

**In the Matter of the Applications of DTG Enterprises,
Inc., d/b/a DTG Recycle**

Docket No. TG-240583 and TG-240584 - Vol. I

October 30, 2024



1325 Fourth Avenue, Suite 1840, Seattle, Washington 98101
Bellingham | Everett | Tacoma | Olympia | Yakima | Spokane
Seattle 206.287.9066 Tacoma 253.235.0111 Eastern Washington 509.624.3261

www.buellrealtime.com

email: audio@buellrealtime.com

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Applications of DTG ENTERPRISES, INC., D/B/A DTG RECYCLE, For Authority to Operate as a Solid Waste Collection Company in Washington,) DOCKET TG-240583) and)) DOCKET TG-240584)) PAGES 1-35

VIRTUAL PREHEARING CONFERENCE - VOLUME I BEFORE ADMINISTRATIVE LAW JUDGE BIJAN HUGHES October 30, 2024

Held via Zoom Washington Utilities and Transportation Commission 621 Woodland Square Loop SE Lacey, Washington 98504

TRANSCRIBED BY: ELIZABETH PATTERSON HARVEY, WA CCR 2731

A P P E A R A N C E S

1 FOR PROTESTANT WASTE MANAGEMENT OF WASHINGTON, INC.: 2 Walter Stanovsky 3 WalkerStanovsky@dwt.com 4 Davis Wright Tremaine 5 929 108th NE Ste 1500 6 Bellevue, Washington 98004 7 Ame Lewis 8 ALewis6@wm.com 9 Senior Legal Counsel, Pacific Northwest 10 7227 NE 55th Avenue 11 Portland, Oregon, 97218 12 FOR PROTESTANTS RUBATINO REFUSE REMOVAL LLC, 13 SUNSHINE DISPOSAL AND RECYCLING: 14 Reid G. Johnson 15 rjohnson@lukins.com 16 Lukins & Annis, P.S. 17 717 W. Sprague Avenue, Suite 1600 18 Spokane, Washington 99201 19 FOR PUBLIC COUNSEL: 20 Robert D. Sykes 21 robert.sykes@atg.wa.gov 22 Office of the Attorney General 23 Public Counsel Unit 24 800 Fifth Avenue, Suite 2000 25 Seattle, Washington 98104 ALSO PRESENT: Janusz Bajsarowicz

A P P E A R A N C E S

1 FOR THE APPLICANT: 2 Donna Barnett 3 dbarnett@perkinscoie.com 4 Becca Human 5 rhuman@perkinscoie.com 6 Perkins Coie LLP 7 10885 Northeast Fourth Street, Suite 700 8 Bellevue, Washington 98004 9 FOR COMMISSION STAFF: 10 Lisa W. Gafken 11 lisa.gafken@atg.wa.gov 12 Office of the Attorney General 13 P.O. Box 40128 14 Olympia, Washington 98504 15 FOR PROTESTANTS SANITARY SERVICE COMPANY, INC.; WASTE 16 CONNECTIONS OF WASHINGTON; BASIN DISPOSAL; 17 RABANCO LTD and KENT-MERIDIAN DISPOSAL CO.; 18 BAINBRIDGE DISPOSAL, INC.: 19 David W. Wiley 20 dwiley@williamskastner.com 21 Michael S. Howard 22 mhoward@williamskastner.com 23 Williams Kastner & Gibbs, PLLC 24 601 Union Street, Suite 4100 25 Seattle, Washington 98101 26 FOR PROTESTANT WASHINGTON REFUSE AND RECYCLING ASSOCIATION: 27 Rod Whittaker 28 rod@wrra.org 29 4160 Sixth Avenue SE, Suite 205 30 Lacey, Washington 98503

October 30, 2024

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JUDGE HUGHES: Good afternoon. We are now on the record. The time is 1:31 p.m.

My name is Bijan Hughes, and I'm an administrative law judge with the Washington Utilities and Transportation Commission.

We're here today for a prehearing conference in Dockets TG-240583 and 240584, which is captioned In the Matter of the Application of DTG Enterprises Inc., doing businesses as DTG Recycle, for Authority To Operate as a Solid Waste Collection Company in Washington. So this conference is a chance for the parties to state their positions on the petition for intervention and to discuss the procedural schedule.

After today's conference, I will enter an order setting out the procedural schedule and a ruling on the petition for intervention, and setting a date for the hearing itself.

Okay. So let's start by taking short appearances, beginning with staff.

ATTORNEY GAFKEN: Good afternoon. My name is Lisa Gafken, assistant attorney general appearing on behalf of commission staff.

