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1 BEFORE THE WASHINGTON
 2 UTILITIES AND TRANSPORTATION COMMISSION

4 WASHINGTON UTILITIES AND)
 5 TRANSPORTATION COMMISSION,)
 6 Complainant,)
 7 v.) Docket No. TE-151906
 8) (Volume I, Pages 1 - 29)
 9 RIDE THE DUCKS OF SEATTLE,)
 10 L.L.C. d/b/a SEATTLE DUCK)
 11 TOURS,)
 12 Respondent.)

11 HEARING - EMERGENCY ADJUDICATION AND
 12 ORDER SUSPENDING CERTIFICATE
 13 ADMINISTRATIVE LAW JUDGE GREGORY J. KOPTA

15 9:37 A.M.
 16 OCTOBER 1, 2015

17 Washington Utilities and Transportation Commission
 18 1300 South Evergreen Park Drive Southwest
 19 Olympia, Washington 98504-7250

20 REPORTED BY: LISA BUELL, RPR, CRR, CCR #2204
 21 Realtime Systems Administrator

22 Buell Realtime Reporting, LLC
 23 1325 Fourth Avenue
 24 Suite 1840
 25 Seattle, Washington 98101
 206.287.9066 | Seattle
 360.534.9066 | Olympia
 800.846.6989 | National

Page 3

1 A P P E A R A N C E S (Continued)
 2
 3 FOR RESPONDENT:
 4 PATRICIA K. BUCHANAN
 5 DUNCAN K. FOBES
 6 Patterson Buchanan Fobes
 7 & Leitch, Inc. P.S.
 8 2112 Third Avenue
 9 Suite 500
 10 Seattle, Washington 98121
 11 206.462.6700
 12 pkp@pattersonbuchanan.com
 13 dkf@pattersonbuchanan.com

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1 A P P E A R A N C E S
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 3 ADMINISTRATIVE LAW JUDGE:
 4 GREGORY J. KOPTA
 5 Washington Utilities and
 6 Transportation Commission
 7 1300 S. Evergreen Park Drive SW
 8 Olympia, Washington 98504

9 COMMISSIONERS:
 10 CHAIRMAN DAVID W. DANNER
 11 COMMISSIONER ANN E. RENDAHL
 12 COMMISSIONER PHILIP B. JONES

13 FOR COMMISSION STAFF:
 14 SALLY BROWN
 15 Senior Assistant Attorney General
 16 Chief, UTC Division
 17 P.O. Box 40128
 18 Olympia, Washington 98504
 19 360.664.1193
 20 sbrown@utc.wa.gov

21 FOR THE OFFICE OF PUBLIC COUNSEL:
 22 SIMON J. FFITCH
 23 Senior Assistant Attorney General
 24 Chief, Public Counsel Division
 25 800 Fifth Avenue
 Suite 2000, TB-14
 Seattle, Washington 98104
 206.389.2055
 simonf@atg.wa.gov

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1 OLYMPIA, WASHINGTON; OCTOBER 1, 2015
 2 9:37 A.M.

3
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 5 CHAIRMAN DANNER: Good morning. Today is
 6 October 1st, 2015, and this is a hearing before the
 7 Utilities and Transportation Commission in Docket
 8 TE-151906.
 9 I'm Dave Danner. I'm chair of the
 10 Commission, and with me are my colleagues, Commissioner
 11 Ann Rendahl and Commissioner Philip Jones. Also with me
 12 is our Chief Administrative Law Judge, Gregory Kopta.
 13 The purpose of the hearing today is to allow
 14 Seattle -- Ride the Ducks of Seattle, L.L.C. to comment,
 15 seek clarification or modification of an order that we
 16 issued earlier this week, and also to set a schedule on
 17 a complaint that was filed by Staff yesterday.
 18 I'm now going to turn it over to Judge
 19 Kopta, who will preside over today's hearing. Thank
 20 you.
 21 JUDGE KOPTA: Thank you, Mr. Chairman.
 22 Let's begin by taking appearances. I have
 23 written notices of appearances from everyone sitting at
 24 counsel table, so I just need your names, the law firm,
 25 if any, and the client you're representing. So let's

