

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

WASHINGTON UTILITIES AND)	DOCKET TG-060793
TRANSPORTATION COMMISSION,)	
)	
Complainant,)	
)	
v.)	NOTICE OF PREHEARING
)	CONFERENCE
FIORITO ENTERPRISES, INC., &)	(Set for Wednesday, September 20,
RABANCO COMPANIES, G-60 d/b/a)	2006, 9:30 a.m.
KENT-MERIDIAN DISPOSAL,)	
)	
Respondent.)	
)	
.....)	

1 Fiorito Enterprises, Inc., & Rabanco Companies, d/b/a Kent-Meridian Disposal (KMD) on May 15, 2006, filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective Tariff No. 27, reflecting an increase in the recycling commodity adjustment, and the continuation of the thirty percent recycle revenue sharing. The operation of such tariff revisions has been suspended, allowing rates to become effective on July 1, 2006, on a temporary basis subject to refund, by order of the Commission pending hearing or hearings concerning such changes and the justness and reasonableness thereof.

2 **STATUTORY AUTHORITY:** The Commission has jurisdiction over this matter under Title 81 RCW, and has legal authority to regulate the rates, services, and practices of solid waste collection companies pursuant to chapter 81.77 RCW. The statutes that apply to this matter include chapters 81.01 RCW, 81.04 RCW and 81.28 RCW relating to rates, contracts, and services, including but not limited to RCW 81.04.020, RCW 81.04.250, RCW 81.28.010, RCW 81.28.040, RCW 81.28.050, RCW 81.28.080, RCW 81.28.180, RCW 81.28.190, RCW 81.28.230, RCW 81.77.030, and RCW 81.77.070. The rules that apply to this matter include those within chapters 480-07 and 480-70 WAC.

3 The Commission will hear this matter under the Administrative Procedure Act (APA), particularly Part IV of chapter 34.05 RCW relating to adjudications. The provisions of the APA that relate to this proceeding include but are not limited to RCW 34.05.413, RCW 34.05.422, RCW 34.05.431, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452. The Commission will also follow its procedural rules in chapter 480-07 WAC in this proceeding.

4 **PLEASE NOTE:** The Commission understands that the parties are working together to reach agreement on issues that separate them, and it supports your efforts. We set the prehearing conference schedule to allow you nearly two months to discuss and resolve differences. If you are unable to reach agreement, the conference will determine a hearing schedule to resolve the issues promptly and within the statutory suspension period.

5 **THE COMMISSION GIVES NOTICE That it will hold a prehearing conference in this matter at 9:30 a.m., on Wednesday, September 20, 2006, in Room 108, First Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

6 The purpose of the prehearing conference is to consider requests for interventions, resolve scheduling matters including establishing dates for distributing of evidence and work papers, to identify the issues in the proceeding and determine other matters to assist the Commission in resolving the matter, as listed in WAC 480-07-430.

7 **INTERVENTION:** Persons who wish to intervene should file a petition to intervene in writing at least three business days before the date of the prehearing conference. *See WAC 480-07-355(a).* The Commission will consider oral petitions to intervene during the conference, but strongly prefers written petitions to intervene. Party representatives must file a notice of appearance with the Commission no later than the business day before the conference. *See, WAC 480-07-345(2).* If any party or witness needs an interpreter or other assistance, they should fill out the form attached to this notice and return it to the Commission. The Commission will set the time and place for any evidentiary hearings at the prehearing conference, on the record of a later conference or hearing session, or by later written notice.

8 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the prehearing conference set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440. The Commission specifically invokes the sanction provisions of WAC 480-07-450 which allow the Commission to seek penalties for a party in default.**

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

Complainant: Washington Utilities and
Transportation Commission
Chandler Plaza Building
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

Representative: Sally G. Johnston
Sr. Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
Olympia, WA 98504-7250
(360) 664-1193

Respondent: Fiorito Enterprises, Inc., & Rabanco
Companies
d/b/a Kent-Meridian Disposal
22010 76th Avenue S
Kent, WA 98032

10 Administrative Law Judge C. Robert Wallis, from the Commission's Administrative Law Division, will preside during this proceeding.

11 The Commission will give parties notice of any other procedural phase of the proceeding in writing or on the record, as appropriate during this proceeding.

DATED at Olympia, Washington, and effective July 25, 2006.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN
Executive Secretary

Inquiries may be addressed to:

Secretary
Washington Utilities and
Transportation Commission
Chandler Plaza Building
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

NOTICE

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

If you need an interpreter, or have other special needs, please fill out this form and return it to Washington Utilities and Transportation Commission, Attention: Carole J. Washburn, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket : _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____
Tactile _____

Other type of assistance needed: _____

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

Name: _____

Address: _____

Phone No.: (____) _____