

[Service Date April 23, 2009]

April 23, 2009

**NOTICE EXTENDING DEADLINE FOR FILING SETTLEMENT  
(Settlement agreement due by Friday, April 24, 2009)**

RE: *In re Application of Miller Schmer, Inc., d/b/a Seattle Express, for extension of authority under Certificate No. C-1052, for a certificate of public convenience and necessity to operate motor vehicles in furnishing passenger and express service as an auto transportation company, Docket TC-082064*

TO ALL PARTIES:

The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in this proceeding on March 25, 2009. At that time, the parties agreed to a procedural schedule including an April 20, 2009, deadline for the parties to file a settlement agreement with the Commission. If the parties did not file a settlement agreement by April 20, 2009, it was agreed that the case would move forward, and the Commission would convene a hearing in this matter on May 5, 2009.

On April 20, 2009, counsel for protestant, Evergreen Trails, Inc., d/b/a Gray Line of Seattle (Evergreen Trails), telephoned the presiding officer, Administrative Law Judge Marguerite E. Friedlander (ALJ), to inform the Commission that the parties had reached a settlement in principle but that the parties would not be able to file the agreement by the April 20, 2009, deadline. Evergreen Trails verbally requested, on behalf of all of the parties, an additional day to get the settlement agreement finalized, and the ALJ granted the request. On April 21, 2009, counsel for the Commission's regulatory staff<sup>1</sup> (Staff) notified the ALJ that the parties had been unable to reach Miller Schmer, Inc., d/b/a Seattle Express to finalize the settlement agreement. Staff requested an additional extension of the settlement agreement deadline until April 24, 2009, and on April 22, 2009, Staff filed this request with the Commission.

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<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 regulatory staff. *RCW 34.05.455*.

Under WAC 480-07-385(2), the Commission will grant a continuance if the requesting party demonstrates good cause for the continuance and the continuance will not prejudice any party or the Commission. The parties' request narrowly extends the deadline for the filing of an agreement by four days. Given that the parties alerted the Commission to the delay in advance, that both Staff and Evergreen Trails are in agreement on the extension, and the lack of impact on the hearing scheduled for May 5, 2009, the request should be granted.

**THE COMMISSION GIVES NOTICE that the parties' deadline for filing a settlement agreement with the Commission is extended to April 24, 2009.**

Sincerely,

MARGUERITE E. FRIEDLANDER  
Administrative Law Judge