

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

In re Application TG-091259 of	)	
	)	
WEST WASTE & RECYCLING, INC.	)	DOCKET TG-091259 ( <i>consolidated</i> )
	)	
For an Extension of Certificate No.	)	
G-251 for a Certificate of Public	)	
Convenience and Necessity to Operate	)	
Motor Vehicles in Furnishing Solid	)	
Waste Collection Service	)	
	)	
.....	)	and
	)	
In re Application TG-091019 of	)	
	)	
MURREY’S DISPOSAL COMPANY,	)	DOCKET TG-091019 ( <i>consolidated</i> )
INC., d/b/a OLYMPIC DISPOSAL	)	
	)	
For an Extension of Certificate No. G-9	)	
for a Certificate of Public Convenience	)	ORDER 02
and Necessity to Operate Motor	)	
Vehicles in Furnishing Solid Waste	)	
Collection Service	)	PREHEARING CONFERENCE
	)	ORDER
.....	)	

1 **NATURE OF PROCEEDINGS.** On June 26, 2009, in Docket TG-091019, Murrey’s Disposal Company, Inc., d/b/a Olympic Disposal, filed with the Washington Utilities and Transportation Commission (Commission) an application for extension of authority under Certificate No. G-9, standing in the name of Murrey’s Disposal, Inc., d/b/a Olympic Disposal (Olympic Disposal), for authority to provide solid waste collection service in a portion of Section 12, T27N R10W, within Jefferson County. Notice of the Application was published in the Commission's weekly Docket of July 6, 2009. The Commission did not receive any protests in Docket TG-091019.

2 On August 5, 2009, within thirty days of the notice of the application in Docket TG-091019, West Waste & Recycling, Inc. (West Waste & Recycling), filed with the Commission in Docket TG-091259, an application for extension of authority under Certificate No. G-251, standing in the name of West Waste & Recycling, Inc., for authority to provide solid waste collection service in a portion of Section 12, T 27N R10W, within Jefferson County. Notice of the Application was published in the Commission's weekly Docket of August 7, 2009.

3 On August 17, 2009, Olympic Disposal filed a protest to the application in Docket TG-091259.

4 The two applications are for certificates to serve the same area in the Olympic National Park where no one presently has permanent authority to provide solid waste transportation service. The Commission consolidated these matters for purposes of hearing and determination considering the presence of common issues of fact and law.

5 **CONFERENCE/PRESIDING OFFICER.** The Commission convened a prehearing conference in this proceeding at Olympia, Washington on October 12, 2009, before Administrative Law Judge Dennis J. Moss, whom the Commission appoints as presiding officer in this proceeding.

6 **PARTY REPRESENTATIVES.** George Kargianis, Attorney at Law, Seattle, Washington, represents West Waste and Recycling. David W. Wiley, Williams, Kastner & Gibbs, PLLC, Seattle, Washington, represents Olympic Disposal. James K. Sells, Ryan Sells Uptegraft, Inc. P.S., Silverdale, Washington, represents Washington Refuse and Recycling Association (WRRRA).

7 **PETITIONS FOR INTERVENTION.** On August 27, 2009, WRRRA filed a petition to intervene in Docket TG-091259. Following objection by West Waste & Recycling during the prehearing conference, WRRRA demonstrated its substantial interest in this proceeding and that its participation will be in the public interest. WRRRA's petition to intervene accordingly is granted.

8 During the prehearing conference, West Waste and Recycling petitioned orally to intervene in Docket TG-091019. West Waste and Recycling clearly has a substantial

interest in Docket TG-091019, having applied within 30 days after Murrey's Disposal's application was docketed for a certificate to serve the same territory that Murrey's Disposal seeks authority to serve. West Waste and Recycling's petition to intervene in Docket TG-091019 accordingly is granted.

9 **PROTECTIVE ORDER.** The parties do not presently see the need for a protective order.

10 **DISCOVERY.** The parties do not presently see the need to request an opportunity for discovery.

11 **PROCEDURAL SCHEDULE.** The parties agreed on a procedural schedule. The Commission adopts this procedural schedule as set forth below.

Prefiled Testimony and Exhibits  
concerning need for the service

January 26, 2010

Hearing

February 2, 2010

The Commission will give further notice of the date prior to the hearing by which the parties will be required to exchange all proposed documentary evidence on other relevant subjects, such as financial fitness and managerial fitness. Such documentary evidence will be simultaneously furnished to the bench for pre-marking prior to hearing. All other evidence will be taken via direct examination and cross-examination of witnesses at hearing.

12 Notice of any other procedural phase will be given in writing or on the record, as the Commission may deem appropriate during the course of this proceeding.

13 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file the original plus 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.

14 All filings must be mailed or delivered to the 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.

- 15 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.
- 16 **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 360-664-1144.
- 17 **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 October 16, 2009.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DENNIS J. MOSS  
Administrative Law Judge

**APPENDIX A**

**PARTIES' REPRESENTATIVES**  
**DOCKETS TG-091259 and TG-091019**

<b>PARTY</b>	<b>REPRESENTATIVE</b>	<b>PHONE</b>	<b>FACSIMILE</b>	<b>E-MAIL</b>
<b>West Waste and Recycling</b>	George Kargianis Attorney at Law Columbia Center 701 Fifth Avenue, #4760 Seattle, WA 98104	(206) 624-5370	(206) 448-7950	<a href="mailto:george@kargianislaw.com">george@kargianislaw.com</a>
<b>Olympic Disposal Company, Inc.</b>	David W. Wiley Williams, Kastner & Gibbs, PLLC P.O. Box 21926 Seattle, WA 98111-3926	(206) 628-2413	(206) 628-6611	<a href="mailto:dwiley@williamskastner.com">dwiley@williamskastner.com</a>
<b>WRAA</b>	James K. Sells Ryan Sells Uptegraft, Inc. P.S. 657 Levin Rd. NW, Suite 240 Silverdale, WA 98383	(360) 307-8860	(360) 307-8865	<a href="mailto:jimsells@rsulaw.com">jimsells@rsulaw.com</a>