

December 8, 2008

**NOTICE OF REQUIREMENT TO FILE STATUS REPORT(S)  
(By Friday, April 10, 2009)**

RE: *In the Matter of Determining the Proper Carrier Classification of Glacier Recycle, LLC; Hungry Buzzard Recovery, LLC; and T&T Recovery, Inc.*, Docket TG-072226

TO ALL PARTIES:

On December 5, 2008, the Washington Utilities and Transportation Commission (Commission) convened an additional status conference in this matter to discuss the progress of settlement negotiations and determine the most appropriate method to bring this case to final resolution. The parties advised the Commission that a second-round settlement offer allowed for progress toward agreement, but no actual accord. Nevertheless, none of the parties urged the Commission to immediately consider re-setting the matter for a hearing on the merits.

Commission Staff proposed that proceedings in this docket be held in abeyance to determine whether an ongoing solid waste rulemaking (Docket TG-080591) might be the most appropriate and efficient forum for identifying a solution to the remaining issues presented in this docket. Respondent Companies concurred, noting that there is no urgency to re-schedule a hearing because they are no longer hauling materials to the Weyerhaeuser facility and, at this time, do not have plans to resume doing so in the future. All intervenor parties also concurred, subject to assurances that Order 06, *Order on Motions for Summary Determination*, remained in effect during the ongoing delays in this matter and that a definite date for resuming litigation be determined.

The presiding Administrative Law Judge (ALJ) recognizes that this docket is a classification proceeding and not an enforcement action brought by a Commission or private party complaint. Even so, with this matter now pending for a full year, the administrative process must continue on an appropriate pace. Therefore, recognizing that the parallel rulemaking docket may present the best venue for addressing the remaining issues in this matter and the

expense all parties would incur if litigation was required to resume in the next few months, the undersigned ALJ accepts Commission Staff's proposal. The procedural schedule will remain suspended, but the parties must file a joint status report by Friday, April 10, 2009.

**THE COMMISSION GIVES NOTICE THAT the parties must file a joint status report (or, in the alternative, individual reports from each party) regarding:**

- (a) the likelihood of the solid waste rulemaking proceeding identifying a solution to the remaining issues presented in this docket; and**
- (b) the need to schedule another status conference in this proceeding, set a new deadline for a second status report, or re-set the matter for hearing in 2009.**

**The status report(s) must be filed no later than Friday, April 10, 2009. In the interim, any party may request that a status conference be scheduled at an earlier date.**

**THE COMMISSION GIVES FURTHER NOTICE THAT the Findings of Fact and Conclusions of Law set out in Order 06 remain in effect and govern the parties to this case.**

Thank you for your continued attention to this matter.

Sincerely,

ADAM E. TOREM  
Administrative Law Judge