

**Docket No. TE-190086 - Vol. II**

**In the Matter of: Cascade Adventures Inc; Cascade  
Adventures Baker Bus LLC**

**May 7, 2021**



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BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of ) DOCKET NO. TE-190086  
Determining the Proper )  
Carrier Classification of, )  
and Complaint for )  
Penalties Against, )  
)  
CASCADE ADVENTURES, INC.; )  
CASCADE ADVENTURES BAKER )  
BUS LLC )

VIRTUAL PREHEARING CONFERENCE

BEFORE ADMINISTRATIVE LAW JUDGE RAYNE PEARSON  
VOLUME II

PAGES 23-35

(All participants appeared via videoconference.)

DATE: MAY 7, 2021

REPORTED BY: Lori L. Thielmann, RPR, CCR #21002182

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A P P E A R A N C E S

(All parties appearing via videoconference.)

FOR WASHINGTON UTILITIES AND TRANSPORTATION:

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FOR CASCADE ADVENTURES AND BAKER BUS:

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ALSO PRESENT: ADMINISTRATIVE LAW JUDGE RAYNE PEARSON

\* \* \* \* \*

1 VIRTUAL TEAMS VIDEOCONFERENCE; MAY 7, 2021

2 PREHEARING CONFERENCE

3 9:32 A.M.

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5 THE COURT: Let's be on the record. Good  
6 morning. We're here today for a prehearing conference  
7 in docket TE-190086, which is captioned, In the Matter  
8 Determining the Proper Carrier Classification of and  
9 Complaint for Penalties Against, Cascade Adventures,  
10 Inc.; Cascade Adventures Baker Bus LLC.

11 My name is a Rayne Pearson. I'm an  
12 administrative law judge with the Washington Utilities  
13 and Transportation Commission and I will be presiding in  
14 this matter.

15 So let's begin by taking appearances and let's  
16 start with Cascade Adventures. Is there a  
17 representative for the company present?

18 MR. ENGEL: Yes. Can you hear me?

19 THE COURT: I can. Thank you.

20 MR. ENGEL: Yeah. My name is Paul Engel.  
21 I'm representing -- I'm Cascade Adventures Baker Bus.

22 THE COURT: Are you the owner of the  
23 company?

24 MR. ENGEL: Yes, correct.

25 THE COURT: Okay. Thank you. And for

1 Staff?

2 MR. FUKANO: Good morning, Judge Pearson.  
3 Harry Fukano, assistant attorney general, here on behalf  
4 of Commission Staff.

5 THE COURT: Okay. Thank you. Is there  
6 anyone else who wishes to enter an appearance today?  
7 Okay. Hearing nothing, I will also assume that there  
8 are no petitions to intervene, but I will hold a couple  
9 of seconds open to allow for those petitions to be made.

10 Okay. Hearing none, let's proceed. So I just  
11 want to remind the parties -- and Mr. Engel, this may be  
12 new to you, but the Commission's procedural rules  
13 require electronic filing and service of all documents  
14 and I'll be waiving any requirement for paper copies in  
15 this case due to the ongoing COVID-19 pandemic.

16 The Commission's rules also provide for  
17 electronic service of documents so the Commission will  
18 serve the parties electronically and the parties will  
19 serve each other electronically.

20 So that brings us to Staff's letter submitted  
21 in response to the company's response to the motion to  
22 impose suspended penalties, indicated that Staff would  
23 like to conduct discovery. So I assume then that the  
24 parties would like to have the discovery rules available  
25 to them in this proceeding; is that correct?

1 MR. FUKANO: Yes, your Honor.

2 THE COURT: Okay. So I will make the  
3 discovery rules available, but remind the parties that  
4 protective orders are not available under the statutes  
5 that govern this proceeding.

6 And I'm also aware that parties often request  
7 that any data request and responses are shared with  
8 every other party, and it would make it easier on the  
9 parties if I included such a requirement in the  
10 prehearing conference order. Is there any objection to  
11 my including that requirement?

