

0019

1 The parties were present as follows:

2 WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION, by
3 FRONDA WOODS, Assistant Attorney General, 1400 South
4 Evergreen Park Drive Southwest, P.O. Box 40128, Olympia,
5 Washington 98504; Telephone 360-664-1225

6 MASON COUNTY GARBAGE CO., INC., d/b/a MASON COUNTY
7 GARBAGE, G-88; MURREY'S DISPOSAL COMPANY, INC., G-9;
8 AMERICAN DISPOSAL COMPANY, INC., G-87, by DAVID W. WILEY,
9 Attorney at Law, Williams Kastner, 601 Union Street, Suite
10 4100, Seattle, Washington 98101; Telephone 206-628-6600

11 WASHINGTON REFUSE AND RECYCLING ASSOCIATION, by JAMES
12 K. SELLS, Attorney at Law, 3110 Judson, PMB 22, Gig Harbor,
13 Washington 98335; Telephone 360-981-0168

14 WASTE MANAGEMENT OF WASHINGTON, INC., d/b/a WASTE
15 MANAGEMENT - NORTHWEST; WASTE MANAGEMENT OF WASHINGTON,
16 INC., d/b/a WASTE MANAGEMENT - SNO-KING; WASTE MANAGEMENT OF
17 WASHINGTON, INC., d/b/a WASTE MANAGEMENT - SOUTH SOUND WASTE
18 MANAGEMENT OF SEATTLE, by POLLY L. MCNEILL, Attorney at Law,
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20 Seattle, Washington 98104; Telephone 206-676-7040

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

2 (On the record at 1:00 p.m.)

3 JUDGE KOPTA: All right. Then let's be on the
4 record in Docket Nos. TG-101542, 101545 and 101548. I'm not
5 going to read out all the captions since we've already been
6 down that road before.

7 But I'm Judge Gregory Kopta and we're here for an
8 order conference.

9 And the first thing I would like to do is take
10 appearances for the record starting with Commission Staff.

11 MS. WOODS: Good afternoon, Your Honor. I'm
12 Fronda Woods, Assistant Attorney General for Commission
13 Staff.

14 MR. WILEY: Good afternoon. Dave Wiley for the
15 petitioners.

16 MS. MCNEILL: Good afternoon, Your Honor. Polly
17 McNeill representing intervener Waste Management of
18 Washington, Inc.

19 MR. SELLS: James Sells representing intervener
20 Washington Refuse and Recycling Association.

21 JUDGE KOPTA: All right. Any other appearances?
22 Hearing none I will assume not.

23 So as I said, we are here for an order conference
24 at the request of Commission Staff. There seems to be a
25 dispute among the parties as to the interpretation of the

0021

1 Commission's Order 05, the order on reconsideration.

2 So I have gotten the filing that Commission Staff
3 has made. That's my only knowledge of what the issues are.
4 So one of the things I would like to do is get a little bit
5 of an education myself.

6 There was some discussion before we got on the
7 record as to whether this needed to be on the record. Any
8 opinions as to whether we want to have this discussion on or
9 off the record?

10 Ms. Woods.

11 MS. WOODS: Thank you, Your Honor. Mr. Wiley and
12 I had a discussion about this last week and we thought it
13 might be appropriate to conduct this conference a little
14 more informally. Maybe we don't need a court reporter right
15 now. But perhaps if we reach some decisions we could have
16 those memorialized.

17 JUDGE KOPTA: Is that in accord with your
18 understanding, Mr. Wiley?

19 MR. WILEY: Yes, Your Honor. We talked about
20 whether there would be formal legal argument, which was
21 really the -- what spurred our conversation. And both
22 Ms. Woods and I found that while we expect there will be
23 argument we didn't expect it to be very formal. But I
24 certainly think that putting something on the record is
25 advantageous at the end to conclude.

0022

1 JUDGE KOPTA: All right. Well, then I'm happy to
2 proceed that way. We can go off the record and have a
3 discussion and then memorialize whatever that discussion
4 produces, if that works for the parties, at least for now.

5 So with that we will be off the record.

6 (Discussion held off the record from
7 1:03 to 2:03 p.m.)

8 JUDGE KOPTA: Let's go back on the record. While
9 we were off the record we had a rather extensive discussion
10 about the issues that Staff has seen with respect to how to
11 interpret the order in the context of the 2009, 2010
12 recycling plans for Murrey's and American Disposal.

13 And as a result of that discussion what I have
14 determined to do is to treat Staff's request as a petition
15 for clarification and am asking them to file a written
16 petition for clarification specifying the issues that they
17 see, both legal and factual, with specific emphasis on
18 Murrey's and American's performance under the plan and any
19 quantification of the plan's requirements that Staff
20 believes have not been done or were not met by the companies
21 during the planning period.

22 The Company will then have an opportunity to
23 respond to those arguments. I would expect that if they
24 need any additional information from the County with respect
25 to compliance with the plans that they would obtain that

0023

1 from the County as a factual matter.

2 At this point I do not see the need for a reply,
3 but Staff certainly may request one if it believes that the
4 companies raise issues that it were not -- that it was not
5 reasonably able to foresee when it filed its original
6 petition for clarification.

7 We did not discuss dates, however. And we may
8 need to go off the record one more time so that we can get
9 calendars and dates for those particular filings. But
10 before we do that I want to ask if anyone, either Ms. Woods
11 or Mr. Wiley, whether you would have any additional remarks
12 that would clarify what we are going to be doing from this
13 point on?

14 MR. WILEY: Your Honor, just one. I reserve the
15 right to object to a reply. Not only do I have the original
16 burden of proof on this whole proceeding, but we're dragging
17 this way, way past what I thought was resolved clearly in
18 Order No. 05. So I would ask Staff to address any other
19 issues that they think were left out in your recitation so
20 that we can get them all out first cut by each side. I
21 would really think that would be efficient.

22 JUDGE KOPTA: I would encourage that, and I would
23 certainly expect Staff will do that.

24 Anything further on that?

25 All right. Let's go off the record one more time

0024

1 to discuss scheduling.

2 (Discussion held off the record from
3 2:06 to 2:08 p.m.)

4 JUDGE KOPTA: Let's be back on the record.

5 While we were off the record we discussed
6 scheduling. And Staff will make their filing and their
7 petition for clarification on June 21st, and the Company
8 will file its response on July 5th.

9 We will be issuing a notice with those dates just
10 so everybody is on the same page and so that we can get
11 everything calendared in our neck of the woods.

12 But other than that I believe that's all we have
13 to discuss today unless I hear anything from anyone else.

14 Hearing nothing we are adjourned. Thank you very
15 much.

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17 (Off the record at 2:10 p.m.)

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C E R T I F I C A T E

I, TAMI LYNN VONDRAN, a Certified Court Reporter,
do hereby certify that I reported in machine shorthand the
foregoing proceedings in the above-entitled cause; that the
foregoing transcript was prepared under my personal
supervision and constitutes a true record of the testimony
of the said witness.

I further certify that I am not an attorney or
counsel of any parties, nor a relative or employee of any
attorney or counsel connected with the action, nor
financially interested in the action.

DATED at Edgewood, Washington this 16th day of
June, 2011.

Tami Lynn Vondran, CCR
Certified Court Reporter
License No. 2157