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

8 WASTE CONNECTIONS OF
9 WASHINGTON, INC.,

10 Complainant,

11 v.

12 ENVIRO/CON & TRUCKING, INC., a
13 Washington corporation; and, WASTE
14 MANAGEMENT DISPOSAL SERVICES OF
OREGON, INC.,

Respondents.

DOCKET NO. TG-071194

JOINT MOTION OF THE
COMPLAINANT AND
RESPONDENTS FOR EXTENSION OF
TIME FOR FILING PETITION FOR
ADMINISTRATIVE REVIEW

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16 **I. PRELIMINARY STATEMENT**

17 COME NOW Waste Connections of Washington, Inc. ("WCW"), by and through its
18 counsel Williams, Kastner & Gibbs PLLC and David W. Wiley, and Respondents,
19 Enviro/Con & Trucking, Inc., a Washington Corporation and, Waste Management
20 Disposal Services Of Oregon, Inc., by and through their counsel Summit Law Group
21 and Polly L. McNeill, and request a continuance for filing any Petition for
22 Administrative Review (the "Petition") of the Initial Order No. 7 denying Motion for
23 Amendment of Complaint served November 19, 2009 in this matter, pursuant to WAC
24 480-07-385.
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JOINT MOTION OF THE COMPLAINANT AND RESPONDENTS
FOR EXTENSION OF TIME FOR FILING PETITION FOR
ADMINISTRATIVE REVIEW - 1

Williams, Kastner & Gibbs PLLC
601 Union Street, Suite 4100
Seattle, Washington 98101-2380
(206) 628-6600

1 **II. SPECIFIC EXTENSION REQUEST**

2 By calculations under rule, a Petition in this matter would currently be due, Wednesday,
3 December 9, 2009. The two primary parties are, by this motion, seeking an extension
4 of time to and including Friday, January 29, 2010, for filing of any such Petition, and
5 will file electronically pursuant to WAC 480-07-145(6). Additionally, should either
6 party later determine not to file a Petition, they would advise the Commission as soon
7 as such a decision is reached before any extended due date. Per agreement of the
8 parties, any Answer to the Petition would be proposed to be due Friday, February 12,
9 2010 and will be filed pursuant to the above noted rule.

10 **III. BACKGROUND TO AND REASON FOR THE REQUEST**

11 3 Initial Order No. 7 was electronically served on Thursday afternoon, November 19,
12 2009, a week before Thanksgiving. Some of the client principals and one counsel were
13 out of town for the entire Thanksgiving week and were only able to closely review the
14 Order and begin discussions with their respective clients on Tuesday, December 1,
15 2009. As of today, neither Complainant nor Respondents have been able to
16 conclusively resolve whether they will pursue Petitions for Administrative Review or
17 otherwise comprehensively evaluate various procedural options at this stage. For
18 instance, at this unique juncture in the approximately two and a half year proceeding,
19 the parties may convene informal settlement discussions and may also consider possible
20 alternative dispute resolution. Moreover, due to the unusual procedural posture of this
21 case as addressed by the Initial Order, this may be a very appropriate time to
22 meaningfully evaluate options which include, as the Order raises, initiation of a
23 Superior Court damages action by the Complainant. Because of the convergence of
24 these various procedural options, counsel for the parties believe some respite of time
25

1 would be very necessary and consistent with the public interest and Commission policy
2 in encouraging informal resolution of disputes.

3 4 Moreover, clients' travel schedules combined with counsels' existing December
4 workload deadlines both at the Commission and outside and the intervening Christmas
5 holidays make it much more difficult to adhere to the conventional deadlines for
6 Petitions for Administrative Review and Answer schedule set forth in the
7 Commission's rule.

8 5 The parties also believe that adherence to current response deadlines may actually act to
9 constrain or inhibit settlement discussions by necessarily focusing energies solely on
10 the further advancement of the parties' positions in the current administrative litigation.
11 Again, because of the press of existing December work commitments and scheduling
12 difficulties posed by holiday intervals in the latter half of the month, the parties will
13 likely not be able to schedule any settlement discussions or pursue ADR until well into
14 January, 2010.

15 6 We have notified intervenor counsel of this request today and neither of the intervenors
16 has objections to this request. Finally, the extended deadlines for filings incorporate a
17 week where Complainant's counsel will be out of town in January as well as other
18 competing filing deadlines at the Commission including prefiled direct testimony and
19 briefing in other proceedings.

20 **IV. PRAYER FOR RELIEF**

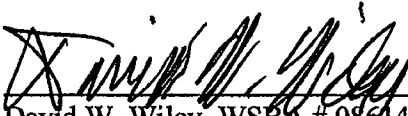
21 7 Wherefore, Complainant and Respondents jointly ask that the Commission grant a
22 continuance for filing of any Petition for Administrative Review of the Initial Order
23 No. 7 to and including Friday, January 29, 2010 with any Answer due February 12,
24 2010.

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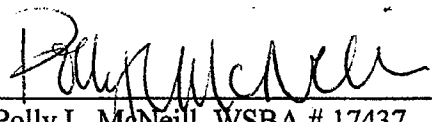
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DATED this 2nd day of December, 2009.

WILLIAMS, KASTNER & GIBBS PLLC

By 
David W. Wiley, WSBA # 08614
Attorneys for Complainant WASTE
CONNECTIONS OF WASHINGTON,
INC.

SUMMIT LAW GROUP PLLC

By 
Polly L. McNeill, WSBA # 17437
Attorneys for Respondents ENVIRO/CON
& TRUCKING, INC. and WASTE
MANAGEMENT DISPOSAL SERVICES
OF OREGON, INC.

JOINT MOTION OF THE COMPLAINANT AND RESPONDENTS
FOR EXTENSION OF TIME FOR FILING PETITION FOR
ADMINISTRATIVE REVIEW - 4

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served this document upon all parties of record in this proceeding, by the method as indicated below, pursuant to WAC 480-07-150.

<p><i>Attorneys for Waste Management Disposal Services of Oregon, Inc. and Enviro/Con & Trucking, Inc.</i> Polly L. McNeill Summit Law Group 315 – 5th Avenue S. Seattle, Washington 98104 <u>pollym@summitlaw.com</u></p>	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input checked="" type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email
<p>Brad Lovaas Executive Director Washington Refuse and Recycling Association 4160 6th Avenue S.E., Suite 205 Lacey, WA 98503 <u>brad@wrra.com</u></p>	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input checked="" type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email
<p><i>Attorney for Washington Refuse and Recycling Association</i> James R. Sells Ryan Sells Uptegraft Inc. PS 9675 Levin Road N.W., Suite 240 Silverdale, WA 98383-7620 <u>jimsells@rsulaw.com</u></p>	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input checked="" type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email
<p>Bronson Potter Deputy Prosecuting Attorney Clark County Prosecuting Attorney's Office Civil Division P.O. Box 5000 Vancouver, WA 98666-5000 <u>bronson.potter@clark.wa.gov</u></p>	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input checked="" type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email

DATED at Seattle, Washington, this 2nd day of December, 2009.



Lyndsay Taylor, Legal Assistant