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1 JUDGE HUGHES: Welcome.
2 Washington Refuse and Recycling Association?
3 ATTORNEY WHITTAKER: Good afternoon. Rod
4 Whittaker with the Washington Refuse and Recycling
5 Association.
6 JUDGE HUGHES: Welcome.
7 And for what I'll refer to as the joint
8 protestants, which include Sanitary Service Company,
9 Waste Connections of Washington, Basin Disposal, Rabinico
10 [sic], Bainbridge Disposal, and Waste Management of
11 Washington?
12 ATTORNEY WILEY: Your Honor, Dave Wiley and
13 Mike Howard appearing for Sanitary Service, Waste
14 Connections companies, Rabanco, and Kent-Meridian
15 Disposal, Basin and Ed's Disposal et al., and Bainbridge
16 Disposal, protestants.
17 ATTORNEY STANOVSKY: And your Honor, Walker
18 Stanovsky of Davis Wright Tremaine, appearing for Waste
19 Management of Washington. So note that we do have
20 separate representation from the other protestants.
21 JUDGE HUGHES: Oh, okay.
22 ATTORNEY WILEY: I believe Mr. Johnson is
23 also here.
24 JUDGE HUGHES: Yes, for Rubatino Refuse
25 Removal?

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1 ATTORNEY WILEY: And Sunshine Disposal, I
2 believe, too.
3 JUDGE HUGHES: (Inaudible) Is the attorney
4 present?
5 ATTORNEY BARNETT: I'm sorry; did you say
6 DTG?
7 JUDGE HUGHES: No, Rubatino Refuse Removal.
8 I was trying to clarify which attorney that was.
9 We'll get to you.
10 ATTORNEY WILEY: That would be Mr. Johnson.
11 I don't know if he's on the line yet, but he has filed
12 notices of appearance.
13 ATTORNEY JOHNSON: (Inaudible). Thank you.
14 I had the incorrect meeting ID. And so I just got on,
15 but counsel for Rubatino Refuse is here.
16 JUDGE HUGHES: Cool. Very good.
17 And DTG Recycle, then?
18 ATTORNEY BARNETT: Yes, thank you, Judge
19 Hughes. Donna Barnett and Becca Human from Perkins Coie
20 on behalf of DTG.
21 JUDGE HUGHES: Very good. Welcome.
22 JANUSZ BAJ SAROWICZ: Good afternoon. I'm
23 Janusz Bajsarowicz. I'm the director of compliance for
24 the applicant, DTG.
25 JUDGE HUGHES: Welcome.

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1 JANUSZ BAJ SAROWICZ: Thank you.
2 JUDGE HUGHES: Okay. Very good.
3 ATTORNEY LEWIS: And I'm sorry, your Honor.
4 Ame Lewis. I'm also for -- inhouse counsel for Waste
5 Management of Washington.
6 JUDGE HUGHES: Welcome.
7 ATTORNEY STANOVSKY: Apologies, Ame. I
8 didn't see.
9 JUDGE HUGHES: Okay. Did I miss
10 anybody? And my apologies if I did. But we've all
11 appeared?
12 ATTORNEY JOHNSON: For the record, Reid
13 Johnson here is also on board representing Sunshine
14 Disposal and Recycling.
15 JUDGE HUGHES: Very good.
16 ATTORNEY BARNETT: Sorry. Is public counsel
17 on?
18 JUDGE HUGHES: Oh, that's a fair question.
19 ATTORNEY BARNETT: I just got an e-mail from
20 Rob, who's having trouble getting on.
21 STACEY BREWSTER: This is Stacey Brewster.
22 I'll send him the link right now.
23 ATTORNEY BARNETT: Thanks. (Inaudible).
24 JUDGE HUGHES: We'll just take a minute.
25 ATTORNEY GAFKEN: I also just sent Rob Sykes

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1 the link through our AGO chat feature.
2 JUDGE HUGHES: And I apologize for the
3 confusion with the link. I'm not entirely sure how a
4 meeting ID goes bad, but here we are.
5 ATTORNEY GAFKEN: The mysteries of Zoom.
6 JUDGE HUGHES: Mr. Sykes?
7 ATTORNEY SYKES: Yes, I'm here for public
8 counsel.
9 JUDGE HUGHES: I apologized. I introduced
10 the matter. But I'm sure you know what this is. We're
11 taking short appearances. So go ahead.
12 ATTORNEY SYKES: Rob Sykes for public
13 counsel.
14 JUDGE HUGHES: Very good. Welcome. Okay.
15 That has to be the last party, right? Very
16 good.
17 So we have a written petition to intervene
18 from Washington Refuse and Recycling Association. And
19 before we get into the merits of that, is there anyone
20 else on the call who wishes to intervene who has not?
21 Okay. Hearing nothing, we'll move on. I'd
22 like to give each party a chance to respond to the
23 petition to intervene, but at first I'd like to ask
24 Washington Refuse and Recycling Association if it wants
25 to make a brief statement here in support of its

