

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Determining the Proper
Carrier Classification of, and Complaint
for Penalties Against:

WESTSIDE WASTE, LLC

DOCKET TG-190672

ORDER 02

PREHEARING CONFERENCE
ORDER;

NOTICE OF BRIEF
ADJUDICATIVE PROCEEDING
(Set for March 16, 2020,
at 1:30 p.m.)

- 1 **NATURE OF PROCEEDING.** On November 8, 2019, the Washington Utilities and Transportation Commission (Commission) entered Order 01 in this docket, initiating a complaint on its own motion against Westside Waste, LLC, (Westside Waste or Company) for operating as a solid waste carrier without the certificate required by RCW 81.77.040 (Complaint). In the Complaint, Commission staff (Staff) alleges that Westside Waste violated Revised Code of Washington (RCW) 81.77.040 a total of 113 times and seeks penalties of up to \$1,000 for each violation.
- 2 **CONFERENCE.** The Commission (Commission) convened a prehearing conference in this docket at Lacey, Washington on December 20, 2019, before Administrative Law Judge Rayne Pearson.
- 3 **APPEARANCES.** Steve Dietrich, Smith & Dietrich Law Offices PLLC, Olympia, Washington, represents Westside Waste. Jeff Roberson, Assistant Attorney General, Olympia, Washington, represents Staff.¹ Contact information provided at the conference for the parties' representatives is attached as Appendix A to this order.
- 4 **PETITIONS FOR INTERVENTION.** No party appeared at the conference seeking to intervene.

¹ In formal proceedings, such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

- 5 **PROCEDURAL SCHEDULE.** Pursuant to RCW 34.05.482 and WAC 480-07-610, the presiding officer determined, and the parties agreed, that a brief adjudicative proceeding is appropriate for resolving the issues in this docket.
- 6 The parties also agreed on a procedural schedule during the conference. The Commission adopts this procedural schedule, which is attached to this Order as Appendix B. That schedule, however, does not include a date for an initial settlement conference as specified in WAC 480-07-700(3)(a). The parties must confer and file a letter notifying the Commission of the date for that settlement conference by January 6, 2020.
- 7 **THE COMMISSION GIVES NOTICE That it will hold a brief adjudicative proceeding in this matter at 1:30 p.m. on Monday, March 16, 2020, in the Commission’s Richard Hemstad Hearing Room, 621 Woodland Square Loop SE, Lacey, Washington.**
- 8 The record in this case will consist of any documents regarding the matter that are considered by or prepared for the presiding officer for the brief adjudicative proceeding and a transcript of any oral statements given at the hearing, which statements will be given under oath
- 9 Parties wishing to submit any other documents for consideration at the brief adjudicative proceeding must file with the Commission all proposed exhibits, as well as a list enumerating and describing them, no later than **5 p.m. on Monday, March 9, 2020**, and bring an original and three (3) copies to the hearing. Filing shall be in accordance with WAC 480-07-140.
- 10 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the brief adjudicative proceeding set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**
- 11 **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 has limited ability to provide dispute resolution services. If you wish to explore those services, please contact Rayne Pearson, Director, Administrative Law Division (rayne.pearson@utc.wa.gov or 360-664-1136).
- 12 **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 23, 2019.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Rayne Pearson

RAYNE PEARSON

Administrative Law Judge

APPENDIX A

**PARTIES' REPRESENTATIVES
DOCKET TG-190672**

PARTY	REPRESENTATIVE	PHONE	E-MAIL
Westside Waste, LLC	Steve Dietrich Smith & Dietrich Law Offices PLLC 3905 Martin Way #, Suite F Olympia, WA 98506	(360) 915-6952	steved@smithdietrich.com
Commission Staff	Jeff Roberson Office of the Attorney General 621 Woodland Park Loop SE P.O. Box 40128 Olympia, WA 98504-7250	(360) 664-1188	jeff.roberson@utc.wa.gov
	Krista Gross		krista.gross@utc.wa.gov
	Betsy DeMarco		betsy.demarco@utc.wa.gov

**APPENDIX B
PROCEDURAL SCHEDULE
DOCKET TG-190672**

EVENT	DATE
Date of Settlement Conference Filed	January 6, 2020
Settlement Conference (parties only)	TBD
Proposed Exhibits Due	March 9, 2020
Brief Adjudicative Proceeding	March 16, 2020 1:30 p.m.