

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of

PNW Compost, Inc.,

For Authority to Operate as a Solid  
Waste Collection Company in  
Washington

DOCKET TG-230798

ORDER 01

PREHEARING CONFERENCE  
ORDER; NOTICE OF HEARING  
**(Evidentiary Hearing set for May 8,  
2024, at 9:30 a.m.)**

- 1 **NATURE OF PROCEEDING.** On October 4, 2023, PNW Compost Inc., (PNW or Applicant) filed with the Washington Utilities and Transportation Commission (Commission) an application for authority to operate as a solid waste collection company in Washington (Application). On October 16, 2023, Waste Connections of Washington, Inc., and Waste Control, Inc., filed protests to the Application.
- 2 **CONFERENCE.** The Commission convened a virtual prehearing conference on November 30, 2023, before Administrative Law Judge Bijan Hughes.
- 3 **APPEARANCES.** Nathan Scott and Derek Scott, co-owners, represent PNW. David W. Wiley and Sean D. Leake of Williams, Kastner & Gibbs PLLC, represent Waste Connections of Washington, Inc. and Waste Control Inc. Rod Whitaker represents Washington Refuse and Recycling Association (WRRRA). Contact information for the parties' representatives is attached as Appendix A to this Order.
- 4 **PETITIONS FOR INTERVENTION.** On November 3, 2023, WRRRA filed with the Commission a Petition to Intervene (Petition). Both prior to and during the prehearing conference, no party objected to the Petition. At the November 30, 2023, prehearing conference the presiding administrative law judge granted the petition, after finding that WRRRA had established a substantial interest in this proceeding and that its participation was in the public interest.<sup>1</sup>
- 5 **DISCOVERY.** In order to facilitate an efficient resolution to this matter, discovery will be immediately available to the parties, and shall be conducted under the Commission's discovery rules, WAC 480-07-400 – 425. The Commission urges the parties to work

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<sup>1</sup> WAC 480-07-355.

cooperatively together to avoid having to bring discovery matters forward for formal resolution. The Commission will issue a separate protective order at the request of the parties.

6 **PROCEDURAL SCHEDULE.** The parties presented an agreed procedural schedule at the prehearing conference. The Commission adopts the proposed procedural schedule, which is attached to this Order as Appendix B. The parties may modify the date of the settlement conference by providing written notice to the Commission.

7 **DOCUMENT FILING AND SERVICE REQUIREMENTS.** Parties must file and serve all pleadings, motions, briefs, and other pre-filed materials in compliance with all of the following requirements:

- (a) Parties must submit electronic copies of all documents by 5 p.m. on the filing deadline established in the procedural schedule (or other deadline as applicable) unless the Commission orders otherwise. Parties must comply with WAC 480-07-140(6) in formatting, organizing, and identifying electronic files.
- (b) The Commission accepts only electronic versions of documents for formal filing. Parties must submit documents electronically through the Commission's web portal ([www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing)). If a party is unable to use the web portal to submit documents for filing, the Commission will accept a submission via email to [records@utc.wa.gov](mailto:records@utc.wa.gov), provided that the email:
  - (1) explains the reason the documents are not being submitted via the web portal, and
  - (2) complies with the requirements in WAC 480-07-140(5)(b).
- (c) Parties must electronically serve the other parties and provide courtesy electronic copies of filings to the presiding administrative law judge ([bijan.hughes@utc.wa.gov](mailto:bijan.hughes@utc.wa.gov)) by 5 p.m. on the filing deadline unless the Commission orders otherwise. If parties are unable to email copies, they may furnish electronic copies by delivering them on a flash drive only.

8 **EXHIBITS FOR CROSS-EXAMINATION.** Parties are required to file with the Commission and serve all proposed cross-examination exhibits by **5 p.m. on Wednesday, May 1, 2024**. The Commission requires electronic copies in searchable PDF (Adobe Acrobat or comparable software). If any of the exhibits contain information designated as confidential, parties must file an electronic copy of the redacted version in searchable PDF (Adobe Acrobat or comparable software) of each such exhibit. The exhibits must be grouped according to the witness the party intends to cross examine with the exhibits.

