

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

MURREY’S DISPOSAL COMPANY,

Respondent.

DOCKET TG-230778

ORDER 05

ORDER TO SUPPLEMENT THE
RECORD

BACKGROUND

- 1 On December 21, 2023, the Washington Utilities and Transportation Commission (Commission) suspended this matter, which concerns Murrey’s Disposal Company’s (Murrey’s or Company) most recent rate case, pending an investigation into whether the filed rates were fair, just, reasonable, and sufficient.
- 2 On February 5, 2024, the Commission issued Order 02, setting a procedural schedule for this proceeding.¹
- 3 Order 02 set March 8, 2024, as the final date for the filing of direct testimony by the Company. On February 22, 2024, the presiding officer granted by email an unopposed motion for a continuance, to extend the deadline to March 19, 2024.
- 4 On March 19, 2024, the Company submitted a series of transcripts through the Commission’s e-filing portal. The cover letter for the submission of transcripts stated “Exhibits being filed that are marked Confidential and Nonconfidential will be filed and served in separate transmissions. . . .”²

¹ Order 02, Appendix B (February 5, 2024).

² Cover Letter, “Re: Respondent Murrey’s/Olympic Disposal’s Direct Testimonies and Exhibits,” ¶ 1, (March 19, 2024)

5 Links to the exhibits were emailed to opposing counsel, and the presiding officer. They
were not filed by separate cover in a manner consistent with the Commission’s
procedural rules.

6 We note that on Thursday, April 18, 2024, the Company filed some of its exhibits in
support of its direct testimony to supplement the record, via the portal, in accordance with
the Commission’s rules. Part of the submission was deficient.

DISCUSSION AND DECISION

7 For the sake of administrative economy, we raise and address this issue *sua sponte*.

8 The Commission rule on filing documents in adjudicative proceedings provides that:

Electronic filing is required. Except as otherwise required by these rules or
other law, documents filed in an adjudicative proceeding must be submitted
electronically using the commission's records center web portal no later than
5:00 p.m. on the date the documents are required to be filed unless the
commission establishes an earlier time.

(a) Submissions exceeding size limitations. If the submission exceeds the
size limitations of the commission's web portal, the submission will be
timely if the documents are submitted by 5:00 p.m. through one of the
options specified in WAC 480-07-140(5).³

9 The Commission’s general requirements for submission of electronic documents provides
several pathways to file. When an electronic “submission exceeds the size limitations of
the commission’s web portal for a single submission” then the submitter may hand-
deliver, mail, or email the submissions – subject to the rules of WAC 480-07-140.

10 The rule specific to email submissions states, “[a]n email and any transmitted documents
are deemed received only when the email and the entire document or set of documents
successfully reach the commission’s records center electronic mailbox.”⁴

³ WAC 480-07-365.

⁴ WAC 480-07-140(5)(b)(ii).

- 11 The Commission’s contact information identifies “records@utc.wa.gov” as the “Records center email.”⁵
- 12 Notwithstanding procedural deficiencies, “[t]he commission may allow amendments to pleadings, motions, or other documents on such terms as promote fair and just results.” WAC 480-07-395(5). Ensuring all relevant arguments are fully adjudicated and entered into the record is vital to the just disposition of this matter.⁶ Neither Public Counsel nor Staff objected to the Commission ordering the submission of the deficiently filed exhibits.

ORDER

- 13 (1) For the reasons stated in the body of this Order, the Commission accepts those of Murrey’s Disposal Company’s exhibits which were filed today that complied with the Commission’s Rules.
- 14 (2) Additionally, the Commission directs Murrey’s Disposal Company to further supplement the record by filing the remaining exhibits in support of its direct testimony, in accordance with the Commission’s procedural rules, by 5:00 pm, Monday, April 22, 2024.⁷
- 15 (3) If either Staff or Public Counsel believes that there is a need to further amend the procedural schedule to accommodate this delay in filing, they shall inform the presiding officer and other parties by Friday, April 26, 2024.

Dated at Olympia, Washington, and effective April 18, 2024.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Bijan Hughe
BIJAN HUGHES
Administrative Law Judge

⁵ WAC 480-07-125.

⁶ See Order 04, ¶ 42 (March 29, 2024).

⁷ We note that the Record Center can provide technical support to the parties.