

0001

1

BEFORE THE WASHINGTON

2

UTILITIES AND TRANSPORTATION COMMISSION

3

In re Application No. GA-079175 of) Docket TG-030812

) Volume I

4

ED'S DISPOSAL, INC.) Pages 1-6

)

5

For an Extension of Certificate)

No. G-110 for a Certificate of)

6

Public Convenience and Necessity)

to Operate Motor Vehicles in)

7

Furnishing Solid Waste Collection)

Service.)

8

_____)

9

10

A prehearing conference in the

11

above-entitled matter was held at 1:34 p.m. on

12

Monday, November 17, 2003, at 1300 South Evergreen

13

Park Drive, Southwest, Olympia, Washington, before

14

Administrative Law Judge C. ROBERT WALLIS.

15

16

The parties present were as follows:

17

ED'S DISPOSAL, by James Sells, Attorney
at Law, 9657 Levin Road N.W., Silverdale, Washington,
98383.

19

THE COMMISSION, by Shannon Smith,
Assistant Attorney General, 1400 Evergreen Park
Drive, S.W., P.O. Box 40128, Olympia, Washington
98504-0128.

21

22

23

24

Barbara L. Nelson, CCR

25

Court Reporter

0002

1 JUDGE WALLIS: Let's be on the record,
2 please. The conference will please to come to order.
3 This is a prehearing conference in the matter of
4 Commission Docket Number TG-030812, which is an
5 application of Ed's Disposal, Inc. for an extension
6 of its Certificate Number G-110 for a certificate of
7 public convenience and necessity to operate motor
8 vehicles in furnishing solid waste collection
9 service.

10 This conference is being held at Olympia,
11 Washington, before Administrative Law Judge C.
12 Robert Wallis, pursuant to due and proper notice to
13 all interested persons.

14 Let's begin by asking parties for
15 appearances, please. Mr. Sells.

16 MR. SELLS: Thank you. If Your Honor
17 please, James Sells, Attorney at Law, 9657 Levin
18 Road, Silverdale, 98383. Telephone 360-307-8860;
19 fax, 360-307-8865; e-mail, jimsells@rsulaw.com,
20 representing Applicant, Ed's Disposal.

21 JUDGE WALLIS: Other appearances?

22 MS. SMITH: Yes, Your Honor, Shannon Smith,
23 Assistant Attorney General, appearing on behalf of
24 Commission Staff, 1400 South Evergreen Park Drive,
25 S.W., P.O. Box 40128, Olympia, Washington 98504-0128.

0003

1 Telephone, 360-664-1192; fax, 360-586-5522, I think;
2 e-mail, ssmith@wutc.wa.gov.

3 JUDGE WALLIS: Are there any other
4 appearances to be made? Let the record show that
5 there is no response.

6 For the record, let me state that this
7 matter arises under Chapter 81.77 of the Revised Code
8 of Washington, which requires the Commission to
9 restrict grants of authority in cases where territory
10 is within the service territory of another operator
11 to a decision made upon a record after hearing, and
12 consequently, we are holding this hearing in the
13 absence of a protest to the application.

14 Let the record show that there was no
15 petition for intervention received, and no
16 appearances, other than the Applicant and Commission
17 Staff, were made today.

18 The Commission, in the notice of prehearing
19 conference, asked the Applicant to submit any
20 information that it wished to provide to the
21 Commission in considering this application. The
22 Applicant has done so. Is that correct, Mr. Sells?

23 MR. SELLS: Yes, Your Honor.

24 JUDGE WALLIS: The notice of hearing also
25 indicated that, in light of the circumstances, I

0004

1 would ask the parties whether there is any objection
2 to a waiver of an initial order and to submission of
3 this matter to the Commission upon a written record?

4 MR. SELLS: No objection.

5 JUDGE WALLIS: Is there any objection?

6 MS. SMITH: No, Your Honor.

7 JUDGE WALLIS: Is there anything that the
8 Applicant wishes to add in way of explanation to the
9 information that has been submitted? Mr. Sells.

10 MR. SELLS: Thank you. If Your Honor
11 please, we have submitted a statement of the
12 operations manager, Derek Dietrich. Attached to that
13 a recent financial statement, equipment list, copy of
14 the certificate, copy of the most recent tariff and
15 insurance certificate.

16 I can advise the Commission that this
17 territory has been served by Ed's Disposal since
18 1982, under the mistaken belief that it was part of
19 G-110. As so often has been the case, due to the
20 mapping project, we have found out that it is not.
21 There's approximately 50 residential customers
22 primarily who have always had Ed's. It's our
23 understanding that Waste Management has no desire to
24 serve this territory, as they've always considered it
25 to be Ed's, and have so indicated on the record.

0005

1 JUDGE WALLIS: Let me state that the file in
2 this matter does include a statement from Ms. Polly
3 McNeill, on behalf of Waste Management, stating facts
4 as you've indicated and that they specifically do not
5 protest his application.

6 MR. SELLS: That's my understanding, Your
7 Honor. So we're prepared to submit it on the record.

8 JUDGE WALLIS: Very well. Does Commission
9 Staff have anything to add?

10 MS. SMITH: No, Your Honor, Staff does not
11 have anything to add, other than the fact to say that
12 Staff sees no problems or concerns with respect to
13 this application.

14 JUDGE WALLIS: Very well. Is there anything
15 further that any of the parties would like to add for
16 the record at this time?

17 MR. SELLS: No, Your Honor.

18 MS. SMITH: I was just going to note that
19 this might be a record.

20 JUDGE WALLIS: All right. Well, it's a
21 dubious record, I'm sure, as far as the court
22 reporter is concerned, but we did try to set this in
23 conjunction with another matter. The other matter,
24 however, did settle prior to today's hearing.

25 There being nothing further to come before

0006

1 the Commission at this time, this matter is
2 adjourned, and a final order will be entered by the
3 Commission at the earliest feasible date. Thank you
4 all.

5 MR. SELLS: Thank you, Your Honor.

6 MS. SMITH: Thank you.

7 (Proceedings adjourned at 1:40 p.m.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25