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1 BEFORE THE WASHINGTON UTILITIES AND
2 TRANSPORTATION COMMISSION

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4 IN RE APPLICATION NO. GA-78900) Docket No. TG-000584
5 OF TRASH HUSTLERS, L.L.C.) Volume I
6 for a Certificate of Public) Pages 1-14
7 Convenience and Necessity to)
8 Operate Motor Vehicles in)
9 Furnishing Solid Waste)
10 Collection Service)
11 _____)

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9 A hearing in the above matter was
10 held on August 8, 2000, at 9:30 a.m., at 1300 South
11 Evergreen Park Drive Southwest, Olympia, Washington,
12 before Administrative Law Judge ANN RENDAHL.

13 The parties were present as
14 follows:

15 TRASH HUSTLERS, L.L.C., via
16 bridgeline, by Tom DeVoer and Blair Strong, Attorney at
17 Law, 717 West Sprague Avenue, Suite 1200, Spokane,
18 Washington, 99201.

19 COUNTRY GARBAGE SERVICE, by William
20 H. Grady, Attorney at Law, 2200 Alaskan Way, Seattle,
21 Washington, 98121.

22 WRRRA, WASHINGTON REFUSE AND
23 RECYCLING ASSOCIATION, by James Sells, Attorney at Law,
24 9657 Levin Road Northwest, Silverdale, Washington 98383.

25 YAKIMA WASTE SYSTEMS, INC., via
26 bridgeline, by Jack R. Davis, Attorney at Law, 5154
27 North Anglers Haven Drive, Oak Harbor, Washington,
28 98277.
29 Joan E. Kinn, CCR, RPR
30 Court Reporter

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THE COMMISSION, by Mary M.

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Tennyson, Senior Assistant Attorney General, 1400 South

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Evergreen Park Drive Southwest, Olympia, Washington,

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98504-0128.

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

2 JUDGE RENDAHL: We're here this morning in
3 the matter of the application number GA 78900 of Trash
4 Hustlers L.L.C. for a Certificate of Public Convenience
5 and Necessity to Operate Motor Vehicles in Furnishing
6 Solid Waste Collection Service in Docket Number
7 TG-000584. This prehearing conference was set forth by
8 due and proper notice to all parties, and my name is Ann
9 Rendahl. I'm the Administrative Law Judge in this
10 proceeding. Let's take appearances beginning with the
11 applicant.

12 Counsel, would you state your name, address,
13 phone number, and the party that you're representing
14 starting with Mr. DeVoer.

15 MR. DEVOER: Yes, Tom DeVoer, that's D-E
16 capital V-O-E-R, again for Blair Strong in the same law
17 firm, Paine Hamblen, 717 West Sprague, Suite 1200,
18 Spokane, Washington, 99201, on behalf of the applicant
19 Tony DiTommaso, Trash Hustlers, L.L.C.

20 JUDGE RENDAHL: You will have to continue to
21 speak up into the microphone so the court reporter can
22 take down everything that you're saying and so that we
23 can hear you.

24 Let's move to the protestant starting with
25 the WRRRA, Mr. Sells.

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1 MR. SELLS: Thank you, Your Honor. James
2 Sells, Attorney, 9657 Levin Road Northwest, Suite 240,
3 Silverdale, Washington, 98383, telephone (360)307-8860,
4 facsimile (360)307-8865. E-mail -- how am I going so
5 far?

6 JUDGE RENDAHL: I don't think we need E-mail.

7 MR. SELLS: Appearing on behalf of Protestant
8 Washington Refuse and Recycling Association.

9 JUDGE RENDAHL: Okay, Mr. Grady.

10 MR. GRADY: My name is William H. Grady,
11 G-R-A-D-Y, appearing for and on behalf of Protestants
12 Cecil and Jane Bronkhorst, B-R-O-N-K-H-O-R-S-T, doing
13 business as County Garbage Service in Grandview,
14 Washington. My mailing address is 2200 Alaskan Way,
15 Seattle, Washington, 98121. Telephone number, area code
16 (206) 374-0571, facsimile, (206) 374-0652.

