

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

In re Application NO. GA-079289 of)	DOCKET NO. TG-041186
)	
RUSSELL VANDERVEEN d/b/a)	ORDER NO. 01
VANDERVEEN FAMILY)	
TRANSPORT)	PREHEARING CONFERENCE
)	ORDER; ESTABLISHING
For a Certificate of Public)	HEARING DATE
Convenience and Necessity to)	(Set for December 16, 2004, 9:30
Operate Motor Vehicles in Furnishing)	a.m.)
Solid Waste Collection Service)	
)	
.....)	

1 **NATURE OF PROCEEDING.** Docket No. TG-041186 is an application by Russell Vanderveen for authority to furnish solid waste collection service from the Cedarville landfill to the City of Ferndale Waste Water Treatment plant in Whatcom County pursuant to 81.77 RCW and 480-70 WAC.

2 **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in this docket at Olympia, Washington on November 8, 2004, before Administrative Law Judge Theodora M. Mace.

3 **APPEARANCES.** Applicant Russell Vanderveen represents Vanderveen Family Transport. James Lyons, Manager, appeared on behalf of Protestant Sumas Transport, Inc. Lisa Watson, Assistant Attorney General, Olympia, Washington, represents the Commission’s regulatory staff (“Commission Staff” or “Staff”).¹

¹ In formal proceedings, such as this case, the Commission’s regulatory staff functions as an independent party with the same rights, privileges, and responsibilities as any other party to the proceeding. There is an “*ex parte* wall” separating the Commissioners, the presiding Administrative Law Judge, and the Commissioners’ policy and accounting advisors from all parties, including Staff. *RCW 34.05.455*.

Contact information provided at the conference for the parties' representatives is attached as Appendix A to this order.

4 **PROTESTANT.** Sumas Transport, Inc. (Sumas) filed a protest within 30 days of the publication of the application, pursuant WAC 480-07-106. During the prehearing conference, Commission Staff alleged that Sumas did not have authority to provide the transportation service applied for in this docket. Sumas indicated it did have the requisite authority. Neither party was able to provide documentary evidence at the conference in support of their claims. **Both Sumas and Staff were requested to file by November 12, 2004, any evidence they have on the issue whether Sumas holds authority to serve the Cedarville landfill in Whatcom County. If the protest is dismissed, the applicant will be notified and further procedures for addressing the application will be established.**

5 **DISCOVERY.** It does not appear that discovery will be required in this proceeding. If the need for discovery becomes apparent later, any party may request by motion that the Commission allow for discovery pursuant to the Commission's discovery rules, WAC 480-07-400 – 425.

6 **ISSUES.** The issues are as framed by the application and the applicable statutes and rules governing certification of solid waste collection service.

7 **PROCEDURAL SCHEDULE.** The parties agreed upon a procedural schedule during the conference. The Commission adopts this procedural schedule, which is attached to this Order as Appendix B, and incorporated into the body of this Order by this reference.

8 **NOTICE OF HEARING.** The Commission convenes a hearing for the presentation of evidence on the application. **The hearing will be held on Thursday, December 16, 2004, at 9:30 a.m., Room 108, Chandler Plaza Building, 1300 S. Evergreen Park Drive S. W., Olympia, Washington.**

- 9 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file with the Commission an original plus 8 copies of all pleadings, motions, briefs, and other prefiled materials. Paper copies of these materials are required to conform to the format and publication guidelines set forth in WAC 480-07-395 and 480-07-460, and must be three-hole punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.
- 10 All filings must be mailed to the Commission Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250, or delivered by hand to the Commission Secretary at the Commission's Records Center at the Washington Utilities and Transportation Commission, 1300 S. Evergreen Park Drive, S.W., Olympia, Washington, 98504. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.
- 11 An electronic copy of all filings must be provided by e-mail delivery to records@wutc.wa.gov. Alternatively, Parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette including the filed document(s). The Commission prefers that parties furnish electronic copies in .pdf (Adobe Acrobat) format, supplemented by a separate file in MS Word 6.0 (or later), or WordPerfect 5.1 (or later) format. Parties are required to organize and identify electronic files as specified in WAC 480-07-140(5).
- 12 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission does have limited ability to provide dispute resolution services; if you wish to explore those services, please call the Director, Administrative Law Division, at (360) 664-1142.

13 **NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective this 9th day of November, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

THEODORA M. MACE
Administrative Law Judge

APPENDIX A

PARTIES' REPRESENTATIVES
DOCKET NO. TG-041186

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
Vanderveen Family Transport	Russell Vanderveen 5446 Allison Road Bellingham, WA 98226	(360) 332-1089	(360) 354-2239	
Sumas Transport, Inc.	Dennis Sheffer 2340 East Sunset Drive P.O. Box 32177 Bellingham, WA 98226-4177	(360) 733-3015	(360) 671-5982	
Commission Staff	Lisa Watson Assistant Attorney General 1400 S. Evergreen Park Dr. S.W. P.O. Box 40128 Olympia, WA 98504-0128	(360) 664-1186	(360) 586-5522	lwatson@wutc.wa.gov

APPENDIX B
PROCEDURAL SCHEDULE
DOCKET NO. TG-041186

EVENT	DATE	INTERVAL
Filing date for evidence re: Sumas authority	November 12, 2004	
Filing date for witness and exhibit lists	December 6, 2004	24 days
Hearing	December 16, 2004, 9:30 a.m.	10 days