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1 P R O C E E D I N G S

2 JUDGE RENDAHL: Good afternoon, we're here
3 before the Washington Utilities and Transportation
4 Commission this afternoon, Wednesday, August 25th, 2004,
5 for a prehearing conference in consolidated Docket
6 Numbers TG-040221 and TG-040248, the Applications of
7 Harold LeMay Enterprises and Kleen Environmental
8 Technologies. I'm Ann Rendahl, the Administrative Law
9 Judge presiding over these matters.

10 The purpose of our prehearing conference this
11 afternoon is to address the issues raised in
12 Mr. Johnson's letter dated August 23rd, namely the
13 nature of the prefiled testimony requirements in this
14 proceeding, whether an extension of time to file should
15 be granted, and the implications of that extension on
16 the procedural schedule. And then I have an issue I
17 need to raise with all of you having to do with the
18 scheduling of the Spokane hearing, which is now
19 scheduled for October 28th.

20 So before we go any farther, let's take
21 appearances, and since all of you have stated formal
22 appearances, if you can just state your name and the
23 party you represent, that will be helpful.

24 MR. JOHNSON: Your Honor, this is Steve
25 Johnson representing Stericycle of Washington, Inc.

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1 JUDGE RENDAHL: Mr. Johnson, are you on a
2 speaker phone?

3 MR. JOHNSON: No, I'm not.

4 JUDGE RENDAHL: You're coming in a little
5 faintly, I will try to increase the volume here. Okay,
6 so Mr. Johnson with Stericycle.

7 Mr. Sells.

8 MR. SELLS: Jim Sells representing LeMay
9 Enterprises and Washington Refuse and Recycling
10 Association and others.

11 JUDGE RENDAHL: Thank you.

12 And Mr. Haffner.

13 MR. HAFFNER: Thank you, Your Honor, Greg
14 Haffner representing Kleen Environmental Technologies,
15 Inc.

16 JUDGE RENDAHL: Thank you.

17 So we'll start on the first issue.
18 Mr. Johnson, in your letter you indicate that there's
19 some confusion about the requirements in the Prehearing
20 Conference Order Number 3 about the prefiling testimony
21 requirements. Can you elaborate.

22 MR. JOHNSON: Yes, Your Honor, I spoke --
23 first of all, I'm trying to clarify in my own mind what
24 the requirement is so that we do comply with the
25 prehearing order, but my own interpretation based on the

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1 prehearing conference last May was that the applicants
2 and protestants both had the option to prefile and that
3 prefiling could be -- a party could decide to prefile if
4 it believed that doing so would benefit the presentation
5 of its case and the expedition of the hearing process.

6 As I came closer to our own deadline for
7 prefiling, I was checking with other counsel to see if
8 they had shared my interpretation of the order.
9 Mr. Trautman did not, he thought that prefiling was --
10 the direct testimony would be limited to prefiled
11 testimony under the order based on the Commission's
12 practices in telephone cases for example. Mr. Sells as
13 I recall had an interpretation closer to mine in that it
14 was not entirely clear that direct testimony would be
15 entirely written under the prehearing order. So, Your
16 Honor, I do not have a strong point of view on this, but
17 I did want to clarify.

18 One of the places where I was concerned was
19 if I understand the prehearing order correctly,
20 Stericycle and other protestants would need to file both
21 any affirmative presentation they seek to make for the
22 hearing in written form by September 10 and also any
23 response to the applicants' prefiled testimony that had
24 been filed by the August 13 deadline. And my concern
25 was simply that if protestants filed responses to the

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1 applicants' prefiled testimony in writing that very --
2 as I understood the prehearing order, that the
3 applicants would then be permitted to change, shift
4 their ground to meet the objections presented in the
5 responsive presentation of protestants, and we would end
6 up with a hearing on a different basis than we had
7 started from based on the original prefilings. So if
8 the applicants are limited to the direct testimony that
9 they have prefiled, then I do not have a problem with
10 protestants being similarly limited with respect to
11 their prefiled testimony, but I wanted to be clear on
12 exactly Your Honor's interpretation of Prehearing Order
13 Number 3 and your intention.

14 JUDGE RENDAHL: Are you in a public place? I
15 hear a lot of voices behind you.

16 MR. JOHNSON: That's Jim Sells.

17 MR. SELLS: That's me.

18 JUDGE RENDAHL: Okay.

19 MR. SELLS: I can step outside.

20 JUDGE RENDAHL: It's just a bit distracting.

21 MR. SELLS: Let me see if I can find a
22 quieter spot.

23 JUDGE RENDAHL: Thank you.

24 Let's be off the record for a moment.

25 (Discussion off the record.)

