

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

MURREY'S DISPOSAL COMPANY,)	
INC., G-9)	
)	DOCKET NO. TG -030673
Complainant,)	
)	ORDER NO. O1
v.)	
)	PREHEARING CONFERENCE
WASTE MANAGEMENT OF)	ORDER
WASHINGTON, INC., G-237)	
)	
Respondent.)	
.....)	

1 **PREHEARING CONFERENCE:** On May 9, 2003, Murrey's Disposal Company, Inc. (Complainant) filed a complaint with the Commission against Waste Management of Washington, Inc. (Respondent). The Complainant requests the Commission revise a portion of Certificate of Public Convenience and Necessity No. G-237 held by the Respondent on the grounds that the Respondent has failed to operate as a regulated solid waste collection company in the certificated area at issue in Clallam County during the 12 months prior to the filing date of the complaint. The Commission convened a duly noticed prehearing conference in Olympia, Washington, on July 1, 2003, before Administrative Law Judge Dennis J. Moss.

2 **PETITIONS TO INTERVENE:** The Washington Refuse and Recycling Association (WRRRA) filed a Petition To Intervene on May 19, 2003. WRRRA's Petition was heard at the prehearing conference. There being no objection, and WRRRA having demonstrated by its filing both its substantial interest in the proceeding and that its participation would be in the public interest, the petition is granted.

- 3 **PARTIES:** David W. Wiley, Williams, Kastner & Gibbs, PLLC, Seattle, Washington, represents Complainant Murrey Disposal, Inc. Polly L. McNeill, Summit Law Group, Seattle, Washington, represents Waste Management of Washington, Inc. (WMI). James K. Sells, Ryan Sells Uptegraft, Inc., P.S., Silverdale, Washington, represents WRRRA. Mary Tennyson, Senior Assistant Attorney General, Olympia, Washington, represents the Commission's regulatory staff (Staff).
- 4 **DISCOVERY / PROTECTIVE ORDER:** The Commission's discovery rule, WAC 480-09-480, is invoked. Parties should submit discovery requests to each other, and respond to discovery requests whenever possible, using electronic media, including e-mail and facsimile, to expedite the exchange of information. A discovery contact list reflecting e-mail and facsimile addresses for all parties is attached to this Order as Appendix One.
- 5 All parties are expected to work cooperatively in the discovery process. The parties should work together to resolve any dispute. If they cannot resolve their dispute, the parties should request a discovery conference with the presiding Administrative Law Judge. Such conferences may be conducted via telephone, or in person, and may be recorded by audio tape without an official court reporter. Notice of discovery conferences will be made to all parties via e-mail; such conferences may be conducted on short notice.
- 6 **PROCESS AND PROCEDURAL SCHEDULE:** The procedural schedule is attached to this Order as Appendix Two and is incorporated here by reference.
- 7 **FILING; COPIES OF MATERIALS:** The Commission requires the original and nine (9) copies of all filings, supplemented by an electronic version of each document whenever possible. All filings and supplemental materials should be directed to the Commission Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250, or by hand delivery to the Commission Secretary at the Commission's records center at the Washington Utilities and Transportation Commission, 1300 S. Evergreen Park Drive, S.W., Olympia, Washington, 98504.

Both the post office box and street address are required to expedite deliveries by U.S. Postal Service. Electronic deliveries should be addressed to records@wutc.wa.gov.

8 **All testimony, exhibits, and briefs are required to conform to the publication guidelines attached to this Order as Appendix Three. Any filing that fails to conform to these standards may be required to be refiled.**

9 **NOTICE TO PARTIES:** Any objection to the provisions of this Order must be filed within ten (10) days after the date of mailing of this statement, pursuant to WAC 480-09-460(2). Absent such objections, this prehearing conference order will control further proceedings in this matter, subject to Commission review.