12 MR. FUKANO: None from Staff.

13 THE COURT: Okay. Mr. Engel, does that make  
14 sense to you -- I mean, as a pro se litigant, I want to  
15 make sure that you understand and that you feel free to  
16 ask me any questions about the process as we're going.  
17 You're muted right now, sir. Sorry.

18 MR. ENGEL: Sorry. This is pretty new to  
19 me. No. I don't know what any of that means.

20 THE COURT: Okay. So, Mr. Fukano, do you  
21 want to just briefly describe what data requests are and  
22 what that will look like for the company.

23 MR. FUKANO: Certainly. In a general  
24 manner, a data request is a request for specific  
25 information that's relevant to the issues that will be

1 presented at the adjudication. And so Staff may --  
2 would essentially send you likely an electronic e-mail  
3 with a series of questions or requests for specific  
4 types or classes of documents or other like material.

5 And Judge Pearson referenced a protective  
6 order, which is not available in this case. If there  
7 were to be sensitive material requested, it may be  
8 subject to a confidential protective order. But in  
9 light of the unavailability of a protective order, I  
10 think Staff would attempt to avoid requesting any  
11 material that is too sensitive or would not want to be  
12 admitted into the record at a minimum.

13 Is that roughly correct, Judge?

14 THE COURT: Yes. I just want to make sure  
15 that Mr. Engel understands and see whether he has any  
16 questions. So similarly, you will be able to issue  
17 questions to Staff and ask them questions about their  
18 case to help you prepare for your case. Does that make  
19 sense?

20 MR. ENGEL: Yes.

21 THE COURT: Okay. All right.

22 MR. FUKANO: And I would also just mention  
23 that under Commission rules, there is a time limit to  
24 respond to the request and so responses would need to --  
25 I believe 10 business days is the standard time frame

1 for response.

2 THE COURT: That is the standard time frame,  
3 correct. So when you get requests from Staff, you would  
4 have 10 business days -- not calendar days. It would  
5 not include weekends -- 10 business days to get your  
6 response back to them and then similarly, if you issued  
7 questions to them, they would have 10 business days to  
8 get their answers get back to you.

9 MR. ENGEL: I understand that. Can I ask a  
10 question real quick?

11 THE COURT: Absolutely.

12 MR. ENGEL: So this is a prehearing or  
13 whatever. Is there any way that we can -- is there any  
14 way that if it comes to light that we don't need to go  
15 any further, would this be the last one?

16 THE COURT: That's absolutely a possibility.  
17 So what we're going to discuss --

18 MR. ENGEL: Okay. Cool. Okay. That's all  
19 -- that's -- okay.

20 THE COURT: Yes. We're going to discuss the  
21 procedural schedule next and I don't know if the parties  
22 have had a chance to confer about a procedural schedule,  
23 but what will happen is we'll set a series of dates for  
24 various events to occur with the final date being a  
25 hearing date. And so there will be probably a



1 significant gap of time between today and when we set  
2 the matter for hearing. And in that in-between time,  
3 the parties can work together to attempt to reach an  
4 agreed outcome in which case, we could cancel the  
5 hearing and resolve all of the matters on a paper  
6 record.

7 So if the parties are able to reach an  
8 agreement, you would memorialize it in the form of a  
9 settlement agreement which Mr. Fukano would draft up,  
10 you both would sign, and then you would submit it to me  
11 for review and I would issue an order either approving  
12 it, rejecting it, or approving it subject to conditions.  
13 But there would not be a need for a hearing in that  
14 instance.

15 Sometimes we do have hearings on settlements,  
16 but this is not a complex case that would require any  
17 questions, I think, from me in order to resolve it if a  
18 settlement were reached.

19 So that's what I anticipate. Which brings us  
20 to the schedule, which is the next thing on my list.  
21 So, Mr. Fukano, have the parties had an opportunity to  
22 discuss a schedule or would you like to take a break to  
23 do that now?