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1 prefilled and are not going to be permitted to present
2 basically a new case on these economic issues at the
3 time of the hearing, then we can go ahead and file our
4 responsive testimony, and all parties will be similarly
5 limited. But if they are not limited, and we file our
6 responsive testimony, then they are in a position to
7 basically shift their ground and create new assumptions
8 and essentially a new economic analysis.

9 JUDGE RENDAHL: Mr. Sells.

10 MR. SELLS: Being both an applicant and a
11 protestant, I'm kind of right in the middle, but I tend
12 to agree with Steve Johnson on that. I think that the
13 idea of prefiling the testimony to start with is to have
14 it there so we can deal with it, and if we deal with it
15 by prefiling our cross for example, then fine. But if
16 we prefile our cross and as Steve says that results in a
17 whole new case, then we have kind of destroyed the whole
18 idea behind it, so I have to say I would agree with him.

19 JUDGE RENDAHL: Okay.

20 Mr. Haffner.

21 MR. HAFFNER: Well, and I don't think I agree
22 with Mr. Johnson. I'm not seeing this as a need to
23 prefile cross, and when I look at the order, I think
24 we've got a separate date and deadline when we are to
25 file estimates for time for cross-examination and

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1 proposed cross-examination exhibits but no text or
2 summary of what the cross-examination is going to be
3 about.

4 With respect to the protestants' prefiled
5 testimony, you know, I can see where they're concerned
6 about having their economic expert testify as to what
7 their operations are, but I guess I didn't see the
8 testimony that they would be prefilings as that would be
9 attacking the applicants' testimony but rather
10 establishing what it is that they do.

11 MR. JOHNSON: Your Honor, this is exactly
12 again the place where I think the confusion arose in my
13 mind at least, because the order refers to responsive
14 testimony. And I have no problem with Stericycle or
15 other protestants being required to file sort of their
16 affirmative testimony as to what they do, as Mr. Haffner
17 points out, but it was the issue of the response to the
18 applicants' prefiled testimony that was -- raised the
19 question in my mind. If we do -- if we are required to
20 file responses to the applicants' prefiled testimony by
21 the deadline ahead of the hearing, then as long as the
22 applicants are confined to their direct testimony as set
23 forth in their prefiled materials, that should be okay.
24 But to the extent that we end up sort of getting a new
25 case at the hearing responsive to the critique that

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1 protestants might provide, then I don't think we have
2 gained a whole lot. In fact, I think we'll create a lot
3 of confusion at the hearing.

4 JUDGE RENDAHL: Okay. Well, this goes back
5 to the issues that I was raising in the prehearing, and
6 I went back and looked at the transcript of the
7 prehearing, and in particular, you may not have the copy
8 with you, but I will quote from page 35 of the
9 transcript, which says:

10 When the commission does use prefiled
11 testimony, that testimony is the direct
12 testimony, and generally it's not just
13 one round that's filed. There's an
14 opportunity to respond to it by the
15 other side and then a reply, and it does
16 eat up a certain amount of time.

17 Now the parties agreed to just two rounds of
18 testimony, and my understanding is that the way the
19 Commission's process works, which we generally don't use
20 it in transportation hearings, is that the parties who
21 are filing -- the applicant files their direct case and
22 their testimony, the protestant is by nature of being a
23 protestant in a sense responding to what the applicant
24 files and also will make whatever affirmative case it
25 needs to make. That's the process in all other cases

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1 that we have before the Commission that use prefiled
2 testimony. Often there is a reply round. Now in this
3 situation the applicants would need to request the
4 opportunity to have any reply testimony to be done in
5 hearing. But an applicant can't change its case. Its
6 direct testimony is its direct testimony, and reply
7 testimony in a sense is in reply to the response
8 testimony, but you can't create a whole new case in your
9 reply testimony. The Commission doesn't allow that.

10 So I guess the, you know, we discussed this
11 at great length in the prehearing conference as to
12 whether or not to use prefiled testimony. The reason
13 for using prefiled testimony is to eliminate hearing
14 time and especially where there's technical issues
15 involved to get that in writing so that all parties have
16 it. It's easier to deal with on paper than it is just
17 orally.

