

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND)	DOCKET TG-143889
TRANSPORTATION COMMISSION,)	
)	
Complainant,)	ORDER 04
)	
v.)	
)	PREHEARING CONFERENCE
WASTE MANAGEMENT OF)	ORDER; NOTICE OF HEARING
WASHINGTON, INC. d/b/a WASTE)	(Set for August 13, 2015, at
MANAGEMENT OF SPOKANE,)	9:30 a.m.)
)	
Respondent.)	
.....)	

1 **NATURE OF PROCEEDING.** On November 14, 2014, Waste Management of Washington, Inc., d/b/a Waste Management of Spokane (WM Spokane or Company) filed with the Washington Utilities and Transportation Commission (Commission) tariff revisions reflecting a general rate increase that would generate approximately \$1,160,000 (10 percent) in additional annual revenue. The Commission suspended operation of the tariffs by Order 01¹ on December 30, 2014, and directed the Company to file replacement pages for disposal rates only, to become effective January 1, 2015. The Company filed revised tariff page on December 19, 2014, and February 17, 2015.

2 On February 26, 2015, this matter again came before the Commission at a regularly scheduled open meeting. The Commission entered Order 02, allowing the rates filed on November 14, 2014, and revised on February 17, 2015, to become effective on March 1, 2015, on a temporary basis, subject to refund (Order 02). Order 02 further ordered the matter be set for a prehearing conference.

3 **CONFERENCE.** The Commission convened a prehearing conference in this docket at Olympia, Washington, on March 16, 2015, before Administrative Law Judge Gregory J. Kopta.

¹ The Commission inadvertently entered two Order 01's in this docket, one on December 11, 2014, Order Granting Partial Exemption From Rule, and one on December 30, 2014, Complaint and Order Suspending Tariff Revisions.

4 **APPEARANCES.** Polly L. McNeill and Sara Kelly, Summit Law Group PLLC, Seattle, Washington, represent WM Spokane. Julian Beattie, Assistant Attorney General, Olympia, Washington, represents the Commission's regulatory staff (Commission Staff or Staff).² P. Stephen DiJulio, Foster Pepper, PLLC, Seattle, Washington, represents Spokane County. Contact information provided at the conference for the parties' representatives is attached as Appendix A to this order.

5 **PETITIONS FOR INTERVENTION.** Spokane County filed a petition for intervention (Petition) in this docket. The parties did not object to the Petition. At the prehearing conference, the Commission granted Spokane County's Petition.

6 **PROTECTIVE ORDER.** The parties asked that the Commission enter a protective order in this docket under RCW 34.05.446, RCW 81.77.210, WAC 480-07-420 and WAC 480-07-423 to protect the confidentiality of proprietary information. The Commission granted the request and entered Order 03, Protective Order.

7 **DISCOVERY.** Discovery will be conducted pursuant to the Commission's discovery rules, WAC 480-07-400 – 425. The Commission urges the parties to work cooperatively together to avoid having to bring discovery matters forward for formal resolution.

8 **PROCEDURAL SCHEDULE.** The parties agreed on a procedural schedule following discussions during and after the conference. To accommodate this schedule, WM Spokane agrees to waive the deadline for entry of a final order in this docket until December 1, 2015. The Commission adopts this procedural schedule, which is attached to this Order as Appendix B.

9 **EXHIBITS FOR CROSS-EXAMINATION.** Parties are required to file with the Commission and submit electronically all proposed cross-examination exhibits by **5:00 p.m. on Friday, August 7, 2015.** The Commission requires **two** copies of the

² 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.

fully unredacted version of exhibits. The Commission also requires 1 copy of a redacted set of any confidential exhibits so that these can be made available by the Commission in response to a public records request or posted to the Commission's web pages.

