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1                   BEFORE THE WASHINGTON UTILITIES AND  
2                   TRANSPORTATION COMMISSION

3 In re Application No.                    )  
GA-078938 of Grandero                   ) Docket No. TG-001786  
4 Management, Inc., for a                ) Volume I  
Certificate of Public                    ) Pages 1 to 23  
5 Convenience and Necessity              )  
to Operate Motor Vehicles               )  
6 in Furnishing Solid Waste              )  
Compacting Service.                     )  
7 \_\_\_\_\_)

8                   A prehearing conference in the above matter  
9 was held on February 27, 2001, at 11:15 a.m., at 1300  
10 South Evergreen Park Drive Southwest, Room 207, Olympia,  
11 Washington, before Administrative Law Judges TRE  
12 HENDRICKS and MARJORIE A. SCHAER.

13                   The parties were present as follows:

14                   THE COMMISSION, by DONALD T. TROTTER,  
Assistant Attorney General, 1400 South Evergreen Park  
15 Drive Southwest, Olympia, Washington 98504-0128.

16                   GRANDERO MANAGEMENT, INC., by DON GREEAR,  
13213 Northeast Kerr Road, Suite 110, Vancouver,  
17 Washington 98682.

18                   WASTE CONNECTIONS OF WASHINGTON, INC., by  
DAVID W. WILEY, Attorney at Law, 601 Union Street, Suite  
19 4100, Seattle, Washington 98101.

20                   WASHINGTON REFUSE AND RECYCLING ASSOCIATION,  
by JAMES SELLS, Attorney at Law, 9657 Levin Road  
21 Northwest, Silverdale, Washington 98383.

22                   CLARK COUNTY, by KATHY L. KIWALA, Solid Waste  
Program Manager, P.O. Box 9810, Vancouver, Washington  
23 98666.

24  
Joan E. Kinn, CCR, RPR  
25 Court Reporter

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P R O C E E D I N G S

JUDGE HENDRICKS: We're here this afternoon for a prehearing conference in Docket Number TG-001786. This matter arises from the Application Number GA-078938 filed by Grandero Management, Inc. for a Certificate of Public Convenience and Necessity to Operate Motor Vehicles in Furnishing Solid Waste Compacting Service. Today is February 27, 2001. We're appearing in Room 207 in the Commission's headquarters building in Olympia, Washington. My name is Tre Hendricks, and Marjorie Schaer who is seated to my right and I are the Administrative Law Judges assigned by the Commission to this stage of the proceeding.

I would like to begin this afternoon by taking appearance from all the parties starting with Grandero Management, Inc. Please state for the record your name, who you represent, your address, your telephone number and a fax, and if you use one, an E-mail address.

MR. GREEAR: Don Greear, Grandero Management, Inc., 13213 Northeast Kerr Road, Number 110, Vancouver, Washington, (360) 896-9706 is the fax. The telephone too?

JUDGE HENDRICKS: Yes, please.

MR. GREEAR: (360) 896-1699.

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1 JUDGE HENDRICKS: Thank you.

2 And Ms. Kiwala.

3 MS. KIWALA: My name is Kathy Kiwala, and I  
4 represent Clark County Department of Public Works. Our  
5 mailing address is P.O. Box 9810, Vancouver, Washington  
6 98666. Our phone number is (360) 397-6118, and our fax  
7 just recently changed, I will give you our old one,  
8 which still works, is (360) 397-6144.

9 JUDGE HENDRICKS: Thank you.

10 Mr. Wiley.

11 MR. WILEY: Yes, Your Honor, David W. Wiley,  
12 Attorney from the law firm of Williams Kastner and  
13 Gibbs, street address is Two Union Square, 601 Union  
14 Street, Suite 4100, Seattle, Washington 98101-2380.  
15 Mailing address is P.O. Box 21926, Seattle, Washington  
16 98111-3926. Fax number is (206) 628-6611. E-mail is  
17 dwiley@wkg.com.