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1 begin with the Company.
 2 MS. BUCHANAN: Thank you, Your Honor. Pat
 3 Buchanan of the law firm Patterson Buchanan Fobes &
 4 Leitch.
 5 MALE SPEAKER: Your mic is not on.
 6 MS. BUCHANAN: Pardon me?
 7 JUDGE KOPTA: Yes, please speak into the
 8 microphone.
 9 MS. BUCHANAN: Sorry.
 10 CHAIRMAN DANNER: I think the microphone is
 11 off.
 12 JUDGE KOPTA: Make sure the little red light
 13 is on.
 14 MS. BUCHANAN: The mic was off. My
 15 apologies, Your Honor.
 16 Pat Buchanan from the law firm of Patterson
 17 Buchanan Fobes & Leitch on behalf of the Company, Ride
 18 the Ducks of Seattle.
 19 MR. FOBES: Duncan Fobes, Patterson
 20 Buchanan, on behalf of Ride the Ducks of Seattle.
 21 JUDGE KOPTA: And for Commission Staff?
 22 MS. BROWN: Sally Brown, Senior Assistant
 23 Attorney General, appearing on behalf of Commission
 24 Staff.
 25 JUDGE KOPTA: And for Public Counsel?

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1 MR. FFITCH: Good morning, Your Honor.
 2 Simon ffitich, Senior Assistant Attorney General on
 3 behalf of the Public Counsel unit of the Attorney
 4 General's Office.
 5 JUDGE KOPTA: All right. Thank you.
 6 Does anyone else wish to make an appearance?
 7 Hearing none, we will proceed.
 8 As the Chairman indicated, our first order
 9 of business, since this is an adjudicative proceeding
 10 that follows on to an emergency adjudication under RCW
 11 34.05.479, the Commission took action on Monday on an
 12 emergency basis. The Company was not present at that
 13 time. This is a hearing that we scheduled in order to
 14 allow the Company the opportunity to make any comments,
 15 seek any clarification, contest or otherwise address the
 16 order and the suspension of the certificate that the
 17 Commission issued on Monday. So I will give the Company
 18 first an opportunity to make any statement that you
 19 would like to make.
 20 MS. BROWN: Excuse me, Your Honor. May I
 21 say something in an effort to clarify some of the
 22 confusion surrounding today's hearing?
 23 JUDGE KOPTA: You may.
 24 MS. BROWN: Thank you.
 25 There's just been so much confusion, I want

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1 to attempt to clarify what this hearing is and what it's
 2 not. This hearing is not a hearing on the merits of the
 3 complaint. That will occur later. It's not a hearing
 4 to learn new details about Duck 6. That also will occur
 5 later. It's not a hearing or a time for Commission
 6 Staff to present the complaint to the Commission. The
 7 Commission already entered that complaint. It is the
 8 Commission's complaint at this point, and I would like
 9 to say something about what it is.
 10 This is a hearing that is required by the
 11 state and federal constitutions, and that is that
 12 whenever the government deprives a person of a protected
 13 property interest, that person is entitled to due
 14 process, and so the company Ride the Ducks is entitled
 15 to notice an opportunity to be heard to address the
 16 deprivation.
 17 What's the deprivation here? The
 18 deprivation is the summary suspension of the certificate
 19 to operate as an excursion provider in Seattle. That's
 20 the deprivation. The property interest of course is the
 21 certificate or license that the Commission grants it to
 22 operate.
 23 So it's my understanding that today's
 24 hearing, as Judge Kopta correctly stated, is to afford
 25 the company Ride the Ducks and its owners an opportunity

