

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Determining the Proper  
Carrier Classification of, and Complaint  
for Penalties Against:

CASCADE ADVENTURES INC.;  
CASCADE ADVENTURES BAKER  
BUS LLC

DOCKET TE-190086

ORDER 03

PREHEARING CONFERENCE  
ORDER; NOTICE OF HEARING  
(Evidentiary Hearing set for  
August 31, 2021, at 1:30 p.m.)

**BACKGROUND**

- 1 **PROCEDURAL HISTORY.** On February 15, 2019, the Washington Utilities and Transportation Commission (Commission) issued an Order Instituting Special Proceeding; Complaint Seeking to Impose Penalties; Notice of Hearing set for March 12, 2019, at 9 a.m. (Order 01). Order 01 sought to classify Cascade Adventures Inc.; Cascade Adventures Baker Bus LLC (Cascade Adventures or Company) as a charter party and excursion carrier and to impose penalties against the Company for operating as a charter party or excursion carrier after its certificate was canceled by the Commission.
- 2 On March 12, 2019, the Commission entered Order 02, Stipulated Initial Order Classifying Respondent as a Charter Party or Excursion Service Carrier; Ordering Respondent to Cease and Desist; Imposing and Suspending Penalties on Condition of Future Compliance (Order 02). Order 02 imposed a \$10,000 penalty, an \$8,500 portion of which was suspended for a period of two years, to be waived thereafter, subject to the conditions that Cascade Adventures refrains from further operations as a charter party and excursion service carrier without first obtaining the required certificate from the Commission.
- 3 On March 3, 2021, Commission staff (Staff) filed a Motion to Impose Suspended Penalties (Motion). The Motion alleges Staff found evidence that the Company continued to operate as a charter party and excursion service carrier in the state of Washington without having obtained the required certificate from the Commission.

4 On March 5, 2021, the Commission issued a Notice of Opportunity to Respond to Motion to Impose Suspended Penalty. On March 10, 2021, the Company responded to the Motion, arguing that it no longer operates as a charter party or excursion carrier because it has changed its business structure to a non-profit organization. On March 19, 2021, Staff filed a response requesting the Commission set this matter for prehearing conference to permit additional discovery and resolve the parties' factual dispute.

5 **CONFERENCE.** The Commission convened a virtual prehearing conference in this docket on May 7, 2021, before Administrative Law Judge Rayne Pearson.

6 **APPEARANCES.** Paul Engel, Owner, Glacier, Washington, represents Cascade Adventures, *pro se*. Harry Fukano, Assistant Attorney General, represents Staff. Contact information for the parties is reflected in Appendix A to this Order.

7 **PETITIONS TO INTERVENE.** No person or party sought to intervene in this proceeding.

8 **DISCOVERY.** Discovery will be conducted pursuant to the Commission's discovery rules, WAC 480-07-400 – 425. The Commission urges the parties to work cooperatively together to avoid having to bring discovery matters forward for formal resolution. Response times to data requests are reflected in Appendix B to this Order.

9 The Commission believes it will aid discovery in this case if all responses to data requests are shared with all parties. No party objects to the Commission making the exchange of data request responses with all parties a requirement for discovery in this case. Accordingly, the Commission requires the parties to share every data request response with all parties.

10 **PROCEDURAL SCHEDULE.** The parties presented an agreed procedural schedule at the prehearing conference. The Commission adopts the parties' procedural schedule, which is attached to this Order as Appendix B.

11 **DOCUMENT FILING AND SERVICE REQUIREMENTS.** Parties must file and serve all pleadings, motions, briefs, and other pre-filed materials in compliance with all of the following requirements:

- (a) Parties must submit electronic copies of all documents by 5 p.m. on the filing deadline established in the procedural schedule (or other deadline as

applicable) unless the Commission orders otherwise. Parties must comply with WAC 480-07-140(6) in formatting, organizing, and identifying electronic files. Parties must submit documents electronically through the Commission's web portal ([www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing)). If a party is unable to use the web portal to submit documents for filing, the Commission will accept a submission via email to [records@utc.wa.gov](mailto:records@utc.wa.gov) provided the email: (1) explains the reason the documents are not being submitted via the web portal, and (2) complies with the requirements in WAC 480-07-140(5)(b).

