

BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND	)	DOCKET NO. PG-040984
TRANSPORTATION COMMISSION,	)	
	)	ORDER NO. 01
Complainant,	)	
	)	
v.	)	PREHEARING CONFERENCE
	)	ORDER
WEYERHAEUSER COMPANY,	)	
	)	
Respondent.	)	
	)	
.....	)	

1 **NATURE OF PROCEEDING.** Docket No. PG-040984 is a complaint filed by Commission Staff against Weyerhaeuser Company (Weyerhaeuser) alleging nine violations of chapter 480-93 WAC, which among other things, adopts by reference specific provisions of Title 49, Code of Federal Regulations (CFR) Part 192, relating to certain minimum gas pipeline safety requirements. The complaint recommends penalties totaling \$250,000 for the violations.

2 **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in Docket No. PG-040984 at Olympia, Washington on June 17, 2005, before Administrative Law Judge Karen Caillé.

3 **APPEARANCES.** Melinda J. Davison, Davison Van Cleve, P.C., Portland, Oregon represents respondent Weyerhaeuser. Chris Swanson, Assistant Attorney General, Olympia, Washington, represents the Commission's

regulatory staff (Commission Staff or Staff)<sup>1</sup>. Contact information provided at the conference for the parties' representatives is attached as Appendix A to this Order.

4 **AMENDMENT TO COMPLAINT.** Respondent Weyerhaeuser asserted in its answer to the complaint that Weyerhaeuser Paper Company is not a legal entity, and noted that the proper name for the Respondent is Weyerhaeuser Company. The parties agreed that the Complaint should be amended to reflect the proper name. The Commission amends the Complaint to show the Respondent as Weyerhaeuser Company.

5 **PETITIONS TO INTERVENE.** No party appeared at the conference seeking to intervene.

6 **DISCOVERY.** Discovery will be conducted pursuant to the Commission's discovery rules, WAC 480-07-400 through 425. The parties disagree on the subject of depositions. WAC 480-07-410. Weyerhaeuser would like to conduct depositions during the discovery period, June 20, 2005 through September 16, 2005. Commission Staff expressed doubt as to the need for depositions in this proceeding, but would agree to depositions after each party has submitted its prefiled testimony.

7 The Commission rarely encourages the use of depositions as a discovery tool in its proceedings. Experience has shown that depositions cause added expense for the parties, and are difficult to schedule within the time-frames allotted for discovery. The use of written data requests have proven to be a satisfactory and sufficient method to fulfill discovery needs. In this proceeding, the complaint

---

<sup>1</sup> In formal proceedings, such as this case, the Commission's regulatory staff functions as an independent party with the same rights, privileges, and responsibilities as any other party to the proceeding. There is an "ex parte wall" separating the Commissioners, the presiding Administrative Law Judge, and the Commissioners' policy and accounting advisors from all parties, including Staff. RCW 34.05.455.

clearly sets forth the alleged safety violations and accompanying penalties. The parties will submit pre-filed testimony that addresses the allegations in the complaint, and the hearings will provide opportunity for cross-examination of the pre-filed testimony.

8 For these reasons, in this proceeding, the Commission declines to schedule depositions prior to the submission of pre-filed testimony. The Commission will allow witnesses to be deposed, if necessary, after the submission of each party's prefiled testimony, that is, after October 21, 2005, and after November 21, 2005, as long as the depositions do not interfere with the current procedural schedule. The Commission urges the parties to work cooperatively to schedule depositions should they be necessary. The presiding ALJ will be available to address any matters that may need formal resolution.

9 **PROCEDURAL SCHEDULE.** The parties agreed upon a procedural schedule during the conferences. The Commission adopts this procedural schedule, which is attached to this Order as Appendix B, and incorporated into the body of this Order by this reference.

10 **NOTICE OF PREHEARING CONFERENCE.** The Commission gives notice of a prehearing conference in this matter, to address cross-examination time estimates, identify and mark prefiled exhibits and cross-examination exhibits, and to address any remaining issues prior to hearing. **The conference will be held on Monday, January 23, 2006, beginning at 10:00 a.m. in Room 108 of the Commission's offices, 1300 S. Evergreen Park Drive S. W., Olympia, Washington.** Parties must appear in person.