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1 to contest the summary suspension that the Commission
 2 entered on Monday. And yesterday -- yesterday,
 3 Mr. Fobes and Ms. Buchanan and Commission Staff entered
 4 into an agreement, and hence you will see the joint
 5 stipulation filed in which the Company agrees to not
 6 contest that summary suspension or deprivation.
 7 I just -- I apologize for interrupting the
 8 flow, perhaps, but I felt it important to clarify some
 9 of the misunderstandings that I have heard and read
 10 surrounding today's proceeding.
 11 JUDGE KOPTA: Thank you, Ms. Brown. You are
 12 correct in all of your statements. That is the purpose
 13 why we are here, and we are not here, as you suggest, to
 14 spread that beyond what we are here to discuss. I would
 15 add, as the Chairman added, that we will have some other
 16 procedural issues that we need to address in addition to
 17 giving the company its due process rights, but we will
 18 address those in due course.
 19 MS. BROWN: Thank you.
 20 JUDGE KOPTA: All right. Thank you.
 21 And, Ms. Buchanan, if you would like to make
 22 your statement.
 23 MS. BUCHANAN: Yes, please. Thank you, Your
 24 Honor, and thank you, Attorney General Ms. Brown for
 25 summarizing.

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1 It is the case that the Company has reached
 2 an agreement, and there is a stipulation governing the
 3 agreement to suspend operations. I think it's very
 4 important to understand and to know that the Company has
 5 a fleet of 20 vehicles, ten stretch Ducks and ten
 6 trucks. Half of its fleet does not involve the axle
 7 issue that's been much talked about. It's ten of its
 8 fleet, half of its fleet, which it will not be operating
 9 pursuant to the agreement, but I did want to point out.
 10 Half of its fleet is a different manufacturer, a
 11 different design and entirely different chassis.
 12 Regardless, very shortly after this very
 13 profound and tragic incident, Mr. Tracey, the owner of
 14 Ride the Ducks of Seattle, invited an inspection of all
 15 vehicles, including the type not at issue in this case.
 16 And pursuant to this stipulation, all vehicles will be
 17 inspected. There will be a thorough investigation with
 18 all of our cooperation to ensure and satisfy this
 19 Commission that Ride the Ducks is operating safely and
 20 pursuant to all guidelines.
 21 JUDGE KOPTA: Is that your statement,
 22 Ms. Buchanan?
 23 MS. BUCHANAN: I guess I did want to also
 24 add, Ride the Ducks of Seattle is a family-owned
 25 business. It's owned by Mr. Tracey. He takes this

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1 matter very, very seriously. He's cooperated fully. He
 2 will continue to cooperate fully, as will the entire
 3 staff, all employees. Every level will be cooperating
 4 in providing documents and in providing access to the
 5 facility and in providing access to the vehicles for
 6 inspection.
 7 I did also want to comment as well on the
 8 bridge issue. Very shortly after the accident,
 9 Mr. Tracey met with the deputy mayor and indicated
 10 those -- his trucks will not be using the Aurora Bridge.
 11 They will be using a different route, so that is
 12 certainly an issue that's off the table by agreement and
 13 stipulation.
 14 CHAIRMAN DANNER: And that is both the truck
 15 Ducks and the stretch Ducks?
 16 MS. BUCHANAN: Correct, Mr. Chairman. And
 17 to be clear, obviously he won't be operating either type
 18 of truck during this period of suspension, but yes,
 19 absolutely, both types.
 20 JUDGE KOPTA: All right. Thank you.
 21 We will have some questions about the joint
 22 stipulation so that we understand what the parties have
 23 agreed to, but I will note that Public Counsel have
 24 entered a notice of appearance after that stipulation
 25 was filed and was not a party to that stipulation.

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1 And so I believe we have a couple of
 2 questions, Mr. ffitch, for you in terms of Public
 3 Counsel's participation in this.
 4 Mr. Chairman, I believe you had some
 5 questions.
 6 CHAIRMAN DANNER: Well, thank you. I
 7 just -- I've been here ten years, and this is the first
 8 time I'm aware that the Office of Public Counsel has
 9 participated in a transportation proceeding or any Title
 10 81 proceeding, and I'm just curious as to your
 11 objectives in participating in this. What do you
 12 believe you're going to add to the proceeding and what
 13 is your expertise on these matters?
 14 MR. FFITCH: Thank you, Your Honor. Good
 15 morning, Chairman Danner and Commissioners. Again,
 16 Simon ffitch with the Office of Public Counsel.
 17 As the Commissioners are aware, by statute,
 18 the Attorney General's Office is authorized to represent
 19 the interests of the public in proceedings before the
 20 UTC in all of the different industry areas that are
 21 regulated by the Commission, including transportation,
 22 under Title 81, specifically 81.04.500.
 23 We have that authority to participate on
 24 behalf of the public in transportation cases. That is,
 25 authorities exercise typically, as you know, through the

