper hearing, have the parties stipulate

17 to the facts, submit briefs, and I would issue a

18 decision based on those briefs. Alternatively, the

19 parties could stipulate to the facts, submit briefs, and

20 then hear -- I could hear oral arguments on those briefs

21 limited to the legal issues.

22 So if you would like to consider that

23 option, we could take a recess for Staff and Pacific to

24 discuss.

25 MR. BYLSMA: Your Honor, I think I would

0006

 1 like more time than just a meeting with Staff to decide

 2 if that's really the best course here. There may not be

 3 a huge factual dispute, but I think that it may be

 4 beneficial still to have the evidence before the Court.

 5 JUDGE DOROSHKIN: Okay. So then if I could

 6 get a copy of the proposed procedural schedule, and then

 7 the parties may by motion request a waiver or may

 8 request a waiver of the evidentiary hearing at a later

 9 date.

10 MR. DALLAS: And we have an oral agreement,

11 but Mr. Fukano has written our proposed schedule.

12 JUDGE DOROSHKIN: Well, then could you

13 please just read it into the record?

14 MR. DALLAS: Yeah. So our proposed schedule

15 is to have the settlement conference on

16 February 12th, 2019, and to have a hearing date on

17 April 9th, 2019.

18 JUDGE DOROSHKIN: Okay. And I did check

19 those dates earlier. I think April 9th does work for

20 the Commission so...

21 All right. So I will incorporate those

22 dates into the prehearing conference order. Is there

23 anything else that we need to address?

24 MR. DALLAS: Staff will not be asking for

25 any discovery in this case.

0007

 1 JUDGE DOROSHKIN: Okay. All right. Okay,

 2 then. If there is nothing else, I will issue an order

 3 shortly containing the procedural schedule and the other

 4 guidelines for the disposition of this case. And then

 5 we are adjourned. Thank you.

 6 MR. DALLAS: Thank you.

 7 MR. BYLSMA: Thank you.

 8 (Adjourned at 9:33 a.m.)

 9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

0008

 1 C E R T I F I C A T E

 2

 3 STATE OF WASHINGTON

 4 COUNTY OF THURSTON

 5

 6 I, Tayler Garlinghouse, a Certified Shorthand

 7 Reporter in and for the State of Washington, do hereby

 8 certify that the foregoing transcript is true and

 9 accurate to the best of my knowledge, skill and ability.

10

11

12

13 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Tayler Garlinghouse, CCR 3358

14

15

16

17

18

19

20

21

22

23

24

25