

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

WASTE MANAGEMENT OF
WASHINGTON, INC.,

Respondent.

DOCKET TG-240189
ORDER 02

PREHEARING CONFERENCE
ORDER; NOTICE OF HEARING
(Evidentiary Hearing set for Tuesday,
February 18, 2025, at 9:00 a.m.)

- 1 **NATURE OF PROCEEDING.** On May 20, 2024, the Washington Utilities and Transportation Commission (Commission) issued a complaint against Waste Management of Washington, Inc. (Waste Management or Company) for violations of state law and administrative rule and noticing a prehearing conference for June 21, 2024. On June 10, 2024, Waste Management filed an answer.
- 2 **CONFERENCE.** The Commission convened a telephonic prehearing conference on June 21, 2024, before Administrative Law Judge Michael Howard.
- 3 **APPEARANCES.** Walker Stanovsky and Ame Lewis, Davis Wright Tremaine LLP, represent Waste Management. Lisa Gafken, Assistant Attorney General, Olympia, Washington, represents Commission staff (Staff).¹ Tad Robinson O’Neill, Jessica Johanson-Kubin, and Robert Sykes, Assistant Attorneys General, represent the Public Counsel Unit of the Attorney General’s Office (Public Counsel). 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 **PETITIONS FOR INTERVENTION.** As of the writing of this Order, the Commission has not received any petitions to intervene.

5 **DISCOVERY.** The parties agreed that formal discovery is necessary in this case. Response times to data requests are adjusted as set forth in Appendix B, below.

6 **PROCEDURAL SCHEDULE.** The parties presented an agreed procedural schedule at the prehearing conference. The Commission adopts this procedural schedule, which is attached to this Order as Appendix B. The parties may reschedule the settlement conference without seeking to modify the schedule if the parties agree, but the parties must provide notice to the presiding officer of the rescheduled date.²

7 **MOTION FOR EXEMPTION FROM WAC 480-70-421:** Washington Administrative Code (WAC) 480-70-421 prohibits the release of certain information and provides no exception for discovery in an ongoing Commission proceeding. At the prehearing conference, Waste Management requested a waiver or exemption from this rule to provide certain customer information to Staff and Public Counsel in discovery. Neither Staff nor Public Counsel indicated opposition to this request.

8 WAC 480-70-006(3) provides that the Commission may waive or modify the rules in that chapter upon proper showing, except when such provisions are fixed by statute. The Commission finds that the Parties have made a proper showing that WAC 480-70-421, which is not fixed by statute, should be waived to the extent required for confidential discovery. Strict application of the rule would prohibit the Parties from exchanging information that will ultimately aid the Commission's decision-making. Accordingly, Waste Management's unopposed request is granted. The Commission shall issue a protective order reflecting this exemption.

9 **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.

² WAC 480-07-700(5)(a).

- (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 (michael.howard@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.

- 10 **EXHIBITS FOR CROSS-EXAMINATION.** Parties are required to file with the Commission and serve all proposed cross-examination exhibits by **5 p.m. on Monday, February 10, 2025.** 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.
- 11 **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. Waste Management 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., Monday, February 10, 2025.**
- 12 **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 (michael.howard@utc.wa.gov) and the other parties via email by **5 p.m., Monday, February 10, 2025.**
- 13 **PUBLIC COMMENT HEARING.** No party requested a public comment hearing, and the Commission does not find such a hearing is necessary in this case.

- 14 **NOTICE OF EVIDENTIARY HEARING.** The Commission will hold an evidentiary hearing in this docket on **Tuesday, February 18, 2025, at 9:00 a.m. The hearing will be conducted virtually via Zoom.** To attend the hearing via Zoom, [click here to join meeting](#)³, or call (253) 215-8782 and enter the Conference ID: 868 3804 2107# and use the Passcode: 672401#.
- 15 **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).
- 16 **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 July 5, 2024.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Michael S. Howard

MICHAEL S. HOWARD

Administrative Law Judge

³ <https://utc-wa-gov.zoom.us/j/86838042107?pwd=88TYkszPSiIwbR174x5FAT5XCIZtS3.1>

**APPENDIX A
PARTIES' REPRESENTATIVES
DOCKET TG-240189**

PARTY	REPRESENTATIVE	PHONE	E-MAIL
Waste Management	Walker Stanovsky Davis Wright Tremaine LLP 920 Fifth Avenue, Suite 3300 Seattle, WA 98104-1610	(206) 757-8259	WalkerStanovsky@dwt.com
	Ame Lewis Senior Legal Counsel Waste Management 7227 NE 55th Avenue Portland, OR 97218	(206) 919-3236	ALewis6@wm.com
	Nancy Foley		nancyfoley@dwt.com
	Sabrina Goodwin		Sgwood11@wm.com
Commission Staff	Lisa W. Gafken Office of the Attorney General P.O. Box 40128 Olympia, WA 98504-7250	(206) 714-3551	lisa.gafken@atg.wa.gov
	Jeanne Roth		Jeanne.Roth@atg.wa.gov
	Elizabeth (Betsy) DeMarco		Elizabeth.DeMarco@atg.wa.gov
Public Counsel	Tad Robinson O'Neill Assistant Attorney General, Interim Unit Chief 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
	Robert Sykes Assistant Attorney General	(206) 389-2055	Robert.Sykes@atg.wa.gov
	Jessica Johanson-Kubin Assistant Attorney General	(206) 521-3211	Jessica.Johanson-Kubin@atg.wa.gov

**APPENDIX B
PROCEDURAL SCHEDULE
DOCKET TG-240189**

EVENT	DATE
Entry of Complaint	May 20, 2024
Prehearing Conference	June 21, 2024
Settlement Conference	July 19, 2024
Staff Testimony	October 22, 2024
Company and Public Counsel Response Testimony	November 22, 2024⁴
Staff Rebuttal and Cross-Answering Testimony	December 20, 2024⁵
Discovery Deadline	January 27, 2025
Cross Exhibits, Cross-Examination Time Estimates, Exhibit Lists, and Errata	February 10, 2025
Evidentiary Hearing	February 18, 2025
Simultaneous Post-hearing Briefs	March 18, 2025

⁴ Response times to data requests are reduced to 7 business days as of this date.

⁵ Response times to data requests are reduced to 5 business days as of this date.