- (b) The Commission accepts only electronic versions of documents for formal filing. Parties must submit documents electronically through the Commission's web portal ([www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing)). If a party is unable to use the web portal to submit documents for filing, the Commission will accept a submission via email to [records@utc.wa.gov](mailto:records@utc.wa.gov), provided that the email: (1) explains the reason the documents are not being submitted via the web portal, and (2) complies with the requirements in WAC 480-07-140(5)(b).
- (c) In light of the COVID-19 pandemic, the Commission is suspending requirements for paper filings in this case.
- (d) Parties must electronically serve the other parties and provide courtesy electronic copies of filings to the presiding administrative law judge ([rayne.pearson@utc.wa.gov](mailto:rayne.pearson@utc.wa.gov)) by 5 p.m. on the filing deadline unless the Commission orders otherwise. If parties are unable to email copies, they may furnish electronic copies by delivering them on a flash drive only.

12 **EXHIBITS FOR CROSS-EXAMINATION.** Parties are required to file with the Commission and serve all proposed cross-examination exhibits by **5 p.m. on August 24, 2021**. The Commission requires electronic copies (in searchable Adobe Acrobat (.pdf)). The exhibits must be grouped according to the witness the party intends to cross examine with the exhibits.

13 **EXHIBIT LISTS.** With each submission of pre-filed testimony and exhibits, the party making the submission must include a preliminary exhibit list that identifies each submitted exhibit in the format the Commission uses for exhibit lists it prepares for evidentiary hearings. The Company will prepare and file its preliminary exhibit list for its initial filing in this docket. Each party must file and serve a final list of all exhibits the party intends to introduce into the evidentiary record, including all pre-filed testimony and exhibits, as well as cross-examination exhibits, by **5 p.m., August 24, 2021**.

- 14 **CROSS-EXAMINATION TIME ESTIMATES.** Each party must provide a list of witnesses the party intends to cross-examine at the evidentiary hearing and an estimate of the time that party anticipates the cross-examination of that witness will take. Parties should not file witness lists or cross-examination time estimates but must provide them to the administrative law judge ([rayne.pearson@utc.wa.gov](mailto:rayne.pearson@utc.wa.gov)) and the other parties by **5 p.m., August 24, 2021.**
- 15 **NOTICE OF EVIDENTIARY HEARING.** The Commission will hold a virtual evidentiary hearing in this docket on **August 31, 2021, at 1:30 p.m.** To participate by phone, please call (253) 372-2181 and enter conference ID: 595 099 487#. To participate via Microsoft Teams, please use the following link: [Click here to join the meeting.](#)
- 16 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission has limited ability to provide dispute resolution services. If you wish to explore those services, please contact Rayne Pearson, Director, Administrative Law Division (360-664-1136).
- 17 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of this Order, in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this docket, subject to Commission review.**

DATED at Lacey, Washington, and effective May 12, 2021.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

*/s/ Rayne Pearson*  
RAYNE PEARSON  
Administrative Law Judge

**APPENDIX A**  
**PARTIES' REPRESENTATIVES**  
**DOCKET TE-190086**

| <b>PARTY</b>       | <b>REPRESENTATIVE</b>  | <b>PHONE</b>   | <b>E-MAIL</b>  |
|--------------------|--|----------------|--|
| Cascade Adventures | Paul Engel<br>P.O. Box 5147<br>Glacier, WA 98244   | (360) 599-3115 | <a href="mailto:hoboexpeditions@hotmail.com">hoboexpeditions@hotmail.com</a> |
| Commission Staff   | Harry Fukano<br>Assistant Attorney General<br>Office of the Attorney General<br>Utilities and Transportation Division<br>P.O. Box 40128<br>Olympia, WA 98504 | (360) 664-1225 | <a href="mailto:harry.fukano@utc.wa.gov">harry.fukano@utc.wa.gov</a>         |

**APPENDIX B  
PROCEDURAL SCHEDULE  
DOCKET TE-190086**

| <b>EVENT</b>  | <b>DATE</b>                          |
|---|--------------------------------------|
| Prehearing Conference   | <b>May 7, 2021</b>                   |
| Settlement Conference <sup>1</sup>  | <b>July 8, 2021</b>                  |
| Discovery Deadline – Last Day to Issue Data Requests                        | <b>August 10, 2021</b>               |
| Exhibit List, Cross-Examination Exhibits, Witness Lists, and Time Estimates | <b>August 24, 2021</b>               |
| Evidentiary Hearing   | <b>August 31, 2021, at 1:30 p.m.</b> |

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<sup>1</sup> Response time to data requests after this date will be 5 business days.