

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

WASHINGTON UTILITIES AND	)	DOCKET TG-091933
TRANSPORTATION COMMISSION,	)	( <i>Consolidated</i> )
	)	
Complainant,	)	ORDER 03
	)	
v.	)	
	)	PREHEARING CONFERENCE
WASTE MANAGEMENT OF	)	ORDER; SETTING BRIEFING
WASHINGTON, INC., d/b/a WASTE	)	SCHEDULE ON PETITION
MANAGEMENT OF SNO-KING,	)	
	)	
Respondent.	)	
	)	
.....	)	
	)	
In the Matter of the Petition of	)	DOCKET TG-091945
	)	( <i>Consolidated</i> )
	)	
WASTE MANAGEMENT OF	)	
WASHINGTON, INC., d/b/a WASTE	)	ORDER 02
MANAGEMENT OF SNO-KING	)	
	)	
For Rule Interpretation or Alternatively	)	PREHEARING CONFERENCE
For Modification or Exemption of	)	ORDER; SETTING BRIEFING
WAC 480-07-520(4)	)	SCHEDULE ON PETITION
	)	
.....	)	

1 **NATURE OF PROCEEDING.** Docket TG-091933 involves a proposed tariff revision filed with the Washington Utilities and Transportation Commission (Commission) by Waste Management of Washington, Inc., d/b/a Waste Management of Sno-King (Waste Management) on December 17, 2009. If approved by the Commission, the new tariff would increase Waste Management’s rates by approximately \$475,301 or 4.4 percent. The Commission suspended operation of the proposed tariff by order entered on January 14, 2010.

DOCKET TG-091945 (*Consolidated*)  
ORDER 02

- 2 Docket TG-091945 involves a petition from Waste Management seeking the Commission's determination of how the Company should comply with the filing requirements set out in WAC 480-07-520(4). According to information presented at the Commission's Open Meeting on January 14, 2010, the form and completeness of the Company's above-noted proposed tariff revision may be affected by the Commission's ruling on this petition. Therefore, the Commission consolidated Waste Management's petition for rule interpretation with its proposed tariff revision.
- 3 **CONFERENCE.** The Commission entered an Order of Consolidation and Notice of Prehearing Conference on January 14, 2010, and scheduled a prehearing conference in this docket for Friday, January 22, 2010, at 9:30 a.m. Administrative Law Judge (ALJ) Adam E. Torem conducted the prehearing conference at the Commission's offices in Olympia, Washington, as scheduled.
- 4 **APPEARANCES.** Polly L. McNeill, Summit Law Group PLLC, Seattle, Washington, represents Waste Management. James K. Sells, Ryan Sells Uptegraft, Inc. P.S., Silverdale, Washington, represents Intervenor Washington Refuse and Recycling Association (WRRRA). Jonathan Thompson, Assistant Attorney General, Olympia, Washington, represents the Commission's regulatory staff ("Commission Staff" or "Staff").<sup>1</sup> Contact information provided at the conference for the parties' representatives is attached as Appendix A to this order.
- 5 **PETITION FOR INTERVENTION.** The WRRRA, a trade association representing solid waste haulers in Washington, filed a petition to intervene in this proceeding. Noting that WRRRA did not intend to broaden the issues presented by the petition, neither Waste Management nor Commission Staff opposed WRRRA's intervention. Therefore, in accordance with RCW 34.05.443 and WAC 480-07-355(3), WRRRA's petition was granted.

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<sup>1</sup> 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.*

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6 **WAIVER OF INITIAL ORDER.** In accordance with WAC 480-07-820(1)(b)(iv), all parties waived their right to an initial order. As a result, the Commissioners will issue a final order in this matter.

7 **PROCEDURAL SCHEDULE.** Following discussions at the prehearing conference, the parties agreed to an expedited briefing schedule as follows:

Friday, January 29, 2010	Joint Stipulation of Facts
Friday, January 29, 2010	Commission Staff Response to Petition
Wednesday, February 3, 2010	Waste Management Reply to Commission Staff WRRR Reply to Commission Staff
Friday, February 5, 2010	Commission Staff Rebuttal (if necessary)

Waste Management seeks a ruling on its petition as soon as possible so that the merits of its proposed rate increase can be promptly considered and, if approved, allowed to become effective.

8 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file an original plus ten (10) 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.

9 All filings must be mailed or delivered to the Executive 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.

10 An electronic copy of all filings must be provided through the Commission's Web Portal ([www.wutc.wa.gov/e-filing](http://www.wutc.wa.gov/e-filing)) or by e-mail delivery to [records@utc.wa.gov](mailto: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.

- 11 **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 ten (10) 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](http://www.utc.wa.gov/efiling)) or by e-mail to [records@utc.wa.gov](mailto:records@utc.wa.gov). Finally, to perfect filing, parties must simultaneously provide e-mail courtesy copies of filings to the presiding administrative law judge and advisory staff identified on Appendix A to this Order as well as to the parties to the proceeding.
- 12 **NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

DATED at Olympia, Washington, and effective January 25, 2010.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

ADAM E. TOREM  
Administrative Law Judge

**APPENDIX A**

**PARTIES' REPRESENTATIVES**  
**DOCKET TG-091933 / DOCKET TG-091945**

<b>PARTY</b>	<b>REPRESENTATIVE</b>	<b>PHONE</b>	<b>FACSIMILE</b>	<b>E-MAIL</b>
<b>WASTE MANAGEMENT OF WASHINGTON, INC.</b>	<b>POLLY L. MCNEILL</b> Summit Law Group PLLC 315 Fifth Avenue South, Ste 1000 Seattle, WA 98104	206-676-7040	206-676-7041	<a href="mailto:pollym@summitlaw.com">pollym@summitlaw.com</a>
<b>WASHINGTON REFUSE AND RECYCLING ASSOCIATION</b>	<b>JAMES K. SELLS</b> Ryan Sells Uptegraft, Inc. P.S. 9657 Levin Road NW, Ste 240 Silverdale, WA 98383	360-307-8860	360-307-8865	<a href="mailto:jimsells@rsulaw.com">jimsells@rsulaw.com</a>
<b>COMMISSION STAFF</b>	<b>JONATHAN THOMPSON</b> Asst. Attorney General 1400 S Evergreen Park Dr SW P.O. Box 40128 Olympia, WA 98504-0128	360-664-1125	360-586-5522	<a href="mailto:JThomps@utc.wa.gov">JThomps@utc.wa.gov</a>
<b>Admin. Law Judge</b>	<b>ADAM E. TOREM</b> 1300 S Evergreen Park Dr SW P.O. Box 47250 Olympia, WA 98504-7250	360-664-1138	360-664-2654 [ALD fax only – do <u>not</u> use to file]	<a href="mailto:atorem@utc.wa.gov">atorem@utc.wa.gov</a>