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1 BEFORE THE WASHINGTON STATE
2 UTILITIES AND TRANSPORTATION COMMISSION

3 WASHINGTON UTILITIES AND) DOCKET TG-101639
4 TRANSPORTATION COMMISSION,) VOLUME I
) PAGES 1-13
 Complainant,)
5 v.)
)
6 TRASHBUSTERS OF WASHINGTON)
7 STATE, LLC,)
)
 Respondent.)
8)

9 This is the hearing, volume I in the above
10 matter held on Wednesday, February 2, 2011, at 1300
11 South Evergreen Park Drive Southwest, Olympia,
12 Washington, before Administrative Law Judge ADAM TOREM.

13 The parties were present as follows:

14 WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,
15 by Gregory J. Trautman, Assistant Attorney General,
16 PO Box 40128, Olympia, Washington 98504-0128;
17 telephone number is 360.664.1187.

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25 Reported by: Judith A. Robinson, CCR No. 2171

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PAGES

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ALJ Torem, Mr. Trautman, and the Witness 3-11

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E X H I B I T S

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11 1..... Annual Reports System, Company Filing
Status, For Report Year 2009 ... 5

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13 2..... Annual Reports System, Company Filing
Status, For Report Year 2009 ... 5

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P R O C E E D I N G S

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ALJ TOREM: All right. We'll be on the record in Docket TG-101639.

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This is a hearing seeking cancellation of certificate of public convenience and necessity held by Trashbusters of Washington State, LLC.

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Today is Wednesday, February 2nd, 2011. It's a little after 1:30 p.m. We'll take appearances for Commission staff.

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MR. TRAUTMAN: Thank you, your Honor. Greg Trautman, Assistant Attorney General for Commission staff.

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My address is 1400 South Evergreen Park Drive SW, Post Office Box 40128, Olympia, Washington 98504.

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My telephone number is 360-664-1187. My fax number is 360-586-5522, and my e-mail address is gtrautman@wutc.wa.gov.

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ALJ TOREM: And we do have a respondent here today.

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Sir, that microphone in front of you will pick up if you push that button and the red light is on.

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WITNESS: Okay.

ALJ TOREM: So, if you could make an appearance and state your full name and mailing address?

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1 And if you have an e-mail address that you want
2 the Commission to have or telephone numbers, you can
3 state those as well.

4 WITNESS: My name is Michael McKee, from
5 Trashbusters of Washington State, LLC.

6 My address is PO Box 2530, Blaine, Washington,
7 98203, and my phone number is 604-659-6684. And my
8 e-mail address is mmckee@ridofit.com. That's
9 r-i-d-o-f-i-t.com.

10 ALJ TOREM: All right. Thank you Mr. McKee.
11 What's your position with the company?

12 WITNESS: I'm the company president.

13 ALJ TOREM: Excellent. Okay, as I said,
14 this is a -- this is a complaint that was filed by the
15 Commission back on November the 19th, 2010.

16 And it appears that it was served on you either
17 by certified mail and/or first class mail and that is
18 why you're here today.

19 WITNESS: Correct.

20 ALJ TOREM: I appreciate you coming down
21 from Blaine.

22 This is a complaint that alleges failure to pay
23 regulatory fees, as well as to file an annual report.

24 I understand there was some other proceedings
25 that dealt with last year's fees or reports, but the

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1 relevant portion of the complaint today is going to be
2 an annual report for 2009, I believe, and regulatory
3 fees for the calendar year 2010.

4 I don't know if you've had an opportunity to
5 speak with Commission staff today or if you need me to
6 take a break off the record to do so. That may get
7 things more streamlined.

8 I don't know. Otherwise, the procedure is going
9 to be such that the Commission staff will have an
10 opportunity to put on sworn testimony, I think, from
11 Ms. Hoyt, who's here, and I think you've been handed
12 proposed Exhibits 1 and 2.

13 WITNESS: Yes.

14 ALJ TOREM: If Ms. Hoyt testifies, you have
15 a right to cross-examine her. Ask her any questions
16 that are relevant to the case.

17 And if the Commission doesn't have any other
18 evidence, then you'll have a chance to testify and put
19 on any evidence you might have that are relevant to the
20 complaint.

