

[Service Date October 23, 2003]

October 23, 2003

**NOTICE CONCERNING PROCESS FOR COMMISSION
CONSIDERATION OF PROPOSED SETTLEMENT AGREEMENT**

RE: *Murrey's Disposal Company, Inc., G-9 v. Waste Management of Washington, Inc., G-237, Docket No. TG-030673*

TO ALL PARTIES:

On October 21, 2003, counsel for Waste Management of Washington, Inc., with the endorsement of counsel for Murrey's Disposal Company, filed a letter stating that the Complainant and Respondent have achieved a settlement in principle in this proceeding. This Notice proposes a "paper record" process by which the parties may officially bring their settlement before the Commission so that it can be considered for approval and adoption as a full and final resolution of this proceeding.

The settlement agreement must be presented in written form. It must be signed by the principal parties and may be signed by Commission Staff and intervenor Washington Refuse and Recycling Association ("WRRA"). Another option for Commission Staff and WRRA is to file a letter stating whether they support, oppose, or take no position on the settlement. The settlement agreement will be made an exhibit for the record.

We must have some evidence in the record to show that the settlement agreement is in the public interest. This could be in the form of recitations in the settlement agreement itself that show, for example, that persons residing in the subject service territory will be adequately (or better) served if the settlement is adopted, than would be the case if litigation continues and the matter remains unresolved for some period of time. If the representations of fact are included in the settlement agreement, the parties' signatures will need to be given under

oath before a notary. Alternatively, the principal parties could submit affidavits providing sworn evidence to show that the agreement is in the public interest. Staff and WRRRA also would be allowed to file affidavits, if they elect to do so.

The principal parties also should consider filing written waivers of their right to an Initial Order. If they waive this right, the matter can be taken directly to the Commissioners for final determination. If the Commission enters an order approving and adopting the settlement agreement, a compliance filing could quickly follow to implement the terms of the agreement. This approach would be the most efficient and could be accomplished more quickly under governing statutes and rules than would be the case if an Initial Order were entered.

If the parties require clarification or wish to propose alternative or additional process, they are invited to initiate a conference call to the undersigned presiding ALJ to discuss procedural matters. Alternatively, the parties may simply inform the presiding ALJ by letter of their adoption of the process described in this Notice, and state the date by which they intend to file the written record, as outlined.

Sincerely,

DENNIS J. MOSS
Administrative Law Judge