18 Now, you know, I also advised the parties
19 that it takes a significant amount of time, we could
20 have gone to hearing earlier if we didn't do prefiled
21 testimony. So here we are in the middle, the applicants
22 have filed their direct and their exhibits to support
23 it. Now the Staff chose to have in a sense a responsive
24 round because they're not an applicant, and the
25 protestants get on opportunity to in a sense file

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1 responsive testimony to the applicants' testimony. That
2 includes Rubatino and Kleen and Consolidated Disposal
3 and WRRRA and Stericycle.

4 So I guess I'm a bit frustrated at the
5 confusion, because I thought it was quite clear at the
6 prehearing conference what the difference was in going
7 to a prefiled testimony form of going to hearing as
8 opposed to just doing it all direct.

9 MR. JOHNSON: Well, Your Honor, this is Steve
10 Johnson, if the confusion is all on my part, then
11 perhaps your comments have clarified it. As long as we
12 aren't in a position where applicants are free to shift
13 their ground and present a new case at the evidentiary
14 hearing based on responsive testimony, then I don't
15 think -- Then I don't think there's a problem, we just
16 proceed.

17 JUDGE RENDAHL: Now nothing, you know,
18 nothing precludes the applicant from cross-examining
19 your witnesses to raise, you know, concerns over what's
20 in the prefiled testimony.

21 MR. JOHNSON: Of course.

22 JUDGE RENDAHL: And likewise for the
23 protestant, you can cross-examine based on the direct
24 testimony. Now if there are specific situations raised
25 by the responsive testimony that require some oral reply

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1 testimony, given the schedule that we have, it would
2 have to be oral, it could not be written, and so we
3 would have to deal with that situation at the time of
4 the hearing. And I'm not saying it's not possible, it
5 could happen, but we do have an entire week blocked out
6 for hearing.

7 MR. HAFFNER: Your Honor, this is Greg
8 Haffner. Are you saying that rebuttal testimony would
9 only be permitted upon request? And when I say rebuttal
10 testimony, I mean after they're done cross-examining our
11 operation witnesses, aren't we going to be allowed to
12 put those witnesses back on redirect?

13 JUDGE RENDAHL: Correct.

14 MR. HAFFNER: And if necessary to clarify
15 some of the questions that have been attacked on
16 cross-examination.

17 JUDGE RENDAHL: No, redirect is allowed. We
18 usually do one round of redirect and recross.

19 MR. HAFFNER: Okay.

20 JUDGE RENDAHL: But what I'm saying is there
21 may be situations after you receive the protestants'
22 testimony and responsive testimony that there may be a
23 situation where you may wish to have the opportunity for
24 rebuttal prior to the cross, do you know what I'm
25 saying, and in that situation you would need to request

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1 it.

2 MR. HAFFNER: Okay.

3 JUDGE RENDAHL: Does that clarify the
4 process?

5 MR. HAFFNER: That helps me understand what
6 the procedure would be if we feel that it's necessary to
7 in essence amend the original direct, but in essence
8 it's requesting rebuttal before the cross.

9 JUDGE RENDAHL: Right, and I'm not saying --
10 it's not amending your direct, it's providing rebuttal
11 testimony to the responsive testimony.

12 MR. HAFFNER: Right.

13 JUDGE RENDAHL: Okay.

14 MR. HAFFNER: And I guess from my standpoint
15 I may be thinking that it might be just better for us to
16 just let the cross go forward, and if I need to address
17 that I would address it on redirect.

18 JUDGE RENDAHL: And that's fine as well.

19 So that's my understanding is that the direct
20 testimony has been filed, now we're waiting for the
21 responsive testimony and whatever affirmative testimony
22 as a part of that responsive testimony for the
23 protestants and Staff. And right now it's scheduled for
24 the 10th, so maybe we need to move on to the next issue,
25 which is Mr. Johnson's request for an extension of time.

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1 MR. JOHNSON: Yes, Your Honor, this is Steve
2 Johnson again. If I could just -- again, my letter
3 touched on a couple of points, but there are a couple of
4 additional points that I would like to add just for Your
5 Honor's consideration here.

