

SERVICE DATE

SEP 29 1994

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

THE DISPOSAL GROUP, INC., d/b/a)
Vancouver Sanitary Service, and)
Twin City Sanitary Service, a)
Washington Corporation (G-65),)

DOCKET NO. TG-941154

Complainant,)

AMENDED NOTICE
OF PREHEARING CONFERENCE
(October 4, 1994)

v.)

WASTE MANAGEMENT DISPOSAL)
SERVICES OF OREGON, INC., d/b/a)
Oregon Waste Systems, a Delaware)
Corporation; and T & G TRUCKING)
& FREIGHT CO., an Oregon)
Corporation,)

NOTICE OF BRIEF ADJUDICATION
(October 7, 1994)

NOTICE OF SHORTENED TIME
FOR FILING ANSWERS

Respondents.)

.)

On August 31, 1994, The Disposal Group, Inc., d/b/a Vancouver Sanitary Service and Twin City Sanitary Service (TDG), filed a formal complaint pursuant to RCW 81.04.110 and WAC 480-09-420(5) against Respondent Waste Management Disposal Services of Oregon, Inc., d/b/a Oregon Waste Systems (OWS). The complaint alleged that OWS is hauling solid waste over the public highways of this state without first having obtained a certificate of public convenience and necessity from the Commission, in unincorporated areas of Clark County in which the complainant is one of two exclusive certified haulers of solid waste.

The Commission has the authority under RCW 81.04.110 to hear complaints by public service companies against other public service companies and complaints by public service companies against persons or entities acting as a public service companies.

Pursuant to WAC 480-09-500, the Commission determined that a brief adjudicative proceeding is appropriate for resolving the issues raised in the complaint. It designated as presiding officer, Hearings Examiner John Prusia, telephone number (206) 586-1108.

OWS filed an answer to the complaint on September 21, 1994.

On September 22, 1994, the Commission served upon the parties to the original complaint a Notice of Prehearing Conference and Notice of Brief Adjudication. That notice is superseded by this notice. The prehearing conference scheduled in that notice for October 3 is vacated.

On September 28, 1994, TDG amended its complaint to add a second respondent, T & G Trucking & Freight Co. (T & G). The amended complaint alleges that OWS and/or T & G are transporting solid waste over the public highways of this state, in territory in which the complainant is one of two exclusive certified haulers of solid waste, without first having obtained a certificate of public convenience and necessity from the Commission. The amended complaint alleges specifically that the transportation is from or near 6200 Old Lower Road, Vancouver, Washington, to Columbia Ridge Landfill in Arlington, Oregon.

The amended complaint is on file in the Commission's offices. It will be served on the respondents.

Statutes and rules involved include those within chapter 480-09 WAC, specifically WAC 480-09-420, -425, and -500, those included within chapter 480-70 WAC, specifically WAC 480-70-050 and -070, and those included within chapter 480-12 WAC. Statutes invoked include RCW 81.04.110, RCW 81.77.040, and RCW 81.80.070. The ultimate issue is whether the transportation in question is exempt from state regulation.

AMENDED NOTICE OF PREHEARING CONFERENCE

In order to expedite the proceeding, the Commission requests that the parties consult among themselves with a view to developing a stipulated factual record for decision, and report on that discussion no later than the time of the prehearing conference set below.

The Commission establishes a telephonic prehearing conference to be held at 1:30 p.m., Tuesday, October 4, 1994, unless changed by the Secretary of the Commission or the presiding officer. The prehearing conference will be via a conference bridge call. The Commission's conference bridge number is (206) 664-3846. An explanation of the conference bridge calling system is enclosed. Each party shall designate its attorney or other representative for the prehearing conference, and the representative's telephone number, by Monday, October 3, 1994.

NOTICE OF BRIEF ADJUDICATION

The Commission sets the time and place for oral presentations on the issues as Friday, October 7, 1994, beginning at the hour of 10:00 a.m. in room 140 in the Commission's headquarters offices at 1300 South Evergreen Park Drive S.W., Olympia, Washington 98504, unless changed by the Secretary of the Commission or the presiding officer.

NOTICE OF SHORTENED TIME FOR FILING ANSWERS

The Commission directs under WAC 480-09-425(3)(c) that answers to the amended complaint, if any, be filed with the Commission, and served on the parties, not later than Thursday, October 6, 1994. The Commission waives its rule prohibiting filings by telefacsimile device for these pleadings only.

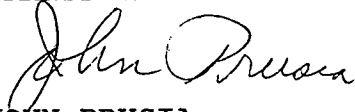
The names and mailing addresses of the parties and their known representatives are as follows:

Complainant:	The Disposal Group Inc. P.O. Box 4658 Vancouver, WA 98662-0658
Representative:	Cynthia A. Horenstein Horenstein & Duggan, P.S. P.O. Box 694 Vancouver, WA 98666-0694 (206) 699-4771
Respondent:	Waste Management Disposal Services of Oregon, Inc. c/o CT Corporation System, Registered Agent 520 Pike Street Seattle, WA 98101
Representative:	William K. Rasmussen Davis Wright Tremaine 2600 Century Square 1501 Fourth Avenue Seattle, WA 98101-1688
Respondent:	T & G Trucking & Freight Co. Oregon Registered Agent: Barton C. Bobbitt 4386 S.W. MacAdam, Suite 401 Portland, OR 97201
Representative:	Unknown

Commission Staff: It is expected that the Staff of the Commission will appear in this proceeding through the Office of the Attorney General, Heritage Plaza Building, 1400 S. Evergreen Park Drive S.W., Olympia, WA 98504-0128, (206) 753-2281.

DATED at Olympia, Washington and effective this 29th day of September 1994.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



JOHN PRUSIA
Hearings Examiner

N O T I C E

PLEASE BE ADVISED That if limited English-speaking or hearing impaired parties of 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 should be designated below and returned to Washington Utilities and Transportation Commission, Attn: Steve McLellan, 1300 S Evergreen Park Drive SW, P O Box 47250, Olympia, WA 98504-7250.

SUPPLY ALL REQUESTED INFORMATION

Docket No.: _____

Case Name: _____

Your Name: _____

Hearing Date: _____

Hearing Location: _____

Primary Language: _____

Hearing Impaired? Yes _____ No _____

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

Name: _____

Address: _____

Phone No.: (_____) _____

WUTC Introduces

Conference Bridge Calling

(206)664-3846

Beginning February 23, 1994, the Commission will provide public access to the Commission Open Meetings via a Conference Bridge system. There are 12 lines available on a first-come, first-served basis. The conference bridge number is (206) 664-3846. This is not a toll-free number, and appropriate long distance charges will be billed to your phone account.

Please use the following guidelines when utilizing this system:

- ☎ ~~At the point you are connected with the system you will hear a beep.~~ Please state your name. This will let others on the conference bridge know you are on-line. The system will also beep at the point someone disconnects from the system.
- ☎ If all lines are occupied, you will receive a busy signal after dialing.
- ☎ Your voice will not be heard in the hearing room, but will be heard by others on the system. Therefore, please keep conversations to a minimum. Also, the system is extremely sensitive and will pick up background noise.
- ☎ When you have concluded listening to the portion of the meeting you are interested in, please hang up promptly. This will enable others to utilize the system.

If you encounter a problem, please dial (206)753-6423 for assistance.