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1 petition.
2 ATTORNEY WHITTAKER: Sure. Thank you, Judge.
3 WRRRA has been a long time involved in the
4 commission proceedings. We've intervened in proceedings
5 involving solid waste policy going back, you know,
6 decades at this point.
7 So this particular -- these particular
8 applications involve two pretty novel applications that
9 have a potential to set policy for the rest of the
10 industry, so WRRRA's interest here is both in the industry
11 as a whole and members that have these certificates that
12 are not represented here in these proceedings.
13 And we are a person under the commission's
14 intervention rules. So.
15 JUDGE HUGHES: Very good. So I would like to
16 hear each party's position on the petition. I'll move
17 through this probably quickly.
18 Staff, any objections?
19 ATTORNEY GAFKEN: Staff has no objections to
20 any of the petitions for intervention.
21 So I can address each one as they come up, or
22 if this statement is sufficient, then we can leave it
23 there. But staff has no objection to any of the
24 interventions.
25 JUDGE HUGHES: That sounds good.

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1 DTG?
2 ATTORNEY BARNETT: DTG does oppose
3 interventions.
4 And I apologize. Are we taking both of these
5 dockets together? I don't -- I see we're taking them
6 together, but I don't see that they've been consolidated.
7 So if we're taking them together, we object
8 to both of them, and would -- we think that the
9 intervenor has not shown that they are not likely to
10 duplicate efforts. I don't see any of their members that
11 are not being represented or that have an interest in
12 these -- either of these applications.
13 They are not intended to be novel by any
14 means at all. I don't think that they are novel.
15 And to the extent that their interests are
16 addressed, they can be covered by the individual members
17 that are being represented here individually.
18 JUDGE HUGHES: Okay. Noted.
19 WRRRA, would you like to respond to that
20 argument?
21 ATTORNEY WHITTAKER: Sure. Yes. In terms of
22 -- I guess I will try to bifurcate the arguments, too.
23 The E-Waste application, the WRRRA member
24 interest there is that they've applied for a D
25 certificate for authority that isn't included in local

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1 solid waste plans or asked for by a local government, and
2 typically, that is the basis for setting service. So
3 that one is novel there.
4 And the second application, the MRF residual
5 application, is also fairly novel and not the type of
6 service that is typically, you know, requested under a D
7 certificate application. It's typically for, you know,
8 collection from specific residences and locations
9 throughout the state. This is for one particular set of
10 facilities and to move waste between those, not within
11 any particular geographic territory.
12 So there are a number of issues and also just
13 deficiencies in the applications that we could continue
14 to get into, too, and other questions, too. But they
15 just bear a full discussion in anticipation from the
16 industry here. And there are --
17 JUDGE HUGHES: Do you --
18 ATTORNEY WHITTAKER: Yes.
19 JUDGE HUGHES: May I ask, there's quite a few
20 parties here. And do you feel you have something beyond
21 what they have to share?
22 ATTORNEY WHITTAKER: Yes, WRRRA very much
23 would. You know, we represent the industry as a whole.
24 There are regulated companies here that this has the
25 potential to set policy for that are not represented in

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1 this hearing.
2 And WRRRA has always weighed in and tried to
3 be a good intervenor, not broadening the issues. We do
4 not intend to call any witnesses or broaden the issues
5 beyond those already stated, but to just give the
6 perspective of the full industry there.
7 And that's something that the commission has
8 found valuable in the past. WRRRA has intervened in many
9 of these throughout the past, including some where our
10 own members have been on the other side of the
11 proceedings, too. So we've tried to always, you know,
12 make our participation meaningful and warranted.
13 JUDGE HUGHES: Okay. Well, I'm going to take
14 that -- unless anyone else has anything further to say, I
15 will take that under advisement, and deal with it in the
16 PHC order.
17 ATTORNEY WILEY: Dave Wiley for the
18 protestants. If I could just speak from experience, the
19 WRRRA has not only a unique role to play in a proceeding
20 like this, but they also address policy issues in a way
21 that's unique to them as a trade association.
22 And the commission has offered them
23 extraordinary standing by virtue of the rule recognizing
24 their interests in solid waste proceedings. I have never
25 been involved in a solid waste application proceeding in

