



THURSTON COUNTY
CLERK'S OFFICE

JUN 08 2021

RECEIVED

STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

621 Woodland Square Loop S.E. • Lacey, Washington 98503

P.O. Box 47250 • Olympia, Washington 98504-7250

(360) 664-1160 • TTY 1-800-833-6384 or 711

Hand Delivered

June 8, 2021

Clerk of the Superior Court
Thurston County Courthouse
2000 Lakeridge Dr. SW
Olympia, Washington 98104-2682

RE: Waste Management of Washington, Inc., Waste Management Disposal Services of Oregon, Inc., MJ Trucking & Contracting, and Daniel Anderson Trucking and Excavation, LLC, v. Washington Utilities and Transportation Commission, an agency of the State of Washington
Thurston County Cause No. 21-2-00870-34

Dear Clerk:

Enclosed for filing is the record of the Washington Utilities and Transportation Commission in the above-entitled matter. The record consists of the documents listed on the attached sheets.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark L. Johnson".

Mark L. Johnson
Executive Director and Secretary

cc: Parties

Enclosures



STATE OF WASHINGTON

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THURSTON COUNTY
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JUN 08 2021
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Via Certified Mail

June 8, 2021

Jessica L. Goldman
Jesse L. Taylor
Summit Law Group, PLLC
315 Fifth Avenue South, Suite 1000
Seattle, Washington 98104-2682

RE: Waste Management of Washington, Inc., Waste Management Disposal Services of Oregon, Inc., MJ Trucking & Contracting, and Daniel Anderson Trucking and Excavation, LLC, v. Washington Utilities and Transportation Commission, an agency of the State of Washington
Thurston County Cause No. 21-2-00870-34

Dear Jessica Goldman and Jesse Taylor:

The Commission record in the above matter is being hand delivered to the Clerk of the Thurston County Superior Court today. The record consists of the documents listed on the attached sheets.

If you believe that this record is deficient, please advise immediately, and consideration will be given to the filing of a supplemental record.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark L. Johnson".

Mark L. Johnson
Executive Director and Secretary

cc: Parties

Enclosures

FILED

JUN - 8 2021

Superior Court
Linda Myhre Enlow
Thurston County Clerk

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON Thurston

THURSTON COUNTY SUPERIOR COURT

WASTE MANAGEMENT OF)
WASHINGTON, INC., WASTE)
MANAGEMENT DISPOSAL SERVICES)
OF OREGON, INC., MJ TRUCKING &)
CONTRACTING, AND DANIEL)
ANDERSON TRUCKING AND)
EXCAVATION, LLC,)

Petitioners.)

v.)

NO. 21-2-00870-34

WASHINGTON UTILITIES AND)
TRANSPORTATION COMMISSION.)
an agency of the State of Washington.)

Respondent.)

CERTIFICATE

.....)

STATE OF WASHINGTON)

ss.)

County of Thurston)

I, Mark L. Johnson, Executive Director and Secretary of the Washington Utilities and transportation Commission, hereby certify that the attached documents contain a full, true, and correct copy of the record in the Washington Utilities and Transportation Commission Docket No. TG-200650, captioned "Formal Complaint of Murrey's Disposal Company, Inc. against Waste Management of Washington, Inc., Waste Management Disposal Services of Oregon, Inc. and MJ Trucking & Contracting, Inc. for the collection and transportation of solid waste from the McKinley Paper Company in Port Angeles, Clallam County, for disposal without certified authority and finding that certain intermodal motor carrier transportation services offered by WMW or WMDSO between McKinley and the Olympic View Transfer Station in Port Orchard, Washington are not preempted under 49 CFR 1090.2." and TG-200651, captioned "Formal Complaint of Murrey's Disposal Company, Inc. against Waste Management of Washington, Inc., Waste Management Disposal Services of Oregon, Inc. and Daniel Anderson Trucking and Excavation, LLC for engaging in the collections and transportation of solid waste from the Port

Townsend Paper Company in unincorporated Jefferson County for disposal without certificated authority under RCW 81.77.040 and finding that certain intermodal motor carrier transportation services offered by WMW or WMDSO between PTP and the Olympic View Transfer Station in Port Orchard, Washington, are not preempted under 49 CFR 1090.2." (*Consolidated*)

IN TESTIMONY WHEREOF I have signed and affixed the official seal of the Washington Utilities and Transportation this 8th day of June 2021.



A handwritten signature in black ink, appearing to read "Mark L. Johnson", written over a horizontal line.

