

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

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| WASHINGTON UTILITIES AND |) | DOCKET TG-091769 |
| TRANSPORTATION COMMISSION, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | NOTICE OF PREHEARING |
| |) | CONFERENCE |
| HAROLD LEMAY ENTERPRISES, |) | (Set for Monday, June 14, 2010, at |
| INC., d/b/a JOE’S REFUSE SERVICE, |) | 1:30 p.m. |
| |) | |
| Respondent. |) | |
| |) | |
| |) | |

1 On November 10, 2009, Harold LeMay Enterprises, Inc., d/b/a Joe’s Refuse Service (Joe’s Refuse or Company) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective Tariff No. 9.3, reflecting an increase in rates due to an increase in a disposal fee. The operation of such tariff revisions has been suspended, allowing rates to become effective on January 1, 2010, on a temporary basis subject to refund, by order of the Commission pending hearing or hearings concerning such changes and the justness and reasonableness thereof.

2 On February 19, 2010, Joe’s Refuse filed a letter with the Commission requesting an extension of time to file a general rate case. The Company also agrees to a reasonable waiver of the applicable suspension period under RCW 81.04.130.

3 On March 11, 2010, the Commission entered *Order 02 – Order Granting Extension of Time to File All Documents Required for a General Rate Case as Provided in WAC 480-07-520 and Waiving 10-Month Suspension Period Under RCW 81.04.130.*

4 On May 12, 2010, Joe’s Refuse filed with the Commission a petition for exemption from portions of WAC 480-07-520(4).

5 **STATUTORY AUTHORITY:** The Commission has jurisdiction over this matter under Title 81 RCW, and has legal authority to regulate the rates, services, and practices of solid waste collection companies pursuant to RCW 81.77. The statutes that apply to this matter include RCW 81.01, RCW 81.04 and RCW 81.28 relating to rates, contracts, and services, including but not limited to RCW 81.04.020, RCW 81.04.250, RCW 81.28.010, RCW 81.28.040, RCW 81.28.050, RCW 81.28.080, RCW 81.28.180, RCW 81.28.190, RCW 81.28.230, RCW 81.77.030, and RCW 81.77.070. The rules that apply to this matter include those within WAC 480-07 and WAC 480-70.

6 The Commission will hear this matter under the Administrative Procedure Act (APA), particularly Part IV of RCW 34.05 relating to adjudications. The provisions of the APA that relate to this proceeding include, but are not limited to RCW 34.05.413, RCW 34.05.422, RCW 34.05.431, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452. The Commission will also follow its procedural rules in WAC 480-07 in this proceeding.

7 The Commission finds there is good cause to hear this matter on shortened notice. *See WAC 480-07-440(1)(a).*

8 **THE COMMISSION GIVES NOTICE That it will hold a prehearing conference in this matter at 1:30 p.m., on Monday, June 14, 2010, in Room 206, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

9 The purpose of the prehearing conference is to consider requests for intervention, resolve scheduling matters including establishing dates for distributing evidence and workpapers, to, identify the issues in the proceeding and determine other matters to assist the Commission in resolving the matter, as listed in WAC 480-07-430.

10 **INTERVENTION:** Persons who wish to intervene should file a petition to intervene in writing at least three business days before the date of the prehearing conference. *See WAC 480-07-355(a).* The Commission will consider oral petitions to intervene during the conference, but strongly prefers written petitions to intervene. Party representatives must file a notice of appearance with the Commission no later than the

business day before the conference. *See, WAC 480-07-345(2)*. If any party or witness needs an interpreter or other assistance, they should fill out the form attached to this notice and return it to the Commission. The Commission will set the time and place for any evidentiary hearings at the prehearing conference, on the record of a later conference or hearing session, or by later written notice.

11 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the prehearing conference set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**

12 The names and mailing addresses of all known parties and their known representatives are as follows:

Complainant: Washington Utilities and
Transportation Commission
Richard Hemstad Building
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

Representative: Robert D. Cedarbaum
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
Olympia, WA 98504-7250
(360) 664-1188
bcedarba@utc.wa.gov

Respondent: Harold LeMay Enterprises, Inc.
d/b/a Joe's Refuse
P.O. Box 44459
Tacoma, WA 98448

Representative: David W. Wiley
Attorney at Law
Williams Kastner & Gibbs PLLC
Two Union Square
601 Union Street, Suite 4100
Seattle, WA 98101
(206) 233-2895
dwiley@williamskastner.com

- 13 Administrative Law Judge Dennis J. Moss, from the Commission's Administrative Law Division, will preside during this proceeding.
- 14 The Commission will give parties notice of any other procedural phase of the proceeding in writing or on the record, as appropriate during this proceeding.

DATED at Olympia, Washington, and effective May 28, 2010.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER
Executive Director and Secretary

Inquiries may be addressed to:

Executive Director and Secretary
Washington Utilities and
Transportation Commission
Richard Hemstad Building
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

NOTICE

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

If you need an interpreter, or have other special needs, please fill out this form and return it to Washington Utilities and Transportation Commission, Attention: David W. Danner, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket : _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.: (____) _____