

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

In re Application TG-081725 of	)	DOCKET TG-081725
	)	
NORTHWEST INDUSTRIAL	)	ORDER 01
SERVICES, LLC, d/b/a AMERICAN	)	
ON SITE SERVICES	)	PREHEARING CONFERENCE
	)	ORDER
For a Certificate of Public Convenience	)	
and Necessity to Operate Motor	)	NOTICE OF STATUS CONFERENCE
Vehicles in Furnishing Solid Waste	)	<b>(Set for February 12, 2009,</b>
Collection Service	)	<b>at 9:00 a.m. – by telephone)</b>
	)	
	)	NOTICE OF HEARING
	)	<b>(Set for February 18-19, 2009,</b>
	)	<b>at 9:00 a.m. in Spokane, WA)</b>
.....	)	

- 1 **NATURE OF PROCEEDING.** Docket TG-081725 involves an application by Northwest Industrial Services, LLC, d/b/a American On Site Services, for a solid waste collection, or garbage, certificate to provide solid waste collection service consisting of construction demolition, industrial manufacturing waste, and recycling material in portions of Pend Oreille County, Washington. Robert L. Nichols, d/b/a B & N Sanitary Service, protested the application.
  
- 2 **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in this docket at Olympia, Washington on December 3, 2008, before Administrative Law Judge (ALJ) Adam E. Torem.
  
- 3 **APPEARANCES.** David Alvarado, Spokane, Washington, represents Northwest Industrial Services, LLC, d/b/a American On Site Services, Spokane, WA. James K. Sells, Ryan Sells Uptegraft, Inc., P.S., Silverdale, Washington, represents Robert L. Nichols, d/b/a B & N Sanitary Service, Cusick, Washington. Jonathan Thompson, Assistant Attorney General, Olympia, Washington, represents the Commission’s

regulatory staff (“Commission Staff” or “Staff”).<sup>1</sup> Contact information provided at the conference for the parties’ representatives is attached as Appendix A to this order.

4 **PETITIONS FOR INTERVENTION.** No petitions to intervene were filed with the Commission. The case shall proceed with the applicant, one (1) protestant, no intervenors, and Commission staff.

5 **PROTECTIVE ORDER.** A protective order will *not* be entered in this docket at this time. However, the parties reserved their right to ask that the Commission enter a protective order in this docket under RCW 34.05.446, RCW 80.04.095, WAC 480-07-420 and WAC 480-07-423 to protect the confidentiality of any information identified as proprietary information.

6 **DISCOVERY.** It does not appear that formal 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.

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 STATUS CONFERENCE.** The Commission schedules a pre-hearing telephonic status conference in this matter, to commence on **Thursday, February 12, 2009, at 9:00 a.m.**, in Room 108 of the Commission’s headquarters, Richard Hemstad building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington. Parties are to call in to the Commission’s bridge line (**360-664-3846**) a few minutes before the status conference is scheduled to begin.

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<sup>1</sup> In formal proceedings, such as this, the Commission’s regulatory staff functions as an independent party with the same rights, privileges, and responsibilities as other parties 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 regulatory staff. RCW 34.05.455.

- 9 **NOTICE OF HEARING.** The Commission schedules a hearing in this matter, to commence on **Wednesday, February 18, 2009, at 9:00 a.m., at the Office of Administrative Hearings, Old City Hall Building, 221 N. Wall Street, Suite 428, Spokane, Washington.** The hearing shall continue, if necessary, and conclude on Thursday, February 19, 2009.
- 10 **DOCUMENT PREPARATION.** Parties must file an original plus **six (6)** copies of all pleadings, motions, briefs, and other prefiled materials. These materials must conform to the format and publication guidelines in WAC 480-07-395 and WAC 480-07-460. The Commission prefers that materials 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.
- 11 **FILING REQUIREMENTS.** All filings must be mailed or delivered to the David W. Danner, Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.
- 12 An electronic copy of all filings must be provided through the Commission's Web Portal ([www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing)) or by e-mail delivery to [records@utc.wa.gov](mailto:records@utc.wa.gov). Alternatively, parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette or CD including the filed document(s). Parties must furnish electronic copies in MS Word 6.0 (or later) supplemented by a separate file in .pdf (Adobe Acrobat) format. Parties must follow WAC 480-07-140(5) in organizing and identifying electronic files.
- 13 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Parties may submit documents electronically to the Commission on the filing deadline to expedite the filing process, but must file an original, plus **six (6)** paper copies, of the documents with the Commission by 12:00 noon on the first business day following the filing deadline established in the procedural schedule. *WAC 480-07-145(6)*. Parties may submit documents electronically through the Commission's Web Portal ([www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing)) or by e-mail to [records@utc.wa.gov](mailto:records@utc.wa.gov). Finally, to perfect filing, parties must simultaneously provide e-mail courtesy copies of filings to the

presiding administrative law judge identified on Appendix A to this Order as well as to the parties to the proceeding.

- 14 **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 Ann Rendahl, Director, Administrative Law Division, at 360-664-1144.
- 15 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

DATED at Olympia, Washington, and effective December 12, 2008.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

ADAM E. TOREM  
Administrative Law Judge

**APPENDIX A**

**PARTIES' REPRESENTATIVES  
DOCKET TG-081725**

<b>PARTY</b>	<b>REPRESENTATIVE</b>	<b>PHONE</b>	<b>FACSIMILE</b>	<b>E-MAIL</b>
<b>NW INDUSTRIAL SERVICES, LLC d/b/a AMERICAN ON SITE SERVICES</b>	<b>DAVID ALVARADO</b> NW Industrial Services, LLC 3808 N. Sullivan Rd, #107A Spokane, WA 99216-1608	509-244-8404	509-244-8402	<b>dave_alvarado@air-pipe.com</b>
<b>ROBERT L. NICHOLS d/b/a B &amp; N SANITARY SERVICE</b>	<b>JAMES K. SELLS</b> Ryan Sells Uptegraft, Inc. P.S. 9657 Levin Road NW, Ste 240 Silverdale, WA 98383	360-307-8860	360-307-8865	<b>jimsells@rsulaw.com</b>
<b>COMMISSION STAFF</b>	<b>JONATHAN THOMPSON</b> Asst. Attorney General 1400 S Evergreen Park Dr SW P.O. Box 40128 Olympia, WA 98504-0128	360-664-1225	360-586-5522	<b>jthompso@utc.wa.gov</b>
<b>Admin. Law Judge</b>	<b>ADAM E. TOREM</b> 1300 S Evergreen Park Dr SW P.O. Box 47250 Olympia, WA 98504-7250	<b>360-664-1138</b>	<b>360-664-2654</b> [ALD fax only – do not use to file]	<b>atorem@utc.wa.gov</b>

**APPENDIX B**  
**PROCEDURAL SCHEDULE**  
**DOCKET TG-081725**

<b>EVENT</b>	<b>DATE</b>	<b>INTERVAL</b>
<b>Prehearing Conference</b>	<b>Wednesday, December 3, 2008</b>	—
<b>Exchange witness/exhibit lists and all hearing documents with other parties; file same with Commission</b>	<b>Friday, January 30, 2009</b>	<b>58 Days</b>
<b>Status Conference (Telephonic)</b>	<b>Thursday, February 12, 2009</b>	<b>13 Days</b>
<b>Evidentiary Hearing (Spokane, WA)</b>	<b>Wednesday, February 18, and Thursday, February 19, 2009</b>	<b>6 Days</b>
<b>Closing Arguments / Briefs</b>	<b>To be Determined</b>	—