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1 decades where they haven't been granted intervention, and
 2 I would advocate for that here.
 3 JUDGE HUGHES: Very good. I'll take it under
 4 consideration.
 5 I would -- I guess I would ask the parties --
 6 I inherited this case. So I apologize. I didn't realize
 7 it hasn't been consolidated.
 8 Are there any objections to consolidating?
 9 ATTORNEY STANOVSKY: Yes, your Honor, unless
 10 any of the parties would like to go first.
 11 JUDGE HUGHES: Let's start with the
 12 applicant.
 13 ATTORNEY BARNETT: Yes, we do object to
 14 consolidation.
 15 We didn't intend -- we filed two separate
 16 applications. They are very different. They're
 17 different issues, different parties, different sources of
 18 work, different scopes.
 19 We expect one -- actually, just have -- while
 20 the legal issues just on a general application for solid
 21 waste may be similar, everything else generally about it
 22 is different. And so we would think that it would
 23 actually more efficient keeping these separated.
 24 JUDGE HUGHES: Okay. Staff?
 25 ATTORNEY GAFKEN: Sorry. I was trying to get

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1 my unmute button going.
 2 You know, I don't know that we feel strongly
 3 one way or another whether they're consolidated or not.
 4 I'll note that there is overlap. I went and
 5 looked at all the parties that are showing up in both of
 6 these dockets, and there is overlap. There was one
 7 additional protestant, I think, in the docket that ends
 8 with a 4. But otherwise, all of the parties are the
 9 same.
 10 To the extent that there's different legal
 11 questions in each docket, I think we could deal with them
 12 either separately or together.
 13 So that's a lot to say that we don't have a
 14 strong opinion on whether they should be consolidated or
 15 not.
 16 It does seem like it would be efficient,
 17 though, given that there is overlap of the parties, and
 18 it would be efficient to have one procedural schedule
 19 rather than two.
 20 JUDGE HUGHES: Okay. Noted.
 21 Let's start with the joint protestants, then.
 22 ATTORNEY WILEY: Your Honor, if you're
 23 referring to me in terms of the group that we represent,
 24 we agree with Ms. Barnett. We believe that the issues
 25 are -- while I acknowledge, as Ms. Gafken says, that

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1 there's overlap and some inherent efficiencies there, the
 2 issues, the legal and factual issues, are sufficiently
 3 distinct that I think it would be very cumbersome to
 4 develop testimony that weaves between both dockets. I
 5 think Ms. Barnett would probably agree with that, too, as
 6 the applicant counsel.
 7 We certainly believe that as protestant for
 8 responsive testimony, and we believe the -- again, the
 9 issues are very severable and not related factually and
 10 legally.
 11 JUDGE HUGHES: Okay. On -- down my list.
 12 Rubatino Refuse Removal?
 13 ATTORNEY JOHNSON: Yes. We concur that we
 14 also agree that a consolidation would not be appropriate.
 15 I would basically be rehashing many of the same
 16 arguments.
 17 But we do feel that the legal issues are
 18 novel. And, you know, providing there's going to be
 19 likely several days of testimony, especially in the
 20 consolidated matter, attempting to parse out testimony
 21 relating to each of these applications may be overly
 22 cumbersome. So we would object to the consolidation as
 23 well.
 24 JUDGE HUGHES: Okay. Noted.
 25 Public counsel?

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1 ATTORNEY SYKES: Public counsel has no
 2 position.
 3 JUDGE HUGHES: Okay. Well, it does feel
 4 pretty close to consensus.
 5 ATTORNEY STANOVSKY: Your Honor, for the
 6 record, Waste Management hasn't been heard yet. May I?
 7 JUDGE HUGHES: (Inaudible) Go ahead.
 8 ATTORNEY STANOVSKY: Thank you.
 9 We agree with what I think the applicant, as
 10 well as the other protestants, have said so far.
 11 I would just note specifically a few
 12 differences between the dockets that cover, as far as we
 13 can tell, different geographies; and so, therefore,
 14 direct competition with probably a different subset of
 15 haulers that cover presumably different evidence of
 16 public convenience and necessity that would be required;
 17 different collection logistics, on-demand collection at,
 18 you know, residences versus hauling of waste from the
 19 applicants own MRFs.
 20 And I think there are different legal issues
 21 as well, though the overall framework, of course, is that
 22 of the commission's, you know, standards for granting an
 23 application.
 24 The E-Waste one seems like it could implicate
 25 issues of state law specific to handling E-Waste and kind

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1 of extended producer responsibility there.
2 The C&D docket implicates, you know,
3 exceptions for certain commercial collection that are not
4 applicable to residential.
5 And we'll probably talk about this later, but
6 the C&D application is considerably less complete than
7 the E-Waste application, too. So we think potentially,
8 there's already a sort of procedural disconnect that's
9 been introduced.
10 And so for all those reasons and what the
11 other parties have said, we would oppose consolidation.
12 Thank you.
13 JUDGE HUGHES: Okay. Well, I've never seen
14 all parties agree to that extent, so we will not
15 consolidate. I will treat this as a prehearing
16 conference for both, if that is okay, and we can develop
17 two procedural schedules if that suits the parties. We
18 will get to procedural schedules in a second here.
19 Would the parties like to have the discovery
20 rules available, starting with the applicant?
21 ATTORNEY BARNETT: Yes. Thanks.
22 JUDGE HUGHES: Staff?
23 ATTORNEY BARNETT: Actually, and I don't know
24 if this is part of discovery, but we do see a protective
25 order being required in this case.