17 JUDGE RENDAHL: Mr. Davis.

18 MR. DAVIS: Yes, Your Honor, Jack R. Davis,
19 Attorney at Law, 5154 North Anglers Haven Drive, Oak
20 Harbor, Washington, 98277. Telephone, (360) 279-1079.
21 My facsimile is presently not operating. We also have
22 on the line Scott Robertson representing the Yakima
23 Waste Systems.

24 JUDGE RENDAHL: Thank you. Are there any
25 other parties on the line who wish to -- any counsel

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1 representing any protestants or interested person on the
2 line?

3 MR. STRONG: Yes, ma'am, this is Blair
4 Strong. I just joined the call, and my colleague Tom
5 DeVoer is already on the telephone.

6 JUDGE RENDAHL: Yes, good morning,
7 Mr. Strong. I'm glad you could connect in. And
8 Mr. DeVoer has already made the appearance for you and
9 for your client.

10 MR. STRONG: Thank you.

11 JUDGE RENDAHL: My name is Ann Rendahl. I'm
12 the Administrative Law Judge in the proceeding.

13 And hearing no other -- oh, excuse me,
14 Ms. Tennyson, for commission staff.

15 MS. TENNYSON: Thank you. My name is Mary
16 Tennyson, T-E-N-N-Y-S-O-N. I'm a senior assistant
17 Attorney General. My address is 1400 South Evergreen
18 Park Drive Southwest, Olympia, Washington, 98504-0128.
19 The P.O. Box is P.O. Box 40128. Telephone is (360)
20 664-1220. Fax is (360) 586-5522. And I am appearing on
21 behalf of commission staff in this proceeding.

22 JUDGE RENDAHL: Thank you. I am assuming
23 that the protests that were formally filed by the WRRRA,
24 Yakima Waste Systems, and Country Garbage Service are --
25 there is no need for formal intervention given those

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1 protests. Are there any objections to those protests at
2 this point?

3 MR. STRONG: Your Honor, this is Blair Strong
4 again on behalf of the applicant. We would inquire as
5 to whether the protestants represent common members in
6 this particular case, and if so, if that's appropriate
7 at this time.

8 JUDGE RENDAHL: When you mean common members,
9 do you mean common members of the WRRRA?

10 MR. STRONG: Well, the common members who
11 will be providing service within the area which the
12 applicant's application concerns.

13 MR. DAVIS: Yakima Waste Systems Incorporated
14 does provide services in the area concerned and is a
15 member of the WRRRA. This is Jack Davis.

16 JUDGE RENDAHL: Mr. Grady, are you aware
17 whether Country Garbage Service --

18 MR. GRADY: Oh, I have no idea if they are or
19 they are not. I don't know whether they are a member of
20 the association or not.

21 MR. SELLS: They are not, Your Honor.

22 JUDGE RENDAHL: Okay, they are not a member,
23 but they do provide service within --

24 MR. GRADY: They do provide service as
25 specified in the protest which accompanied their

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1 certificate which indicates they do have conflicting
2 authority with the application.

3 JUDGE RENDAHL: Mr. Sells, any comment?

4 MR. SELLS: Yes, Your Honor, please, the
5 Washington Refuse and Recycling Association is
6 guaranteed appearance in these matters either as
7 protestant or an intervener by WAC 480-70-150 and
8 actually the proposed 086. But I can understand
9 Mr. Strong's concern. We will be appearing in this
10 matter on behalf of the association itself and its
11 membership at large, and we will not do duplicative
12 questioning with Mr. Davis at all and probably will not
13 call any witnesses. And we're certainly willing to put
14 that on the record at the start of the hearing.

