

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND)	
TRANSPORTATION COMMISSION,)	DOCKET NO. TG-041481
)	
Petitioner,)	ORDER NO. 02
)	
v.)	
)	STATUS CONFERENCE ORDER
T&T RECOVERY, INC.,)	
)	NOTICE OF PREHEARING
Respondent.)	CONFERENCE
)	(Tuesday, February 1, 2005 at 9:30
.....)	a.m.)

1 **NATURE OF PROCEEDING.** On September 20, 2004 the Washington Utilities and Transportation Commission, pursuant to RCW 81.04.510, instituted this special proceeding upon its own motion to determine whether T&T Recovery, Inc., (T&T) is transporting solid waste for collection or disposal for compensation over the public highways in Washington State without a certificate of public convenience and necessity as required by RCW 81.77.040.

2 **BACKGROUND.** The Commission established November 17, 2004 as the date for a show cause hearing in this case. Subsequently, the show cause hearing was continued to December 1-2, 2004. On November 24, 2004, Commission Staff requested a further continuance of the proceeding while settlement negotiations occurred. The continuance was granted and a status conference was convened on December 27, 2004 to determine what progress had been made in reaching a settlement.

3 **APPEARANCES.** John Ridge and Jamie Van Nostrand, attorneys, Seattle, Washington, represent T&T Recovery, Inc. (T&T). James K. Sells, attorney, Silverdale, Washington, represents Washington Refuse and Recycling Association (WRRRA). Polly L. McNeil, attorney, Seattle, Washington, represents Sanitary Service Company, Inc. (Sanitary Service). David W. Wiley, attorney, Seattle, Washington, represents Island Disposal, Inc. (Island Disposal).¹ Lisa Watson, assistant attorney general, Olympia, Washington, representing Commission Staff.

4 **STATUS CONFERENCE.** During the status conference, the parties stated that T&T had submitted a settlement proposal and that the parties discussed the proposal on December 1, 2004. Subsequently, T&T prepared a second proposal for discussion. Staff undertook to prepare a document for discussion that encompassed both the second proposal and the parties' comments on the second proposal. Staff plans to distribute this discussion document to the parties in early January 2005 and to convene the parties for further discussion in mid-January. The parties propose that the best use of the Commission's and the parties' resources would be to hold a further status conference in early February 2005.

5 **NOTICE IS GIVEN That** a prehearing conference is scheduled for Tuesday, February 1, 2005 to address petitions to intervene, determine the status of settlement negotiations and set a schedule for proceedings, if necessary. **The prehearing conference will be held on Tuesday, February 1, 2005, at 9:30 a.m. in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.** Persons who cannot attend in person may participate via the Commission's teleconference bridge

¹ During the status conference, Mr. Sells entered an appearance on behalf of Mr. Wiley. In doing so, Mr. Sells stated that Mr. Wiley represented Rabanco and Waste Connections. However, the only written petition to intervene filed by Mr. Wiley indicates that he represents Island Disposal, Inc. The Commission will take up the matter of Mr. Wiley's representation in this case during the prehearing conference scheduled for February 1, 2005.

- 6 360-664-3846. Persons desiring to participate via the bridge line must make advance reservations, by calling Margret Kaech at 360-664-1140 no later than 3:00 p.m. on Monday, January 31, 2005.

Dated at Olympia, Washington, and effective this 3rd day of January, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

THEODORA M. MACE
Administrative Law Judge