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1 Public Counsel unit of the Attorney General. This is an
 2 important case for the public. There's substantial
 3 public interest in the matter, and that is why we're
 4 here. That's why we wanted to give formal notice to the
 5 Commission and the parties that we're interested in
 6 participating. Obviously we're at the beginning of the
 7 process, and any specific recommendations or, you know,
 8 actions that we would take will have to await the
 9 investigation, completion of the investigation, but we
 10 want to be here on behalf of the public that makes use
 11 of the regulated services.
 12 CHAIRMAN DANNER: Okay. So in terms of your
 13 expertise, you're basically just -- you're monitoring
 14 the situation. You don't -- I assume you don't have any
 15 certified inspectors or anything on your staff or
 16 anything?
 17 MR. FFITCH: We don't have inspectors on our
 18 staff, but expertise is available to the parties if, you
 19 know, to bring in focus as, you know, some parties do in
 20 Commission proceedings, you know, inspectors or safety
 21 experts or potential witnesses. We haven't made any
 22 decisions about that at this point.
 23 CHAIRMAN DANNER: Okay. And do you have a
 24 view of the stipulation before us?
 25 MR. FFITCH: We have no objection to the

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1 stipulation.
 2 CHAIRMAN DANNER: Okay. Thank you.
 3 JUDGE KOPTA: Anything further for Public
 4 Counsel on this issue from the other Commissioners?
 5 COMMISSIONER JONES: No.
 6 COMMISSIONER RENDAHL: No.
 7 JUDGE KOPTA: All right. Thank you.
 8 Thank you, Mr. ffitich.
 9 We will turn to the joint stipulation so
 10 that we understand exactly what it is that the Company
 11 and Staff have agreed to, and again, I will allow the
 12 Commissioners to ask questions that they have before any
 13 that I might have. Mr. Chairman?
 14 CHAIRMAN DANNER: Thank you.
 15 I want to make sure that I understand the
 16 scope of this and what it is we would be committing
 17 ourselves to today if we were to approve this
 18 stipulation. I do see in a couple places, it says that
 19 Staff stipulates that "if feasible" and then later talks
 20 about "if appropriate." But I want to make sure that
 21 when we're talking about inspection of this vehicle,
 22 that we are not just talking about physical inspection
 23 of the axle on either the stretch or the truck or
 24 whatever kind of vehicles you have. These are unique
 25 vehicles in both categories, and so if we have -- if we

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1 have questions, for example, about the line of sight of
 2 these vehicles, can, in fact, you see -- can the driver
 3 see what's going on around? I know that earlier there
 4 was a motorcycle involved in an incident involving one
 5 of your vehicles, and it is my understanding the driver
 6 did not believe he could see the motorcycle, which was
 7 underneath the front of the vehicle. Those are the
 8 kinds of things that I would like to make sure that our
 9 inspectors will be able to look at. Can they see
 10 behind? Can they see the sides? Can they see in front
 11 of these vehicles?
 12 I'm concerned about distracted driving. The
 13 drivers of your vehicles not only have to drive the
 14 vehicles, but they have to entertain the passengers, and
 15 is that too much to ask, given the complexity of the
 16 vehicles. And that's something else I would like to
 17 know that our inspectors have the ability to look at.
 18 So before they would allow the vehicles back on the
 19 road, we have to be satisfied that these can, in fact,
 20 be operated safely.
 21 And knowledge of what the routes would be
 22 actually may be material here. Because if you're on the
 23 Aurora Bridge and it's nine and a half feet across for a
 24 lane of traffic, is that sufficient? Do you have
 25 turning radiuses or controls that would allow you to

