Docket No. TE-190086 - Vol. II

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

May 7, 2021



206.287.9066 I 800.846.6989

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Page 23
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                BEFORE THE WASHINGTON
                                                                       1
                                                                                VIRTUAL TEAMS VIDEOCONFERENCE; MAY 7, 2021
           UTILITIES AND TRANSPORTATION COMMISSION
                                                                       2
                                                                                       PREHEARING CONFERENCE
       In the Matter of
                          )DOCKET NO. TE-190086
                                                                       3
                                                                                          9:32 A.M.
       Determining the Proper
       Carrier Classification of )
                                                                       4
                                                                                           -000-
       and Complaint for
                                                                       5
                                                                                   THE COURT: Let's be on the record. Good
       Penalties Against,
                                                                       6
                                                                             morning. We're here today for a prehearing conference
                                                                       7
                                                                            in docket TE-190086, which is captioned, In the Matter
       CASCADE ADVENTURES, INC.: )
                                                                       8
       CASCADE ADVENTURES BAKER )
                                                                            Determining the Proper Carrier Classification of and
       BUS LLC
                          )
                                                                       9
                                                                            Complaint for Penalties Against, Cascade Adventures,
                                                                     10
                                                                            Inc.; Cascade Adventures Baker Bus LLC.
                                                                     11
                                                                                  My name is a Rayne Pearson. I'm an
              VIRTUAL PREHEARING CONFERENCE
                                                                     12
                                                                            administrative law judge with the Washington Utilities
         BEFORE ADMINISTRATIVE LAW JUDGE RAYNE PEARSON
                                                                     13
                                                                            and Transportation Commission and I will be presiding in
                   VOLUME II
                                                                     14
                                                                            this matter.
                  PAGES 23-35
                                                                     15
                                                                                  So let's begin by taking appearances and let's
        (All participants appeared via videoconference.)
                                                                     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.
      DATE: MAY 7, 2021
                                                                                   THE COURT: Okay. Thank you. And for
                                                                     25
      REPORTED BY: Lori L. Thielmann, RPR, CCR #21002182
                                                     Page 24
                                                                                                                          Page 26
               APPEARANCES
                                                                       1
                                                                             Staff?
2
                                                                       2
                                                                                     MR. FUKANO: Good morning, Judge Pearson.
         (All parties appearing via videoconference.)
                                                                       3
                                                                             Harry Fukano, assistant attorney general, here on behalf
3
 4
      FOR WASHINGTON UTILITIES AND TRANSPORATION:
                                                                       4
                                                                             of Commission Staff.
5
              HARRY FUKANO
                                                                       5
                                                                                     THE COURT: Okay. Thank you. Is there
              Assistant Attorney General
                                                                       6
                                                                             anyone else who wishes to enter an appearance today?
6
              Office of the Attorney General
              Utilities and Transportation Division
                                                                       7
                                                                             Okay. Hearing nothing, I will also assume that there
              P.O. Box 40128
                                                                       8
                                                                             are no petitions to intervene, but I will hold a couple
              Olympia, Washington 98504-0128
                                                                       9
                                                                             of seconds open to allow for those petitions to be made.
8
              360.664.1225
              harry.fukano@ute.wa.gov
                                                                     10
                                                                                   Okay. Hearing none, let's proceed. So I just
 9
                                                                     11
                                                                             want to remind the parties -- and Mr. Engel, this may be
      FOR CASCADE ADVENTURES AND BAKER BUS:
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                                                                     12
                                                                             new to you, but the Commission's procedural rules
11
              PAUL ENGEL
              Cascade Adventures, Inc.
                                                                     13
                                                                             require electronic filing and service of all documents
12
              Cascade Adventures Baker Bus, LLC
                                                                     14
                                                                             and I'll be waiving any requirement for paper copies in
              9961 Paystreak Avenue
              Glacier, Washington 98244
                                                                     15
                                                                             this case due to the ongoing COVID-19 pandemic.
13
              hoboexpeditions@hotmail.com
                                                                     16
                                                                                  The Commission's rules also provide for
14
                                                                     17
                                                                             electronic service of documents so the Commission will
15
      ALSO PRESENT: ADMINISTRATIVE LAW JUDGE RAYNE PEARSON
16
                                                                     18
                                                                             serve the parties electronically and the parties will
                                                                     19
                                                                             serve each other electronically.
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                                                                     20
                                                                                  So that brings us to Staff's letter submitted
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                                                                     21
                                                                             in response to the company's response to the motion to
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                                                                             impose suspended penalties, indicated that Staff would
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                                                                     23
                                                                             like to conduct discovery. So I assume then that the
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                                                                     24
                                                                             parties would like to have the discovery rules available
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                                                                     25
                                                                             to them in this proceeding; is that correct?
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record.

