

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of)	DOCKET TG-112025
)	
SPARTAN ENVIRONMENTAL LLC)	
)	ORDER 01
For a Certificate of Public Convenience)	
and Necessity to Operate Motor)	
Vehicles in Furnishing Solid Waste)	PREHEARING CONFERENCE
Collection Service)	ORDER
.....)	

1 **NATURE OF PROCEEDING.** On November 21, 2011, Spartan Environmental LLC (Spartan), 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 collection service consisting of bio-hazardous and biomedical waste in the state of Washington. Notice of the Application was published in the Commission’s weekly Docket on November 29, 2011. On December 12, 2011, a protest against Spartan’s application was filed jointly by Washington Refuse & Recycling Association (WRRRA), Rubatino Refuse Removal, Inc. (Rubatino), Consolidated Disposal Services, Inc. (Consolidated), Murrey’s Disposal, Inc. (Murrey’s), and Pullman Disposal Service, Inc. (Pullman). On December 16, 2011, Stericycle of Washington, Inc.(Stericycle) filed a protest against Spartan’s application. On December 29, 2011, Waste Management of Washington, Inc. d/b/a/ WM Healthcare Solutions of Washington (Waste Management) filed a protest against Spartan’s Application.

2 **CONFERENCE.** The Commission convened a prehearing conference in this docket at Olympia, Washington on February 1, 2012, before Administrative Law Judge Martin Lovinger.

3 **APPEARANCES.** Greg Gadbois, Scappoose, Oregon, represents Spartan, pro se. James K. Sells, Attorney at Law, Gig Harbor, Washington, represents WRRRA, Rubatino, Consolidated, Murrey’s and Pullman. Stephen B. Johnson and Jared Van Kirk, Garvey Schubert Barer, Seattle, Washington represents Stericycle. Polly L. McNeill and Jessica Goldman, Summit Law Group, PLLC, Seattle, Washington represents Waste Management. Fronda Woods, Assistant Attorney General,

Olympia, Washington, represents the Commission's regulatory staff (Commission Staff or Staff).¹ Contact information provided for the parties' representatives is attached as Appendix A to this order.

4 **PETITIONS FOR INTERVENTION.** No party sought to intervene in this docket.

5 **DISCOVERY.** The matter is one that qualifies for discovery, and the discovery rules, WAC 480-07-400 – 425, are available. At this time discovery is limited to data requests. A timeline for discovery is set forth below in the Procedural Schedule. The Commission urges the parties to work cooperatively together to avoid having to bring discovery matters forward for formal resolution.

6 **PROCEDURAL SCHEDULE.** The parties agreed during the prehearing conference on a procedural schedule that the Commission adopts as follows, and as set forth in Appendix B, with the addition of a telephonic status conference following the responses to the first data requests.

February 27, 28 or 29, 2012- Parties will conduct an informal discovery conference.

March 30, 2012 – Deadline for serving first set of data requests.

April 27, 2012 – Deadline for responding to first set of data requests.

April 30, 2012 – Telephone status conference at 1:30 p.m. in the Commission's Hearing Room 108. Parties need not be present, but must call in over the Commission's Conference Bridge line, 360-664-3846.

May 11, 2012 – Deadline for serving second set of data requests.

May 25, 2012 – Deadline for responding to second set of data requests.

¹ 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.

June 12, 2012 – Status Conference at 1:30 p.m. in the Commission’s Hearing Room 206 to determine how this matter will proceed. Parties must be present at this hearing.

- 7 **PROCEDURAL ISSUES.** There was a discussion at the Prehearing Conference as to whether or not some of the witnesses may be able to testify telephonically at the evidentiary hearing using the Commission’s Conference Bridge line. The Commission tries to be flexible and would consider allowing telephonic testimony where attendance in person would pose a significant inconvenience or hardship. No evidentiary hearing has been set, however, and accordingly it is premature to make a final decision about this issue. A party seeking such accommodation for one or more of its witnesses, therefore, should make that request closer in time to the hearing so that the Commission can consider all relevant circumstances before making any determination.
- 8 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file an original plus **four** (4) 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 Director and 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.utc.wa.gov/e-filing) or by e-mail delivery to 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 **four** (4) 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) or by e-mail to records@utc.wa.gov. Finally, to perfect filing, parties must simultaneously provide e-mail courtesy copies of filings to the presiding administrative law judge (mlovinge@utc.wa.gov) as well as to the parties to the proceeding.
- 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 does have limited ability to provide dispute resolution services; if you wish to explore those services, please call the Director, Administrative Law Division, at 360-664-1355.
- 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 the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective February 9, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARTIN LOVINGER
Administrative Law Judge

APPENDIX A

**PARTIES' REPRESENTATIVES
DOCKET TG-112025**

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
Spartan Environmental LLC	Greg Gadbois P.O. Box 611 Scappoose, OR 97056	503-283-8200	503 283-8205	sales@spartan-environmental.com
Washington Refuse and Recycling Association	4160 - 6 th Avenue SE Suite 205 Lacey, WA 98503			
Rubatino Refuse Removal, Inc,	2812 Hoyt Avenue P.O. Box 1029 Everett, WA 98206-1029			
Consolidated Disposal Services, Inc.	2370 Basin S.W. P.O. Box 1154 Ephrata, WA 98823-1154			
Murrey's Disposal, Inc.	P.O. Box 399 Puyallup, WA 98371			
Pullman Disposal Service, Inc.	135 NW Harold Pullman, WA 99163			
	James K. Sells Attorney at Law PMB 22 3110 Judson Street Gig Harbor, WA 98335	360-307-8865	360-307-8865 Note-This number is located in the Silverdale office for Mr. Sells.	jamesells@comcast.net
Stericycle of Washington, Inc.	20320 80 th Avenue S. Kent, WA 98032			
	Stephen B. Johnson Garvey Schubert Barer 1191 Second Avenue Suite 1800 Seattle, WA 98101	206-464-3939 Direct Line: 206-816-1309	206-464-0125	sjohnson@gsblaw.com
	Jared Van Kirk	206-816-1372		jvankirk@gsblaw.com

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
Waste Management of Washington, Inc.	13225 NE 126 th Place Kirkland, WA 98034			
	Polly L. McNeill Summit Law Group 315 Fifth Avenue S Suite 1000 Seattle, WA 98101-2939	(206) 676-7040	206- 676-7041	pollym@summitlaw.com
	Jessica Goldman	206-676-7062	206-676-7063	jessicag@summitlaw.com
Commission Staff	Frona Woods Assistant Attorney General 1400 S. Evergreen Park Drive S.W. P.O. Box 40128 Olympia, WA 98504-0128	(360) 664-1225	(360) 586-5522	fwoods@utc.wa.gov

APPENDIX B
PROCEDURAL SCHEDULE
DOCKET TG-112025

EVENT	DATE
Informal Discovery Conference among Parties	February 27, 28 or 29, 2012
Deadline for serving First Set of Data Requests	March 30, 2012
Deadline for Responding to First Set of Data Requests	April 27, 2012
Telephone Status Conference on Prospective Issues	April 30, 2012 at 1:30 p.m.
Deadline for serving Second Set of Data Requests	May 11, 2012
Deadline for Responding to Second Set of Data Requests	May 25, 2012
In- person Status Conference on Procedural Matters	June 12, 2012 at 1:30 p.m.