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1 BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
2 COMMISSION
3 In re Application No. D-079387)
4 of)
5 GATEWAY SHUTTLE SERVICE, INC.,) DOCKET NO. TC-051063
6) Volume I
7 for a Certificate of Public) Page 1 - 12
8 Convenience and Necessity to)
9 Operate Motor Vehicles in)
10 Furnishing Passenger and)
11 Express Service as an Auto)
12 Transportation Company.)
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16 A prehearing conference in the above matter
17 was held on October 10, 2005, at 1:37 p.m., at 1300
18 South Evergreen Park Drive Southwest, Olympia,
19 Washington, before Administrative Law Judge ANN E.
20 RENDAHL.
21

22 The parties were present as follows:
23
24 GATEWAY SHUTTLE SERVICE, INC., by JEFFREY L.
25 PORTER (via bridge), Post Office Box 883, Carlsborg,
26 Washington 98324; telephone, (509) 307-4145.

27 WASHINGTON UTILITIES AND TRANSPORTATION
28 COMMISSION, by CHRISTOPHER SWANSON, Assistant Attorney
29 General, 1400 South Evergreen Park Drive Southwest,
30 Post Office Box 40128, Olympia, Washington 98504;
31 telephone, (360) 664-1220.

32 EVERGREEN TRAILS, INC., and SHUTTLE EXPRESS,
33 INC., by DAVID L. RICE (via bridge), Attorney at Law,
34 Miller Nash, 601 Union Street, Suite 4400, Seattle,
35 Washington 98101-2352; telephone, (206) 777-7424.

36 Kathryn T. Wilson, CCR

37 Court Reporter

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1 OLYMPIC BUS LINE, by JACK HECKMAN (via
bridge), President, 111 East Front Street, Port
2 Angeles, Washington 98362; telephone, (360) 417-0700.

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

2 JUDGE RENDAHL: Good afternoon. I'm Ann
3 Rendahl, the administrative law judge presiding over
4 this proceeding. We are here before the Washington
5 Utilities and Transportation Commission on Monday,
6 October the 10th, 2005, for a prehearing conference in
7 Docket No. TC-051063, which is an application for an
8 auto transportation company or bus certificate filed by
9 Gateway Shuttle Service, Incorporated.

10 The purpose of the prehearing this afternoon
11 is to take appearances of the parties, to discuss the
12 schedule for the Commission's consideration of the
13 prick and any other procedural matters. So before we
14 go any farther, let's take appearances from the
15 parties, and if you could please state your full name,
16 the party you represent, your full address, telephone
17 number, fax number, and e-mail address, and we will
18 start with the Applicant, Mr. Porter.

19 MR. PORTER: The name is Jeffrey L. Porter.
20 I'm the applicant for Gateway Shuttle Service. My
21 telephone number is (509) 307-4145. A fax number would
22 be (360) 417-5050. My e-mail address is
23 jport@3dnorth.com. My mailing address is 901 Filan
24 Road, Colfax, Washington, 99111.

25 JUDGE RENDAHL: Now, I have on some of the

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1 letters that have come in, there is a PO Box in
2 Carlsborg, Washington, so would you prefer we use the
3 901 Filan Road address?

4 MR. PORTER: No. That's my home address. I
5 would prefer all the correspondence go to that post
6 office box in Carlsborg.

7 JUDGE RENDAHL: So if I put on the address
8 here, PO Box 883, Carlsborg, Washington, 98324, that
9 will work for our purposes?

10 MR. PORTER: Yes. That's the address for
11 Linda Yip, who will be the business manager. She ran
12 the business for me when I had it.

13 JUDGE RENDAHL: Thank you. Mr. Rice?

14 MR. RICE: Yes. Good afternoon, Your Honor.
15 I'm David Rice. I represent Evergreen Trails, Inc.,
16 and Shuttle Express, Inc. I am with Miller Nash, LLP.
17 Our address is 4400 Two Union Square, 601 Union Street,
18 Seattle, Washington, 98101. My phone number is
19 (206) 777-7424. My fax is (206) 622-7485. My e-mail
20 address is david.rice@millernash.com.

21 JUDGE RENDAHL: So your phone number is
22 (206) 777-7424?

23 MR. RICE: That's correct.

24 JUDGE RENDAHL: Mr. Heckman?

25 MR. HECKMAN: Jack Heckman for Olympic Bus

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1 Lines, and our mailing address is 111 East Front
2 Street, Port Angeles, Washington, 98362. Phone number
3 is area code (360) 417-0700. My e-mail address is
4 jackheckman@olyphen.com.