18 And on the record, I would like to correct an  
19 egregious error by the Commission Records Center. My  
20 middle initial is W and not A, and I'm on all of the  
21 mailing lists as David A. Wiley, but I'm David W.

22 JUDGE HENDRICKS: We will be sure to have  
23 that amended. And you're representing?

24 MR. WILEY: Oh, I'm sorry, I'm representing  
25 Protestant Waste Connections of Washington, Inc.

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1 JUDGE HENDRICKS: Thank you.

2 Mr. Sells.

3 MR. SELLS: James K. Sells, Attorney,  
4 appearing on behalf of Protestant Washington Refuse and  
5 Recycling Association, 9657 Levin, L-E-V-I-N, Road  
6 Northwest, Suite 240, Silverdale 98383. Telephone (360)  
7 307-8860, facsimile (360) 307-8865. E-mail, which is a  
8 new E-mail, is jimsells@rsdlaw. I believe net, and if  
9 I'm wrong with the net, I will phone that in. It's  
10 either net or com, but the Commission I know has a  
11 different E-mail for us. We have just gone through a  
12 change in the E-mail.

13 JUDGE HENDRICKS: Thank you.

14 Are there any preliminary matters to come  
15 before the Commission at this time?

16 MR. TROTTER: I would be happy to enter an  
17 appearance.

18 JUDGE HENDRICKS: Oh, yes, I apologize,  
19 Mr. Trotter.

20 MR. TROTTER: No problem. My name is Donald  
21 T. Trotter, I'm an Assistant Attorney General  
22 representing the Commission. My address is 1400 South  
23 Evergreen Park Drive Southwest, P.O. Box 40128, Olympia,  
24 Washington 98504-0128. My telephone number is (360)  
25 664-1189. My E-mail is dtrotter@wutc.wa.gov. And I can

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1 not recall my fax number, but I can supply it to the  
2 parties later this morning or by E-mail. [Fax Number  
3 (360) 586-6552.]

4 JUDGE HENDRICKS: Thank you.

5 And aside from forgetting any other parties,  
6 are there any other matters, preliminary matters, to  
7 come before the Commission right now?

8 This afternoon we will need to review the  
9 issues presented at this stage of the proceedings and  
10 develop a schedule for resolving the issues framed by  
11 the notice of prehearing conference. So I would like to  
12 ask the parties to begin, and we will discuss what  
13 issues are framed at this stage, and we can begin from  
14 this end of the table, Mr. Trotter.

15 MR. TROTTER: Well, we haven't taken any  
16 evidence yet, so for the benefit of the Applicant here,  
17 it's up to them to provide evidence sufficient to  
18 support their application. So the standard issues are  
19 presented, is the existing carrier providing service,  
20 certificated carrier providing service to the  
21 satisfaction of the Commission and whether this  
22 applicant is qualified to perform the service that  
23 they're proposing. I guess in broad scope, those are  
24 the two main issues.

25 I do see in evaluating this file prior to the

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1 hearing and before really getting into the evidence in  
2 detail, it appears to me that there may also be a legal  
3 issue as to whether a certificate is required for the  
4 type of service that the Applicant is requesting. I  
5 think this presents an issue under what's known as the  
6 primary business doctrine. It appears just in looking  
7 at the file, and I don't -- I'm not making a  
8 representation of a fact in any way, but it appears that  
9 he is simply driving across a road with solid waste for  
10 purposes of compacting it, the facility it operates on  
11 the other side of the road. Whether that transportation  
12 is incidental to the primary business is, I think, a  
13 legal issue that the Commission is entitled to hear  
14 argument on.

15           And, of course, in the presence of a county  
16 comprehensive plan, there would be an issue as to  
17 whether the service is in compliance, as proposed, would  
18 be in compliance with the plan. And again, there's no  
19 evidence of what the plan says or what it does, but at  
20 least that's an issue, and I assume the County would  
21 provide that information. So I think those are the  
22 broad issues that I perceive at this stage.