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1 JUDGE HUGHES: That's coming up. So very
2 good.
3 ATTORNEY BARNETT: Thanks.
4 JUDGE HUGHES: Well, we'll ask both at the
5 same time, then.
6 ATTORNEY BARNETT: Okay.
7 JUDGE HUGHES: Staff, discovery and/or
8 protective order?
9 ATTORNEY GAFKEN: Yes on discovery.
10 And I defer to the applicant on protective
11 order. We certainly wouldn't have an objection to that.
12 JUDGE HUGHES: Very good.
13 ATTORNEY GAFKEN: Just to be clear, are we
14 talking about discovery and protective order in both of
15 the two dockets? I assume yes, but just for clarity.
16 ATTORNEY BARNETT: That's a good question.
17 We would request one for both. Thanks.
18 JUDGE HUGHES: Okay. Any objections to
19 that?
20 ATTORNEY STANOVSKY: Sorry; to clarify, your
21 Honor, objections to a protective order?
22 JUDGE HUGHES: A protective order and opening
23 of the discovery rules.
24 ATTORNEY STANOVSKY: As to discovery, I would
25 suggest that Waste Management, at least, is a little

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1 unclear on exactly what these applications are asking for
2 in some regards.
3 It seems clear that neither of them thus far
4 meets all of the commission's requirements for an
5 application to be complete.
6 And so we would propose that the intervenors
7 and protestants not be required to respond to any
8 discovery until after the applications are complete.
9 We think it's the applicant's burden to prove
10 their case and to meet the commission's requirements.
11 And so starting, potentially, to seek information from
12 others before they have sort of met that threshold for
13 entry, we think wouldn't be appropriate.
14 JUDGE HUGHES: Would the applicant like to
15 respond to that?
16 ATTORNEY BARNETT: Yes, I object to that.
17 This is a prehearing conference. These are separate
18 adjudications. It is now an adjudication; and therefore,
19 we should be entitled to discovery as every other
20 adjudication.
21 I'm not saying that we have any intention on
22 asking any discovery of any parties at all in either
23 case, but I don't want to foreclose or forbid an
24 applicant just because they're the applicant in an
25 adjudication.

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1 JUDGE HUGHES: Okay. Thank you.
2 Okay. Waste Management, do you intend to
3 bring a summary motion of some sort if you believe the
4 application is insufficient?
5 ATTORNEY STANOVSKY: You know, we thought
6 about that possibility, frankly.
7 But it seems likely that the remedy would be
8 dismissal without prejudice and that the applicant would
9 probably be free to file a completed application. I'm
10 surmising at this point. But that doesn't seem
11 productive, to go through a whole other cycle of
12 interventions and appearances and whatever else.
13 So no, I don't think we intend to move for
14 dismissal, but I think we would essentially argue that
15 things shouldn't really move forward as if this were a
16 normal case until the normal requirements for application
17 have been met.
18 ATTORNEY BARNETT: May I respond?
19 JUDGE HUGHES: Go ahead.
20 ATTORNEY BARNETT: I think that if the normal
21 application -- I think that the normal procedure would be
22 if the application were insufficient or deficient on its
23 face, the commission would have kicked it out. The
24 commission would have said try it again.
25 So I think the fact that we're here says that

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1 we've gone at least this far. And if things need to be
2 corrected, which certainly they might, or provide more
3 information, then we can do that within the context of an
4 adjudication.
5 JUDGE HUGHES: Okay. I'm inclined to let --
6 Mr. Howard?
7 ATTORNEY HOWARD: Oh, sorry, your Honor. If
8 it's appropriate for me to offer additional comment in
9 support of our clients we're appearing for today, I just
10 wanted to clarify a couple points that we have similar
11 concerns as raised by Waste Management with the
12 completeness of the applications, particularly the
13 residuals application in 240584.
14 If your Honor looks at WAC Rule 480-70-091,
15 that contains the various requirements for applications.
16 And I think it's very notable that in residuals
17 application, as I recall, we don't even have a proposed
18 tariff or statements from shippers.
19 So I would also quibble some with DTG's
20 comment that the commission did not kick this filing, and
21 that therefore we are here. That was a judgment call
22 apparently made by staff to docket this. And, of course,
23 your Honor and the commissioners are the appropriate
24 deciding officials for whether this application is
25 sufficient, and not the actions of regulatory services.

