



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

621 Woodland Square Loop, S.E. • Lacey, Washington 98503

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January 29, 2021

NOTICE MODIFYING PROCEDURAL SCHEDULE

and

NOTICE OF HEARING

(Set for August 5-6, 2021, beginning at 9:30 a.m.)

RE: *Murrey's Disposal Co., Inc. v. Waste Mgmt. of Wash., Inc., Waste Mgmt. Disposal Services of Or., and MJ Trucking & Contracting and Murrey's Disposal Co., Inc. v. Waste Mgmt. of Wash., Inc., Waste Mgmt. Disposal Services of Or., and Daniel Anderson Trucking and Excavation, LLC*
Dockets TG-200650 and TG-200651 (*Consolidated*)

TO ALL PARTIES:

On July 15, 2020, Murrey's Disposal Company, Inc. (Murrey's Disposal), filed with the Washington Utilities and Transportation Commission (Commission) separate complaints against Waste Management of Washington, Inc. (WMW), Waste Management Disposal Services of Oregon, Inc. (WMDSO), and MJ Trucking & Contracting, Inc. (MJ Trucking), and WMW, WMDSO, and Daniel Anderson Trucking and Excavation, LLC, (DAT) (collectively, Respondents) asking the Commission to order WMW, WMDSO, MJ Trucking, and DAT to cease and desist from engaging in the collection and transportation of solid waste without a certificate of authority from the Commission and to find that certain intermodal motor carrier transportation services offered by WMW or WMDSO are not preempted by 49 C.F.R. § 1090.2. These matters were consolidated by the Commission in Order 01, entered on August 27, 2020.

The Commission held a prehearing conference in these consolidated matters on December 18, 2020, and later set a procedural schedule in Order 04.

On January 26, 2021, the Commission held a virtual status conference with the parties to discuss further procedural events and deadlines going forward due to the parties' failure to stipulate to a list of agreed facts.

During the virtual status conference, the parties presented an agreed procedural schedule that modifies the current procedural schedule to include deadlines for simultaneous motions for summary determination and response briefs, and, in the event both motions are denied, sets deadlines for the filing of pre-filed written testimony and discovery. The parties were unable, however, to reach agreement on dates for an evidentiary hearing. The Commission finds good cause to modify the procedural schedule as proposed, with certain additional modifications raised during the status conference. The additions the Commission makes to the procedural schedule concern the dates for evidentiary hearing, filings in advance of that hearing, and subsequent briefing deadlines. The Commission, having considered the feedback, conflicts, and preferences explained by the parties, sets the evidentiary to begin at 9:30 a.m. on August 5, 2021, and continuing, as necessary, on August 6, 2021, due to Commission resource availability and administrative needs.

The modified procedural schedule is attached to this Notice as Appendix A.

The Commission hereby gives notice that it will hold an evidentiary hearing in these consolidated dockets on **August 5, 2021, at 9:30 a.m., and continuing on August 6, 2021, if necessary**. The hearing will convene in the Commission's Hearing Room, First Floor, 621 Woodland Square Loop S.E., Lacey, Washington, or virtually, depending on the public health restrictions in effect at that time. In the event the hearing must be held virtually, the Commission will provide notice at least 20 days prior to the hearing date with virtual meeting information.

THE COMMISSION GIVES NOTICE That it modifies the procedural schedule as indicated in Appendix A.

THE COMMISSION GIVES NOTICE That the Commission will hold an evidentiary hearing in these consolidated matters beginning on Thursday, August 5, 2021, at 9:30 a.m. and continuing on Friday, August 6, 2021, if necessary.

/s/ *Andrew J. O'Connell*
ANDREW J. O'CONNELL
Administrative Law Judge

**APPENDIX A
PROCEDURAL SCHEDULE
DOCKETS TG-200650 & TG-200651**

EVENT	DATE
Complaints	July 15, 2020
Prehearing Conference	December 18, 2020
Motions for Summary Determination	March 16, 2021
Responses to Motions for Summary Determination	April 7, 2021
Initial Settlement Conference ¹	April 14, 2021
Complainant's Direct Testimony and Exhibits	May 4, 2021
Respondents' Testimony and Exhibits	June 1, 2021
Complainant's Rebuttal Testimony and Exhibits	June 22, 2021
Last Day to Issue Data Requests	June 29, 2021
Discovery Deadline	July 13, 2021
Exhibits List, Cross-Examination Exhibits, Witnesses List, Time Estimates, Exhibits Errata	July 28, 2021
Evidentiary Hearing	August 5-6, 2021
Post-Hearing Briefs	September 9, 2021
Response Briefs	September 30, 2021

¹ Per WAC 480-07-700(5)(a), parties may reschedule a settlement conference included in the procedural schedule without seeking to modify the schedule if all parties agree, but the parties must provide notice to the presiding officer of the rescheduled date.