23           JUDGE HENDRICKS: And does the issue of  
24 whether the service would be in compliance with the  
25 County plan remain depending upon resolution of the

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1 other possible issue, which is the primary business  
2 doctrine?

3 MR. TROTTER: I have no idea. I read the  
4 letter from the County that's in the file, and it  
5 suggested that there was noncompliance with the plan,  
6 because this particular entity did not have a  
7 certificate issued by the Commission. If I was to  
8 cross-examine the County, I would ask them, if a  
9 certificate is granted by the Commission, would they be  
10 in compliance. But there may be other parts of the plan  
11 that even if it was granted they would be out of  
12 compliance. I don't know. So there is just simply  
13 insufficient information in the file to date, and  
14 understandably so, on that issue, so I don't know.

15 JUDGE HENDRICKS: Okay, is that all?

16 MR. TROTTER: Yeah.

17 JUDGE HENDRICKS: Thank you, Mr. Trotter.  
18 Mr. Wiley.

19 MR. WILEY: Yes, Your Honor, I would join  
20 Mr. Trotter's summary of the recitation of the issues  
21 that I think are uniquely posed by this application. As  
22 the existing service provider in Clark County, our  
23 client, Waste Connections of Washington, Inc., has a  
24 significant interest in the resolution of these issues.

25 As we understand the file, and Mr. Trotter is

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1 correct, that there is -- we only are surmising based on  
2 the rather thin evidence in the file thus far, but as  
3 this application is posed, it appears to provide for a  
4 collection service involving the use of the public  
5 highways for compensation, which would traditionally  
6 seem to trigger Commission economic jurisdiction. We  
7 are concerned though that any standard about compacting  
8 service or lack thereof not be applied to the  
9 traditional service to the satisfaction of the  
10 Commission standards that are used to judge solid waste  
11 certificate applications under RCW 81.77.040. Also  
12 we're concerned that evidence of rates regarding  
13 compacting services not be an element of need in an  
14 application of this type.

15           We also think that the County's comprehensive  
16 solid waste plan as Mr. Trotter alluded to is pertinent  
17 to this proceeding, and the evidence hopefully will  
18 address whether this type of service is in -- the  
19 proposed service can be in compliance with the solid  
20 waste plan which the Commission reviews pursuant to its  
21 own statutory power.

22           So we think there's a lot of unique issues  
23 here, and we're not certain what type of service is  
24 being proposed. But on the surface of what we  
25 understand is being proposed, we have substantial



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1 questions as to whether this could cause a grant of  
2 authority to a competing applicant.

3 JUDGE HENDRICKS: Thank you, Mr. Wiley.

4 Mr. Sells.

5 MR. SELLS: Thank you, Your Honor, please, I  
6 think the problem here is that the application itself  
7 misstates what it is that the Applicant wants to do.  
8 The application asks for solid waste compacting service  
9 between Willow Creek Apartments and Cougar Creek  
10 Apartments in Clark County. You don't need a G  
11 Certificate to compact garbage. The applicant, as far  
12 as we're concerned, can compact all the garbage he  
13 wants. What you do need a certificate for is to  
14 transport that garbage once compacted for compensation  
15 on the public highways.

16 And I think what the Applicant really is  
17 asking for here is authority to transport garbage across  
18 the street or down the street or however it gets from  
19 one spot to the other so that you can have a full load,  
20 which eventually, as I understand it, is taken away by  
21 the certificated hauler.

22 So I'm not so sure that maybe the most  
23 valuable thing we can do here this morning would be to  
24 agree to amend this application so that it reflects what  
25 it is, A, that the Applicant really wants, and B, what

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1 the Commission has authority over. I don't think the  
2 Commission has authority over compacting garbage, just  
3 transporting it.