5 Q. Mr. Swanson?

6 MR. SWANSON: Chris Swanson, assistant
7 attorney general on behalf of Commission staff.
8 Address is 1400 South Evergreen Park Drive Southwest,
9 PO Box 40128, Olympia, Washington, 98504-0128; phone,
10 (360) 664-1220; fax, (360) 586-5522; e-mail,
11 cswanson@wutc.wa.gov.

12 JUDGE RENDAHL: Thank you. So moving on to
13 the good of the order here, does anybody see a need for
14 invoking the discovery rule in this proceeding?

15 MR. PORTER: I'm not familiar with what you
16 are talking about.

17 JUDGE RENDAHL: The Commission has procedural
18 rules governing different proceedings, and the basic
19 discovery rules are subpoenas, but if you want more
20 than that in terms of data requests or interrogatories
21 or questions that you might send in writing to the
22 other party, those are used when you invoke the
23 discovery rule. We don't normally do that in these
24 types of proceedings, but it's an issue we cover in the
25 prehearing. My sense is it's not necessary in this

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1 case, but I'm asking it just to make sure.

2 MR. PORTER: I don't think it's necessary.

3 JUDGE RENDAHL: Any other party?

4 MR. HECKMAN: I don't think so either.

5 MR. RICE: I don't think it's necessary.

6 JUDGE RENDAHL: Thank you. And likewise, I
7 don't see a need for a protective order either. I
8 don't think there is any confidential information
9 that's likely to be disseminated in this proceeding.

10 So really, the remaining issue is the
11 procedural schedule, and we talked off the record about
12 timing for a hearing. Mr. Porter and Mr. Heckman agree
13 that the hearing itself would probably take no more
14 than an hour and no party, Mr. Porter, Mr. Heckman,
15 Mr. Rice, or Staff, is at this time planning on any
16 witnesses; although I'm assuming, Mr. Porter, you would
17 put on a case for your application.

18 MR. PORTER: Correct. The only person that
19 would possibly accompany would be Linda Yip.

20 JUDGE RENDAHL: So you might put on Linda Yip
21 in addition to yourself?

22 MR. PORTER: Correct.

23 MR. RICE: I'm assuming we can reach a
24 settlement to get my clients out of this case, but if
25 for some reason that were not possible, we would

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1 probably put forward one witness for each, Evergreen
2 Trails and for Shuttle Express. So I'm hoping that by
3 saying that we feel strongly that we will be able to
4 reach a settlement, I don't want to preclude our right
5 to participate in the hearing if that proves to be
6 necessary. Is that okay?

7 JUDGE RENDAHL: I don't see that as a
8 problem. In our discussions off the record, we
9 identified a day of November 8th as the best day for
10 hearing, and even though Mr. Porter and Mr. Heckman
11 have estimated just an hour for the hearing, I intend
12 to reserve the entire day in the off chance we need it,
13 which would allow us time if we don't settle to bring
14 in your witnesses.

15 MR. RICE: I understand. Thank you.

16 JUDGE RENDAHL: So my plan is to send out in
17 the prehearing conference order a notice of hearing for
18 November 8th. Now, prior to the hearing, if any party
19 is planning on presenting any evidence at the hearing,
20 I would like to identify a date by which the parties
21 will exchange with each other and notify the Commission
22 of any witnesses, the names and the titles of the
23 witnesses that they plan to have appear at the hearing
24 as well as exchange any documents they plan to use in
25 evidence at the hearing. It will help the hearing

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1 proceed and there will be no surprise at the hearing.

2 So usually a week before the hearing is an
3 appropriate time, unless you think differently. That
4 would make it Tuesday, November the 1st, to exchange
5 that information with each other and to notify the
6 Commission.

7 MR. PORTER: That's fine.

8 JUDGE RENDAHL: Does that not work for
9 anyone? Hearing nothing, then we will have an exchange
10 of information on the 1st with the hearing on the 8th.
11 Does any party wish to file briefs in this matter? Do
12 you want to make some kind of closing statement at the
13 hearing in lieu of a brief? What is your preference?
14 I'll begin with you, Mr. Porter.

15 MR. PORTER: I guess...

16 JUDGE RENDAHL: When I say "brief," since you
17 are representing yourself, it would just be a summary
18 of the evidence and why you are entitled to the
19 application.

20 MR. PORTER: And that's all I intend to
21 submit.

22 JUDGE RENDAHL: Would you do that after the
23 hearing?

24 MR. PORTER: Yes.

25 JUDGE RENDAHL: About how much time would you

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1 need after the hearing?

