

[Service Date November 18, 2008]

November 18, 2008

**NOTICE SUSPENDING PROCEDURAL SCHEDULE  
& STRIKING PREHEARING CONFERENCE**

Re: *Waste Connections of Washington, Inc., Complainant v. Enviro/Con & Trucking, Inc., and Waste Management Disposal Services of Oregon, Inc., Respondents*  
Docket TG-071194

TO ALL PARTIES:

On October 7, 2008, the Washington Utilities and Transportation Commission (Commission) entered *Order 05, Order Granting Petition for Administrative Review; Reversing Initial Order; and Ordering Hearing on the Merits; Granting Motion For Leave to File Reply* in the above matter. Accordingly, on October 20, 2008, the Commission issued a Notice setting a prehearing conference to determine an appropriate schedule to proceed in this matter.

On November 6, 2008, Enviro/Con & Trucking, Inc. (Enviro/Con), and Waste Management Disposal Services of Oregon, Inc. (WMDS-OR), filed a Petition for Judicial Review in Thurston County Superior Court. In its Request for Relief, Enviro/Con and WMDS-OR seek to have the court set aside the Commission's *Order 05* and reinstate the Administrative Law Judge's *Order 03, Granting Motion for Summary Determination*.

On November 17, 2008, counsel for Enviro/Con and WMDS-OR sent a letter requesting a continuance of the Commission's prehearing conference. Counsel for Waste Connections of Washington, Inc., concurred with this request.

The request complies with the requirements in WAC 480-07-385 for such requests, and will not prejudice the parties or the Commission. The interests of judicial efficiency are best served if this matter is taken up in a single forum at any one time. However, the Commission's rules require that continuances be granted only to a specified date, not indefinitely. Therefore, it appears most reasonable to suspend the procedural schedule pending action by the Thurston County Superior Court.

**NOTICE IS GIVEN That the procedural schedule in this matter is suspended and that the prehearing conference in this matter scheduled for November 18, 2008, is stricken.**

The Commission requests that the parties jointly file quarterly status reports regarding the proceedings in Thurston County Superior Court, the first due no later than February 27, 2009. The Commission will reschedule a prehearing conference, as necessary, following completion of Thurston County Superior Court action on the appeal filed by Enviro/Con and WMDS-OR.

Sincerely,

ADAM E. TOREM  
Administrative Law Judge