4 MR. TROTTER: Your Honor, could I briefly  
5 respond to that point.

6 JUDGE HENDRICKS: Yes, please.

7 MR. TROTTER: And just let me see if I can  
8 find my reference here, just a second.

9 I guess we would concur that that is an  
10 issue. I had thought that it had been previously  
11 docketed differently in a materially different way, and  
12 it was not, so my understanding was incorrect. I think  
13 Mr. Sells raises an issue that needs to be addressed.

14 JUDGE HENDRICKS: Okay, thank you.

15 Ms. Kiwala, you can continue; do you have any  
16 comment?

17 MS. KIWALA: Yes, Kathy Kiwala with Clark  
18 County. I am unclear as to what the service is that is  
19 being proposed, whether it is compacting or hauling, I  
20 have concerns on either type of service. On compacting  
21 service, there are some questions that I would like to  
22 have addressed regarding health issues, container  
23 leakage, weight of container, how long the container is  
24 allowed to sit and be compacted before being hauled, and  
25 no markings on the containers for folks to have the

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1 situation remedied. If it's a hauling application, we  
2 have concerns regarding safety issues and illegal  
3 hauling as far as a hauler, someone hauling garbage  
4 without a UTC permit. Regarding safety issues, there is  
5 some question about the weight of the containers with  
6 the compaction rate that is being used, and we do have  
7 concerns about who would regulate this type of a company  
8 or service if it is not the UTC.

9 JUDGE HENDRICKS: Mr. Greear.

10 MR. GREEAR: Yes.

11 JUDGE HENDRICKS: I will let you comment  
12 first of all on what you have heard so far, and then we  
13 might explore some of the other issues further.

14 MR. GREEAR: Okay, well, my first question  
15 is, does everybody understand what my system is?

16 JUDGE HENDRICKS: It doesn't sound like it,  
17 so why don't we talk about that first.

18 MR. GREEAR: Let me start there. About five  
19 years ago, I was presented with an idea for a need for  
20 apartment complexes. Apartment complexes typically have  
21 very, very high garbage bills. And my background is  
22 mechanical engineering, and I was currently working with  
23 a company on their small indoor garbage compacter. This  
24 gentleman presented me with the idea, you know, we  
25 should be able to -- we should do something for these

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1 apartment complexes. So I worked for about three or  
2 four months on AutoCAD thinking up different ways to do  
3 this, accomplish the goal of compacting the garbage for  
4 the apartment complexes to save them money. And we came  
5 up six months later about, purchased a vehicle, built a  
6 compacting unit that we put on the chassis of that  
7 vehicle.

8           The way the system works is we find an  
9 apartment complex that wants our service. We supply new  
10 dumpsters, and we supply dumpsters based upon what they  
11 currently have and what they really need. Apartment  
12 complexes typically try to cut back on the garbage just  
13 to save themselves money, and they run into overflow  
14 problems. Typically we will put a container the next  
15 size up if it's physically possible. For example, if  
16 they have a three yard container and it overflows once a  
17 month or so, we will put a four yard container in. We  
18 don't like overflowing garbage. It's an eye nuisance,  
19 health possible problems there, and we like to solve  
20 those problems going in. We also typically paint the  
21 containers to match the surrounding facility, the  
22 customer chooses the color, so it's appealing to the  
23 site.

24           Once the container is in place, on a regular  
25 basis, typically what their previous service was, once a

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1 week, twice a week, three times a week, we will pick up  
2 our container one dumpster at a time and dump it into  
3 the truck. The truck looks like a miniature front load  
4 garbage truck, okay. It's about half the size. It's  
5 about half as noisy. The front load truck dumps garbage  
6 in; the truck compacts the garbage, okay. Put the  
7 dumpster down, put it back, drive to the next dumpster,  
8 pick it up, empty it, compact it, and so on until all  
9 the dumpsters are either empty or the truck is full,  
10 okay.

