

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

WASTE CONNECTIONS OF)	DOCKET TG-071194
WASHINGTON, INC.)	
)	
Complainant,)	
)	NOTICE OF PREHEARING
v.)	CONFERENCE
)	(Set for August 2, 2007, 1:30 p.m.)
ENVIRO/CON & TRUCKING, INC., a)	
Washington Corporation,)	
ENVIROCON, INC., a Corporation,)	
and WASTE MANAGEMENT)	
DISPOSAL SERVICES OF OREGON,)	
INC.,)	
)	
Respondents.)	
.....)	

1 On June 12, 2007, Waste Connections of Washington, Inc. (Complainant), filed a complaint and, alternatively, petition for declaratory order, and application for brief adjudicative proceeding with the Washington Utilities and Transportation Commission (Commission) against Enviro/Con & Trucking, Inc., Envirocon, Inc., and Waste Management Disposal Services of Oregon, Inc., (Respondents). The Complainant requests the Commission issue a Cease and Desist Order directing Respondents to cease and desist from engaging in the collection and transportation of solid waste from the Evergreen Aluminum remediation site in unincorporated Clark County for disposal without certificated authority or declare that the subject solid waste collection activity to be developed on this record is subject to RCW 81.77.040, RCW 81.77.100 and WAC 480-70-006, *et seq.* The complaint is available for inspection at the Commission’s office located at Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington, and on the Commission's web site at www.wutc.wa.gov/071194. It is appropriate that the matter raised in the pleading be brought for hearing before the Commission.

2 **STATUTORY AUTHORITY:** The Commission has jurisdiction over this matter under RCW Title 81, and has legal authority to regulate the rates, services, and practices of solid waste collection companies. The statutes that apply to this matter

include RCW 80.01, RCW 80.04, and RCW 81.77, including but not limited to RCW 80.01.040 and RCW 80.04.020. The rules that apply to this matter include those within WAC 480-70, relating to solid waste collection companies.

3 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 34.05.431, RCW 34.05.440, RCW 34.05.443, RCW 34.05.449, and RCW 34.05.452. The Commission will also follow its procedural rules in WAC 480-07 in this proceeding.

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

5 **THE COMMISSION GIVES NOTICE That a prehearing conference in this matter will be held on Thursday, August 2, 2007, at 1:30 p.m., First Floor, Room 108, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

6 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.

7 **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

8 **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. The Commission specifically invokes the sanction provisions of WAC 480-07-450 which allow the Commission to seek penalties for a party in default.**

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

Complainant: Waste Connections of Washington, Inc.
9411 N.E. 94th Avenue
Vancouver, WA 98662

Representative: David W. Wiley
Jacob M. Downs
Attorneys at Law
Williams, Kastner & Gibbs PLLC
Two Union Square
601 Union Street, Suite 4100
Seattle, WA 98101-2380
(206) 233-2895
dwiley@williamskastner.com

Respondent: Enviro/Con & Trucking, Inc.
29620 Old Hwy. 99
Stanwood, WA 98292

Representative: Polly L. McNeill
Attorney at Law
Summit Law Group PLLC
315 Fifth Avenue S., Suite 1000
Seattle, WA 98104-2682
(206) 676-7000
Polym@summitlaw.com

Respondent: Envirocon, Inc.
3330 N.W. Yeon Avenue, Suite 240
Portland, OR 97210

Representative: John R. Herrig
Herrig, Vogt & Stoll, LLP.
1030 North Center Parkway, Suite 201
Kennewick, WA 99336
(509) 943-6691
jrh@hvslaw.com

Respondent: Waste Management Disposal Services of Oregon, Inc.
18177 Cedar Springs Lane
Arlington, OR 97812

Representative: Polly L. McNeill
Attorney at Law
Summit Law Group PLLC
315 Fifth Avenue S., Suite 1000
Seattle, WA 98104-2682
(206) 676-7000
Pollym@summitlaw.com

- 10 Administrative Law Judge Theodora M. Mace from the Commission's
Administrative Law Division will preside during this proceeding.
- 11 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 July 16, 2007.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN
Executive Secretary

Inquires may be addressed to:

Executive 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

PLEASE BE ADVISED that the hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and that if limited English-speaking or 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.

The information needed to provide an appropriate interpreter or other assistance should be designated below and returned to Washington Utilities and Transportation Commission, Attention: Carole J. Washburn, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (SUPPLY ALL REQUESTED INFORMATION)

Docket No.: _____

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.: (____) _____