Mark L. Johnson
Executive Director and Secretary

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WASTE MANAGEMENT OF WASHINGTON, INC., WASTE MANAGEMENT DISPOSAL SERVICES OF OREGON, INC., MJ TRUCKING & CONTRACTING, and DANIEL ANDERSON TRUCKING AND EXCAVATION, LLC,

Petitioners,

v.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION, an agency of the State of Washington,

Respondent.

Thurston County Superior Court Case No. 21-2-00870-34

Docket No. TG-200650

Page No.

- 0001 Master Service List.
- 0005 Complaint on behalf of Murrey's Disposal Company, Inc., from Blair I. Fassburg, David W. Wiley and Sean D. Leake, Attorneys, dated July 14, 2020, with cover letter and attachments.
- 0018 Email chain on behalf of Waste Management of Washington, Inc., and Waste Management Disposal Services of Oregon, Inc., from Andrew Kenefick, Attorney, RE: TG-200650-Murrey's Disposal Company, Inc.-Formal Complaint (Acknowledgement), dated July 15, 2020.
- 0020 Notice of Appearance of Jessica L. Goldman, and Jesse L. Taylor, on behalf of Waste Management of Washington, Inc., and Waste Management Disposal Services of Oregon, Inc., from Jessica L. Goldman and Jesse L. Taylor, Attorneys, dated July 17, 2020, with cover letter and certificate of service.
- 0024 Notice of Appearance of Andrew M. Kenefick, on behalf of Waste Management of Washington, Inc., and Waste Management Disposal Services of Oregon, Inc., from Andrew W. Kenefick, Attorney, dated July 24, 2020, with cover letter and certificate of service.
- 0027 Notice of Appearance of Jessica L. Goldman and Jesse L. Taylor, on behalf of MJ Trucking & Contracting, Inc., from Jessica L. Goldman, Attorney, dated August 4, 2020, with cover letter and certificate of service.
- 0030 Answer of MJ Trucking & Contracting, Inc., to Complaint of Murrey's Disposal Company, Inc., from Jessica L. Goldman, Attorney, dated August 4, 2020, with cover letter and certificate of service.

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- 0036 Answer of Waste Management of Washington, Inc., and Waste Management Disposal Services of Oregon, Inc., to Complaint of Murrey's Disposal Company, Inc., from Jessica L. Goldman, Attorney, dated August 4, 2020, with cover letter and certificate of service.
- 0044 Respondents' Motion to Dismiss Murrey's Disposal Company, Inc.'s Complaint, on behalf of Waste Management of Washington, Inc., Waste Management Disposal Services of Oregon, Inc., and MJ Trucking & Contracting, Inc., from Jessica L. Goldman, Attorney, dated August 4, 2020, with cover letter and certificate of service.
- 0054 Email chain from Andrew J. O'Connell, Administrative Law Judge, to AKenefick@wm.com; sharonh@SummitLaw.com; Jesset@Summitlaw.com; karenl@SummitLaw.com; dwiley@williamskastner.com; Sleake@williamskastner.com; BFassburg@williamskastner.com; jessicag@SummitLaw.com, and Paige Doyle, RE: Docket TG-200651 and Docket TG-200650; Motions for Summary Determination, dated August 6, 2020.
- 0057 Notice of Errata to Respondents' Motion to Dismiss Murrey's Disposal Company, Inc.'s Complaint, on behalf of Waste Management of Washington, Inc., Waste Management Disposal Services of Oregon, Inc., and MJ Trucking & Contracting, Inc., from Jessica L. Goldman, Attorney, dated August 6, 2020, with cover letter and certificate of service.
- 0061 Respondents' corrected Motion to Dismiss Murrey's Disposal Company, Inc.'s Complaint, on behalf of Waste Management of Washington, Inc., Waste Management Disposal Services of Oregon, Inc., and MJ Trucking & Contracting, Inc., from Jessica L. Goldman, Attorney, dated August 6, 2020, with cover letter and certificate of service.
- 0070 Commission's Notice of Opportunity to Respond (Due by August 20, 2020), dated August 6, 2020, with Proof of Service.
- 0074 Complainant's Response in Opposition to Respondents' Motion to Dismiss on behalf of Murrey's Disposal Company, Inc., from Blair I. Fassburg, Attorney, dated August 20, 2020, with cover letter and certificate of service.
- 0095 Respondents' Motion for Leave to File Reply Brief in Support of Motion to Dismiss, on behalf of Waste Management of Washington, Inc., Waste Management Disposal Services of Oregon, Inc., and MJ Trucking & Contracting, Inc., dated August 21, 2020, with cover letter and certificate of service.
- 0100 Complainant's Response in Opposition to Respondents' Motion for Leave to File Reply, on behalf of Murrey's Disposal Company, Inc., from Blair I. Fassburg, Attorney, dated August 24, 2020, with cover letter and certificate of service.