15 JUDGE RENDAHL: I will just say, Mr. Strong,
16 that Mr. Sells is correct, that the association has been
17 granted intervention in the past, and it is a practice
18 of the Commission to allow associations such as the WRRRA
19 to participate in application hearings.

20 So at this time, I will allow the WRRRA to
21 formally intervene in this proceeding. And given that
22 both Country Garbage Service and Yakima Waste Systems
23 are providing service within the same area that the
24 applicant is proposing to provide service, it appears
25 appropriate for those protestants to participate in the

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1 hearing.

2 Beginning with the applicant, Mr. Strong or
3 Mr. DeVoer, I would like to know the witnesses that you
4 plan to present at the hearing and an estimate of the
5 time for your direct examination of those witnesses.

6 MR. STRONG: All right, fine, Your Honor. We
7 expect to have four different witnesses. Mr. DiTommaso
8 as principal for the applicant would be one witness. I
9 would expect his testimony to take no more than one and
10 a half to two hours actually. We have three other
11 witnesses who are not affiliated with the applicant,
12 residents of Yakima, Mr. Bud Owens, O-W-E-N-S, Mr. Lloyd
13 Nash, N-A-S-H, both of whom are businessmen in Yakima,
14 Mr. Ron Boster, I believe that's spelled B-O-S-T-E-R.

15 JUDGE RENDAHL: B-O-S --

16 MR. STRONG: He's been employed -- B as in
17 bravo O-S-T-E-R.

18 JUDGE RENDAHL: Thank you.

19 MR. STRONG: He has been employed in this
20 industry in Yakima. And I'm expecting that direct
21 examination of each of those would take probably no more
22 than one hour each. It may actually take less than
23 that.

24 MR. DAVIS: This is John Davis. Can I raise
25 a question. You say Mr. Boster has been employed in the

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1 industry. Could you clarify that, please?

2 MR. STRONG: Well, I believe he's been
3 employed at least while in business while in Yakima.
4 And I think Tony is on the phone, aren't you, Tony?

5 MR. DITOMMASO: Yeah, he used to work for
6 Yakima Waste Systems.

7 MR. DAVIS: Okay.

8 JUDGE RENDAHL: Thank you Mr. Strong or
9 Mr. DeVoer.

10 MR. STRONG: And I would expect, Your Honor,
11 if I could add, I would expect --

12 JUDGE RENDAHL: Is this Mr. Strong --

13 MR. STRONG: -- depending on how we proceed
14 -- yes.

15 JUDGE RENDAHL: Thank you.

16 MR. STRONG: I'm sorry, can you hear me?

17 JUDGE RENDAHL: Yes, it's just helpful if you
18 would identify yourself before you speak so the court
19 reporter is aware of who is speaking.

20 MR. STRONG: Oh, I'm sorry, this is Blair
21 Strong speaking again. If I could add, Your Honor, we
22 would reserve the right for those witnesses to testify
23 on rebuttal, if necessary, as well.

24 JUDGE RENDAHL: That's just fine.

25 Okay, beginning with Mr. Grady, do you have

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1 an estimate of witnesses and time for those witnesses'
2 direct examination?

3 MR. GRADY: This is William Grady speaking.
4 I will be calling Mr. Cecil Bronkhorst, the protestant
5 and principal operator of Country Garbage Service. He
6 will be the only witness called. His testimony will
7 take about an hour to an hour and a half on direct.

8 JUDGE RENDAHL: And that is the sole witness
9 you plan to present?

10 MR. GRADY: Correct.

11 JUDGE RENDAHL: Thank you.

12 Mr. Davis.

13 MR. DAVIS: Yes, Your Honor, this is Jack
14 Davis. I propose to present two to four witnesses. The
15 primary witness will be Scott Robertson, Yakima Waste
16 Systems, who will present the certificate of authority
17 with any financial information appropriate in operating
18 information. If necessary, we would present Steve
19 Wheatley, who is another employee of the company, in
20 respect to operating matters. Depending upon the
21 evidence presented, we may tend to desire to present
22 evidence from the City of Yakima, which provides its own
23 garbage service within the city limits to residential
24 accounts and/or a representative of the City of Union
25 Gap, that also provides contract service to residents

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1 and businesses within the city limits of Union Gap.
2 That would depend on what evidence is presented directly
3 by the applicant.

