

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Determining the Proper
Carrier Classification of, and Complaint
for Penalties Against,

SOMERS SUNRISE
ENTERPRISES, LLC.

DOCKET TG-230191

ORDER 02

PREHEARING CONFERENCE
ORDER

NOTICE OF HEARING
(Set for July 18, 2023,
at 9:30 a.m.)

- 1 **NATURE OF PROCEEDING.** On May 9, 2023, the Commission entered Order 01, Instituting Special Proceeding; Complaint Seeking to Impose Penalties; Notice of Prehearing Conference (Order 01). Order 01, among other things, alleged that Somers Sunrise Enterprises, LLC, (Somers Sunrise or Company) violated the Revised Code of Washington (RCW) 81.80.70(1) and RCW 81.77.040 a total of 90 times between July 1, 2022, and January 31, 2023, by transporting solid waste for compensation over the public highways of Washington state without first obtaining a certificate of convenience and public necessity from the Commission.
- 2 **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in this docket on May 17, 2023, before Administrative Law Judge Gregory J. Kopta.
- 3 **APPEARANCES.** Roger Somers represents Somers Sunrise. Josephine Strauss, Assistant Attorney General, Olympia, Washington, represents the Commission's regulatory staff (Commission Staff or Staff).¹ Walker Stanovsky, Davis Wright Tremaine LLP, Seattle, Washington, and Ame Wellman Lewis, Senior Legal Counsel, represent Waste Management of Washington, Inc. (Waste Management). Contact information for the parties' representatives is attached as Appendix A to this order.

¹ In formal proceedings, such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

4 **PETITION TO INTERVENE.** Waste Management petitioned in writing to intervene in the Docket. No party objected to this petition, which the Commission grants. The Commission finds that Waste Management has established a substantial interest in this proceeding and will not broaden the issues in this proceeding or seek any individual relief.

5 **DISCOVERY.** The parties may conduct discovery pursuant to 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. It will aid discovery in this case if all responses to data requests are shared with all parties. Accordingly, the Commission requires the parties to share every data request response with all parties.

6 **PROCEDURAL SCHEDULE.** The parties agreed on a procedural schedule during the conference. The Commission adopts this procedural schedule, which is attached to this Order as Appendix B.

7 **DOCUMENT FILING REQUIREMENTS.** Parties must file all pleadings, motions, briefs, and other prefiled materials in compliance with all of the following requirements:

(a) Parties must submit electronic copies in searchable Adobe Acrobat (.pdf) 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 follow WAC 480-07-140(5) in organizing and identifying electronic files. Parties may submit documents electronically through the Commission's Web Portal (www.utc.wa.gov/e-filing) or by email to records@utc.wa.gov.

(b) Parties must electronically serve the other parties and provide courtesy electronic copies of filings to the presiding administrative law judge (gregory.kopta@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.

8 **EXHIBITS.** Parties are required to file with the Commission and serve all exhibits they propose to offer during the hearing by **5 p.m. on July 11, 2023**. The Commission requires electronic copies in searchable Adobe Acrobat (.pdf) and one paper copy of the exhibits. Each exhibit must be a distinct electronic document (*i.e.*, multiple exhibits must not be scanned or otherwise combined in the same document).

- 9 **EXHIBIT AND WITNESS LISTS.** Each party must file a list of all witnesses they intend to call to testify during the hearing and all exhibits the party intends to introduce into the evidentiary record. The parties must file and serve their witness and exhibit lists by **5 p.m. on July 11, 2023.**
- 10 **NOTICE OF HEARING.** The Commission will hold a virtual evidentiary hearing in this matter on **July 18, 2023, at 9:30 a.m.** To participate in the hearing by phone, call (253) 215-8782 and enter the Meeting ID: 815 7655 8184 # and Passcode: 390625 #. To participate via Zoom, [click here to join meeting.](#)²
- 11 **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 Rayne Pearson, Director, Administrative Law Division (rayne.pearson@utc.wa.gov or 360-664-1136).
- 12 **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 the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Lacey, Washington, and effective May 23, 2023.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Gregory J. Kopta
GREGORY J. KOPTA
Administrative Law Judge

² <https://utc-wa-gov.zoom.us/j/81576558184?pwd=SIUxZGh1WlIDa3NJZ1ZJek1SWTlodz09>.

APPENDIX A

**PARTIES' REPRESENTATIVES
DOCKET TG-230191**

PARTY	REPRESENTATIVE	PHONE	E-MAIL
Somers Sunrise	Roger Somers P.O. Box 51 Quincy, WA 98848	(509) 797-3514	Somers.r@icloud.com
Commission Staff	Josephine Strauss Assistant Attorney General Office of the Attorney General Utilities and Transportation Division P.O. Box 40128 Olympia, WA 98504-0128	(360) 709-4850	josephine.strauss@atg.wa.gov
	Jeanne Roth		jeanne.roth@atg.wa.gov
	Kathryn McPherson		kathryn.mcpherson@utc.wa.gov
Waste Management	Walker Stanovsky Associate Davis Wright Tremaine LLP 920 Fifth Avenue, Suite 330 Seattle, WA 98104	(206) 757-8259	walker.stanovsky@dwt.com
	Nancy Foley Executive Legal Assistant		nancyfoley@dwt.com
	Ame Wellman Lewis Senior Legal Counsel		alewis66@wm.com
	Sabrina Goodwin Paralegal		Sgoodwil@wm.com

**APPENDIX B
PROCEDURAL SCHEDULE
DOCKET TG-230191**

EVENT	DATE
Settlement Conference (parties only and subject to alternative date with notice from the parties)	July 11, 2023
Exhibits, Exhibit Lists, and Witness Lists	July 11, 2023
Evidentiary Hearing	July 18, 2023