0235

1 BEFORE THE WASHINGTON

2 UTILITIES AND TRANSPORTATION COMMISSION

3 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

4 In Re: Application TC-143691 )

)

4 )

) Docket No. TC-143691

5 SPEEDISHUTTLE WASHINGTON, LLC, ) and TC-160516

D/B/A SPEEDISHUTTLE SEATTLE, ) (Consolidated)

6 )

For a Certificate of Public )

7 Convenience and Necessity to )

Operate Motor Vehicles in )

8 Furnishing Passenger and Express)

Services as an Auto )

9 Transportation Company

11 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

12

DISCOVERY CONFERENCE, VOL. VI

13

Page 235 - 244

14

ADMINISTRATIVE LAW JUDGE RAYNE PEARSON

15

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

16

9:05 a.m.

17

March 7, 2017

18

Washington Utilities and Transportation Commission

19 1300 South Evergreen Park Drive Southwest

Olympia, Washington 98504-7250

20

REPORTED BY: ANITA W. SELF, RPR, CCR #3032

21

Buell Realtime Reporting, LLC.

22 1325 Fourth Avenue, Suite 1840

Seattle, Washington 98101

23 206.287.9066 | Seattle

360.534.9066 | Olympia

24 800.846.6989 | National

25 www.buellrealtime.com

0236

1 A P P E A R A N C E S

2

ADMINISTRATIVE LAW JUDGE:

3

RAYNE PEARSON

4 Washington Utilities and

Transportation Commission

5 1300 So. Evergreen Park Drive SW

P.O. Box 47250

6 Olympia, Washington 98504

360.664.1136

7 rpearson@utc.wa.gov

8

FOR COMMISSION STAFF:

9

JULIAN BEATTIE

10 Assistant Attorney General

1400 So. Evergreen Park Drive SW

11 P.O. Box 40128

Olympia, Washington 98504

12 360.664.1225

jbeattie@utc.wa.gov

13

14 FOR SPEEDISHUTTLE WASHINGTON, LLC:

15 BLAIR I. FASSBURG

Williams Kastner

16 601 Union Street, Suite 4100

Seattle, Washington 98101

17 206.628.6600

bfassburg@williamskastner.com

18

19 FOR SHUTTLE EXPRESS, INC.:

(Via bridge line)

20

BROOKS E. HARLOW

21 Lukas, Nace, Gutierrez & Sachs, LLP

8300 Greensboro Drive, Suite 1200

22 McLean, Virginia 22102

703.584.8680

23 bharlow@fcclaw.com

24 \* \* \* \* \*

25

0237

1 OLYMPIA, WASHINGTON; MARCH 7, 2017

2 9:05 A.M.

3

4 P R O C E E D I N G S:

5

6 JUDGE PEARSON: Let's go ahead and be on the

7 record in consolidated Dockets TC-143691, TC-160516 and

8 TC-161257. Today is Tuesday, March 7th, 2017, at

9 9:05 a.m., and we are here to attempt to resolve

10 discovery disputes as set forth in SpeediShuttle's

11 motion to compel and Shuttle Express's answer to that

12 motion.

13 My name is Rayne Pearson. I'm the

14 administrative law judge presiding over these cases.

15 And let's just get started by taking short

16 appearances, beginning with you, Mr. Harlow.

17 MR. HARLOW (via bridge line): Thank you,

18 your Honor. Brooks Harlow, attorney for the Petitioner

19 in two of the dockets, Respondent in the last docket,

20 Shuttle Express, Inc.

21 JUDGE PEARSON: Thank you.

22 Mr. Beattie?

23 MR. BEATTIE: Julian Beattie, Assistant

24 Attorney General, representing Commission Staff.

25 MR. FASSBURG: Blair Fassburg with Williams

0238

1 Kastner representing SpeediShuttle Washington, LLC, in

2 its various capacities in these consolidated

3 proceedings.

4 JUDGE PEARSON: Okay. Thank you.

5 So as was the case at the prior discovery

6 conferences, I don't need to hear any further argument

7 from the parties because the written submissions

8 contained everything that I needed to make my decision.

9 And as was also the case previously, I won't

10 be issuing a written order. I'll make my decisions from

11 the bench today, and I can repeat anything as needed for

12 those of you taking notes.

13 So we will begin with Data Request No. 15,

14 which I am modifying as follows: Shuttle Express must

15 produce a list of individuals or entities to whom it

16 paid commissions for referrals or bookings, and for whom

17 there is no agreement on file with the Commission, and

18 that have not already been provided in response to

19 Staff's data requests.

20 MR. HARLOW: Okay. Your Honor, what time

21 period, because we have --

22 JUDGE PEARSON: Right. I was getting to

23 that. I'm just waiting for Mr. Fassburg --

24 MR. HARLOW: Oh, okay.

25 JUDGE PEARSON: -- to stop jotting --

0239

1 MR. FASSBURG: You don't have to worry about

2 me.

3 JUDGE PEARSON: Okay.

4 So because the Commission's statute of

5 limitations for enforcement is two years, the data

6 requests will go back two years from the date that

7 SpeediShuttle filed its complaint.

8 And Data Request Nos. 19 and 20 are

9 consolidated and modified as follows: With respect to

10 the information produced in response to Data Request

11 No. 15, provide the dollar amount of commissions paid to

12 each person or entity, both individually and in total.