DATED at Olympia, Washington, and effective this ____ day of July, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DENNIS J. MOSS,
Administrative Law Judge

APPENDIX ONE

SERVICE LIST CONTACT INFORMATION

<p>Murrey's Disposal David W. Wiley Dana A. Ferestien Williams, Kastner & Gibbs, PLLC Two Union Square, Suite 4100 Seattle, WA 98101-2380</p> <p>P.O. Box 21926 Seattle, WA 98111-3926 Phone: 206-233-2895 (Wiley) Fax: 206-628-6611 e-mail: dwiley@wkg.com</p>		
<p>Waste Management of Washington, Inc. Polly L. McNeill Summit Law Group PLLC 315 Fifth Avenue South, Suite 1000 Seattle, WA 98104-2682 Phone: (206) 676-7000 Fax: (206) 676-7001 e-mail: pollym@summitlaw.com</p>		
<p>Washington Refuse and Recycling Association (WRRRA) James K. Sells Ryan Sells Uptegraft, Inc. P.S. 9657 Levin Road N.W., Suite 240 Silverdale, WA 98393 Phone: 360-307-8860 (800-481-8861) Fax: 360-307-8865 e-mail: jimsells@rsulaw.com</p>		
<p>Commission Staff: Mary Tennyson Senior Assistant Attorney General 1400 S. Evergreen Park Dr. S.W. P.O. Box 40128 Olympia, WA 98504-0128 phone: 360-664-1160 fax: 360-586-5522 e-mail: mtennyso@wutc.wa.gov</p>		

APPENDIX TWO

PROCEDURAL SCHEDULE

EVENT	DATE
Complainant prefiled direct testimony and exhibits	September 30, 2003
Respondent prefiled response testimony and exhibits	November 10, 2003
Complainant rebuttal testimony and exhibits	December 1, 2003
Evidentiary Hearing	December 15, 2003

APPENDIX THREE

PUBLICATION GUIDELINES

I. Requirements for ALL paper copies of testimony, exhibits, and briefs

The following requirements are restated from and clarify the Commission's rules relating to adjudications.

A. All paper copies of briefs, prefiled testimony, and original text in exhibits must be

- On 8-1/2 x 11 paper, punched for insertion in a 3-ring binder,
- Punched with OVERSIZED HOLES to allow easy handling.
- Double-spaced
- 12-point or larger text and footnotes, Palatino or equivalent serif font.
- Minimum one-inch margins from all edges.

Other exhibit materials need not be double-spaced or 12-point type, but must be printed or copied for optimum legibility.

B. All electronic and paper copies must be

- SEQUENTIALLY NUMBERED (all pages). **THIS INCLUDES EXHIBITS.** It is not reasonable to expect other counsel or the bench to keep track of where we are among several hundred (or sometimes even just several) unnumbered pages.
- DATED ON THE FIRST PAGE OF EACH ITEM and on the label of every diskette. If the item is a revision of a document previously submitted, it must be clearly labeled (REVISED), with the same title, and with the date it is filed clearly shown. Electronic files must be designated R for

revision, when applicable, with an ordinal number showing the revision number.

II. Identifying exhibit numbers; Exhibits on cross examination.

A. Identifying exhibits. It is essential to mark documents so you, opposing counsel, and the Commission can find them. We ask you to comply with this clarification of prior practice, based on recent experience:

- **Use the witness's initials and add an ordinal number for each exhibit.** Identify testimony with a T and confidential exhibits with a C. Example: Witness Jane Quintessentia Public. Her original testimony would be JQP-1T or JQP-1TC, her first attached exhibit would be JQP-2, etc. NEVER identify the attachments merely with a single ordinal number, as that will provide the maximum confusion to everyone, including your witness.

B. Exhibit Lists: Prepare a list of your exhibits with their title and designation (*e.g.*, JQP-1T: Prefiled Direct Testimony by Jane Quintessentia Public) in digital form and in a format specified by the Commission. Send it to the presiding officer before the appropriate prehearing conference. That will simplify identification and ease administrative burdens.

NOTE: Be prepared to submit all of your possible exhibits on cross examination several days prior to the hearing. We will schedule a prehearing conference to mark and exchange the exhibits as close as possible to the hearing itself, but we have administrative needs that require pre-submission.