

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

In the Matter of)	
)	DOCKET NO. TG-031817
BLAINE-BAY REFUSE, INC.)	
)	
Motion to amend Commission)	ORDER NO. 01
order M.V.G. No. 656)	
)	PREHEARING CONFERENCE
)	ORDER
)	
.....)	

- 1 **Proceeding.** Docket No. TG-031817 is a motion by Blaine-Bay Refuse, Inc. to amend Order M.V.G. No. 656, in Hearing No. GA-405, entered on January 21, 1974. The motion asks the Commission to amend the legal description of the service area in Whatcom County to include areas that the Company believed were covered by that order and that the Company has been serving for the past 30 years.

- 2 **Conference.** The Commission convened a prehearing conference in this docket at Olympia, Washington on January 8, 2004, before Administrative Law Judge Karen M. Caillé.

- 3 **Appearances.** Philip A. Serka, attorney, Bellingham, WA, represents Blaine-Bay Refuse, Inc. (Blaine Bay or Movant or Company). Polly L. McNeill, attorney, Seattle, WA, represents Sanitary Service Company, Inc. (Sanitary Service or Protestant). Don Trotter, Assistant Attorney General, represents the staff of the Washington Utilities and Transportation Commission (Commission Staff). Contact information provided at the conference for the parties' representatives is attached as Appendix A to this order.

- 4 **Protestant.** Sanitary Service Company, Inc. filed a timely protest to the docketed motion.

- 5 **Discovery.** The parties do not anticipate a need to invoke the discovery rules, WAC 480-07-400 through 425, in this proceeding, but reserve the right to do so if it later becomes necessary.

6 **Consolidation.** The parties discussed the pros and cons of consolidating this docket with Docket No. TG-030831, an application by Blaine-Bay Refuse, Inc. for extension of solid waste collection authority in Whatcom County. In the application for extension of authority, the Company seeks extension of the service area to include the same areas that are the subject of the Motion to Amend. The parties agreed that at this time the dockets should remain separate, and that the Motion to Amend should be resolved first. The parties acknowledged that a decision in the Motion to Amend proceeding could eliminate the need to go forward with the application for extension.

7 **Exhibits.** Exhibits 1 through 8 that have been marked for identification in Docket No. TG-030831 for purposes of addressing the historical issues related to Hearing No. GA-405 are incorporated by reference into this docket. The Motion to Amend encompasses the historical issues; therefore, the parties agreed that the historical issues will be addressed in this proceeding, rather than the application for extension.

8 **Issues.** Movant inquired whether financial fitness would be an issue in this proceeding. The parties agreed that the issue of financial fitness would belong in Docket No. TG-030831, relating to the application for extension of service. The parties indicated that they would stipulate to Movant's financial fitness.

9 **Procedural Schedule.** The parties agreed to the following schedule for the proceeding:

Company supplements motion by February 23, 2004

Staff and Protestant respond to motion by March 15, 2004

Company files reply by March 30, 2004

The parties anticipate that this proceeding can be handled on a paper record, but reserve the opportunity for hearing if material issues of fact are in dispute, or if the Commission needs live testimony to explain matters in the record of Hearing No. GA-405.

- 10 **Document preparation and process issues.** Parties must file **an original plus 9 copies** of each document filed with the Commission. The requirements for all paper copies of these documents are set forth in WAC 480-07-460. In addition to those requirements, parties are reminded that materials must be double-spaced, in 12-point or larger text and footnotes, Times New Roman or equivalent serif, and three-hole punched with *oversized* holes to allow easy handling.
- 11 **Settlement.** The Commission urges all parties to formal adjudications to consider alternative methods to bring resolution to contested issues. The parties in this proceeding have indicated that they will engage in settlement discussions. In this regard, the parties' attention is directed to WAC 480-07-700, 710, 730 and 740.

Dated in Olympia, Washington, and effective this 14th day of January 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

KAREN M. CAILLÉ
Administrative Law Judge

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 480-07-430(3). Absent such objections, this prehearing conference order will control further proceedings in this matter, subject to Commission review.

Appendix A

**DOCKET TG-031817
PARTIES' REPRESENTATIVES**

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