

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of

SUPERIOR WASTE & RECYCLE LLC

For Authority to Operate as a Solid
Waste Collection Company in
Washington

DOCKET TG-181023

ORDER 03

GRANTING STIPULATED MOTION
TO WAIVE WAC 480-70-421

BACKGROUND

- 1 On December 13, 2018, Superior Waste & Recycle LLC (Superior Waste & Recycle or Applicant) filed with the Washington Utilities and Transportation Commission (Commission) an application for authority to operate as a solid waste collection company in Washington (Application).
- 2 On January 24, 2019, the Commission issued a Notice of Application, which provided 30 days for interested persons to protest the Application. On February 20, 2019, Waste Management of Washington, Inc., d/b/a Brem-Air Disposal (Waste Management) filed a protest to the Application.
- 3 On April 8, 2019, the Commission convened a prehearing conference in this docket and on April 9, 2019, the Commission issued Order 01, Prehearing Conference Order; and Order 02, Protective Order (Order 02).
- 4 On June 28, 2019, Superior Waste & Recycle, Commission staff (Staff), and Waste Management (collectively, the Parties) filed a Stipulated Motion to Waive Washington Administrative Code (WAC) 480-70-421 (Motion). In their Motion, the Parties explain that WAC 480-70-421 prohibits the release of certain information and provides no exception for discovery in an ongoing Commission proceeding. The Parties seek an exemption from the application of the rule for the purposes of conducting confidential discovery consistent with Order 02.

DISCUSSION AND DECISION

- 5 WAC 480-70-006(3) provides that the Commission may waive or modify the rules in that chapter upon proper showing, except when such provisions are fixed by statute.
- 6 The Commission finds that the Parties have made a proper showing that WAC 480-70-421, which is not fixed by statute, should be waived to the extent required for confidential discovery.

Strict application of the rule would prohibit the Parties from exchanging information that will ultimately aid the Commission's decision-making. Accordingly, the Parties' Motion is granted.

ORDER

THE COMMISSION ORDERS

- 7 (1) The Stipulated Motion to Waive WAC 480-70-421 is granted.
- 8 (2) WAC 480-70-421 is waived to the extent required for confidential discovery and usage consistent with Order 02.

DATED at Olympia, Washington, and effective July 17, 2019.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Rayne Pearson
RAYNE PEARSON
Administrative Law Judge