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1 So I would go so far as to suggest that the
2 company, DTG, should demonstrate good cause for why it's
3 not complying with commission rules and why the
4 commission should exempt it from commission rules and
5 require us to proceed, and why the other parties should
6 be required to proceed for the next few months engaging
7 in discovery when we don't have a proposed tariff from
8 the applicant and other essential information.
9 But I will conclude, unless your Honor has
10 questions. Thank you.
11 JUDGE HUGHES: Thank you, Mr. Howard.
12 Okay. This has all been interesting.
13 However, you will have to file a motion, one of you, if
14 you would like to pursue this.
15 We are at the prehearing conference. We are
16 planning the procedural schedule. And I'm going to say
17 -- I'm going to -- under 480-07-400, I'm allowed to --
18 discovery is available in any proceeding at the
19 discretion of the commission. So I will allow discovery
20 to be open.
21 Please feel free to object to any discovery
22 requests.
23 And if the application is materially
24 deficient, I don't think the prehearing conference is the
25 place to deal with that. So I will --

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1 ATTORNEY STANOVSKY: (Inaudible) your Honor.
2 I'm not sure, but it seems like you're suggesting that
3 the appropriate remedy would be a dispositive motion if
4 the parties are concerned about the applicant's failure
5 to fully apply; is that correct?
6 JUDGE HUGHES: Yes. If you would like your
7 -- it seems you are collectively claiming that this
8 application is not sufficient to proceed, that we
9 shouldn't even be at this prehearing conference. Should
10 we? Is that your position?
11 ATTORNEY STANOVSKY: Not exactly. As I said,
12 you know, I recognize there's already been a lot of ink
13 spilled on this docket even to reach this point, just
14 procedurally to get the parties in, to put together a
15 protest, all of which would be largely the same. And I
16 don't think it would be a good use of anyone's time or
17 resources to go through it again if it could be solved as
18 simply as the applicant filing a complete application and
19 pausing this proceeding in the meantime, rather than
20 shutting it down and starting all over.
21 JUDGE HUGHES: Well, very good. I'm going to
22 allow discovery.
23 If discovery is received by you and is, you
24 believe, prejudicial or erroneous, please bring a motion
25 so saying.

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1 On that, the commission has limited
2 resources, and it's fielding quite a number of
3 adjudications right now. So it is my intent to require
4 in the PHC order that the parties in this matter confer
5 with one another prior to bringing a discovery matter to
6 my attention. Does any party object to that?
7 ATTORNEY GAFKEN: No objection from staff.
8 ATTORNEY BARNETT: None.
9 ATTORNEY WILEY: No objection.
10 (Overlapping speakers.)
11 JUDGE HUGHES: Did I hear an objection
12 there?
13 ATTORNEY SYKES: No objection from public
14 counsel.
15 ATTORNEY STANOVSKY: And from Waste
16 Management, no objection.
17 I would like to note that I'd like to be
18 heard on one additional point about confidential
19 information at some point. I'm not clear whether we're
20 coming back to that issue or not, but I don't want it to
21 be missed.
22 JUDGE HUGHES: Sure. Let's do that unless
23 anyone else has anything to say about talking to one
24 another about discovery before coming to me.
25 Good. Go ahead, Waste Management, then.

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1 ATTORNEY STANOVSKY: Yes. Thank you, your
 2 Honor.
 3 Just to make the point that again, it's not
 4 entirely clear to Waste Management, and as we understand
 5 it, to a number of the other parties, exactly what the
 6 applicant is seeking to do here. And with those gaps
 7 being present, it's also difficult, given the
 8 fact-intensive nature of the commission standards for
 9 issuing a certificate, it's hard to know what the actual
 10 factual issues will be or what discovery might be sought
 11 or information requested.
 12 We don't plan on seeking highly confidential
 13 protection at this time, but just want to make the
 14 commission and the parties aware that it's an issue we
 15 will keep an eye on and reserve the right to move for
 16 highly confidential protection if merited by information
 17 that's asked for.
 18 JUDGE HUGHES: Very good.
 19 Does any other party have anything to say
 20 about protective orders, discovery, or highly
 21 confidential information before we move on to the
 22 procedural schedule?
 23 Hearing nothing, I'm going to ask, given the
 24 number of you, have the parties had the opportunity to
 25 discuss a procedural schedule?

