

From: James K. Sells [mailto:jimsells@rsulaw.com]
Sent: Tuesday, January 27, 2009 3:52 PM
To: 'Dave Alvarado'; Torem, Adam (UTC); Thompson, Jonathan (UTC)
Cc: Kaech, Margret (UTC); Rendahl, Ann (UTC); Russell, Marguerite (UTC); Walker, Kippi (UTC)
Subject: RE: Northwest Industrial Services, LLC, d/b/a American On Site Services, Docket TG-081725 --
Witness Question & Exchange of Witness/Exhibit Lists

I am in receipt of Applicants's e mail regarding his witness. While I would object to testimony by declaration I would consider telephonic testimony, although video conferencing would be preferable. I did advise Mr. Alvarado that I do not object to a continuance, but due to my schedule I would not be available until April. It is my understanding that Mr. Thompson also is agreeable to a continuance. Jim Sells

Jim Sells
Ryan Sells Uptegraft, Inc. P.S.

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From: Dave Alvarado [mailto:dave_alvarado@air-pipe.com]
Sent: Tuesday, January 27, 2009 10:37 AM
To: 'Torem, Adam (UTC)'; jimsells@rsulaw.com; 'Thompson, Jonathan (UTC)'
Cc: 'Kaech, Margret (UTC)'; 'Rendahl, Ann (UTC)'; 'Russell, Marguerite (UTC)'; 'Walker, Kippi (UTC)'
Subject: RE: Northwest Industrial Services, LLC, d/b/a American On Site Services, Docket TG-081725 --
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Judge Torem,

I just spoke with my witness and he agreed to be available for a phone interview. However he will be out of town on the scheduled hearing dates. I spoke with Mr. Sells and he has no problem rescheduling the Evidentiary dates providing it meets with your approval and all other interested parties. My witness will be available any time after March 2, 2009 with the exception days of March 4th and March 11th. I apologize for any inconvenience I have caused.

Respectfully,

Dave Alvarado

From: Torem, Adam (UTC) [mailto:atorem@utc.wa.gov]
Sent: Monday, January 26, 2009 5:22 PM
To: Dave Alvarado; jimsells@rsulaw.com; Thompson, Jonathan (UTC)
Cc: Kaech, Margret (UTC); Rendahl, Ann (UTC); Russell, Marguerite (UTC); Walker, Kippi (UTC)
Subject: RE: Northwest Industrial Services, LLC, d/b/a American On Site Services, Docket TG-081725 --
Witness Question & Exchange of Witness/Exhibit Lists

Mr. Alvarado,

Thank you for your letter describing your shy witness and asking about the date to exchange witness/exhibit lists.

You may, of course, submit any relevant witness statements that you believe will assist your case. If your witness is unwilling or unable to testify at the hearing itself, the other parties are entitled to object to the admission of that witness's statement because they would be deprived of their right to cross-examine the witness. If I overruled such an objection and allowed you to submit the statement anyway, I may choose to attach less weight to that particular evidence. The ultimate value or weight of such evidence would depend on its credibility, such as whether it is simply a signed letter or a sworn declaration or affidavit. Regardless, the lack of cross examination would be factored into my consideration of any such witness statement. If you wish to ensure admissibility, please ask your witness to be available either in person or by telephone for the hearing.

On the latter topic, I direct you to review the attached Prehearing Conference Order which sets this coming Friday, 30 Jan 09, as the filing deadline for those lists. There will be no conference call or other contact between the parties and UTC, but only the filing of the lists.

We will conduct a telephonic status conference on Thursday, 12 Feb, as noted in the Prehearing Conference Order. That discussion should be quite similar in nature to our prehearing conference last month, but more focused on the following week's hearing.

I hope that this further explanation is helpful.

Judge Torem

From: Dave Alvarado [mailto:dave_alvarado@air-pipe.com]
Sent: Monday, January 26, 2009 2:12 PM
To: Walker, Kippi (UTC); jimsells@rsulaw.com; Thompson, Jonathan (UTC)
Cc: UTC DL ALD
Subject: RE: Northwest Industrial Services, LLC, d/b/a American On Site Services, Docket TG-081725 -- Notice of Prehearing Conference

Hi Kippi,

Can you please make sure Judge Torem gets a copy of the attached letter.

Thank you

Dave Alvarado

From: Walker, Kippi (UTC) [mailto:KWalker@utc.wa.gov]
Sent: Thursday, November 13, 2008 11:30 AM
To: dave_alvarado@air-pipe.com; jimsells@rsulaw.com; Thompson, Jonathan (UTC)
Cc: UTC DL ALD
Subject: Northwest Industrial Services, LLC, d/b/a American On Site Services, Docket TG-081725 -- Notice of Prehearing Conference

A courtesy copy of the following notice served today in Docket TG-081725 is attached:

**Notice of Prehearing Conference
(Set for December 3, 2008, at 1:30 p.m.)**

Thanks,

Kippi Walker
UTC - Administrative Law Division
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1139