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6 BEFORE THE WASHINGTON STATE  
7 UTILITIES AND TRANSPORTATION COMMISSION

8 WASHINGTON UTILITIES AND  
9 TRANSPORTATION COMMISSION

Docket No. TG-140560

10 Complainant,

11 vs.

RESPONSE OF INTERVENOR  
WRRRA TO STAFF'S  
EXPEDITED MOTION  
FOR EXTENSION OF TIME

12 WASTE CONTROL, INC.,

13 Respondents.

14 **COMES NOW** the Washington Refuse and Recycling Association (WRRRA)  
15 and respectfully submits the following in opposition to Staff's Expedited Motion  
16 for Extension of Time.

17 1) This motion is an attempt to extend what should be a reasonably  
18 simple rate case over an inordinate period of time, for no apparent legal or  
19 practical reason. As the Judge is well aware, this is the second time these issues  
20 have been examined, explained, and discussed (somewhat). Apparently this has  
21 resulted in what may be an unjustified belief that the Company is somehow  
22 "hiding" something and, given enough time, that "something" will be found, or  
23 perhaps the Company will just "give up." Neither is going to happen, and Staff  
24 simply has to accept that reality and move this case along.

25 2) Staff's primary basis for its request appears to be disputes over  
26 discovery and its completeness and timeliness. Yet requests for a discovery  
conference and/or appointment of a Master appear to be either denied or simply  
ignored. Staff's allegations obviously will be dealt with in detail by the Company,

1 but to a third party observer they simply seem misguided. Rules have been  
2 complied with and information provided; not only in compliance with the rules,  
3 but in many cases data provided exceeds that which is required. The volume of  
4 information provided thus far is not just extraordinary, but certainly beyond that  
of any rate case in the undersigned's memory.

5 But, again, assuming these are legitimate disputes, there are, as indicated,  
6 much better methods of resolution than an extraordinary extension of the entire  
7 procedural schedule. Staff's apparent unwillingness to take advantage of these  
8 opportunities remains a mystery which will be explored pursuant to the  
9 Company's pending motion regarding discovery.<sup>1</sup> If nothing else, Staff's motion to  
10 continue is not only premature but it assumes whatever discovery disputes may  
11 now remain cannot be resolved within the current schedule, which is not the  
12 case at all.

13 3) The retirement of counsel, Steve Smith, is also cited as a reason for  
14 an extension of time. Certainly Staff was aware that he was planning on  
15 retirement, although it apparently happened somewhat earlier than anticipated.  
16 This is not a "good cause" for extension under these particular circumstances,  
17 particularly when experienced, highly competent senior counsel is now involved  
18 and the assigned auditor has been in this matter from the beginning.

19 4) Perhaps the most compelling argument against an extension comes  
20 from **WAC 480-07-385's** "prejudice to parties" language. To say that this rate  
21 case has dragged on long enough is an understatement. The Company, at the  
22 least, must be given the opportunity to prove its case within a reasonable time. It  
23 is losing revenue that will never be recovered, and the longer this goes on the  
24 worse the loss. Obviously the legal and accounting costs are significant, and  
25 continue to accrue with each motion, each dispute and each communication.  
26 The Company, the Commission and, perhaps most importantly the consumers,  
deserve to have this matter resolved on schedule; a schedule that was set without  
objection from Staff. It goes without saying that these same burgeoning costs  
apply to the Commission as well.

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<sup>1</sup> Waste Control Inc.'s Motion for Appointment of a Discovery Master and/or Alternatively,  
Scheduling of a Discovery Conference; briefs due June 23, 2014

1           5)     The proposed extension of time to file rebuttal testimony to  
2 August 29, 2014 obviously is "only the beginning," as the entire procedural  
3 schedule would have to be moved ahead. This most likely would result in this  
4 matter not reaching hearing until near, if not after, the end of the year. That  
5 simply is not in keeping with the Commission's oft stated (and correct) policy that  
6 adjudicative matters should be fairly and expeditiously resolved. The prejudice to  
7 the Company of not receiving Staff's case until the end of August is obvious. The  
8 question, "why so long" must be asked and candidly answered. If, in fact, the  
9 "problem" is dispute over discovery, then let's all make an honest effort to resolve  
10 those disputes in the most efficient and expeditious manner possible, rather than  
11 put the whole thing off for months without even making the effort. That is not  
12 how the system works and is not in the best interests of anyone involved.

13           The parties in this matter are clearly both sincerely interested in the same  
14 outcome: fair rates for the consumer and compensatory rates for the Company.  
15 It is time that we all focus on those objectives, solve whatever discovery disputes  
16 may still exist, and get on with what is really important here, and that is not  
17 unnecessary and unproductive disputes over technical or institutional arguments  
18 which are, at best, nonproductive and, at worst, at odds with the mission and  
19 responsibility of the Commission itself. In perhaps more simple terms, everyone  
20 here needs to get to work, resolve the issues (by hearing if necessary), and move  
21 on within the established time frame.

22           Respectfully submitted this 17<sup>th</sup> day of June 2014.

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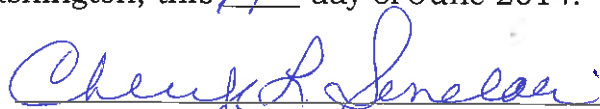

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Recycling Association

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served this document upon all parties of record in this proceeding, by the method as indicated below, pursuant to WAC 480-07-150.

Washington Utilities and Transportation Commission 1300 S. Evergreen Park Dr. SW PO Box 47250 Olympia, WA 98504-7250 360.664.1160 records@utc.wa.gov	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input checked="" type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email
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Waste Control, Inc. PO Box 148 Kelso, WA 98626	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input checked="" type="checkbox"/> Via U.S. Mail <input type="checkbox"/> Via Email
Brett P. Shearer Office of the Attorney General 1400 S. Evergreen Park Dr. SW PO Box 40128 Olympia, WA 98504-0218 360.664.1187 bshearer@utc.wa.gov	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input checked="" type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email

DATED at Silverdale, Washington, this 17<sup>th</sup> day of June 2014.

  
Cheryl L. Sinclair