11 **NOTICE OF EVIDENTIARY HEARING.** The Commission gives notice of the evidentiary hearing in this matter on **Wednesday, January 25, 2006, beginning at 9:30 a.m., in Room 108 of the Commission's offices, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

- 12 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file with the Commission an original plus **eight** copies of all pleadings, motions, briefs, and other prefiled materials. Paper copies of these materials are required to conform to the format and publication guidelines set forth in WAC 480-07-395 and 480-07-460, and must be three-hole punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.
- 13 All filings must be mailed or delivered to the Executive Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.
- 14 An electronic copy of all filings must be provided by e-mail delivery to <[records@wutc.wa.gov](mailto:records@wutc.wa.gov)>. Alternatively, parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette including the filed document(s). The Commission prefers that parties furnish electronic copies in .pdf (Adobe Acrobat) format, supplemented by a separate file in MS Word 6.0 (or later), or WordPerfect 5.1 (or later) format. Parties are required to organize and identify electronic files as specified in WAC 480-07-140(5).
- 15 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Pursuant to WAC 480-07-145(6), the presiding officer may grant parties a one-day extension of the paper-filing requirement, allowing electronic submission of documents with the Commission on the filing deadline. Parties may only submit documents electronically with the Commission in this proceeding with the permission of the presiding officer. If, at any time during this proceeding, parties are authorized to submit documents with the Commission electronically under WAC 480-07-145(6), Parties must submit the document to [records@wutc.wa.gov](mailto:records@wutc.wa.gov), and file an

original, plus **eight** paper copies, of the document with the Commission by the following business day.

16 **ELECTRONIC SERVICE OF DOCUMENTS AMONG PARTIES.** The parties agreed to electronic service of all filings.

17 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. The parties in this proceeding have scheduled settlement conferences within the procedural schedule. If parties need the services of a settlement judge, please call the Director, Administrative Law Division, at 360-664-1142.

18 **NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective this 29th day of June, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

KAREN M. CAILLÉ  
Administrative Law Judge

APPENDIX A

PARTIES' REPRESENTATIVES				
DOCKET NO. PG-040984				
PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
<b>Weyerhaeuser Company</b>	Melinda J. Davison Davison Van Cleve, P.C. 333 S.W. Taylor, Suite 400 Portland, OR 97204	503-241-7242	503-241-8160	<a href="mailto:mjd@dvclaw.com">mjd@dvclaw.com</a>
<b>Weyerhaeuser Company</b>	Charles K. Douthwaite Weyerhaeuser Company Law Department – CH 1J28 P.O. Box 9777 Federal Way, WA 98063-9777	253-924-2803	253-942-0351	<a href="mailto:charlie.douthwaite@weyerhaeuser.com">charlie.douthwaite@weyerhaeuser.com</a>
<b>Commission Regulatory Staff</b>	Chris Swanson Assistant Attorney General 1400 S. Evergreen Park Dr. S.W. P.O. Box 40128 Olympia, WA 98504-0128	360-664-1220	360-586-5522	<a href="mailto:cswanson@wutc.wa.gov">cswanson@wutc.wa.gov</a>
<b>Administrative Law Judge</b>	Karen M. Caillé 1300 S. Evergreen Park Dr. SW P.O. Box 47250 Olympia, WA 98504-7250	360- 664-1139	360- 664-2654 [ALD fax only – do not use to file]	<a href="mailto:kcaille@wutc.wa.gov">kcaille@wutc.wa.gov</a>

APPENDIX B  
PROCEDURAL SCHEDULE  
DOCKET NO. PG-040984

EVENT	DATE	INTERVAL
Discovery <sup>2</sup>	June 20-Sept. 16, 2005	89 days
Settlement Conference	September 21, 2005	5 days
Staff Testimony	October 21, 2005	30 days
Weyerhaeuser Answering Testimony	November 21, 2005	31 days
Staff Rebuttal Testimony	December 21, 2005	30 days
Prehearing Conference to mark exhibits and cross-exhibits	January 23, 2006 (beginning at 10:00 a.m.) if needed	33 days
Evidentiary Hearing	January 25, 2006 (beginning at 9:30 a.m.)	2 days
Simultaneous Initial Briefs	February 22, 2006	28 days
Simultaneous Reply Briefs	March 15, 2006	21 days

---

<sup>2</sup> Additional Discovery may be required on the pre-filed testimony of either party, including depositions, if necessary.