21 WITNESS: Okay, just for clarification, will
22 I be given an opportunity to explain -- or why I have
23 chosen not to file the return and why I -- I have not
24 paid the -- the fees.

25 ALJ TOREM: Yes. When you testify, you'll

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1 -- you'll be able to do that.

2 And when you testify, since there's not an
3 attorney here to ask you questions, you can certainly do
4 that in a narrative format.

5 Mr. Trautman will have the opportunity to ask you
6 questions in cross-examination.

7 WITNESS: Yeah I know.

8 ALJ TOREM: And you'd be under oath just as
9 Ms. Hoyt was, just as any witness in this courtroom is
10 under oath.

11 WITNESS: Okay.

12 ALJ TOREM: Mr. Trautman, have you had a
13 chance to talk to Mr. McKee, or is there a need for one?

14 MR. TRAUTMAN: I don't know. I have not
15 spoken with him, other than to introduce ourselves.

16 ALJ TOREM: Did the two of you want to talk
17 before we put testimony on the record or do you just
18 want to go straight through with the hearing process,
19 Mr. McKee?

20 WITNESS: I think I'd like to talk -- talk
21 to him.

22 ALJ TOREM: Okay. So it's now about five
23 minutes into the hearing time. Why don't I come back in
24 ten minutes and see if there's anything more to talk
25 about.

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1 If there is, we'll take as long as it takes and
2 if the parties reach a settlement of some sort today,
3 you'll let me know.

4 Let's -- let's take ten minutes off the record
5 now and I'll leave the room so that you guys can talk
6 freely.

7 We'll take a brief recess.

8 (Off the record.)

9 ALJ TOREM: All right. We're back on the
10 record. It's about five minutes after two. We had
11 about a 30-minute break.

12 Mr. Trautman, has the posture of the case changed
13 whatsoever?

14 MR. TRAUTMAN: Yes, Your Honor. We've --
15 staff has reached an agreement to bring Trashbusters
16 into compliance.

17 And I can quickly read to you the agreement, and
18 then if the Commission accepts the agreement, then staff
19 would recommend dismissing the complaint.

20 Okay. The agreement that the parties have
21 reached is first:

22 That Trashbusters will pay the outstanding 2009
23 regulatory fee, plus statutory late fees and interest,
24 which we just verified with financial services as of
25 February is \$2,987.20. The agreement is that that

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1 amount will be paid by February 28th.

2 Second, Trashbusters will file the 2009 annual
3 report by February 10th.

4 And third, that Trashbusters will pay the
5 associated 2010 regulatory fee, statutory late fee and
6 interest, which is associated with the 2009 annual
7 report, by March 31st.

8 And if that is done, then Trashbusters will be in
9 compliance with the annual report filing requirement and
10 the regulatory fees that need to be paid.

11 And staff would then recommend dismissing the
12 complaint.

13 ALJ TOREM: Mr. McKee, is that your
14 understanding of the agreement as well?

15 WITNESS: Yes, it is.

16 ALJ TOREM: And are you entering this
17 agreement fully voluntarily and with all the knowledge
18 that you would have if you had Counsel here?

19 WITNESS: Yes, I am.

20 ALJ TOREM: Was there anything else from the
21 staff?

22 MR. TRAUTMAN: No, your Honor. I don't
23 believe -- I don't believe so, Your Honor.

24 ALJ TOREM: Mr. McKee, when you came in this
25 morning -- and I think it's noted in the declaration

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1 that supported the complaint -- there may have been some
2 conversations you had with staff about other enforcement
3 or other competitors up in your service area.

4 Was that something you wanted to put on the
5 record today, or is that something best left between you
6 and staff?

7 WITNESS: I believe that's best left between
8 me and staff.

9 ALJ TOREM: Okay, was there anything else
10 that you wanted me to know about today?

11 WITNESS: No.

12 ALJ TOREM: Okay, then what I'm going to do
13 -- I think that this type of complaint is best resolved
14 by having the fees paid that are required by law, as
15 well as the annual reports filed.

16 So I see no reason Mr. Trautman and Mr. McKee not
17 to accept -- at least as an ALJ, I'll recommend to the
18 Commission that it accept your proposed resolution.