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1 stay safe?
 2 And so I don't want this just to be a look
 3 at the axle underneath or to strictly follow the Federal
 4 Motor Carrier Safety Administration regulations. I want
 5 us to look at these vehicles and be satisfied not only
 6 that the vehicles are safe, but the way in which they're
 7 operated is safe so that we can assure that we're not
 8 putting the public at risk, and I don't want this
 9 stipulation to limit that in any way. I'd like your
 10 comments on that.
 11 MS. BUCHANAN: Thank you, Mr. Chairman, for
 12 pointing all of those concerns out. We hear that. We
 13 understand that. And in its broadest sense, what Ride
 14 the Ducks of Seattle and Mr. Tracey are committed to is
 15 satisfying this Commission that these vehicles are safe.
 16 And so if that includes those items to gain your
 17 satisfaction that it is a safe operation, then in the
 18 broadest sense, yes, absolutely. We want to ensure that
 19 you are satisfied that everything is operating safely.
 20 CHAIRMAN DANNER: Okay. So when the
 21 stipulation talks about "if feasible" or "if
 22 appropriate," I -- I understand you to say, yes, that
 23 would give us the leeway, flexibility and the authority
 24 to take a broad look at the safe operation of the
 25 vehicles, the safe condition of the vehicles, the

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1 appropriate credentials of the drivers, including drug
 2 testing or proper licensure, and that this stipulation
 3 does not limit us in any way in that regard.
 4 MS. BUCHANAN: Absolutely. The only caveat
 5 I would have in this -- and I don't even want to make it
 6 a caveat -- I'm not prepared to speak to whatever due
 7 process issues there may or may not be with respect to
 8 drug testing. But what I can assure you is absolute,
 9 full cooperation by Mr. Tracey. And his goal is, again,
 10 to assure every member of this Commission of his safe
 11 operation.
 12 CHAIRMAN DANNER: And what that means is it
 13 is possible -- I mean, even though our Staff will work
 14 as expeditiously as possible -- that in 30 days, these
 15 vehicles may not be back on the road.
 16 MS. BUCHANAN: Thank you. I think maybe I
 17 mistook your earlier question. Certainly that is the
 18 goal in working together. But you're correct, I mean,
 19 the goal is 30 days, and hopefully it can be
 20 accomplished, but we understand that goal might not be
 21 met.
 22 CHAIRMAN DANNER: Thank you. I do
 23 appreciate that this is a business that employs people.
 24 We don't like to have people out of work, and certainly
 25 if these vehicles, if we can find that the operations on

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1 the vehicles are safe, then of course we will allow them
 2 back on the roads. But our priority is public safety,
 3 and so I am not prepared to do anything today or in the
 4 future that would allow these vehicles on the road if I
 5 am not satisfied that they can operate safely.
 6 MS. BUCHANAN: Absolutely. Completely --
 7 not only understand, but agreed. What our goal -- in
 8 addition to the 30 days being a goal, and again, it's a
 9 goal, is to focus on those first ten trucks that are a
 10 different make, different model, different chassis,
 11 different axle, focus on those trucks and of the make
 12 and model that were not involved in the September 24th
 13 incident, with the hope and idea that perhaps clearance
 14 could be had for that half of the fleet, and then focus
 15 in again on the other half after that. That's what our
 16 goal would be.
 17 CHAIRMAN DANNER: All right. Thank you.
 18 COMMISSIONER RENDAHL: Ms. Buchanan, on that
 19 point, it's your understanding -- and I guess this is a
 20 question also for Staff counsel -- that, under the joint
 21 stipulation, that if Staff, in its investigation,
 22 determines that the Duck -- the truck Ducks, as they're
 23 referenced in the joint stipulation and any of the
 24 driver qualification papers, everything is fine related
 25 to those vehicles, any action to put those back in

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1 service would be subject to a hearing such as this where
 2 we can ask questions and be sure that we're comfortable.
 3 So it's not -- Staff is not agreeing to just put -- say,
 4 go back in service without the Commission having a
 5 decision on that matter, correct?
 6 MS. BUCHANAN: That's absolutely correct.
 7 This I think proceeding today is kind of a stay until
 8 all of these decisions can be made. And absolutely our
 9 understanding, there would be additional proceedings for
 10 the Commission to review the results of the
 11 investigation and provide --
 12 COMMISSIONER RENDAHL: And some nature of an
 13 evidentiary or presentation of the conditional
 14 stipulation based on evidence from whatever
 15 investigation is conducted?
 16 MS. BUCHANAN: That's what we contemplate.
 17 MS. BROWN: Yes. Yes, Your Honor, that's
 18 absolutely correct.
 19 The 30 days is simply aspirational at this
 20 point. No one is able to predict with accuracy or
 21 certainty when the investigation will be completed. We
 22 have agreed that the investigation will be comprehensive
 23 and thorough, and in terms of the end date, I can't
 24 speak to that. And surely your regulatory staff
 25 deserves credit insofar as it would not presume to

