

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

In the Matter of the Petition of)	
)	DOCKET TG-101542 (<i>Consolidated</i>)
MASON COUNTY GARBAGE CO.,)	
INC. d/b/a MASON COUNTY)	ORDER 03
GARBAGE, G-88,)	
)	
Requesting Authority to Retain Thirty)	
Percent of the Revenue Received From)	
the Sale of Recyclable Materials)	
Collected in Residential Recycling)	
Service)	
.....)	
In the Matter of the Petition of)	
)	DOCKET TG-101545 (<i>Consolidated</i>)
MURREY’S DISPOSAL COMPANY,)	
INC., G-9,)	ORDER 03
)	
Requesting Authority to Retain Fifty)	
Percent of the Revenue Received From)	
the Sale of Recyclable Materials)	
Collected in Residential Recycling)	
Service)	
.....)	
In the Matter of the Petition of)	
)	DOCKET TG-101548 (<i>Consolidated</i>)
AMERICAN DISPOSAL COMPANY,)	
INC., G-87,)	ORDER 03
)	
Requesting Authority to Retain Fifty)	
Percent of the Revenue Received From)	PREHEARING CONFERENCE
the Sale of Recyclable Materials)	ORDER
Collected in Residential Recycling)	
Service)	
.....)	

- 1 **NATURE OF PROCEEDING.** This proceeding arises out of petitions for reconsideration of the provision in Order 01 requiring revenues from recycling that have not been spent during a prior or current plan period be carried forward to the following plan period.
- 2 **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in this docket at Olympia, Washington on December 20, 2010, before Administrative Law Judge Gregory J. Kopta.
- 3 **APPEARANCES.** David W. Wiley, Williams Kastner, Seattle, WA, represents petitioners Mason County Garbage, Murrey's Disposal Company, Inc. and American Disposal Company, Inc. James K. Sells, Attorney at Law, Gig Harbor, WA, represents the Washington Refuse and Recycling Association. Polly L. McNeill, Summit Law Group, Seattle, WA, represents Waste Management of Washington, Inc. Fronda Woods, Assistant Attorney General, Olympia, WA, represents the Commission's regulatory staff (Commission Staff or Staff).¹ Contact information provided at the conference for the parties' representatives is attached as Appendix A to this order.
- 4 **PETITIONS FOR INTERVENTION.** Washington Refuse and Recycling Association petitioned in writing and Waste Management of Washington, Inc., appeared at the conference and petitioned orally to intervene in these dockets. No party objected to either of the petitions for intervention, which were granted.
- 5 **CONSOLIDATION.** The Commission previously entered an order consolidating these three dockets. They are related to consolidated dockets TG-101220, TG-101221, and TG-101222 (Waste Management Dockets), but not sufficiently related to warrant consolidation with those dockets at this time

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.*

- 6 **PROTECTIVE ORDER.** The parties ask that the Commission enter a protective order in this docket under RCW 34.05.446, RCW 80.04.095, WAC 480-07-420 and WAC 480-07-423 to protect the confidentiality of proprietary information. The request was granted and a protective order will be entered in this docket.
- 7 **DISCOVERY.** It does not appear that discovery will be required in this proceeding. If parties see a need for discovery, any party may move that the Commission make discovery available under WAC 480-07-400 – 425.
- 8 **PROCEDURAL SCHEDULE.** The parties agreed on, and the Commission adopts, the following procedural schedule:
- February 9, 2011 – All parties file motions for summary determination
February 28, 2011 – All parties file responses to other parties’ motions
- 9 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file an original plus three copies of all pleadings, motions, briefs, and other prefiled materials. These materials must conform to the format and publication guidelines in WAC 480-07-395 and WAC 480-07-460. The Commission prefers that materials be three-hole punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.
- 10 All filings must be mailed or delivered to the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive S.W. Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.
- 11 An electronic copy of all filings must be provided through the Commission’s Web Portal (www.utc.wa.gov/e-filing) or by e-mail delivery to <records@utc.wa.gov >. Alternatively, parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette or CD including the filed document(s). Parties must furnish electronic copies in MS Word 6.0 (or later) supplemented by a separate file in .pdf (Adobe Acrobat) format. Parties must follow WAC 480-07-140(5) in organizing and identifying electronic files.

- 12 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Parties may submit documents electronically to the Commission on the filing deadline to expedite the filing process, but must file an original, plus three paper copies, of the documents with the Commission by 12:00 noon on the first business day following the filing deadline established in the procedural schedule. *WAC 480-07-145(6)*. Parties may submit documents electronically through the Commission's Web Portal (www.utc.wa.gov/efiling) or by e-mail to records@utc.wa.gov. Finally, to perfect filing, parties must simultaneously provide e-mail courtesy copies of filings to the presiding administrative law judge as well as to the parties to the proceeding.
- 13 **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 does have limited ability to provide dispute resolution services; if you wish to explore those services, please call the Director, Administrative Law Division, at 360-664-1355.
- 14 **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 the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective December 21, 2010.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

GREGORY J. KOPTA
Administrative Law Judge

APPENDIX A

**PARTIES' REPRESENTATIVES
 DOCKETS TG-101542, et al.**

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
Mason County Garbage, Murrey's Disposal Company, Inc. and American Disposal Company, Inc.	David W. Wiley Williams Kastner 601 Union Street, Suite 4100 Seattle, WA 98101	206-233-2895	206-628-6611	dwiley@williamskastner.com
Washington Refuse and Recycling Association	James K. Sells Attorney at Law PMB 22 3110 Judson Street Gig Harbor, WA 98335	360-981-0168		jamesells@comcast.net
Waste Management of Washington, Inc.	Polly L. McNeill Summit Law Group PLLC 315 Fifth Avenue S. Suite 1000 Seattle, WA 98104	206-676-7040	206-676-7001	pollym@summitlaw.com
Commission Staff	Frona Woods Assistant Attorney General 1400 S. Evergreen Park Drive S.W. P.O. Box 40128 Olympia, WA 98504-0128	360-664-1225	360-586-5522	fwoods@utc.wa.gov