

1 BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
2 COMMISSION

3 WASHINGTON UTILITIES AND)
TRANSPORTATION COMMISSION,)
4 Complainant,) DOCKET NO. TG-920608
vs.)
5 WASTE MANAGEMENT OF SEATTLE,) Volume I
INC., G-140,) Page 1-9
6 Respondent.)
-----)

8 A hearing in the above matter was held on
9 October 1, 1992 at 10:25 a.m., 1300 South Evergreen
10 Park Drive Southwest, Room 140, Olympia, Washington,
11 before Administrative Law Judge ALICE L. HAENLE.

12 The parties were present as follows:

13 WASTE MANAGEMENT OF SPOKANE by Craig Gannett
14 and William K. Rasmussen, Attorneys at Law, 2600
Century Square, 1501 Fourth Avenue, Seattle,
15 Washington 98101.

16 WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION by Robert Cedarbaum, Assistant Attorney
17 General, 1400 South Evergreen Park Drive Southwest,
Olympia, Washington 98504.

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Lisa K. Nishikawa, CSR, RPR
Court Reporter

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(None)

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P R O C E E D I N G S

JUDGE HAENLE: The hearing will come to order. This is the prehearing conference on Docket No. TG-920608 which is a rate increase request of Waste Management of Seattle, Inc. The prehearing conference is taking place before Administrative Law Judge Alice L. Haenle of the Office of Administrative Hearings. The prehearing conference is taking place on October 1, 1992 at Olympia, Washington pursuant to notice which was entered September 11, 1992. I'd like to take appearances at this time please beginning with the representative for the company.

MR. GANNETT: Your Honor, my name is Craig Gannett and I'm with William K. Rasmussen. We're here representing Waste Management of Seattle. We're with the law firm of Davis Wright and Tremaine, 2600 Century Square Building, 1501 Fourth Avenue, Seattle, Washington 98101.

JUDGE HAENLE: All right, Mr. Cedarbaum.

MR. CEDARBAUM: My name is Robert Cedarbaum I'm an assistant attorney general representing the Commission. My business address is the Heritage Plaza Building, 1400 South Evergreen Park Drive Southwest in Olympia, Washington 98504.

JUDGE HAENLE: All right. I might note

1 first that the notice of prehearing conference
2 actually specifies that the prehearing conference
3 would start at 1:30 p.m. today. To prevent everyone
4 having to wait for several hours for that to happen,
5 since they were here in another matter anyway, we've
6 agreed that we'll do the main portions of the
7 prehearing conference at this point and then recess
8 the prehearing conference until 1:30 and at that time
9 we'll determine whether or not there are any persons
10 or entities wanting to move to intervene in this
11 matter.

12 The file does not show any petitions to
13 intervene having been filed, but people of course can
14 do that orally. We've agreed I believe that the
15 company will waive any objection it has to intervenors
16 who may appear at that time so that I might rule on
17 those motions to intervene without the company's
18 presence. Is that your proposal, Mr. Gannett?

19 MR. GANNETT: Yes, your Honor. We have no
20 objection to anyone who may care to intervene this
21 afternoon.

22 JUDGE HAENLE: All right. And is that your
23 understanding, Mr. Cedarbaum?

24 MR. CEDARBAUM: Yes, it is.

25 JUDGE HAENLE: And we further agreed that

1 we'll be discussing in a few minutes a proposal by the
2 parties for procedural conduct of this hearing. If
3 any of those intervenors has a serious problem with
4 that agreement which is between the company and the
5 Commission staff that we'll then recess the prehearing
6 conference and reconvene it tomorrow morning for
7 purposes of taking comment on that. Is that further
8 our agreement, Mr. Gannett?

9 MR. GANNETT: Yes, your Honor.

10 JUDGE HAENLE: And Mr. Cedarbaum?

11 MR. CEDARBAUM: Yes.

12 JUDGE HAENLE: All right. The agreement
13 was distributed day before yesterday, I believe. I
14 have in front of me a one-page document -- multi-page
15 document entitled Procedural Stipulation which has
16 been signed by both Mr. Cedarbaum and Mr. Gannett. I
17 will mark this document as Exhibit 1 for
18 identification. And it's my understanding that you
19 gentlemen have agreed this will be entered into the
20 record as Exhibit 1, is that correct, Mr. Gannett?

21 (Marked Exhibit No. 1.)