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1 release vehicles on the road without Commission
 2 approval, nor would it agree in a stipulation to a
 3 release or somehow diminished inspection.
 4 COMMISSIONER RENDAHL: Thank you.
 5 COMMISSIONER JONES: I've just got a couple
 6 of questions. First is for Staff. The joint
 7 stipulation states "a comprehensive Staff investigation
 8 and report" in paragraph 2, so this is for you,
 9 Mr. Pratt. What does that mean from a Staff
 10 investigator's standpoint?
 11 MR. PRATT: Dave Pratt, Commission Staff.
 12 Thank you, Commissioner Jones, for the question. I
 13 guess what that means is when we finish our review, we
 14 will have a report that outlines the findings, and the
 15 findings will be focused on compliance with state and
 16 federal law regarding safety standards with the Company,
 17 and this will be broader, as we mentioned, than just
 18 vehicles. It will be the entire Company's operations.
 19 COMMISSIONER JONES: Okay.
 20 MR. PRATT: Maintenance practices, training,
 21 policies and procedures, it will cover all those things,
 22 as well as vehicle inspections. And so when we
 23 conclude, we expect to be able to have a report that
 24 outlines what we found, talks about compliance and then
 25 makes recommendations, from my perspective.

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1 COMMISSIONER JONES: That sounds pretty
 2 comprehensive to me.
 3 MR. PRATT: Yes.
 4 COMMISSIONER JONES: And it includes both
 5 state and federal law?
 6 MR. PRATT: Yes, sir.
 7 COMMISSIONER JONES: The corollary question
 8 to that is what is your level of coordination with the
 9 Coast Guard and the NTSB, because they're looking at
 10 these issues as well. The Coast Guard from the
 11 amphibious, seaworthy perspective, and then the NTSB
 12 from a land worthy inspection.
 13 MR. PRATT: I have been in contact with the
 14 NTSB and their lead staff here that are in Seattle. We
 15 have preliminary -- started working on an agreement to
 16 share data and to work together. They're going to be
 17 focusing on the actual accident investigation.
 18 My staff will be looking at the Company's
 19 practices. So you can see how that will have to come
 20 together. So we will be working together. We're still
 21 working out the details because -- you know, with the
 22 federal and state agency about how we can work together
 23 on that. But we've made commitments to each other just
 24 to keep in contact, to work together as well as we can.
 25 As far as the Coast Guard, I've not had any

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1 personal contact with the Coast Guard, but we have
 2 reached out to them, because as you say, these vehicles
 3 undergo annual inspections by the Coast Guard because of
 4 the water part of this. There's a lot of seals and
 5 things that have to be dealt with. We're going to have
 6 to break some of those water seals to inspect the
 7 vehicles, so we may need the Coast Guard there when we
 8 do that. We're still trying to work that out and
 9 understand that before we hopefully get to that next
 10 week.
 11 COMMISSIONER JONES: So, Mr. Pratt, that's
 12 still a work in progress --
 13 MR. PRATT: Yes.
 14 COMMISSIONER JONES: -- with the Coast
 15 Guard?
 16 MR. PRATT: Yes.
 17 COMMISSIONER JONES: Final question -- this
 18 is for the Company -- and we'll get into some of these
 19 details once we see the report and get into it, but I'm
 20 not an engineer by training, but I tend to ask a few
 21 detailed questions.
 22 So in paragraph -- in the stipulation, it
 23 says there's a fundamental difference between the truck
 24 Duck vehicle and the stretch Duck vehicle. So who's the
 25 manufacturer of the stretch Duck vehicle; do you know?