24 MR. FUKANO: No, your Honor. I think a  
25 break would be helpful.

1 THE COURT: Okay. So what I'm going to do  
2 then -- for the court reporter's benefit, I'll just --  
3 do you want the court reporter to also get off of the  
4 line or is it okay if she just stops recording when we  
5 go into recess, and then I will leave the meeting and  
6 you can message me to come back when you're ready.

7 MR. FUKANO: Staff has no concern with the  
8 court reporter staying on the line.

9 THE COURT: Okay. Great. All right. So  
10 the court reporter can stay on the line, but doesn't  
11 need to record anything once we are in recess until we  
12 come back on the record.

13 So we will be in recess and I will be  
14 available, Mr. Fukano or any other member of Staff, if  
15 you want to just shoot me a message in Microsoft Teams.  
16 When you're ready, I will rejoin the meeting.

17 MR. FUKANO: Understood.

18 THE COURT: We are in recess. Thank you.

19 (Whereupon a recess was had.)

20 THE COURT: All right. So let's be back on  
21 the record. I understand that the parties have reached  
22 an agreement on a proposed schedule, so, Mr. Fukano, do  
23 you want to read that into the record?

24 MR. FUKANO: Yes, Judge. So the parties  
25 have agreed that we would like to set an initial

1 settlement conference date for July 8th and that also on  
2 July 8th, discovery -- date of request response time  
3 would shorten from 10 business days to 5; that discovery  
4 would close on August 10th; that hearing exhibits would  
5 be filed August 24th, and a hearing date of August 31st  
6 if that is agreeable to the Commission.

7 THE COURT: Okay. I was just jotting that  
8 down. So when you say exhibits, you mean  
9 cross-examination exhibits, I assume, because there's  
10 not going to be any written testimony filed in this  
11 case?

12 MR. FUKANO: Yes, there would not be  
13 pre-filed testimony.

14 THE COURT: Okay. So it would be  
15 cross-examination exhibits and estimated times for  
16 cross-examination and an order of presentation of  
17 witnesses?

18 MR. FUKANO: And there would be some direct  
19 testimony, because there would be -- in the absence of  
20 pre-filed, so cross and direct.

21 THE COURT: So exhibits to support direct  
22 testimony as well?

23 MR. FUKANO: Yes.

24 THE COURT: Got it. Okay. Perfect. Let me  
25 just check my calendar real quick, but it's so far out I

1 can't imagine I have a conflict. Just please bear with  
2 me. So August 26th you said? Is that what you said or  
3 did you say the 24th?

4 MR. FUKANO: 24th for filing of exhibits and  
5 31st for hearing.

6 THE COURT: Oh, 31st. Okay. I apologize.  
7 Let's see, the 31st, I am wide open on the 31st. Would  
8 you like morning or afternoon?

9 MR. FUKANO: Afternoon, please.

10 THE COURT: Okay. All right. So we'll do a  
11 1:30 start time on August 31st. Does that work for you,  
12 Mr. Engel?

13 MR. ENGEL: Yes.

14 THE COURT: Okay. All right. So I think  
15 that's it. Is there anything else that we need to  
16 address today before we adjourn?

17 MR. FUKANO: None from Staff.

18 THE COURT: Mr. Engel, did you have any more  
19 questions?

20 MR. ENGEL: No.

21 THE COURT: No? Okay. All right. Well,  
22 then I will issue a prehearing conference order that  
23 captures everything we talked about here today on the  
24 record. You'll probably see that early next week and we  
25 are adjourned. Thank you, all.

1 MR. FUKANO: Thank you, your Honor.

2 MR. ENGEL: Thanks.

3 (The hearing concluded at  
4 9:59 A.M.)

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C E R T I F I C A T E

BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

I, LORI L. THIELMANN, a Certified Court Reporter  
licensed in and for the State of Washington, do hereby  
certify that the foregoing transcript of the prehearing  
conference before the Honorable Rayne Pearson, having  
taken place on May 7, 2021, 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 21st day of May, 2021.



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LORI L. THIELMANN, RPR, CCR  
License No. 21002182

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