

[Service Date October 6, 2004]

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In re Application No. GA-079289 of)	DOCKET NO. TG -041186
)	
RUSSELL VANDERVEEN d/b/a)	
VANDERVEEN FAMILY)	
TRANSPORT)	NOTICE OF PREHEARING
)	CONFERENCE
For a Certificate of Public)	(Set for Monday, November 8, 2004,
Convenience and Necessity to)	1:30 p.m.)
Operate Motor Vehicles in Furnishing)	
Solid Waste Collection Service)	
.....)	

1 On June 30, 2004, Russell Vanderveen d/b/a Vanderveen Family Transport, filed an application (No. GA-079289) for a certificate of public convenience and necessity to operate motor vehicles in furnishing solid waste collection service consisting of Leachate from the Cedarville landfill to the City of Ferndale Waste Water Treatment Plan in Whatcom County under contract with Whatcom County. Notice of the Application was published in the Commission’s weekly Docket of July 19, 2004.

2 The issues in this proceeding include whether the issuance of a certificate to Russell Vanderveen d/b/a Vanderveen Family Transport for the service it proposes is necessary and is otherwise consistent with the public interest, and whether other carriers are authorized to serve in the territory requested. The Commission has jurisdiction over this matter under Title 81 RCW, which authorizes it to regulate persons seeking to furnish solid waste collection services under chapters 81.77 RCW and 480-70 WAC.

3 The statutes involved include those within chapter 81.04 RCW, chapter 81.28 RCW and chapter 81.77 RCW, including but not limited to RCW 81.77.040 and chapter 34.05 RCW. Rules involved include those within chapters 480-70 WAC and 480-07 WAC.

4 The Commission sets a prehearing conference to discuss preliminary matters, the hearing process, and to formulate the issues.

5 **THE COMMISSION GIVES NOTICE That a prehearing conference in this matter will be held at 1:30 p.m., on Monday, November 8, 2004, in Room 108, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

6 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the prehearing conference set by this Notice, or any other stage of this proceeding, may be held in default in accordance with RCW 34.05.440. The parties are further advised that the sanction provisions of WAC 480-07-450 are specifically invoked.**

7 Please see the form attached to this notice which should be filled out and returned if any party or witness needs an interpreter or other assistance. The names and mailing addresses of all parties and their known representatives are as follows:

Applicant: Russell Vanderveen
Vanderveen Family Transport
5446 Allison Road
Bellingham, WA 98226
(360) 332-1089

Protestant: Dennis Scheffer, President
Sumas Transport, Inc.
2340 East Sunset Drive
P.O. Box 32177
Bellingham, WA 98228-4177
(360) 733-3015

Commission Staff: Lisa Watson
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
PO Box 40128
Olympia, WA 98504-0128
360) 664-1186

8 Administrative Law Judge Theodora M. Mace, from the Utilities and Transportation Commission's Administrative Law Division, will preside during this proceeding.

9 Notice of any other procedural phase will be given in writing or on the record, as the Commission may deem appropriate during the course of this proceeding.

DATED at Olympia, Washington, and effective this 6th day of October, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN
Executive Secretary

Inquiries may be address to:

Secretary
Washington Utilities and
Transportation Commission
Chandler Plaza Building
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

NOTICE

PLEASE NOTE: The hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and if limited English-speaking or hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

The information needed to provide an appropriate interpreter or other assistance should be stated below and returned to Washington Utilities and Transportation Commission, Attention: Carole J. Washburn, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket No.: _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.: (____) _____

Attachment A

The Commission may issue a certificate of authority to operate motor vehicles in furnishing solid waste collection in the state of Washington if the applicant satisfies the requirements that are set out in chapter 81.77 RCW and chapter 480-70 WAC. The procedures the Commission uses in its hearings are in chapter 480-07 WAC. Copies of the statutes and rules are available from the Commission's record center, or in local libraries.

The Commission provides the information in this Appendix so that the parties can discuss at the prehearing conference the process for the hearing and the issues involved in this case. The parties and any interested persons should not use this Appendix as a substitute for review of the applicable statutes and rules, which may contain additional requirements applicable in this matter.

Prehearing Conference

At the prehearing conference we will plan how the case will proceed. We will discuss schedule, obtaining information (discovery), whether there is a need for protections to be put in place for confidential information, how parties will exchange information, and how information will be provided to the Commission. We will also discuss framing the issues in the proceeding.

A solid waste applicant needs to provide information including, but not necessarily limited to, the following:

- (1) A description of any present service provided by the Applicant, and the cost of that service for the area proposed in the application to be served;
- (2) An estimate of the cost of the facilities to be used in providing solid waste collection and disposal service;

- (3) The condition of the equipment and the program for equipment maintenance;
- (4) A statement of the assets available to the person, firm, association or corporation that will be expended to provide solid waste collection and disposal;
- (5) The Applicant's prior experience, if any.
- (6) The Applicant's familiarity with the statutes and rules that govern the operations it proposes;
- (7) The public need for the service that the applicant proposes, including the sentiment in the community that the applicant proposes to serve as to the necessity for service;

The applicant does not need to provide this information at the prehearing conference; the applicant does need to come prepared to discuss how it **plans** to present this information at the next hearing. The applicant should think through what witnesses and documents will be part of its case, how long it will take to present that case, and be prepared to discuss that information at the prehearing conference. Please review the following description of the hearing process in planning your presentation.

Hearing

The following is a description of the process for the hearing, if a hearing is necessary; it may be determined at the prehearing conference that one or more of these requirements do not apply or that additional requirements are necessary:

The Applicant will need to present testimony and documents establishing:

- (1) That there is a public need for the service proposed by the applicant.
 - Need for new service must be established by the testimony of members of the public who actually require the service. The Commission does not accept statements of an applicant that the authority is needed. The applicant must support its application with independent witnesses knowledgeable about the need for service in the territory in which the applicant seeks authority.
 - If the application is protested, the Commission will not consider written statements of witnesses whom the applicant has not made available for cross examination at hearing; the Commission will generally only consider live testimony.
- (2) That the applicant is fit, willing, and able to provide the proposed service.
 - The applicant must show that it has sufficient financial resources and assets to conduct the proposed operations.
 - The applicant must show that it is willing and able to comply with the applicable laws and the Commission's rules.
- (3) If the applicant requests a certificate to operate in a territory already served by another certificate holder, the applicant must also show that the existing transportation company or companies will not provide service in that territory to the satisfaction of the Commission.