- 10 Except as otherwise agreed between parties, proposed cross-examination exhibits must be served on all parties at the time they are filed with the Commission. Two copies must be furnished to the party sponsoring the witness the party intends to cross examine with the exhibits. Parties may waive the right to service of cross-examination exhibits in whole or in part. This may be appropriate, for example, when a proposed exhibit has been previously furnished during the discovery process.
- 11 The exhibits must be accompanied by an exhibit list and must be organized into sets that are **tabbed, labeled, and grouped** according to the witness the party intends to cross examine with the exhibits. Cross-examination exhibits not conforming to these requirements may be rejected. Each party's cross-examination exhibit list must be filed with the Commission and served on all parties by **5:00 p.m. on Friday, August 7, 2015**.
- 12 **CROSS-EXAMINATION TIME ESTIMATES.** Each party must provide a list of witnesses the party intends to cross-examine at the evidentiary hearing and an estimate of the time that party anticipates the cross-examination of that witness will take. Parties should not file their witness lists and cross-examination time estimates but must provide them to the administrative law judge and the other parties by **5:00 p.m. on Friday, August 7, 2015**.
- 13 **NOTICE OF HEARING.** The Commission will hold an evidentiary hearing in this matter on **August 13, 2015, at 9:30 a.m.**, Room 139, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington. The hearing will continue, as necessary, on **August 14, 2015**.
- 14 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file an original plus one (1) copies of all pleadings, motions, briefs, and other prefiled materials. These materials must conform to the format and publication guidelines in WAC 480-07-395 and WAC 480-07-460. The Commission prefers that materials be

three-hole punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.

- 15 All filings must be mailed or delivered to the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.
- 16 An electronic copy of all filings must be provided through the Commission's Web Portal (www.utc.wa.gov/e-filing) or by e-mail delivery to records@utc.wa.gov. Alternatively, parties may furnish an electronic copy by delivering with each filing a flash drive or CD including the filed document(s). Parties must furnish electronic copies in MS Word 6.0 (or later) supplemented by a separate file in .pdf (Adobe Acrobat) format. Parties must follow WAC 480-07-140(5) in organizing and identifying electronic files.
- 17 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Parties may submit documents electronically to the Commission on the filing deadline to expedite the filing process, but must file an original, plus one (1) paper copies, of the documents with the Commission by 12:00 noon on the first business day following the filing deadline established in the procedural schedule. WAC 480-07-145(6). Parties may submit documents electronically through the Commission's Web Portal (www.utc.wa.gov/efiling) or by e-mail to records@utc.wa.gov. Finally, to perfect filing, parties must simultaneously provide e-mail courtesy copies of filings to the presiding administrative law judge (gkopta@utc.wa.gov) as well as to the parties to the proceeding.
- 18 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission does have limited ability to provide dispute resolution services; if you wish to explore those services, please call the Director, Administrative Law Division, at 360-664-1355.

19 **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 March 24, 2015.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

GREGORY J. KOPTA
Administrative Law Judge

APPENDIX A
PARTIES' REPRESENTATIVES
DOCKET TG-143889

PARTY	REPRESENTATIVE	PHONE	E-MAIL
Waste Management of Washington d/b/a Waste Management of Spokane	Michael A. Weinstein 720 4 th Avenue, Suite 400 Kirkland, WA 98033-8136	425-814-7840	mweinstein@wm.com
	Sara A. Kelly Attorney at Law Summit Law Group PLLC 315 Fifth Avenue S. Suite 1000 Seattle, WA 98104	206-676-7070	sarak@summitlaw.com
	Polly L. McNeill	206-676-7040	pollym@summitlaw.com
Commission Staff	Julian Beattie Assistant Attorney General Office of the Attorney General 1400 S. Evergreen Park Drive S.W. P.O. Box 40128 Olympia, WA 98504-0128	360-664-1225	jbeattie@utc.wa.gov
Spokane County	Spokane County Prosecuting Attorney's Office James P. Emacio Chief Civil Deputy Prosecuting Attorney 1115 West Broadway Ave. Spokane, WA 99260	509-477-2874	jemacio@spokanecounty.org
	P. Stephen DiJulio Foster Pepper PLLC 1111 Third Avenue Suite 3400 Seattle, WA 98101-3299	206-447-4400	dijup@foster.com

APPENDIX B
PROCEDURAL SCHEDULE
DOCKET TG-143889

EVENT	DATE
Mediation Session	4/24/15
Statements due	4/20/15 by 5 p.m.
Second Mediation Session	5/4/15
Third Mediation Session	5/6/15
Company Direct Testimony	6/12/15
Staff and Intervenor Response Testimony and Exhibits	7/17/15
Rebuttal and Cross-Answering Testimony and Exhibits	8/7/15
Cross-examination exhibits, witness lists, and time estimates	8/10/15
Evidentiary Hearing	8/13/15 – 8/14/15
Simultaneous Post-Hearing Briefs	8/31/15