2 MR. PORTER: Five minutes.

3 JUDGE RENDAHL: So would you plan on making a
4 written statement or a verbal statement?

5 MR. PORTER: A verbal statement.

6 JUDGE RENDAHL: So you would prefer to make
7 sort of closing statements as opposed to writing
8 something up?

9 MR. PORTER: Yes.

10 JUDGE RENDAHL: Mr. Rice? This is assuming
11 you don't reach some sort of agreement.

12 MR. RICE: If we don't reach an agreement, I
13 would prefer to see something written.

14 JUDGE RENDAHL: Okay. And Mr. Heckman, what
15 would be your preference?

16 MR. HECKMAN: I think that mine is also just
17 going to be verbal.

18 JUDGE RENDAHL: And Mr. Swanson?

19 MR. SWANSON: Staff doesn't have a
20 preference. Staff is happy to go with briefs or with a
21 verbal statements.

22 JUDGE RENDAHL: What we can do is reserve
23 discussion on that, and if, Mr. Rice, your clients
24 manage to resolve the issues with Mr. Porter, then I
25 think we could just go forward with some brief closing

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1 statements at the hearing, and if for some reason you
2 cannot resolve the issues, then we will decide the
3 issue of briefing rather than verbal statements at the
4 time of the hearing. Is that acceptable to everybody?

5 MR. PORTER: It is to Mr. Porter.

6 MR. RICE: It is acceptable to me.

7 JUDGE RENDAHL: I'm assuming I heard from you
8 too, Mr. Heckman, that that's fine?

9 MR. HECKMAN: That's true.

10 JUDGE RENDAHL: So in terms of filing with
11 the Commission, and this will also be included in the
12 prehearing conference order, I have looked over the
13 list of staff who are receiving copies of what's filed
14 in this case, and I've winnowed down the number of
15 copies that need to be filed to four. So when you file
16 documents in this case, you need to file an original so
17 the records center has that original and then four
18 copies that will be distributed internally.

19 Is there anything else that we need to
20 discuss this afternoon or that I need to know before we
21 conclude the prehearing?

22 MR. PORTER: Not from Mr. Porter.

23 MR. HECKMAN: Not from Mr. Heckman.

24 JUDGE RENDAHL: Is there anyone who wishes to
25 order a copy of the transcript of this afternoon's

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1 proceeding?

2 MR. RICE: No, I don't need a copy.

3 MR. PORTER: No.

4 MR. HECKMAN: No.

5 JUDGE RENDAHL: I will prepare a prehearing
6 conference order that will include a summary of what
7 we've talked about this afternoon as well as a schedule
8 for the hearing, and I will look forward to seeing all
9 of you on November 8th unless I hear otherwise, and
10 this prehearing conference is adjourned, so thank you
11 very much for calling in.

12 MR. PORTER: One question. Is this going to
13 be held in Olympia there?

14 JUDGE RENDAHL: Unless you all would prefer a
15 different location.

16 MR. SWANSON: I'm glad you raised that
17 question because Staff actually did weigh in thinking
18 that it would be in Clallam or Jefferson County, but I
19 forgot to mention that as well.

20 JUDGE RENDAHL: If it makes sense,
21 considering that you are up there, Mr. Porter, and
22 Mr. Heckman, you are in that area --

23 MR. PORTER: I'm an over-the-road driver.
24 I'm in all 14 states, so I would have to make plans to
25 be in a particular place at a particular time.

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1 JUDGE RENDAHL: So why don't we plan, and I
2 will have my assistant, one of my assistants, look at
3 possible locations in Port Angeles. Would that be the
4 best location?

5 MR. PORTER: That's fine.

6 JUDGE RENDAHL: So we will see if we can find
7 a hearing location in Port Angeles. What we usually do
8 is find public buildings that we can hold a hearing in
9 so that there is no cost, so we will look into that.
10 At this point, plan for Port Angeles unless I let you
11 all know, Port Angeles on November 8th. It will start
12 at 9:30 and go until we are done.

13 MR. PORTER: That's fine. Thank you very
14 much.

15 JUDGE RENDAHL: Are there any other issues we
16 need to talk about before we adjourn?

17 MR. PORTER: Not on my part.

18 JUDGE RENDAHL: Hearing nothing, this
19 prehearing conference is adjourned. Thank you very
20 much for calling in, and I will send out the order
21 either this afternoon or tomorrow. Thank you very
22 much.

23 (Prehearing conference concluded at 1:51 p.m.)

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