19 What I'll do is enter an order, summarizing the
20 agreement and setting out these conditions and
21 indicating that it will be dismissed, on or after, the
22 afternoon of March 31st of 2011, if all of the items are
23 filed.

24 So Mr. McKee, what's important is that you meet
25 the deadlines that you've agreed to here. The 10th of

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1 February is the first one in time.

2 And then the end of each month and make sure that
3 the docket number for this case, TG-101639, is on all
4 the correspondence that comes in and that anything you
5 send has a copy to our records center, and that way,
6 I'll be informed that, under this docket, you're
7 compliant on each of the three parts.

8 And as soon as March 31st comes and goes and we
9 see that the appropriate payments and filings have been
10 made, I can ensure there's compliance.

11 It may be helpful for staff to send an e-mail to
12 me and copy Mr. McKee, stating that the agreement has
13 been complied with, and from there I can enter another
14 order dismissing the complaint.

15 At this time, I think what I would do is just put
16 the whole hearing on hold, and essentially continue it
17 over for further proceedings in mid-April.

18 If the date is not set, I may just choose the
19 date, which I hope we won't need, and schedule a status
20 conference.

21 And when I dismiss the complaint, then go ahead
22 and strike that date as well. And that way, it leaves
23 the docket open so just in case something comes up, if
24 you need an extension for good cause?

25 WITNESS: Uh-huh.

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1 ALJ TOREM: It doesn't seem like March 31st
2 is that far away now, but you never know what happens
3 between now and then.

4 I hope the dates will stick, I'm not inviting
5 them not to, but there is a real world out there and if
6 there's a need for extension, I want you to be in touch
7 with Ms. Hoyt or Mr. Trautman as to whether it's
8 appropriate in your agreement.

9 Sound fair?

10 WITNESS: Sounds fair.

11 ALJ TOREM: Mr. Trautman, anything else?

12 MR. TRAUTMAN: No, Your Honor.

13 ALJ TOREM: I think we're ready to close the
14 hearing for today.

15 I will just issue a notice of continuance,
16 essentially in the order of summarizing what happened
17 today, and then setting up a status conference for
18 sometime in mid-April, so we have enough time to get
19 everything complied with and confirm that.

20 Okay? All right. Thank you. It is ten after
21 2:00 o'clock and we are adjourned.

22 (The hearing was concluded at 2:10 p.m.)

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C E R T I F I C A T E

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3 STATE OF WASHINGTON)

4 COUNTY OF KING)

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7 I, the undersigned Washington Certified Court Reporter,
8 pursuant to RCW 5.28.010 authorized to administer oaths
9 and affirmations in and for the State of Washington, do
10 hereby certify:

9

10 That the annexed and foregoing hearing containing
11 Page 1 through 11 of each witness named herein was taken
12 stenographically before me and reduced to typewriting
13 under my direction.

14 I further certify that each said witness examined, read
15 and signed his/her hearing after the same was
16 transcribed unless indicated in the record that the
17 parties and each witness waived the signing.

14

15 I further certify that all objections made at the time
16 of said examination to my qualifications or the manner
17 of taking each hearing, or to the conduct of any party
18 have been noted by me upon each hearing.
19 I further certify that I am not a relative or an
20 employee or attorney or Counsel of any of the parties to
21 said action, or a relative or employee of any such
22 attorney or Counsel, and
23 that I am not financially interested in the said action
24 or the outcome thereof.

25 I further certify that each witness before examination
was by me duly sworn to testify the truth, the whole
truth and nothing but the truth.

I further certify that the hearing, as transcribed is a
full, true and correct transcript of the testimony,
including questions and answers, and all objections,
motions and exceptions of Counsel made and taken at the
time of the foregoing examination and was prepared
pursuant to Washington Administrative Code 308-14-135,
the transcript preparation format guideline.

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1 I further certify that I am sealing the hearing in an
2 envelope with the title of the above-referenced cause
3 thereon and marked "Hearing" with the name of each
4 witness and promptly delivering the same to the
5 appropriate party or parties.

4

5 IN WITNESS WHEREOF, I have hereunto set my hand
6 and affixed my Washington State CCR Seal this _____ day
7 of _____, 2011.

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Washington State Certified Court Reporter
CCR No. 2171
License effective until: 11/4/12.
Residing at Federal Way, Washington

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