6 Number one, as I said in the letter, we have
7 lost a couple of key people. One is Mike Filpod, he is
8 basically the general manager of Stericycle of
9 Washington, who was out most of last week with food
10 poisoning and in fact was in the hospital again last
11 weekend with food poisoning, a little aftermath of his
12 problem there. He has been available to us this week,
13 but we did lose substantial preparation time. The other
14 fellow is Chris Dunn, who is our transportation manager
15 and a key person to assist in the analysis of the
16 economic presentation that Kleen has made in their
17 prefiled testimony, and he was in a motorcycle accident,
18 also in the hospital. As I understand, he will be out
19 through Labor Day, but we can cover for Chris Dunn's
20 absence through other personnel, but the problem that
21 has arisen is that other personnel that we were not
22 intending to rely on as heavily as we now need to had
23 vacation plans for example this week and leading up to
24 the Labor Day weekend. So it just has become a very
25 difficult time period given these unusual absences that

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1 Stericycle people have had to -- have experienced.

2 The other couple of points I wanted to add to
3 the points I raised in my letter is that we have an
4 economic consultant, I guess it's I should say a CPA,
5 analyzing the Kleen economic presentation. And in
6 response to discovery requests, Kleen presented one set
7 of projections for the first 12 months under the
8 proposed service, and in their prefiled testimony they
9 presented a substantially different economic
10 presentation, so we have had to refer that new material
11 to the CPA for additional analysis based on the new
12 materials. And, of course, since it's a set of
13 transportation issues and new assumptions were presented
14 in the economic material, we need to have our
15 transportation people review that and evaluate it as
16 well.

17 So the effect of Kleen's change in their
18 economic presentation from the material presented to us
19 in discovery and the material attached to the prefiled
20 testimony has put us to an additional substantial burden
21 in terms of getting assistance from outside parties that
22 are involved in preparation of our case. And again,
23 because of vacation schedules and so forth leading
24 through this Labor Day period, this is again also
25 proving to be quite difficult.

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1 I guess finally we have had some difficulty
2 in getting responses to discovery from the applicants,
3 and we are still in fact today received some additional
4 materials from Mr. LeMay and his client, I'm sorry,
5 Mr. Sells and his client LeMay.

6 MR. SELLS: I wish it was Mr. LeMay.

7 MR. JOHNSON: So we are also going to be
8 seeking additional information from Mr. Sells' client,
9 the detail on their economic presentation that was
10 attached to their financial statements. They gave us
11 income statements that are very general and nonspecific,
12 and we are asking for more detailed information on their
13 revenues and expenses. We had asked for that in
14 discovery back in July.

15 JUDGE RENDAHL: Mr. Johnson, I don't believe
16 any of this detail was provided in your letter.

17 MR. JOHNSON: No, it was not.

18 JUDGE RENDAHL: And so I guess I don't need
19 to know the exact detail as much as I do just that there
20 is an issue.

21 MR. JOHNSON: There is an issue, and we're
22 working on it. That's all I can say, and what I have
23 asked for is a week extension, which I do not think
24 should seriously affect the hearing schedule.

25 JUDGE RENDAHL: Mr. Sells.

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1 MR. SELLS: I wouldn't have any objection to
2 that, Your Honor.

3 JUDGE RENDAHL: Mr. Haffner.

4 MR. HAFFNER: This is the first I am aware
5 that there are issues with the information that's been
6 provided in response to discovery requests on either
7 Mr. Sells' part or my part. I'm not aware of their
8 complaining that anything that we have produced or have
9 failed to produce, frankly, they haven't told me that I
10 failed to produce anything I don't think at this point,
11 has caused them any delay in preparing their case. They
12 have made some requests for my assistance basically in
13 providing them with documents that would make it easier
14 for them to prepare their case, which I refused.

15 But my concern with the request for an
16 extension is how it affects the rest of the schedule.
17 They have requested an extension to the 17th, which
18 would put the delivery of their testimony to us on a
19 Friday. We are required, all the parties are required
20 by Monday, the following Monday, to provide time
21 estimates for cross-examination and cross-examination
22 exhibits to be filed with the Commission. I think the
23 intent was that we have a week to at least look at what
24 the protestants' documents were in order to prepare for
25 that. He's now asking that to be a weekend, and I just

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1 don't see how that's going to be able to be completed.
2 Now maybe the two attorneys that have had more
3 experience with this and Your Honor can explain why that
4 weekend would be a sufficient amount of time, but I'm
5 kind of thinking that's an awful short amount of time.