MR. FUKANO: Yes, your Honor.

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

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

MR. FUKANO: None from Staff.

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

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

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

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

for response.

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

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Page 30

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

THE COURT: Absolutely.

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

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

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

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

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

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

Is that roughly correct, Judge?

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

MR. ENGEL: Yes.

THE COURT: Okay. All right.

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

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

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

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

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

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

2 (Pages 27 to 30)

	Page 31		Page 33
1		,	
1	THE COURT: Okay. So what I'm going to do	1 2	can't imagine I have a conflict. Just please bear with
2	then for the court reporter's benefit, I'll just	3	me. So August 26th you said? Is that what you said or
3	do you want the court reporter to also get off of the	4	did you say the 24th?
4	line or is it okay if she just stops recording when we		MR. FUKANO: 24th for filing of exhibits and
5	go into recess, and then I will leave the meeting and	5	31st for hearing.
6	you can message me to come back when you're ready.	6 7	THE COURT: Oh, 31st. Okay. I apologize.
7	MR. FUKANO: Staff has no concern with the	8	Let's see, the 31st, I am wide open on the 31st. Would you like morning or afternoon?
8	court reporter staying on the line.	9	MR. FUKANO: Afternoon, please.
9	THE COURT: Okay. Great. All right. So	10	THE COURT: Okay. All right. So we'll do a
10 11	the court reporter can stay on the line, but doesn't	11	1:30 start time on August 31st. Does that work for you,
12	need to record anything once we are in recess until we	12	Mr. Engel?
13	come back on the record.	13	MR. ENGEL: Yes.
	So we will be in recess and I will be	14	THE COURT: Okay. All right. So I think
14 15	available, Mr. Fukano or any other member of Staff, if	15	that's it. Is there anything else that we need to
16	you want to just shoot me a message in Microsoft Teams.	16	address today before we adjourn?
16 17	When you're ready, I will rejoin the meeting. MR. FUKANO: Understood.	17	MR. FUKANO: None from Staff.
18	THE COURT: We are in recess. Thank you.	18	THE COURT: Mr. Engel, did you have any more
19	(Whereupon a recess was had.)	19	questions?
20	THE COURT: All right. So let's be back on	20	MR. ENGEL: No.
21	the record. I understand that the parties have reached	21	THE COURT: No? Okay. All right. Well,
22	an agreement on a proposed schedule, so, Mr. Fukano, do	22	then I will issue a prehearing conference order that
23		23	captures everything we talked about here today on the
24	you want to read that into the record? MR. FUKANO: Yes, Judge. So the parties	24	record. You'll probably see that early next week and we
25	have agreed that we would like to set an initial	25	are adjourned. Thank you, all.
23	have agreed that we would like to set an illitial		are adjourned. Thank you, and
	D 20		
	Page 32		Page 34
1	settlement conference date for July 8th and that also on	1	
1 2		1 2	Page 34 MR. FUKANO: Thank you, your Honor. MR. ENGEL: Thanks.
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	Page 35	
1	CERTIFICATE	
2		
3	BEFORE THE WASHINGTON	
4	UTILITIES AND TRANSPORTATION COMMISSION	
5	LLODIL THE MANN a Cortified Court Paparter	
6 7	I, LORI L. THIELMANN, a Certified Court Reporter licensed in and for the State of Washington, do hereby	
8	certify that the foregoing transcript of the prehearing	
9	conference before the Honorable Rayne Pearson, having	
10	taken place on May 7, 2021, is true and accurate to the	
11	best of my knowledge, skill and ability.	
12	IN WITNESS WHEREOF, I have hereunto set my hand	
13	and seal this 21st day of May, 2021.	
14	• • •	
15		
16		
17	LORI L. THIELMANN, RPR, CCR	
	License No. 21002182	
18		
19		
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21 22		
23		
24		
25		
23		
1		

A	B	25:13 26:4,17	describe 27:21	frame 28:25 29:2
		28:23 32:6 35:4	Determining 23:3	free 27:15
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