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- 0108 Commission's Order 01, Consolidating Dockets; Denying Request to File Reply and Notice of Virtual Hearing on Motion to Dismiss (set for September 11, 2020, at 10:20 a.m.), dated August 27, 2020, with Proof of Service.
- 0115 Commission's Notice Rescheduling Hearing on Motion to Dismiss (Now set for September 16, 2020, at 1:30 p.m.), dated September 4, 2020, with Proof of Service.
- 0119 Letter to Mark L. Johnson, Executive Director and Secretary, from David W. Wiley, Attorney, on behalf of Murrey's Disposal Co., Inc., RE: Formal notice to be served by all parties as well as the commission in this proceeding, dated September 15, 2020, with certificate of service.
- 0122 Notice of Appearance of David W. Wiley and Blair I. Fassburg, on behalf of Murrey's Disposal Company, Inc., from Blair I. Fassburg, Attorney, dated September 17, 2020, with cover letter and certificate of service.
- 0125 Respondents' Supplemental Brief in Support of Motion to Dismiss, on behalf of Waste Management of Washington, Inc., and Waste Management Disposal Services of Oregon, Inc., from Jessica L. Goldman, Attorney, dated October 8, 2020, with cover letter and certificate of service.
- 0140 Complainant Murrey's Disposal Company Inc.'s Supplemental Brief in Opposition to Respondents' Motions to Dismiss on behalf of Murrey's Disposal Company, Inc., from Blair I. Fassburg, Attorney, dated October 8, 2020, with cover letter and certificate of service.
- 0157 Commission's Order 02, Denying Motion to Dismiss, dated October 19, 2020, with Proof of Service.
- 0172 Commission's Notice of Virtual Prehearing Conference (Set for November 5, 2020, at 1:30 p.m.), dated October 21, 2020, with Proof of Service.
- 0182 Respondents' Petition for Interlocutory Review and Reversal of Order Denying Motion to Dismiss, on behalf of Waste Management of Washington, Inc., and Waste Management Disposal Services of Oregon, Inc., from Jessica L. Goldman, Attorney, dated October 29, 2020, with cover letter, certificate of service, Attachment A and B.
- 0231 Commission's Notice Rescheduling Virtual Prehearing Conference (Now set for December 18, 2020, at 9:30 a.m.), dated November 3, 2020, with Proof of Service.
- 0235 Complainant Murrey's Disposal Company Inc.'s Response to Respondents' Petition for Interlocutory Review, on behalf of Murrey's Disposal Company, Inc., from Blair I. Fassburg, Attorney, dated November 9, 2020, with cover letter and certificate of service.

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- 0259 Commission's Order 03, Granting Review of Interlocutory Order and Affirming Denial of Motions to Dismiss, dated December 7, 2020, with Proof of Service.
- 0268 Commission's Order 04, Prehearing Conference Order; Notice of Status Conference (Set for Tuesday, January 26, 2021, at 10:00 a.m.), dated January 13, 2021, with Appendix A and B, and Proof of Service.
- 0277 Commission's Notice Continuing Deadline for Joint Stipulation (Now due by 5 p.m., on January 21, 2021), dated January 15, 2021, with Proof of Service.
- 0281 Letter to Mark L. Johnson, Executive Director and Secretary, from Blair I. Fassburg, Attorney, on behalf of Murrey's Disposal Co., Inc., RE: Stipulation of Facts, dated January 21, 2021, with certificate of service.
- 0283 Commission's Order 05, Protective Order, dated January 27, 2021, with Exhibits A and B, and Proof of Service.
- 0292 Commission's Notice Modifying Procedural Schedule and Notice of Hearing (Set for August 5-6, 2021, beginning at 9:30 a.m.), dated January 29, 2021, with Appendix A and Proof of Service.
- 0297 Confidentiality Agreements of David W. Wiley and Blair I. Fassburg, on behalf of Murrey's Disposal Company Inc., from Blair I. Fassburg, Attorney, dated February 2, 2021, with cover letter and certificate of service.
- 0301 Confidentiality Agreements of Andrew M. Kenefick, Jessica L. Goldman, and Jesse L. Taylor, on behalf of Waste Management of Washington, Inc., Waste Management Disposal Services of Oregon, Inc., and MJ Trucking & Contracting, Inc., from Jessica L. Goldman, Attorney, dated February 3, 2021, with cover letter
- 0305 Complainant Murrey's Disposal Company's Motion for Summary Determination, on behalf of Murrey's Disposal Company, Inc., from Blair I. Fassburg, Attorney, dated March 16, 2021, with cover letter, Exhibits 1 – 3.20, and certificate of service.
- 0469 Respondents' Motion for Summary Judgment and supporting declarations of Eric Evans, Jim Beck, Michael Weinstein, Justin Wheeler and Jessica Goldman, on behalf of Murrey Disposal Company, Inc., from Jessica L. Goldman, Attorney, dated March 16, 2020, with cover letter, Exhibit 1, and certificate of service.
- 0516 Notice of Withdrawal of Andrew M. Kenefick on behalf of Waste Management of Washington, Inc., and Waste Management Disposal Services of Oregon, Inc., dated March 26, 2021, with cover letter and certificate of service.
- 0519 Respondents' Opposition to Complainant's Motion for Summary Determination and Declarations of Marion Bailey and Aaron Rebmann, on behalf of Murrey's Disposal Company, Inc., from Jessica L. Goldman, Attorney, dated April 7, 2021, with cover letter, Exhibit A and certificate of service.