6 JUDGE RENDAHL: Mr. Johnson.

7 MR. JOHNSON: Well, Your Honor, my thought is
8 that the estimate of cross-examination time is not
9 something that takes a great deal of time to determine.
10 And the issue of potential cross-examination exhibits, I
11 frankly do not anticipate that there would be
12 significant cross-examination exhibits given the
13 prefiling that we're doing. I think both sides have had
14 an opportunity to, will by that time, have had an
15 opportunity to prepare their cases and to submit their
16 positions in writing, and I do not believe that, you
17 know, that it is an extensive obligation to identify
18 potential cross-examination exhibits. If that were an
19 issue, it seems to me that we could allow additional
20 time during that week prior to the hearing to get the --
21 to have those cross-examination exhibits identified. We
22 have a week between or ten days basically between the
23 17th and I guess it's the 27th when the hearing starts.
24 If Mr. Haffner needs additional time, more than a
25 weekend, to identify cross-examination exhibits, would

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1 there be a problem in doing it later that week.

2 JUDGE RENDAHL: Mr. Sells.

3 MR. SELLS: Again, I really don't have a
4 position on this. I would be perfectly happy with the
5 extension. I don't think it takes much to do an
6 estimate of cross-examination. We've probably got a
7 pretty good idea of what that's going to be already.
8 But if we stick to the present schedule, I'm not going
9 to have a big problem with that either.

10 JUDGE RENDAHL: All right, well, my concern,
11 having read your letter, Mr. Johnson, was the same as
12 Mr. Haffner's. Frankly I don't enjoy working over the
13 weekend if it's, you know, the Commission doesn't force
14 people to work over the weekend on something without
15 providing an opportunity during the week to do so. So
16 if you truly do need the week, which given the infirmity
17 of your witnesses I can understand you would, then I
18 will likely extend both the time to file cross-exhibits
19 and time estimates as well as the prehearing conference.

20 Because the purpose of the prehearing
21 conference is to make sure we have everything all put
22 together before the hearing, and I can't do that without
23 having your cross-estimates and without having a list of
24 your exhibits that you plan to use in the hearing as
25 well as the copies of the cross-exhibits themselves so

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1 that we're ready to go on Monday when we get going and
2 we don't waste the time Monday morning. So I don't have
3 any conflicts on the 23rd or the 24th for a prehearing
4 conference, and so I'm wondering what your schedules are
5 like.

6 MR. JOHNSON: Your Honor, this is Steve
7 Johnson, the only conflict I have is oral argument in
8 the Court of Appeals on the morning of the 23rd.

9 JUDGE RENDAHL: All right.

10 MR. SELLS: This is Jim Sells, I can make
11 either one of those work.

12 JUDGE RENDAHL: Well, since I would like to
13 do this in person rather than over the phone, if
14 possible, why don't we schedule it for Friday in the
15 morning. Now it's possible depending on what you all
16 send to me, if I can get -- if you all can send me
17 electronically by the end of the day on Wednesday the
18 22nd your list of exhibits, including the prefiled
19 exhibits, your list of cross-exam exhibits as well as
20 paper copies to arrive the next day, and your
21 cross-examination estimates, an order of witnesses when
22 they should appear, then I can put all that together,
23 send it out to you by Friday morning, and we can avoid
24 the prehearing conference. My goal is to make sure that
25 we have everything ready to go for Monday morning. Is

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1 this workable?

2 MR. SELLS: This is Jim Sells, we can comply
3 with that.

4 MR. HAFFNER: Your Honor, this is Greg
5 Haffner, the one value that I would see that we don't
6 get out of that that we normally would get out of a
7 prehearing conference would be an estimate of I guess
8 the length of time for the appearance of the witnesses
9 so that we can properly -- so we can try and better
10 schedule the witnesses.

11 JUDGE RENDAHL: Well, what I would also do is
12 circulate an agenda based on the cross-estimates and
13 your order of the witnesses, and that would also include
14 -- I will factor in time that I would have for
15 questioning of the witnesses and sort of an estimate of
16 time for redirect and recross. And then we'll factor in
17 an agenda for the hearing basically going from 9:30 to
18 5:00 every day. So you will be able to better plan for
19 your witnesses. Now one benefit of the prehearing
20 conference on Friday is for you all to tell me I'm all
21 wet and that my estimates are way off or, you know, we
22 need to reschedule this around.

23 MR. HAFFNER: So, Your Honor, this is Greg
24 Haffner again, would you be providing us with that
25 schedule before Friday, in other words on Thursday?