11           At that point, we will drive to where the  
12 compacting container is, which is typically a 30 yard  
13 container. The container has two doors on it. It's  
14 completely self contained. It has a very big door on  
15 the back where the garbage comes out and a smaller door  
16 in the front. They're all metal containers. So we will  
17 back up to that container, we will open up the front  
18 door, continue backing up to the container, connect to  
19 that container, lift up our cage in the back of our  
20 vehicle, transfer the garbage from the truck to the  
21 compacting bin, okay. When that bin is full, we will  
22 call the local hauler, in this case Waste Connections,  
23 to have that emptied. They empty it and return it.

24           That's the basic process that we go through.  
25 We have been doing it for four and a half years. We

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1 have 13 sites. Our customers really like our service.  
2 We can give them things that their previous hauler  
3 wouldn't give them.

4 JUDGE HENDRICKS: Are the smaller containers,  
5 the four yard containers --

6 MR. GREEAR: Anywhere from two to six yard  
7 containers.

8 JUDGE HENDRICKS: How close, I should say how  
9 far is the large compacting container generally from the  
10 smaller containers; are they on the same site or are  
11 they --

12 MR. GREEAR: On the same site.

13 JUDGE HENDRICKS: So you go to an apartment  
14 building, and in each apartment building that subscribes  
15 to your service, there is one of the larger containers?

16 MR. GREEAR: That's correct, with the  
17 exception of Willow Creek and Cougar Creek. Willow  
18 Creek and Cougar Creek are owned by the same owner and  
19 managed by the same management company, Key Properties.  
20 The owner is the Vancouver Housing Authority, and it's  
21 -- I believe it's a low income facility.

22 JUDGE HENDRICKS: And these complexes are  
23 directly across the street from each other; is that  
24 correct?

25 MR. GREEAR: Yep, they're just separated by I

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1 believe its Hazel Dell Avenue.

2 JUDGE HENDRICKS: Okay, thank you very much,  
3 Mr. Greear.

4 Before we continue, I do want to address a  
5 petition, and I believe, Ms. Kiwala, you have asked for  
6 a petition to intervene that we discussed; is that  
7 correct?

8 MS. KIWALA: Correct.

9 JUDGE HENDRICKS: Could you just briefly  
10 state the basis for your petition to intervene. And I  
11 should say just for the record that the letter that was  
12 sent in by Ms. Kiwala on behalf of the County, it  
13 appeared more as though it were a protest, but it may be  
14 more appropriate as a petition to intervene, and you  
15 could address that, and please state the basis for such  
16 a petition if that is, in fact, what you would like.

17 MS. KIWALA: The basis for that position is  
18 that we have -- the County has concerns about companies  
19 hauling solid waste over public highways without having  
20 authority to do so. The entity which holds that  
21 authority in unincorporated parts of the County is the  
22 WUTC. If the WUTC does not issue any sort of permit,  
23 the Applicant or other companies like the Applicant  
24 would be able to perform solid waste hauling services  
25 without some sort of regulatory controls.

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1                   JUDGE HENDRICKS: And so the County is -- how  
2 is the County drawn into this? What sort of things does  
3 the County do that are related to what Mr. Greear has  
4 applied to do? Does the County administer a plan or  
5 some kind of a --

6                   MS. KIWALA: The County has a solid waste  
7 management plan which states that only authorized  
8 haulers for solid waste will operate within the County's  
9 unincorporated areas. Within the City's areas, several  
10 cities have contracted for services, and Grandero  
11 Management Inc., is operating within at least one of  
12 those areas, one of those cities currently without a  
13 solid waste contract in those also. The County has many  
14 companies that are interested in providing solid waste  
15 services within the County. Not all of those are  
16 interested in having a permit or a contract to do so.

17                   JUDGE HENDRICKS: Thank you, Ms. Kiwala.  
18                   Are there any objections to the County's  
19 intervention in this matter?

20                   MR. TROTTER: Just a moment. If I could just  
21 ask for a representation by the County whether the  
22 County is intervening on behalf of any city that may  
23 have contracted with garbage haulers or whether their  
24 interest relates to unincorporated portions of the  
25 County.



