Docket No. TR-180854 - Vol. I

WUTC v. Union Pacific Railroad Company

January 8, 2019

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BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
_____

WASHINGTON UTILITIES AND   )DOCKET NO. TR-180854
TRANSPORTATION COMMISSION,   )
)
          Complainant,   )
)
     v.   )
)
UNION PACIFIC RAILROAD   )
COMPANY,   )
)
)
          Respondent.   )

_____

PREHEARING CONFERENCE, VOLUME I

Pages 1-8

ADMINISTRATIVE LAW JUDGE NELLI DOROSHKIN
_____

January 8, 2019

9:27 A.M.

Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive Southwest
Olympia, Washington 98504

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25

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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.

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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.

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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

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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.

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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.)

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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
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13
    Tayler Garlinghouse, CCR 3358
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