

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION

In re Application No. GA-079133 of	)	
	)	DOCKET NO. TG -030325
MATTHEWS, TRYSTAN d/b/a	)	
RECYCLE WHIDBEY	)	ORDER NO. 01
	)	
For a Certificate of Public	)	
Convenience and Necessity to	)	PREHEARING CONFERENCE
Operate Motor Vehicles in	)	ORDER
Furnishing Solid Waste Collection	)	
Service	)	
.....	)	

1     **Proceeding.** Docket No. TG-030325 is an application filed on February 14, 2003 by Trystan Matthews, d/b/a Recycle Whidbey, for a certificate of public convenience and necessity. Applicant seeks to operate motor vehicles in furnishing solid waste collection service consisting of source-separated recyclable materials from residences in portions of Island County, generally the southern part of Whidbey Island

2     **Conference.** The Commission convened a prehearing conference in this docket at Olympia, Washington on May 30, 2003, before Administrative Law Judge Theodora Mace.

3     **Appearances.** Trystan Matthews represents himself. James Sells, Attorney, Silverdale, represents Washington Refuse and Recycling Association. David W. Wiley, attorney, Seattle, represents Island Disposal. Mary Tennyson, Assistant Attorney General, represents Commission Staff. Contact information provided at the conference for the parties' representatives is attached as Appendix A to this order.

4     **Protests.** Washington Refuse and Recycling Association and Island Disposal each filed timely protests to the application.

5     **Protective Order.** No party to the proceeding sought a protective order.

- 6 **Discovery.** The parties do not seek to invoke the discovery rule at this time.
- 7 **Hearing schedule.** The parties agreed that by July 10, 2003 at noon, they would supply each other and the presiding officer with a list of witnesses and exhibits during the hearing. Depending on the length of the exhibit lists submitted, the parties may be required to serve copies of the exhibits on each other prior to the hearing.
- 8 Evidentiary hearing is scheduled for **Tuesday, July 15, 2003 from 9:30 a.m. continuing if necessary on Wednesday, July 16, 2003, 8:00 a.m. until 1:00 p.m., at Worksource Whidbey, 31975 State Route 20, Oak Harbor, Washington. Please park next door at the school district parking lot.**
- 9 The exact hours of hearing may be adjusted from this schedule in order to complete the hearing by 1:00 p.m. on Wednesday, July 16. **No adjournment of this hearing will be granted on the day of hearing.**
- 10 **Document preparation and process issues.** Parties must file an original plus 11 copies of each document filed with the Commission. Appendix B states relevant Commission rules and other directions for the preparation and submission of documents pertaining to the hearing. Parties will be expected to comply with these provisions.

DATED at Olympia, Washington, and effective this 5th day of June, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

THEODORA M. MACE  
Administrative Law Judge

**Notice to Parties: Any objection to the provisions of this Order must be filed within ten (10) days after the date of mailing of this statement, pursuant to WAC 480-09-460(2). Absent such objections, this prehearing conference order will control further proceedings in this matter, subject to Commission review.**

## **Appendix A**

**Applicant:** Trystan Matthews  
d/b/a Recycle Whidbey  
4907 Lakeside Drive  
Langley, WA 98260  
(360) 321-4480

**Protestant:** Island Disposal  
P.O. Box 990  
Coupeville, WA 98239

**Representative:** David W. Wiley  
Attorney at Law  
Williams, Kastner & Gibbs, PLLC  
Two Union Square  
601 Union Street, Suite 4100  
Seattle, WA 98111-3926  
(206) 233-2895

**Protestant:** Washington Refuse & Recycling Association  
4160 6<sup>th</sup> Avenue SE, Suite 205  
Lacey, WA 98503

**Representative:** James Sells  
Attorney at Law  
Ryan Sells Uptegraft, Inc. P.S.  
9657 Levin Road N.W., Suite 240  
Silverdale, WA 98383  
(360) 307-8860

**Commission Staff:** Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Drive S.W.  
P.O. Box 47250  
Olympia, WA 98504-7250

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Representative:

Mary Tennyson  
Senior Assistant Attorney General  
1400 S. Evergreen Park Drive S.W.  
P.O. Box 40128  
Olympia, WA 98504-0128  
360-664-1220

## Appendix B

### I. Requirements for ALL paper copies of testimony, exhibits, and briefs

The following requirements are restated from and clarify the Commission's rules relating to adjudications.

A. All paper copies of briefs, prefiled testimony, and original text in exhibits must be

- On 8-1/2x11 paper, punched for insertion in a 3-ring binder,
- Punched with OVERSIZED HOLES to allow easy handling.
- Double-spaced
- 12-point or larger text and footnotes, Times New Roman or equivalent serif font.
- Minimum one-inch margins from all edges.

Other exhibit materials need not be double-spaced or 12-point type, but must be printed or copied for optimum legibility.

B. All electronic and paper copies must be

- SEQUENTIALLY NUMBERED (all pages). **THIS INCLUDES EXHIBITS.** It is not reasonable to expect other counsel or the bench to keep track of where we are among several hundred (or sometimes even just several) unnumbered pages.
- DATED ON THE FIRST PAGE OF EACH ITEM and on the label of every diskette. If the item is a revision of a document previously submitted, it must be clearly labeled (REVISED), with the same title, and with the date it is filed clearly shown. Electronic files must be designated R for

revision, when applicable, with an ordinal number showing the revision number.

**II. Identifying exhibit numbers; Exhibits on cross examination.**

A. **Identifying exhibits.** It is essential to mark documents so you, opposing counsel, and the Commission can find them. We ask you to comply with this clarification of prior practice, based on recent experience:

- **Use the witness's initials and add an ordinal number for each exhibit.** Identify testimony with a T and confidential exhibits with a C. Example: Witness Jane Quintessentia Public. Her original testimony would be JQP-1T or JQP-1TC, her first attached exhibit would be JQP-2, etc. NEVER identify the attachments merely with a single ordinal number, as that will provide the maximum confusion to everyone, including your witness.

B. Prepare a list of your exhibits with their title and (JQP) designation in digital form and in a format specified by the Commission. Send it to the presiding officer before the appropriate prehearing conference. That will simplify identification and ease administrative burdens.

**NOTE: Be prepared to submit all of your possible exhibits on cross examination several days prior to the hearing.** We will attempt to schedule a prehearing conference to deal with the exhibits as close as possible to the hearing itself, but we have administrative needs that require prefilings.