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1 JUDGE HENDRICKS: Ms. Kiwala, could you  
2 address that, please, or do you have any knowledge of  
3 that at this point?

4 MS. KIWALA: I did have a conversation with a  
5 city regarding this issue, however, they did not ask us  
6 to officially represent them, but I do know their  
7 opinions on the issue.

8 JUDGE HENDRICKS: And you are not  
9 representing the city?

10 MS. KIWALA: At this moment, no.

11 JUDGE HENDRICKS: Okay.

12 MS. KIWALA: I would be happy to share their  
13 opinion.

14 JUDGE HENDRICKS: Insofar as unincorporated  
15 areas in the County?

16 MS. KIWALA: I am representing those.

17 JUDGE HENDRICKS: Okay.

18 MS. KIWALA: In an official manner.

19 JUDGE HENDRICKS: Does that --

20 MR. TROTTER: Yeah, I just want to make clear  
21 the scope of the intervention.

22 JUDGE HENDRICKS: Thank you.

23 MR. TROTTER: I don't have an objection to  
24 County solid waste authority or the County, is it Clark  
25 County that's intervening?

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1 MS. KIWALA: If there is an opportunity to go  
2 back and discuss the representation for the other  
3 jurisdiction, I will take that opportunity today and do  
4 that. But if you're asking for something at this very  
5 moment, I would have to limit it to just the County.

6 JUDGE HENDRICKS: Okay.

7 MR. TROTTER: I have no objection to Clark  
8 County's intervention.

9 JUDGE HENDRICKS: Thank you.

10 Mr. Wiley.

11 MR. WILEY: I think that Clark County's  
12 intervention is entirely appropriate pursuant to the  
13 Sunshine Disposal case. I believe my memory is in  
14 February of 1986 the Commission addressed the County's  
15 interest in solid waste application procedures. I  
16 believe this is fully consistent with that.

17 MR. SELLS: No objection, Your Honor.

18 JUDGE HENDRICKS: Mr. Greear.

19 MR. GREEAR: If it's necessary that they be  
20 involved, that's fine. I'm willing to go by all the  
21 rules. I don't have a problem with that. I'm not sure  
22 I -- I'm kind of curious the relationship here and  
23 whether, you know, the County is representing the people  
24 or the County is representing the hauler.

25 JUDGE HENDRICKS: Ms. Kiwala, I would be

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1 happy to let you just address that briefly.

2 MS. KIWALA: I'm representing the County and  
3 the citizens of the County in that we have a solid waste  
4 system that we try to maintain and address health and  
5 safety issues for the citizens of the County by  
6 maintaining that solid waste system and the integrity of  
7 it.

8 JUDGE HENDRICKS: Mr. Greear.

9 MR. GREEAR: Okay.

10 JUDGE HENDRICKS: Does that satisfy any  
11 concerns you have in that regard?

12 MR. GREEAR: I think so.

13 JUDGE HENDRICKS: Okay. The Commission then  
14 hearing no objection will grant the County's petition to  
15 intervene.

16 MR. SELLS: Excuse me, Your Honor, if I could  
17 ask the Court's indulgence for maybe a five minute  
18 recess with Mr. Greear and Mr. Wiley and Mr. Trotter, if  
19 everybody could go out in the hall and discuss this, I  
20 think we can save a lot of time down the run here.

21 JUDGE HENDRICKS: Certainly, we will take a  
22 brief recess.

23 (Brief recess.)

24 JUDGE HENDRICKS: After some discussions  
25 between the parties, there has been some consensus on

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1 how to proceed. And if I could ask, Mr. Trotter, if you  
2 would summarize what has happened thus far.