13 MR. FASSBURG: Your Honor, may I make one

14 comment with respect to that ruling?

15 JUDGE PEARSON: Sure.

16 MR. FASSBURG: The information that will be

17 produced in response to 15 you said will only be the

18 ones not already produced to Staff. For the ones

19 already produced to Staff, the information responsive to

20 19 and 20 has not been provided. And so if your

21 intention --

22 JUDGE PEARSON: Oh, my intention is for them

23 to provide all of that with everything that's been

24 provided to Staff and with anything additional that

25 comes out of that data request. Thank you for asking

0240

1 that question. You don't have to provide any of the

2 receipts or any of the other things that SpeediShuttle

3 asked for, Mr. Harlow, but the dollar amounts is what I

4 want --

5 MR. HARLOW: So these would be total dollar

6 amounts by individual?

7 JUDGE PEARSON: Yes. And then just add them

8 up and provide a total at the end. So that will be both

9 for every entity or individual that you have already

10 provided the names for in response to Staff's data

11 requests, and then any additional that, for whatever

12 reason, weren't captured by Staff's data requests. And

13 I don't know if there are additional ones that weren't

14 captured by Staff's data requests, but I'm hoping the

15 way that I phrased this would capture anything that

16 might not have been turned over to Staff.

17 MR. HARLOW: Okay. Would this also be back

18 two years from the date of the filing of the complaint?

19 JUDGE PEARSON: Correct.

20 MR. HARLOW: I think that's pretty clear.

21 JUDGE PEARSON: Okay.

22 Any other questions?

23 MR. FASSBURG: Not from SpeediShuttle.

24 JUDGE PEARSON: Okay. Well, thank you then.

25 It sounds like, Mr. Harlow, the parties are

0241

1 working together to resolve the remaining outstanding

2 discovery disputes.

3 MR. HARLOW: Yes. We have what I believe is

4 a resolution, and about an hour or so ago I served the

5 supplemental responses that were part of that agreement.

6 JUDGE PEARSON: Okay. That's good to hear.

7 So --

8 MR. HARLOW: It took us a few days. People

9 are all very busy.

10 JUDGE PEARSON: Sure. So you anticipate

11 that that will be it with response to this set?

12 MR. HARLOW: Yeah, I think we're done.

13 JUDGE PEARSON: Okay. Great.

14 MR. HARLOW: Mr. Fassburg was probably

15 driving when it came, so I don't expect him to say we're

16 done yet. Hopefully he'll agree --

17 MR. FASSBURG: I've actually had a chance to

18 review it while I was waiting.

19 JUDGE PEARSON: Okay. He has something to

20 say.

21 Go ahead, Mr. Fassburg.

22 MR. FASSBURG: Sorry. Thank you for that.

23 One thing that we haven't addressed is the

24 time by which it will be due, which is extremely

25 important because SpeediShuttle has its initial

0242

1 testimony on the complaint case due March 17th.

2 JUDGE PEARSON: Okay. And they're still

3 outstanding?

4 MR. FASSBURG: These -- well, the ones he

5 supplemented this morning are not what I was referring

6 to, so I'll be clear. The ones that we've had your

7 rulings on today --

8 JUDGE PEARSON: Oh, oh, I see.

9 MR. FASSBURG: -- we would --

10 MR. HARLOW: Your Honor, may we go off the

11 record for just a minute on this?

12 JUDGE PEARSON: Sure.

13 (Brief discussion off the record.)

14 JUDGE PEARSON: Okay. We are back on the

15 record following a brief recess where the parties

16 discussed a due date for the data requests that were

17 modified here this morning, and have agreed that those

18 will be submitted by Friday, which is March 10th.

19 Anything else before we go off the record?

20 MR. HARLOW: And my understanding is, if we

21 are able to do that by Friday, that the testimony due

22 date of the 17th will hold.

23 Is that your understanding as well?

24 JUDGE PEARSON: That is my understanding as

25 well, yes.

0243

1 MR. HARLOW: Thank you.

2 JUDGE PEARSON: All right.

3 Well, if there's nothing further, then we

4 are adjourned.

5 MR. FASSBURG: Thank you.

6 MR. BEATTIE: Thank you very much.

7 MR. HARLOW: Thank you, your Honor.

8 JUDGE PEARSON: Okay. Bye-bye.

9 (Conference concluded at 9:13 a.m.)

10

11 -o0o-

12

13

14

15

16

17

18

19

20

21

22

23

24

25

0244

1 C E R T I F I C A T E

2

3 STATE OF WASHINGTON )

) ss.

4 COUNTY OF KING )

5

6

7 I, ANITA W. SELF, a Certified Shorthand Reporter

8 in and for the State of Washington, do hereby certify

9 that the foregoing transcript is true and accurate to

10 the best of my knowledge, skill and ability.

11 IN WITNESS WHEREOF, I have hereunto set my hand

12 and seal this 20th day of March, 2017.

13

14

15

16 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

17 ANITA W. SELF, RPR, CCR #3032

18

19

20

21

22

23

24

25