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1 JUDGE RENDAHL: Well, if I can get
2 everything, if I can get your cross-estimates by the end
3 of the day on Wednesday electronically as well as the
4 order of your witnesses, I can put together before the
5 end of the day on Thursday the cross-estimate chart as
6 well as the agenda and circulate it to you
7 electronically by the end of the day Thursday, and I can
8 schedule a time for a prehearing over the phone on
9 Friday to just make sure, and I can also try to get the
10 exhibit list put together, but basically it depends on
11 what you all send me on Wednesday.

12 MR. HAFFNER: This is Greg Haffner, I would
13 be acceptable with that proposal for a telephone
14 conference prehearing to just fine tune or review any
15 questions we had on your proposed schedule.

16 JUDGE RENDAHL: Okay. And then, you know,
17 you all can tell me if I'm completely off as to witness
18 times, but it's my experience that, you know, based on
19 your estimates of cross-examination time, adding in the
20 time for my questioning, for redirect, and recross, and
21 then any breaks we might have during the hearing, it's
22 amazing how fast the time goes.

23 So I will send out a notice to that effect
24 that we will grant an extension until the 17th for the
25 second round of testimony, and then the date for filing

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1 the cross-estimates and the proposed cross-exam exhibits
2 along with your exhibit lists and cross lists and your
3 order of witnesses, if I get that by the end of the day
4 on the 22nd, I will recirculate something to you by the
5 end of the day Thursday and schedule a telephonic
6 prehearing conference for Friday morning to resolve any
7 differences, and then we will be ready to go on Monday.

8 So does that work for everyone?

9 MR. SELLS: This is Jim Sells, that's fine
10 with me.

11 JUDGE RENDAHL: Okay. Then the only issue
12 remaining is we have a hearing scheduled for October
13 28th in Spokane, and it looks like some dates in another
14 case that I have may be moving, and I was wondering if
15 we could either change the 28th hearing to Monday the
16 25th or to Friday the 29th.

17 MR. HAFFNER: Your Honor, this is Greg
18 Haffner, I guess for scheduling purposes it appears as
19 though all of our witnesses will be able to be heard in
20 the Kent hearing, so we aren't going to need the Spokane
21 or Vancouver, but we anticipated that Mr. Johnson's
22 witnesses would probably need Spokane and Vancouver.

23 JUDGE RENDAHL: Okay.

24 Mr. Sells.

25 MR. SELLS: This is Jim Sells, as far as

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1 Spokane is concerned, I would just -- I am just
2 contemplating calling one witness, and that's the most
3 likely Consolidated. In Vancouver we would have one
4 witness from LeMay.

5 MR. JOHNSON: Your Honor, this is Steve
6 Johnson, at this point I do not anticipate a generator
7 witness in Spokane, but I would like to retain the spot
8 on the schedule.

9 JUDGE RENDAHL: Okay, well, I'm not proposing
10 we eliminate it unless you all tell me you want to. At
11 this point it looks like maybe we would need a half day
12 in Spokane.

13 MR. HAFFNER: This is Greg Haffner, the 25th
14 works for me.

15 MR. JOHNSON: Your Honor, Steve Johnson, the
16 25th or the 29th would work for me. I'm just wondering
17 in terms of travel, I guess if we travel on the morning
18 of the 25th, we could have the hearing in the afternoon
19 perhaps.

20 JUDGE RENDAHL: Right, that's what I'm
21 thinking, an afternoon hearing on the 25th in Spokane.

22 MR. JOHNSON: Yeah, that would work for my
23 schedule.

24 MR. SELLS: This is Jim Sells, again I will
25 make it work. It doesn't work at the moment, but it

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1 will by then.

2 JUDGE RENDAHL: Okay, I know the feeling.

3 MR. HAFFNER: And for the purposes of
4 flexibility, I'm also available on the 29th. Any time
5 there would work. I have accommodations over there, so
6 that's not a problem.

7 JUDGE RENDAHL: Mr. Sells, would the 29th be
8 better or worse?

9 MR. SELLS: Same answer, either one I will
10 make it work.

11 JUDGE RENDAHL: All right. Well, I will look
12 to see what magic my administrative assistant can work
13 in terms of rescheduling that at the AG's office, and I
14 will let you all know, but I appreciate your flexibility
15 on that point.

16 So is there anything else we need to talk
17 about today?

18 Hearing nothing, is there any party that
19 wishes to order a copy of the transcript of today's
20 prehearing conference?

21 Hearing nothing, this prehearing conference
22 is adjourned. I will enter a prehearing conference
23 order most likely early next week summarizing our
24 discussions, and thank you all for calling in.

25