



STATE OF WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION  
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November 26, 2014

**NOTICE SUSPENDING PROCEDURAL SCHEDULE**

**AND**

**NOTICE OF OPPORTUNITY TO RESPOND TO SETTLEMENT AGREEMENT  
(By December 4, 2014)**

RE: *In the Matter of Determining the Proper Carrier Classification of, and Complaint for Penalties Against McAuliffe Auto Sales, Inc. d/b/a Maltby Container & Recycling*, Docket TG-120308 (consolidated), and

*In the Matter of the Penalty Assessment Against McAuliffe Auto Sales, Inc. d/b/a Maltby Container & Recycling*, Docket TG-140512 (consolidated)

TO ALL PARTIES:

On June 19, 2012, the Washington Utilities and Transportation Commission (Commission) entered an Initial Order Approving Settlement Agreement; Requiring Respondent to Cease and Desist Operations; Imposing Penalties (Order 02). In Order 02, the Commission ordered McAuliffe Auto Sales, Inc. d/b/a Maltby Container (Maltby Container) to cease and desist advertising and providing all forms of solid waste collection service; imposed a penalty of \$1,000, of which \$700 was suspended for a one year period on condition that Maltby Container commit no further violations of RCW 81.77.040; and ordered Commission Staff (Staff) to conduct a compliance review and inspection of the business operations of Maltby Container in one year and then recommend whether or not the suspended penalty should be imposed.

On January 30, 2014, Staff filed its report of its compliance review and inspection of Maltby Container. On April 1, 2014, the Commission issued a penalty in the amount \$27,100 against Maltby Container in Docket TG-140512 for providing solid waste

collection services requiring a Commission certificate in violation of Order 02. In addition, on April 2, 2014, the Commission issued a Notice of Intent to Impose Suspended Penalty in Docket TG-120308.

On May 14, 2014, the Commission consolidated Dockets TG-120308 and TG-140512 and set the matter for hearing. On June 13, 2014, Staff and Maltby Container jointly moved to continue the hearing and hold a prehearing conference. The Commission granted the motion and conducted a prehearing conference on July 8, 2014. On July 10, 2014, the Commission served Order 03, Prehearing Conference Order; Notice of Hearing, reflecting the Administrative Law Judge's decisions at the prehearing conference, which included granting the motions for intervention of three additional parties, the Washington Refuse and Recycling Association, Waste Management of Washington, Inc., and Lauts, Inc. d/b/a Lautenbach Industries, Inc. Order 03 adopted a prehearing schedule for this proceeding and set an evidentiary hearing for January 21-22, 2015.

On November 25, 2014, Staff filed a settlement agreement on behalf of Staff and Maltby Container (Settlement Agreement) and requested the Commission suspend the procedural schedule.

The Commission finds good cause to suspend the procedural schedule and therefore grants the parties' request. The interveners in this proceeding – the Washington Refuse and Recycling Association, Waste Management of Washington, Inc., and Lauts, Inc. d/b/a Lautenbach Industries, Inc. – may respond to the Settlement Agreement by filing written comments with the Commission no later than December 4, 2014.

**THE COMMISSION GIVES NOTICE That the procedural schedule in this matter is suspended. The interveners may respond to the Settlement Agreement by filing written comments with the Commission by December 4, 2014.**

GREGORY KOPTA  
Administrative Law Judge