RETURN

- 0629 Answer of Waste Management of Washington, Inc., Waste Management Disposal Services of Oregon, Inc., and Daniel Anderson Trucking and Excavation, LLC, on behalf of Waste Management of Washington, Inc., and Waste Management Disposal Services of Oregon, Inc., from Jessica L. Goldman, Attorney, dated August 4, 2020, with cover letter and certificate of service.
- 0637 Respondents' Motion to Dismiss, on behalf of Waste Management of Washington, Inc., Waste Management Disposal Services of Oregon, Inc., and Daniel Anderson Trucking and Excavation, LLC, from Jessica L. Goldman, Attorney, dated August 4, 2020, with cover letter, certificate of service, Attachment A and B.
- 0658 Email chain from Andrew J. O'Connell, Administrative Law Judge, to AKenefick@wm.com; sharonh@SummitLaw.com; Jesset@Summitlaw.com; karenl@SummitLaw.com; dwiley@williamskastner.com; Sleake@williamskastner.com; BFassburg@williamskastner.com; jessicag@SummitLaw.com, and Paige Doyle, RE: Docket TG-200651 and Docket TG-200650; Motions for Summary Determination, dated August 6, 2020.
- 0661 Notice of Errata to Respondents' Motion to Dismiss Murrey's Disposal Company, Inc.'s Complaint, on behalf of Waste Management of Washington, Inc. and Waste Management Disposal Services of Oregon, Inc., from Jessica L. Goldman, Attorney, dated August 6, 2020, with cover letter and certificate of service.
- 0665 Respondents' Corrected Motion to Dismiss, on behalf of Waste Management of Washington, Inc., Waste Management Disposal Services of Oregon, Inc., and Daniel Anderson Trucking and Excavation, LLC, from Jessica L. Goldman, Attorney, dated August 6, 2020, with cover letter, certificate of service, and Attachment A and B.
- 0685 Commission's Notice of Opportunity to Respond (Due by August 20, 2020), dated August 6, 2020, with Proof of Service.
- 0689 Complainant's Response in Opposition to Respondents' Motion to Dismiss, on behalf of Murrey's Disposal Company, Inc., from Blair I. Fassburg, Attorney, dated August 20, 2020, with cover letter and certificate of service.
- 0709 Respondents' Motion for Leave to File Reply Brief in Support of Motion to Dismiss, on behalf of Waste Management of Washington, Inc., Waste Management Disposal Services of Oregon, Inc., and Daniel Anderson Trucking and Excavation, LLC, from Jessica L. Goldman, Attorney, dated August 21, 2020, with cover letter and certificate of service.
- 0714 Complainant's Response in Opposition to Respondents' Motion for Leave to File Reply, on behalf of Murrey's Disposal Company, Inc., from Blair I. Fassburg, Attorney, dated August 24, 2020, with cover letter and certificate of service.

RETURN

0722 Commission's Order 01, Consolidating dockets; Denying Request for File Reply and Notice of Virtual Hearing on Motion to Dismiss (set for September 11, 2020, at 10:30 a.m.), dated August 27, 2020, with Proof of Service.

879 Total pages