

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of	)	DOCKET TG-120673
	)	
PROTHRIVE OPERATIONS, LLC	)	
d/b/a RUBBISH WORKS	)	
	)	NOTICE OF PREHEARING
For a Certificate of Public Convenience	)	CONFERENCE
and Necessity to Operate Motor	)	<b>(Set for August 13, 2012,</b>
Vehicles in Furnishing Solid Waste	)	<b>at 1:30 p.m.)</b>
Collection Service	)	
.....	)	

1 On May 9, 2012, Prothrive Operations, LLC d/b/a Rubbish Works (Rubbish Works), filed with the Washington Utilities and Transportation Commission (Commission) an application for a certificate of public convenience and necessity to operate motor vehicles in furnishing solid waste recyclable collection service limited to temporary drop boxes to residential customers in the following territory:

Puget Sound to the west, north of Federal Way and Auburn, and south of Everett. The eastern boundary is bounded by State Route 18 and Federal Way through Auburn to Snoqualmie, State Route 202 from Snoqualmie to Fall City, State Route 203 from Fall City to Monroe and State Highway 2 from Monroe to Everett.

Notice of the Application was published in the Commission’s weekly Docket on May 31, 2012.

2 **STATUTORY AUTHORITY:** The Commission has jurisdiction over this matter under RCW Title 81, and has legal authority to regulate persons seeking to furnish solid waste collection services under RCW 81.77 and WAC 480-70. The statutes that apply to this matter include RCW 80.01, RCW 81.04, RCW 81.28, and RCW 81.77, including but not limited to RCW 80.01.040, RCW 81.04.020, and RCW 81.77.040.

3 The Commission will hear this matter under the Administrative Procedure Act (APA), particularly Part IV of RCW 34.05 relating to adjudications. The provisions of the APA that relate to this proceeding include, but are not limited to RCW 34.05.413, RCW 34.05.422, RCW 34.05.431, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452. The Commission will also follow its procedural rules in WAC 480-07 in this proceeding.

4 The issues in this proceeding include whether the issuance of a certificate to Rubbish  
Works for the service it proposes is necessary and is otherwise consistent with the  
public interest, and whether any other carriers authorized to serve in the territory  
requested are serving to the satisfaction of the Commission.

5 **THE COMMISSION GIVES NOTICE That it will hold a prehearing conference  
in this matter at 1:30 p.m., on August 13, 2012, in the Commission's Hearing  
Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive  
S.W., Olympia, Washington.**

6 The purpose of the prehearing conference is to consider requests for intervention,  
resolve scheduling matters including establishing dates for distributing evidence and  
workpapers, to identify the issues in the proceeding and determine other matters to  
assist the Commission in resolving the matter, as listed in WAC 480-07-430.

7 **INTERVENTION:** Persons who wish to intervene should file a petition to intervene  
in writing at least three business days before the date of the prehearing conference.  
*See* WAC 480-07-355(a). The Commission will consider oral petitions to intervene  
during the conference, but strongly prefers written petitions to intervene. Party  
representatives must file a notice of appearance with the Commission no later than the  
business day before the conference. *See* WAC 480-07-345(2). Any party or witness  
in need of an interpreter or other assistance should fill out the form attached to this  
notice and return it to the Commission. The Commission will set the time and place  
for any evidentiary hearings at the prehearing conference, on the record of a later  
conference or hearing session, or by later written notice.

8 **THE COMMISSION GIVES NOTICE that any party who fails to attend or  
participate in the prehearing conference set by this Notice, or any other stage of  
this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-  
450.**

9 The names and mailing addresses of all known parties and their known  
representatives are as follows:

Applicant: Prothrive Operations, LLC  
d/b/a Rubbish Works  
14210 NE 21<sup>st</sup> Street  
Bellevue, WA 98007  
(425) 213-5280  
[tstokes@rubbishworks.com](mailto:tstokes@rubbishworks.com)

Representative: Unknown

Protestants: Washington Refuse & Recycling Association  
4160 - 6<sup>th</sup> Avenue SE  
Suite 205  
Lacey, WA 98503

Rubatino Refuse Removal, Inc.  
2812 Hoyt Avenue  
P.O. Box 1029  
Everett, WA 98206-1029

Sound Disposal, Inc.  
P.O. Box 487  
Edmonds, WA 98020-0487

Representative: James K. Sells  
Attorney at Law  
PMB 22  
3110 Judson St.  
Gig Harbor, WA 98335  
(360) 981-0168  
[jamesells@comcast.net](mailto:jamesells@comcast.net)

Protestants: Rabanco LTD  
d/b/a Lynnwood Disposal, Eastside Disposal,  
Rabanco Companies, Sea-Tac Disposal,  
Allied Waste Services of Bellevue,  
Allied Waste Services of Kent, and  
Allied Waste Services of Lynnwood  
54 South Dawson Street  
Seattle, WA 98134

Fiorito Enterprises Inc. and Rabanco Companies  
d/b/a Kent-Meridian Disposal Co.  
1600 127<sup>th</sup> Ave. NE  
Bellevue, WA 98005

Representative: David W. Wiley  
Attorney at Law  
Williams, Kastner & Gibbs PLLC  
Two Union Square  
601 Union Street, Suite 4100  
Seattle, WA 98101  
(206) 233-2895  
[dwiley@williamskastner.com](mailto:dwiley@williamskastner.com)

Protestant: Waste Management of Washington, Inc.  
13225 NE 126<sup>th</sup> Place  
Kirkland, WA 98034

Representative: Polly L. McNeill  
Summit Law Group PLLC  
315 Fifth Avenue S, Suite 1000  
Seattle, WA 98104  
(206) 676-7040  
[polym@summitlaw.com](mailto:polym@summitlaw.com)

Commission Staff: Michael A. Fassio  
Assistant Attorney General  
1400 S. Evergreen Park Drive S.W.  
P.O. Box 40128  
Olympia, WA 98504-0128  
(360) 664-1192  
[mfassio@utc.wa.gov](mailto:mfassio@utc.wa.gov)

10 Administrative Law Judge Dennis J. Moss, from the Commission's Administrative Law Division, will preside during this proceeding.

- 11 The Commission will give parties notice of any other procedural phase of the proceeding in writing or on the record, as appropriate during this proceeding.

DATED at Olympia, Washington, and effective July 18, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER  
Executive Director and Secretary

Inquiries may be addressed to:

Executive Director and Secretary  
Washington State Utilities and  
Transportation Commission  
Richard Hemstad Building  
1300 S. Evergreen Park Drive S.W.  
P.O. Box 47250  
Olympia, WA 98504-7250  
(360) 664-1160

**NOTICE**

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

If you need an interpreter, or have other special needs, please fill out this form and return it to Washington State Utilities and Transportation Commission, Attention: David W. Danner, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket : \_\_\_\_\_

Case Name: \_\_\_\_\_

Hearing Date: \_\_\_\_\_ Hearing Location: \_\_\_\_\_

Primary Language: \_\_\_\_\_

Hearing Impaired (Yes) \_\_\_\_\_ (No) \_\_\_\_\_

Do you need a certified sign language interpreter:

Visual \_\_\_\_\_ Tactile \_\_\_\_\_

Other type of assistance needed: \_\_\_\_\_

English-speaking person who can be contacted if there are questions:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: (\_\_\_\_) \_\_\_\_\_