4 JUDGE RENDAHL: Mr. Davis, could you speak a
5 little louder or speak directly into the microphone.

6 MR. DAVIS: Yes, Your Honor, our direct
7 witnesses should take two to three hours in total.

8 JUDGE RENDAHL: Now is that two to three
9 hours just for Mr. Robertson and Mr. Wheatley?

10 MR. DAVIS: That's correct. If we present
11 witnesses from the City of Yakima or the City of Union
12 Gap, I would believe that they would take approximately
13 an hour each total direct and cross-examination.

14 JUDGE RENDAHL: I would like to discuss
15 exhibits at this point, and particularly the exchanging
16 of exhibits. And for this discussion, I would like to
17 go off the record, and then we will come back on after
18 we have finished our discussion, so we will be off the
19 record at this time.

20 (Discussion off the record.)

21 JUDGE RENDAHL: Let's be back on the record.
22 While we were off the record, we discussed the witnesses
23 applicants intend to present, the applicants and
24 protestants intend to present, and the amount of time
25 they plan to take. The applicant has identified that it

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1 will present Mr. Tony DiTommaso, D-I-T-O-M-M-A-S-S-O; is
2 that correct?

3 MR. STRONG: One S.

4 JUDGE RENDAHL: One S. Mr. Bud Owens,
5 Mr. Lloyd Nash, and Mr. Ron Boster, B-O-S-T-E-R. And
6 the protestants Country Garbage Service will present
7 Mr. Cecil Bronkhorst. And Yakima Waste Systems will
8 present Scott Robertson, Steve Wheatley, and possibly a
9 representative from the City of Yakima and a
10 representative of the City of Union Gap.

11 The time estimates that the parties gave lead
12 me to believe that we will possibly need to continue the
13 hearing on the 17th, so all parties should be prepared
14 to be in Yakima for two days of hearing.

15 The parties after discussing what possible
16 exhibits they might be offering determined that they do
17 not wish to exchange exhibits before the hearing with
18 the exception of certain photographs that the applicant
19 mentioned that it might be offering. And I would
20 request that the applicant provide copies of those
21 photographs to other parties no later than the end of
22 the day on Friday the 11th.

23 Before we went back on the record, Mr. Grady
24 raised an issue concerning whether the applicant's
25 witnesses and proposal might be precluded by certain

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1 City contracts, and I have advised the parties that we
2 will be proceeding with the hearing and that they may
3 make those arguments either during or following the
4 hearing in brief, and we will determine the briefing
5 date at the hearing.

6 Are there any other matters that need to come
7 before us this morning?

8 MR. DAVIS: Yes, Your Honor, Jack Davis
9 again. In addition to the witnesses previously
10 identified, there has now been one of the witnesses
11 identified as being possibly within the City of Selah.
12 We also request to reserve the right to present a
13 witness from the City of Selah with respect to their
14 garbage contract if that becomes necessary. And also I
15 believe that the applicant's counsel requested copies of
16 the contracts for Selah prior to the hearing.

17 JUDGE RENDAHL: Thank you, and if you would
18 provide those to the applicant and other parties in the
19 case again by the end of the day Friday the 11th, I
20 would appreciate that.

21 MR. DAVIS: We will put them in the mail as
22 soon as they can be obtained.

23 JUDGE RENDAHL: Thank you.

24 Are there any other matters that need to come
25 before us?

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1 Hearing nothing, this prehearing conference
2 is adjourned, and we will readjourn in Yakima on the
3 16th of August. We will see you all there.
4 (Hearing recessed at 10:05 a.m.)

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