3 MR. TROTTER: Yes, Your Honor. We did take  
4 an opportunity to discuss some of the issues in the case  
5 with the parties. And based on Mr. Sells' note of the  
6 manner in which this authority request was docketed, we  
7 have had a chance to look at it and can agree that the  
8 matter should be re-docketed to refer more accurately to  
9 the transportation of solid waste issue and perhaps a  
10 precise description of the specific addresses involved,  
11 but primarily to represent the transportation of the  
12 solid waste as opposed to compacting service as being  
13 the focus.

14 I understand that that can be re-docketed on  
15 the docket to go out next week and would have to be on  
16 the docket for 30 days. I don't think anyone  
17 anticipates additional interventions would occur, but  
18 that's always possible. But if a hearing is to be held,  
19 it would be held as soon after that 30 days as the  
20 Commission deems fit, and this would allow the Applicant  
21 and the other interested parties to see if they could  
22 work out a solution short of the need for Commission  
23 approval of a certificate.

24 JUDGE HENDRICKS: Mr. Wiley.

25 MR. WILEY: I join in that, Your Honor. I

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1 was just thinking I would defer to Ms. Allen, who is the  
2 expert in this, but I was thinking that a docket  
3 description somewhat to the effect of solid waste  
4 collection service consisting of compacted waste between  
5 whatever apartment and the other apartment in Clark  
6 County would be the type of authority that I think this  
7 Applicant is seeking, limited to that. But I think  
8 this, as I understand, this Applicant seeks a solid  
9 waste collection certificate to transport compacted  
10 waste between points within the County, and a solid  
11 waste collection service description describes both the  
12 collection and the transportation aspect when it appears  
13 on the docket, unless Ms. Allen disagrees.

14 JUDGE HENDRICKS: Thank you, Mr. Wiley.

15 MR. SELLS: I would add just one thing. I  
16 think it may be helpful to specify the route which it  
17 goes via the crossing of the highway, Hazel Dell Avenue,  
18 but that's up to the Commission, just a suggestion.

19 MR. TROTTER: One other matter, Your Honor,  
20 and I think you may have alluded to it off the record,  
21 whether this proceeding needs to be terminated and a new  
22 one initiated. And staff jogged my thinking a little  
23 bit about whether the Protestants would need to refile  
24 their protests or whether the protests would stand, and  
25 that's a procedural matter. I think they probably would

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1 want to just refile their protests but just keep the  
2 docket number the same. And then the County could  
3 simply appear, and if reintervention was necessary, they  
4 could do that.

5 But just for safety's sake, I would think  
6 that they should understand that they might want to  
7 amend their protest or refile at their option, but I  
8 still don't see a need to terminate and redocket,  
9 because that would probably engender another application  
10 fee and so on for the Applicant for a reason that is not  
11 their fault.

12 JUDGE HENDRICKS: Mm-hm.

13 MR. WILEY: Your Honor, I think procedurally  
14 that's correct. We could file an amended protest, and  
15 you could recess the prehearing conference until after  
16 the new protest period lapses. And then if the  
17 Commission feels a need to re-note the prehearing  
18 conference, it could do so, so it could just be recessed  
19 at this point.

20 JUDGE HENDRICKS: Mr. Greear.

21 MR. GREEAR: Yeah, I think we can work  
22 something out. And, you know, whatever we need to do  
23 after we get together here, I guess I'm not going to  
24 object to anything at this point.

25 JUDGE HENDRICKS: Okay, thank you.

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1                   Ms. Kiwala, is there any objection from the  
2 County?

3                   MS. KIWALA: None at all.

4                   JUDGE HENDRICKS: Okay. The Commission  
5 agrees that the application should be re-docketed and  
6 that the application should be reformed as the parties  
7 have suggested and that the protests should be refiled  
8 after that's done. And at that point, we may continue  
9 the proceedings, if necessary. But at this time, the  
10 Commission will continue based upon what the parties  
11 have suggested.

12                   Is there anything else to come before the  
13 Commission today?

14                   Then the prehearing conference is adjourned.  
15                   (Hearing adjourned at 12:15 p.m.)

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