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1 Where is it manufactured, and when were they
 2 manufactured; do you know that?
 3 MS. BUCHANAN: The stretch Duck, RDTI, I
 4 believe, is the manufacturer.
 5 COMMISSIONER JONES: RDTI, and that's from
 6 where, Detroit, these vehicles? Do you know where those
 7 are?
 8 MS. BUCHANAN: I am not sure, Commissioner
 9 Jones.
 10 COMMISSIONER JONES: And then on the stretch
 11 Duck vehicles -- and I see this a lot in the media
 12 too -- it says, "World War II era chassis," so what does
 13 that mean? Because there were a lot of World War II era
 14 vehicles manufactured by all sorts of people. What does
 15 that mean?
 16 MS. BUCHANAN: Well, first, Commissioner, I
 17 will share -- I will empathize with you, I am not an
 18 engineer by training either. Here's my understanding:
 19 My understanding is that there are refurbished stretch
 20 Duck vehicles, and that my understanding -- and I'll
 21 have to confirm this -- is that they continue to
 22 manufacture this vehicle around the design of that
 23 original chassis and axle design, I believe.
 24 COMMISSIONER JONES: So the design, design
 25 and original manufacture of the chassis is World War II,

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1 but there's been extensive refurbishment of that design
 2 over the years; is that a proper understanding from a
 3 nonengineer like you?
 4 MS. BUCHANAN: Yes.
 5 COMMISSIONER JONES: Okay.
 6 MS. BUCHANAN: Indeed.
 7 COMMISSIONER JONES: Okay. Thank you.
 8 JUDGE KOPTA: Anything further?
 9 CHAIRMAN DANNER: Let me follow up with
 10 Mr. Pratt.
 11 So in the stipulation, you talk about an
 12 objective to complete this work in 30 days in terms of
 13 the inspection and the report and bring it back before
 14 us so that we can make a decision whether to approve the
 15 return of the vehicles to the roads. That seems like a
 16 pretty aggressive schedule. If we don't meet that
 17 schedule -- or if you don't meet that schedule, is it
 18 your understanding that this stipulation does not
 19 require us to make a decision within 30 days, but that
 20 we would have the time to do all the steps that are
 21 necessary?
 22 MR. PRATT: Yes, that's exactly my
 23 understanding. We will work as fast as appropriate.
 24 This does take a lot of time. There are a lot of
 25 records to review besides just vehicles. And so I would

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1 like to try and expedite this, but I can't really commit
 2 to how long it will take at this point, but we're going
 3 to do the best we can. We have a team working on it
 4 already, and we'll keep working away.
 5 CHAIRMAN DANNER: All right. But it also
 6 involves coordination, as you say, with other agencies,
 7 Coast Guard and others. There may be leads that have to
 8 be followed. There may be information we need to
 9 gather. I just want to be clear that, if 30 days passes
 10 and you're not ready, that you're not going to cut
 11 corners on the report. You will take as much time as is
 12 necessary to give us a complete and thorough report.
 13 MR. PRATT: Yes, I will, and thank you.
 14 MS. BROWN: This is Sally Brown with the
 15 Attorney General's Office. I just would like to
 16 clarify, Chairman Danner, that the 30-day aspirational
 17 objective period here pertains only to the truck Ducks.
 18 CHAIRMAN DANNER: I understand.
 19 MS. BROWN: Okay. I just want to make sure
 20 the record is clear.
 21 JUDGE KOPTA: Ms. Buchanan?
 22 MS. BUCHANAN: I was going to make the
 23 identical point that the Attorney General just made, so
 24 thank you.
 25 CHAIRMAN DANNER: Thank you.