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1 Do you have any agreement?
 2 ATTORNEY GAFKEN: I did send out a proposed
 3 procedural schedule. I think that conversation is going
 4 to be a little bit complicated if we have two -- I mean,
 5 we will have two procedural schedules coming out of this
 6 if they're not consolidated.
 7 So I only heard back from one. We don't have
 8 an agreement, but we do at least have something to talk
 9 about.
 10 JUDGE HUGHES: Okay. In that case, I'm not
 11 going to go through the requirements of the schedule. I
 12 believe all of you have appeared many times here.
 13 So we can take a brief recess to allow the
 14 parties some time to discuss.
 15 We're going to do two procedural schedules.
 16 And if they could maybe not be the same, we could stagger
 17 them, that would be my preference. We did not do that
 18 with the general rate cases well enough, and living and
 19 learning.
 20 So please let me know whether there's a need
 21 for legal brief after the evidentiary hearing. And --
 22 yeah.
 23 So I will exit the call so I'm not
 24 participating, and then would someone please buzz me when
 25 the parties reach an agreement or determine that you are

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1 unable to reach an agreement. Thank you.
 2 (Recess)
 3 JUDGE HUGHES: Okay. Have the parties come
 4 to an agreement?
 5 ATTORNEY GAFKEN: They have, on a schedule,
 6 or two schedules.
 7 JUDGE HUGHES: Very good. I'm ready, if you
 8 would be so kind.
 9 ATTORNEY GAFKEN: Okay. I am going to share
 10 my screen so you can follow along. You should see a Word
 11 document that has something that looks like a schedule.
 12 JUDGE HUGHES: I'm just going to screen print
 13 here. Why don't we do this every time?
 14 ATTORNEY GAFKEN: I can also e-mail this out,
 15 because it's going to get a little bit complicated. It's
 16 not too bad.
 17 So we have the two dockets. We have the
 18 E-Waste and the MRF dockets.
 19 And so taking TG-240584, which is the MRF
 20 docket, the parties have agreed to meet on December 10,
 21 2024, to talk in a confidential settlement agreement --
 22 or sorry; settlement conference. So the rest of the
 23 dates don't apply to the MRF docket.
 24 If we don't -- if the parties don't come to
 25 an agreement on December 10, then we would work together

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1 to come up with a procedural schedule that would fill out
 2 the rest of that docket.
 3 JUDGE HUGHES: Okay.
 4 ATTORNEY GAFKEN: So the rest of the dates
 5 that are on the screen apply to TG-240583, the E-Waste
 6 docket.
 7 And so with that -- and I can just read them
 8 in, even though there's a screenshot, but I know there's
 9 also a record that goes along with this.
 10 So for the oral record, applicant testimony
 11 and exhibits would be due on December 10, 2024.
 12 There would be a settlement conference with
 13 all of the parties on January 8, 2025.
 14 Response testimony from protestants,
 15 intervenors, and staff would be due on February 13, 2025.
 16 Rebuttal and cross-answering testimony would
 17 be due on March 13, 2025.
 18 The discovery deadline would be April 11,
 19 2025. There's just a note there that assuming with the
 20 ten-day turnaround, responses to DR's served on April 11
 21 would be due on April 25.
 22 The next deadline is the exhibit list,
 23 cross-examination exhibits, witness list, time estimates,
 24 and exhibit errata. Those would be due on April 29,
 25 2025.

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1 We're proposing an evidentiary hearing on May
2 5, 2025.
3 ATTORNEY WILEY: May 6.
4 ATTORNEY GAFKEN: I'm sorry? Oh, yes, May 6.
5 ATTORNEY WILEY: May 6.
6 ATTORNEY GAFKEN: Too many 5's on the screen.
7 May 5, 2025, for the evidentiary hearing.
8 And post-hearing briefs due on June 5, 2025.
9 JUDGE HUGHES: Okay. Has there been
10 discussion about desire for in person versus hybrid?
11 ATTORNEY GAFKEN: We did not discuss that.
12 JUDGE HUGHES: That's fair. I don't think I
13 brought it up. My preference is to do it in person, just
14 because the breakout rooms can be a little tricky with
15 confidential information. But if there are strong
16 objections to that, I can certainly accommodate a hybrid.
17 ATTORNEY GAFKEN: I would -- sorry.
18 ATTORNEY HUMAN: Before we move on, I wanted
19 to clarify. On the screenshot, it says applicant direct
20 testimony December 17, but Lisa, I think you said out
21 loud December 10.
22 ATTORNEY WILES: Yes.
23 ATTORNEY HUMAN: So I want to make sure that
24 we're December 17 for the direct testimony and exhibits.
25 ATTORNEY GAFKEN: That's a good

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1 clarification. So the settlement testimony in the MRF
2 docket, 240584 --
3 ATTORNEY BARNETT: Not settlement testimony,
4 settlement conference. Sorry.
5 ATTORNEY GAFKEN: What is happening with my
6 words today? Settlement conference for the MRF docket is
7 December 10.
8 And then the applicant direct testimony and
9 exhibits are December 17 for the E-Waste Docket 240583.
10 ATTORNEY HUMAN: Thank you.
11 ATTORNEY BARNETT: Thanks, Becca.
12 ATTORNEY STANOVSKY: And one other
13 clarification, your Honor, which is the May 6 hearing
14 date, my client, that tentatively works, but has to do a
15 final check with some information that they don't have
16 handy. So expect to be able to confirm that within 24
17 hours at the most, but would appreciate forestalling
18 issuing that order until we can confirm, and then we
19 don't have to change it.
20 JUDGE HUGHES: I have far too many exhibit
21 lists to make to get this order out that quickly.
22 ATTORNEY STANOVSKY: Fair enough. Just to be
23 safe. Thank you.
24 JUDGE HUGHES: Okay. Thank you for raising
25 that.



