

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND)	DOCKET TG-140560
TRANSPORTATION COMMISSION,)	
)	
Complainant,)	ORDER 02
)	
v.)	
)	PREHEARING CONFERENCE
WASTE CONTROL, INC. (G-101),)	ORDER; NOTICE OF HEARING
)	(Set for August 6 & 7, 2014, at 9:30
Respondent.)	a.m.)
)	
.....)	

1 **NATURE OF PROCEEDING.** On April 3, 2014, Waste Control, Inc. (Waste Control or Company) filed with the Washington Utilities and Transportation Commission (Commission) new Tariff No. 16 reflecting a general rate increase that, if approved, would generate approximately \$532,000 (15.4 percent) in additional revenue. The stated effective date is June 1, 2014. As part of the rate request, Waste Control proposes a recovery of increased disposal fees. On April 10, 2014, the Commission entered Order 01, a complaint and order suspending Waste Control’s revised tariff pending Commission investigation of the proposed rates, and allowed Waste Control’s proposed disposal rates to continue on a temporary basis, subject to refund.¹

¹ Waste Control originally filed a request to recover increased disposal fees within its rate increase request on September 23, 2013, in Docket TG-131794. In that proceeding, the Commission authorized the Company to collect its proposed disposal fees on a temporary basis, subject to refund, pursuant to RCW 81.77.160. On March 25, 2014, the Commission rejected Waste Control’s tariff filing for insufficient support of its request. However, Waste Control was allowed to continue collecting the proposed disposal fee on a temporary basis, subject to refund, if the Company re-filed its rate request within ten business days of the effective date of the Order and the new request contained the same disposal fee increase that was allowed to become effective on December 1, 2013. Waste Control complied with these requirements.

In Docket TG-131794, Order 04, the Commission also granted the Company’s Motion to Approve a Temporary Fuel Surcharge on less than statutory notice. The surcharge expires on May 31, 2014, and Waste Control has filed for an extension of the surcharge through July 31, 2014. The Commission has not yet ruled on this request.

2 **CONFERENCE.** The Commission convened a prehearing conference in this docket at
Olympia, Washington, on April 30, 2014, before Administrative Law Judge Marguerite
E. Friedlander.

3 **PARTY REPRESENTATIVES.** David W. Wiley, Williams, Kastner & Gibbs PLLC,
Seattle, Washington, represents Waste Control. Steven W. Smith, Assistant Attorney
General, Olympia, Washington, represents the Commission's regulatory staff
(Commission Staff or Staff).² James K. Sells, Gig Harbor, Washington, represents the
Washington Refuse and Recycling Association (WRRRA). Appendix B to this Order sets
out the parties' contact information more fully.

4 **PETITION FOR INTERVENTION.** WRRRA filed a petition for intervention,
explaining that it is a trade association representing a majority of waste haulers in
Washington. WRRRA further asserted that it is entitled to participate in the proceeding
and will not seek to broaden the issues. The parties did not object to the intervention. At
the prehearing conference, the Commission granted WRRRA's petition on the basis that its
members have a substantial interest in the proceeding.

5 **DISCOVERY.** Discovery will be conducted pursuant to the Commission's discovery
rules, WAC 480-07-400 – 425.

6 **PROCEDURAL SCHEDULE.** The Commission adopts the procedural schedule
proposed by the parties and set forth in Appendix A to this Order.

7 **NOTICE OF HEARING.** The Commission will hold an evidentiary hearing in this
matter on **August 6, 2014, at 9:30 a.m.**, in the Commission's Hearing Room, Second
Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia,
Washington. The hearing will continue, as necessary, on **August 7, 2014.**

8 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** The parties must
file the original plus 2 copies of all pleadings, motions, briefs, and other prefiled

² In a formal proceeding, such as this, the Commission's 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.

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 re-file any document that fails to conform to these standards.

- 9 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.
- 10 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 documents. 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.
- 11 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Parties may submit documents electronically to the Commission by 3:00 p.m. on the filing deadline to expedite the filing process, but must file an original, plus 2 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 must submit documents through the Commission's Web Portal (www.utc.wa.gov/e-filing) or by e-mail to (records@utc.wa.gov). Parties must provide courtesy copies of their electronic submissions to the presiding officer and to the parties to the proceeding. Parties may agree to waive the requirement to serve paper copies of all documents on each other and may serve such copies electronically if they memorialize such agreement by letter and provide a courtesy copy of the letter to the Commission.
- 12 **ALTERNATIVE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. The 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.

13 **NOTICE TO PARTIES:** A party who objects to any portion of this Order must file a written objection within 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 May 2, 2014.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARGUERITE E. FRIEDLANDER
Administrative Law Judge

APPENDIX A
PROCEDURAL SCHEDULE
DOCKET TG-140560

EVENT	DATE
Technical Conference (parties only)	May 15-16, 2014
Staff's Prefiled Response Testimony and Exhibits	June 20, 2014
Settlement Conference (parties only)	July 9, 2014
Company's Prefiled Rebuttal Testimony and Exhibits and WRRRA's Prefiled Cross-Answering Testimony and Exhibits	July 23, 2014
Evidentiary Hearing	August 6-7, 2014
Simultaneous Post-Hearing Briefs	August 28, 2014
Statutory Effective Date	April 1, 2015

APPENDIX B
PARTIES' REPRESENTATIVES
DOCKET TG-140560

PARTY	REPRESENTATIVE	PHONE	E-MAIL
Waste Control, Inc.	Waste Control, Inc. P.O. Box 148 Kelso, WA 98626		
	David W. Wiley Williams, Kastner & Gibbs, PLLC 601 Union Street NW Suite 4100 Seattle, WA 98101	206-233-2895	dwiley@williamskastner.com
Commission Staff	Steven W. Smith Assistant Attorney General 1400 S. Evergreen Park Dr. SW P.O. Box 40128 Olympia, WA 98504-0128	360-664-1225	ssmith@utc.wa.gov
Washington Refuse and Recycling Association	Brad Lovaas Executive Director Washington Refuse and Recycling Association 4160 – 6 th Avenue SE Suite 205 Lacey, WA 98503		brad@wrra.org
	James K. Sells Attorney at Law PMB 22, 3110 Judson St. Gig Harbor, WA 98335	360-981-0168	jamesells@comcast.net