9 **EXHIBIT LISTS.** With each submission of pre-filed testimony and exhibits, the party making the submission must include a preliminary exhibit list that identifies each submitted exhibit in the format the Commission uses for exhibit lists it prepares for evidentiary hearings. PNW will prepare its preliminary exhibit list and circulate it to the parties. Each party must file and serve a final list of all exhibits the party intends to introduce into the evidentiary record, including all pre-filed testimony and exhibits, as well as cross-examination exhibits by **5 p.m., Wednesday, May 1, 2024.**

10 **CROSS-EXAMINATION TIME ESTIMATES.** Each party must provide a list of witnesses the party intends to cross-examine at the evidentiary hearing and an estimate of the time that party anticipates the cross-examination of that witness will take. Parties should not file witness lists or cross-examination time estimates but must provide them to the administrative law judge ([BiJan.Hughes@utc.wa.gov](mailto:BiJan.Hughes@utc.wa.gov)) and the other parties by email on **Wednesday, May 1, 2024, at 5:00 p.m.**

11 **PUBLIC COMMENT HEARING.** No party requested a public comment hearing, and the Commission does not find such a hearing is necessary in this case.

**NOTICE OF EVIDENTIARY HEARING.** The Commission will hold an evidentiary hearing in this docket on **Wednesday, May 8, 2024, at 9:30 a.m., continuing if necessary to Thursday, May 9, 2024.** The hearing will be conducted virtually via Zoom. To attend the hearing via Zoom, [click here to join meeting<sup>2</sup>](#), or call (253) 215-8782 and enter the Conference ID: 869 7139 3092# and use the Passcode: 699733#.

12 **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 has limited ability to provide dispute resolution services. If you wish to explore those services, please contact Michael Howard, Director, Administrative Law Division (360-664-1139).

13 **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 this Order, in the upper right-hand corner. Absent such objection,**

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<sup>2</sup> <https://utc-wa-gov.zoom.us/j/86971393092?pwd=o2Ftax139Ka2bMUAsLM6bIzXAZ0RLK.1>

**this Order will control further proceedings in this docket, subject to Commission review.**

DATED at Lacey, Washington, and effective December 8, 2023.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Bijan T. Hughes

BIJAN HUGHES

Administrative Law Judge

**APPENDIX A**  
**PARTIES' REPRESENTATIVES**  
**DOCKET TG-230798**

<b>PARTY</b>	<b>REPRESENTATIVE</b>	<b>PHONE</b>	<b>E-MAIL</b>
PNW Compost Inc.	Nathan Scott; Derek Scott PNW Composts Inc. 220 George Taylor Rd. Silver Lake, WA 98645	503-975-6435	<a href="mailto:pnwcomposts@gmail.com">pnwcomposts@gmail.com</a>
Waste Connections of Washington, Inc.	David W. Wiley Sean D. Leake Williams, Kastner & Gibbs PLLC 601 Union St., Ste. 4100 Seattle, WA 98101-2380	206-628-6600	<a href="mailto:dwiley@williamskastner.com">dwiley@williamskastner.com</a> <a href="mailto:sleake@williamskastner.com">sleake@williamskastner.com</a>
Waste Control, Inc.	David W. Wiley Williams, Kastner & Gibbs PLLC 601 Union St., Ste. 4100 Seattle, WA 98101-2380	206-628-6600	<a href="mailto:dwiley@williamskastner.com">dwiley@williamskastner.com</a>
WRAA	Rod Whitaker, Attorney at Law WRAA 4160 6th Avenue SE, Ste.205 Lacey, WA 98503	360-943-8859	<a href="mailto:rod@-wraa.org">rod@-wraa.org</a>

**APPENDIX B  
PROCEDURAL SCHEDULE  
DOCKET TG-230798**

<b>EVENT</b>	<b>DATE</b>
Application Filing	<b>October 4, 2023</b>
Prehearing Conference	<b>November 30, 2023</b>
Applicant Direct Testimony and Exhibits	<b>February 21, 2024</b>
Response Testimony from Protestants and Intervenor	<b>March 27, 2024</b>
Rebuttal and Cross-answering Testimony	<b>April 10, 2024</b>
Discovery deadline	<b>April 24, 2024</b>
Settlement Conference	<b>February 7, 2024, 10:00 a.m. to 12:00 p.m.</b>
Exhibit List, Cross-Examination Exhibits, Witness Lists, Time Estimates, and Exhibit Errata	<b>May 1, 2024</b>
Evidentiary Hearing	<b>May 8, 2024, at 9:30 a.m., continuing if needed to May 9, 2024</b>
Opening Briefs	<b>June 5, 2024</b>
Reply Briefs	<b>June 19, 2024</b>