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1 So to be clear, on 240584, the parties are
2 good with settlement discussion, and then delaying if you
3 were to so continue?
4 I suppose that would be the applicant. The
5 applicant is okay with that, to delay the --
6 ATTORNEY BARNETT: Yes, thanks for that.
7 JUDGE HUGHES: Okay. Okay. Well, thank you
8 for the proposed schedules. I will incorporate them into
9 the prehearing conference order.
10 Do any of the parties -- no, we already
11 covered that.
12 All right. I'm going to read some things I
13 have to read.
14 Electronic filings, electronic service: I
15 want to remind the parties that documents should be filed
16 online through the electronic filing link on the
17 commission's web page.
18 If the parties intend to submit exhibits,
19 there will be requirements for filing exhibits: An
20 exhibit list in advance of the hearing, which will only
21 be done electronically.
22 I will issue a prehearing order with details
23 on this topic.
24 Also, the commission's rules provide for
25 electronic service of documents. The commission will

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1 serve parties electronically, and the parties will serve
2 each other electronically.
3 If you have any corrections or updates to our
4 master service list in this docket, please file a written
5 notice of appearance or e-mail it to me at
6 Bijan.Hughes@utc.wa.gov, (inaudible).
7 All right. I skipped over this.
8 So during the proceedings the commission
9 parties issue a first data request, asking that any
10 subsequent data request responses are shared with every
11 party. Would it make it easier on the parties if I
12 included this in the prehearing conference order?
13 Is there any objection to me including that
14 requirement?
15 Seeing head shakes, very good.
16 Okay. Is there anything else we need to
17 address today?
18 ATTORNEY BARNETT: Yes. Your Honor. I had
19 it on my to-do list to officially correctly notice our --
20 DTG's e-mail address because I've seen three so far, and
21 we are missing emails.
22 So could I put on the record that our e-mail
23 address for DTG -- of course everything should go to
24 counsel who has filed a notice of appearance. But the
25 DTG e-mail address is i-n-f-o@D-T-G-R-e-c-y-l-e.com.

1 Sorry for all the confusion.
 2 JUDGE HUGHES: Okay. Thank you. Reducing
 3 bouncebacks always reduces my stress. So thank you.
 4 Any other issues?
 5 ATTORNEY STANOVSKY: I hesitate to even
 6 mention this, but, Donna, I thought I heard you spell
 7 "recycle" without the second C.
 8 ATTORNEY BARNETT: Oh, I swear to God.
 9 Sorry.
 10 ATTORNEY STANOVSKY: It could have been me.
 11 Like I say, I --
 12 (Overlapping speech)
 13 JUDGE HUGHES: Thank you for catching that.
 14 ATTORNEY BARNETT: It is info@DTGrecycle.com.
 15 I was -- on the application, it said info@DTGrecycling,
 16 so that's what I'm trying to correct.
 17 And then there was another one that went to
 18 DTG at something else.
 19 So it's info@DTGrecycle.com.
 20 JUDGE HUGHES: Okay. Noun, not a verb. I
 21 think we should all be able to remember that moving
 22 forward.
 23 So good. I will issue an order shortly
 24 containing the procedural schedule and other guidelines
 25 for disposition of this case, including the motion for

1 CERTIFICATE
 2 STATE OF WASHINGTON)
 3) ss
 4 COUNTY OF KING)
 5
 6 I, Elizabeth Patterson Harvey, a Certified
 7 Court Reporter and Registered Professional Reporter
 8 within and for the State of Washington, do hereby
 9 certify under penalty of perjury that the foregoing legal
 10 recordings were transcribed under my direction; that I
 11 received the electronic recording in the proprietary
 12 format; that I am not a relative or employee of any
 13 attorney or counsel employed by the parties hereto, nor
 14 financially interested in its outcome.
 15 IN WITNESS WHEREOF, I have hereunto set my
 16 hand this November 13, 2024.
 17
 18
 19
 20
 21  
 22 Elizabeth Patterson Harvey, CCR 2731
 23
 24
 25

1 intervention.
 2 We are adjourned. Thank you, and let us be
 3 off the record.
 4 (Proceedings concluded at 2:45 p.m.)
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