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1 COMMISSIONER RENDAHL: I have just one more
 2 follow-up question. This is for Mr. Pratt.
 3 Are you also coordinating with the Federal
 4 Motor Carrier Safety Administration?
 5 MR. PRATT: Yes, I am, and I'm sorry I
 6 didn't mention them earlier. We do have one of their
 7 investigators on site with us up at the facilities in
 8 Seattle that are assisting with our review.
 9 COMMISSIONER RENDAHL: Thank you. And I'm
 10 sure at some point in this process, we'll have to talk
 11 about the jurisdiction of all the various federal and
 12 state agencies involved in this.
 13 MR. PRATT: Yes.
 14 COMMISSIONER RENDAHL: Okay.
 15 JUDGE KOPTA: Anything further from the
 16 Commissioners?
 17 COMMISSIONER JONES: No.
 18 JUDGE KOPTA: All right. Just to outline
 19 the procedures, this did start with an emergency
 20 adjudication. The Commission acted pursuant to its
 21 authority under that statute to suspend the certificate
 22 of the Company, and the Company has now agreed to the
 23 extension of that suspension ended through the Staff's
 24 investigation, which the target is 30 days, but it may
 25 take longer; it may take less.

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1 MS. BROWN: On the truck Ducks.
 2 JUDGE KOPTA: On the truck Ducks.
 3 I guess the question that I have is we
 4 anticipate that there would be another hearing at that
 5 point to do two things: One would be to determine
 6 whether or not to lift the suspension, and the second
 7 would be to establish a procedural schedule for this
 8 adjudication as if there had been no emergency, as
 9 required under the statute. At this point, is it
 10 premature to try and schedule a hearing date for that
 11 purpose?
 12 MS. BROWN: Your Honor, I would suggest
 13 scheduling a status conference.
 14 JUDGE KOPTA: Okay. We have reserved some
 15 time on November 3rd since that's as close as we could
 16 get to 30 days, and if you would prefer that be a status
 17 conference as opposed to a hearing, then we can schedule
 18 it that way, in which case it probably would not involve
 19 the Commissioners, it would just be me.
 20 MS. BROWN: That's what I think would be the
 21 best outcome.
 22 MS. BUCHANAN: We agree with that
 23 recommendation.
 24 JUDGE KOPTA: All right. Well, we are
 25 sensitive to making sure that we don't keep the Company

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1 out of business any longer than is necessary, so we want
 2 to make sure that both sides are comfortable -- and
 3 Public Counsel to the extent you are going to
 4 participate -- are comfortable with our schedule. I
 5 mean, if it takes longer, then it takes longer, but we
 6 want to act as expeditiously as we can to make sure that
 7 we provide due process to the Company and to ensure that
 8 the public safety is maintained.
 9 MS. BUCHANAN: Thank you, and we appreciate
 10 that.
 11 JUDGE KOPTA: Okay.
 12 CHAIRMAN DANNER: So perhaps, Ms. Brown, if
 13 you could clarify for me the process. If Staff -- we're
 14 in an adjudication right now -- if the Staff is putting
 15 together an investigatory report, how is that report
 16 brought forward to the Commissioners, and is it -- would
 17 it be within the context of this adjudication?
 18 MS. BROWN: Chairman Danner, we anticipate
 19 filing the Staff investigative report with the agency in
 20 a formal way.
 21 CHAIRMAN DANNER: Okay. So this would be
 22 posted in the docket --
 23 MS. BROWN: Yes.
 24 CHAIRMAN DANNER: -- and would be available
 25 publicly?

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1 MS. BROWN: Yes.
 2 JUDGE KOPTA: All right.
 3 The Commission will enter an order as a
 4 result of this on the stipulation, and as well as I'm
 5 assuming establishing a status conference on November
 6 3rd to see where we are and what additional steps we
 7 need to take.
 8 And so at this point, unless there's
 9 anything further, then I think that concludes our
 10 business for the day.
 11 Anything further from the parties?
 12 MS. BROWN: No, Your Honor.
 13 MS. BUCHANAN: No, Your Honor. Thank you
 14 very much.
 15 MS. BROWN: Thank you.
 16 JUDGE KOPTA: Thank you.
 17 (Hearing concluded at 10:08 a.m.)
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C E R T I F I C A T E

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STATE OF WASHINGTON
COUNTY OF KING

I, Lisa Buell, a Certified Shorthand Reporter and
Notary Public in and for the State of Washington, do
hereby certify that the foregoing transcript of the
October 1st, 2015, hearing is true and accurate to the
best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set my hand
and seal this 2nd day of October, 2015.

LISA BUELL, RPR, CRR, CCR

My commission expires:
DECEMBER 2018