

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND ) DOCKET TG-101220  
TRANSPORTATION COMMISSION, ) (*Consolidated*)  
)  
Complainant, ) ORDER 07  
)

v. )  
)

WASTE MANAGEMENT OF )  
WASHINGTON, INC., d/b/a WASTE )  
MANAGEMENT – NORTHWEST, )  
)  
Respondent. )

..... )  
WASHINGTON UTILITIES AND ) DOCKET TG-101221  
TRANSPORTATION COMMISSION, ) (*Consolidated*)  
)  
Complainant, ) ORDER 07  
)

v. )  
)

WASTE MANAGEMENT OF )  
WASHINGTON, INC., d/b/a WASTE )  
MANAGEMENT – SNO-KING, )  
)  
Respondent. )

..... )  
WASHINGTON UTILITIES AND ) DOCKET TG-101222  
TRANSPORTATION COMMISSION, ) (*Consolidated*)  
)  
Complainant, ) ORDER 07  
)

v. )  
)

WASTE MANAGEMENT OF )  
WASHINGTON, INC., d/b/a WASTE )  
MANAGEMENT – SOUTH SOUND, )  
WASTE MANAGEMENT OF )  
SEATTLE, )  
)  
Respondent. )

..... )

SECOND PREHEARING  
CONFERENCE ORDER

- 1 **NATURE OF PROCEEDINGS.** These dockets arise from a petition to allow sharing of revenues from recycled materials, lift the interim status of certain tariff changes, and approve revised commodity credits.
- 2 **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a second prehearing conference in these dockets at Olympia, Washington on June 6, 2011, before Administrative Law Judge Gregory J. Kopta.
- 3 **APPEARANCES.** Polly L. McNeill, Summit Law Group, Seattle, WA, represents Waste Management of Washington, Inc. (Waste Management or Company). Fronda Woods, Assistant Attorney General, Olympia, WA, represents the Commission's regulatory staff.<sup>1</sup>
- 4 **PROCEDURAL SCHEDULE.** Pursuant to prior agreement of the parties during the first prehearing conference, the Commission postponed establishing a procedural schedule until after the Commission issued its order on reconsideration in Dockets TG-101542, TG-101545, and TG-101548 (consolidated). The Commission issued that order on May 6, 2011, and now establishes the following procedural schedule in this proceeding:

Cross Motions for Summary Determination due **June 30, 2011**

Responses to Cross-Motions due by **July 20, 2011**

- 5 **SCOPE OF ISSUES.** The Commission must determine whether the recycling plans Waste Management has submitted demonstrate that the revenues the Company retains will be used to increase recycling as required under RCW 81.77.185. The parties having previously agreed to be bound by the Commission's decision in Dockets TG-101542, TG-101545 & TG-101548 (consolidated), the primary, if not sole, issue in this proceeding is whether using a portion of the recycling revenues to provide Waste Management with a rate of return on its expenditures under the plans is a "use[]" to

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<sup>1</sup> In formal proceedings, such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See*, RCW 34.05.455.

increase recycling” within the meaning of the statute. The Commission expects the parties to address this issue and to raise any other issues only as necessary to enable the Commission to determine whether the plans make the requisite demonstration.

- 6 **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 the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective June 7, 2011.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

GREGORY J. KOPTA  
Administrative Law Judge