22 MR. GANNETT: Yes, your Honor.

23 JUDGE HAENLE: And Mr. Cedarbaum?

24 MR. CEDARBAUM: Yes.

25 (Admitted Exhibit No. 1.)

1 JUDGE HAENLE: By this you -- why don't you
2 just briefly state what this does, Mr. Gannett.

3 MR. GANNETT: This procedural stipulation
4 basically puts the second Waste Management of Seattle
5 case -- that is the case that we're having this
6 prehearing conference on -- on hold pending the
7 outcome of judicial review in what we have referred to
8 as the first Waste Management of Seattle case, the
9 case that has already been decided by the Commission
10 and is going to be heard later this month by the King
11 County Superior Court. And the idea is that we do not
12 need to litigate this second case because the
13 essential facts are identical and instead we can wait
14 for the outcome of the first case and then apply that
15 ruling to the second case.

16 JUDGE HAENLE: I notice that this appears
17 to be quite a detailed stipulation about what will
18 happen in the meantime in terms of temporary rates,
19 about interest on those rates, about waiver of the
20 suspension date, and a number of things like that. I
21 want to compliment the parties on their ability to
22 work together to come up with this suggestion and I
23 think that it'll save the Commission and the parties a
24 lot of time and money to do it in this manner.

25 I will recommend to the Commission that

1 this procedural stipulation be accepted. They, of
2 course, are the final determiners of that. If they
3 choose not to do it in this manner, I guess that means
4 we would come back for another prehearing conference
5 and set it up for hearing. If they do accept it, I
6 will anticipate that the Commission order
7 would go out accepting the terms of the procedural
8 stipulation.

9 Because this has been presented this
10 morning, the company is relieved of the need to
11 prefile any testimony as was specified in the notice
12 of prehearing conference. I will present this
13 directly to the Commission and ask them to issue an
14 order over their signatures. Assuming that they
15 accepted, then we would not need to do the things that
16 you would usually do in a prehearing conference, that
17 is, discuss protective orders or discuss the invoking
18 the discovery rule, that kind of thing. We would do
19 those down the line if after all this is over there
20 needs to be hearings and all of this. Any additional
21 comments on our off the record discussion or on the
22 procedural stipulation, Mr. Gannett?

23 MR. GANNETT: No, your Honor.

24 JUDGE HAENLE: Mr. Cedarbaum?

25 MR. CEDARBAUM: Just to ask that if the

1 Commission make an attempt to act fairly quickly on
2 accepting or on its action with regard to the
3 stipulation. If we do have to come back for hearing
4 because they reject it, we've got -- the company's
5 agreed to a three-month waiver of the suspension
6 period to do that, and I don't want to -- that was
7 derived to give us enough time, I hope, that we don't
8 push up against that time period, that the Commission
9 would issue its order fairly quickly.

10 MR. GANNETT: I would similarly ask if they
11 reject it to reject it promptly and to make sure that
12 they give us an ample amount of time to put together
13 prefiled testimony.

14 JUDGE HAENLE: I think that's certainly
15 reasonable and I'll try to get that proposal in my
16 recommendation to them as soon as possible so that
17 they can sign it as soon as possible. Is there
18 anything else we need to discuss at this point? All
19 right, I will recess the prehearing conference then.
20 We'll reconvene at 1:30 for the purpose of taking any
21 motion to intervene.

22 (Recess at 10:35 a.m.)

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AFTERNOON SESSION

1:30 p.m.

JUDGE HAENLE: All right, the hearing will come to order. We recessed the prehearing conference until 1:30. It is now 1:30, which is the time that was specified on the notice of prehearing conference. Is there anyone present in the hearing room who wants to move to intervene in this matter? The record should reflect there is no response. I will recess for another 15 minutes to allow anyone who might be coming sufficient time to get here, so we'll reconvene then at 1:45.

(Recess.)

JUDGE HAENLE: Let's be back on the record. It's now 1:45. Is there anyone present in the hearing room who intends to move to intervene in this matter? The record should reflect there is no response. I will then adjourn this prehearing conference and either a Commission order will issue accepting the procedural stipulation or we'll set another prehearing conference to set up additional hearings in this matter.

(Adjourned at 1:45 p.m.)

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As Court Reporter, I hereby certify that
the foregoing transcript is true and
accurate and contains all the facts,
matters, and proceedings of the hearing
held on: 10/1/92

Lisa K. Nishikawa

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