

BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION
COMMISSION,

Complainant,

v.

MURREY’S DISPOSAL COMPANY,
INC. d/b/a OLYMPIC DISPOSAL,

Respondent.

DOCKET TG-230778

ORDER 02

PREHEARING CONFERENCE
ORDER AND NOTICE OF HYBRID
HEARING

(Set for September 9, 2024,
at 1:30 p.m.)

- 1 **NATURE OF PROCEEDING.** On October 4, 2023, Murrey’s Disposal Company, Inc. d/b/a Olympic Disposal (Olympic or Company) filed with the Washington Utilities and Transportation Commission (Commission) tariff revisions that would generate approximately \$1,885,000 (15.9 percent) in additional annual revenue. Olympic provides regulated solid waste collection service to approximately 15,500 residential; 1,900 commercial; 117 roll-off; and 6,040 residential recycling customers in Clallam and Jefferson Counties. The Company’s last general rate increase became effective on June 1, 2011.
- 2 **CONFERENCE.** The Commission convened a virtual prehearing conference on January 21, 2024, before Administrative Law Judge Bijan Hughes.
- 3 **APPEARANCES.** David W. Wiley, Bradley Bartlett, and Sean D. Leake of Williams, Kastner & Gibbs PLLC, represent Olympic. Jeff Roberson and Colin O’Brien represent the Utilities and Transportation Commission. Tad O’Niell represents Public Counsel. Contact information for the parties’ representatives is attached as Appendix A to this Order.
- 4 **DISCOVERY.** In order to facilitate an efficient resolution to this matter, discovery will be immediately available to the parties and shall be conducted under the Commission’s discovery rules, WAC 480-07-400 – 425. The Commission urges the parties to work cooperatively together to avoid having to bring discovery matters forward for formal resolution. The Commission will issue a separate protective order at the request of the parties.

5 **PROCEDURAL SCHEDULE.** The Commission grants the Company's November 15, 2023, request to move the effective date of the suspension from December 1, 2023, to January 1, 2024. The parties presented an agreed procedural schedule at the prehearing conference. Except for the Post-Hearing Briefs and Suspension Date, the Commission adopts the proposed procedural schedule - which is attached to this Order as Appendix B. The parties may modify the date of the settlement conference by providing written notice to the Commission.

6 **DOCUMENT FILING AND SERVICE REQUIREMENTS.** Parties must file and serve all pleadings, motions, briefs, and other pre-filed materials in compliance with all of the following requirements:

(a) Parties must submit electronic copies of all documents by 5 p.m. on the filing deadline established in the procedural schedule (or other deadline as applicable) unless the Commission orders otherwise. Parties must comply with WAC 480-07-140(6) in formatting, organizing, and identifying electronic files.

(b) The Commission accepts only electronic versions of documents for formal filing. Parties must submit documents electronically through the Commission's web portal (www.utc.wa.gov/e-filing). If a party is unable to use the web portal to submit documents for filing, the Commission will accept a submission via email to records@utc.wa.gov, provided that the email: (1) explains the reason the documents are not being submitted via the web portal, and (2) complies with the requirements in WAC 480-07-140(5)(b).

(c) Parties must electronically serve the other parties and provide courtesy electronic copies of filings to the presiding administrative law judge (bijan.hughes@utc.wa.gov) by 5 p.m. on the filing deadline unless the Commission orders otherwise. If parties are unable to email copies, they may furnish electronic copies by delivering them on a flash drive only.

7 **EXHIBITS FOR CROSS-EXAMINATION.** Parties are required to file with the Commission and serve all proposed cross-examination exhibits by **5 p.m. on Friday, July 19, 2024**. The Commission requires electronic copies in searchable PDF (Adobe Acrobat or comparable software). If any of the exhibits contain information designated as confidential, parties must file an electronic copy of the redacted version in searchable PDF (Adobe Acrobat or comparable software) of each such exhibit. The exhibits must be grouped according to the witness the party intends to cross examine with the exhibits.

8 **EXHIBIT LISTS.** With each submission of pre-filed testimony and exhibits, the party making the submission must include a preliminary exhibit list that identifies each

submitted exhibit in the format the Commission uses for exhibit lists it prepares for evidentiary hearings. Olympic will prepare its preliminary exhibit list and circulate it to the parties. Each party must file and serve a final list of all exhibits the party intends to introduce into the evidentiary record, including all pre-filed testimony and exhibits, as well as cross-examination exhibits by **5 p.m., Friday, July 19, 2024.**

- 9 **CROSS-EXAMINATION TIME ESTIMATES.** Each party must provide a list of witnesses the party intends to cross-examine at the evidentiary hearing and an estimate of the time that party anticipates the cross-examination of that witness will take. Parties should not file witness lists or cross-examination time estimates but must provide them to the administrative law judge (Bijan.Hughes@utc.wa.gov) and the other parties by email on **Friday, July 19, 2024, at 5:00 p.m.**
- 10 **PUBLIC COMMENT HEARING.** The parties agreed to schedule a public comment hearing at a later date.
- 11 **NOTICE OF EVIDENTIARY HEARING.** The Commission will hold a hybrid evidentiary hearing in this docket on **Monday, September 9, 2024, at 1:30 p.m., continuing if necessary to Tuesday, September 10, 2024.** Parties may attend the hearing in person at the Commission's headquarters or virtually via Zoom. To attend the hearing via Zoom, [click here to join meeting](#), or call (253) 215-8782 and enter the Conference ID: 891 5757 8475# and use the Passcode: 109259#.
- 12 **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 Michael Howard, Director, Administrative Law Division (360-664-1139).
- 13 **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 this Order, in the upper right-hand corner. Absent such objection,**

this Order will control further proceedings in this docket, subject to Commission review.

DATED at Lacey, Washington, and effective February 5, 2024.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Bijan T. Hughes

BIJAN HUGHES

Administrative Law Judge

**APPENDIX A
PARTIES' REPRESENTATIVES
DOCKET TG-230778**

PARTY	REPRESENTATIVE	PHONE	E-MAIL
Utilities and Transportation Commission Staff	Jeff Roberson Colin O'Brien Office of the Attorney General Utilities and Transportation Division P.O. Box 40128 Olympia, WA 98504-0128	360-522-0614	jeff.roberson@atg.wa.gov colin.obrien@atg.wa.gov
Murrey's Disposal Company, Inc. d/b/a Olympic Disposal	David W. Wiley Sean D. Leake Bradley Bartlett Williams, Kastner & Gibbs PLLC 601 Union St., Ste. 4100 Seattle, WA 98101-2380	206-628-6600	dwiley@williamskastner.com bbartlett@williamskastner.com sleake@williamskastner.com
Public Counsel	Tad Robinson O'Neill Washington Attorney General's Office Public Counsel Unit 800 Fifth Avenue, Suite 2000 Seattle, WA 98104-3188	206-254-0570	Tad.ONeill@atg.wa.gov

**APPENDIX B
PROCEDURAL SCHEDULE
DOCKET TG-230778**

EVENT	DATE
Application Filing	September 15, 2023
Prehearing Conference	January 24, 2024
Settlement Conference	February 2, 2024
Respondent Direct Testimony and Exhibits	March 8, 2024
Response testimony from Complainant	May 29, 2024
Rebuttal and Cross-answering Testimony	June 28, 2024
Discovery deadline	July 10, 2024
Exhibit List, Cross-Examination Exhibits, Witness Lists, Time Estimates, and Exhibit Errata	July 19, 2024
Evidentiary Hearing	September 9, 2024
Opening Briefs	October 2, 2024
Suspension Date	November 1, 2024