

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

In re Application TG-091026	)	DOCKET TG-091026
	)	
NORTHWEST LIQUID TRANSPORT I, INC.	)	ORDER 01
	)	
For a Certificate of Public Convenience and Necessity to Operate Motor Vehicles in Furnishing Solid Waste Collection Service	)	INITIAL ORDER REFERRING UNCONTESTED APPLICATION TO LICENSING DIVISION
	)	
.....	)	

1     **SYNOPSIS.** *This is an Administrative Law Judge’s Initial Order that is not effective unless approved by the Commission or allowed to become effective pursuant to the notice at the end of this Order. If this Initial Order is allowed to become final, the amended application of Northwest Liquid Transport I, Inc. will be referred to the Commission’s Licensing Division to be processed as an uncontested application.*

2     **NATURE OF PROCEEDING.** On June 26, 2009, Northwest Liquid Transport I, Inc. (Northwest Liquid) 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 services under contract with Nature’s Path Food USA, Inc., located in Blaine, Washington, to collect and transport for disposal a mixture of sugar water and solids from the plant in Whatcom County. Notice of the application was published in the Commission’s weekly Docket of July 9, 2009.

3     On August 7, 2009, VanderVeen Family Transport, Inc. (VanderVeen) filed a protest to the application. On August 10, 2009, Sanitary Service Company, Inc. (Sanitary Service) and Blaine-Bay Refuse, Inc., (Blaine-Bay) each filed a protest to the application. On August 18, 2009, the Commission issued a Notice of Prehearing Conference scheduling the conference for September 16, 2009.

4     On September 10, 2009, Northwest Liquid filed a request to amend its application for authority. According to the amendment, Northwest Liquid sought authority to

provide “[S]olid waste collection services under contract with Nature’s Path Food USA, Inc., located in Blaine, Washington, to collect and transport for disposal a mixture of sugar water and solids using a tanker truck in Whatcom County. On the same date, VanderVeen filed a withdrawal of its protest.<sup>1</sup>

5 On September 15, 2009, Northwest Liquids filed a second amendment requesting authority as follows:

Solid waste collection services under contract with Nature’s Path Food USA, Inc., located in Blaine, Washington, to collect and transport for disposal a mixture of sugar water and solids using an internal or external vacuum system to load and transport by tanker truck in Whatcom County.

6 On September 15, 2009, Sanitary Services and Blaine-Bay filed a letter indicating that they were willing to withdraw their protest of the application based on the second amendment to the request for authority if the Commission’s regulatory staff (Commission Staff or Staff)<sup>2</sup> concurred.

7 **CONFERENCE.** The Commission convened a prehearing conference in this proceeding at Olympia, Washington on September 16, 2009, before Administrative Law Judge Patricia Clark.

8 **PARTY REPRESENTATIVES.** Lesa Starkenburg-Kroontje, Lynden, Washington, represents Northwest Liquid. Polly L. McNeil, Seattle, Washington, represents Sanitary Service and Blaine-Bay. Michael Fassio, Assistant Attorney General, Olympia, Washington, represents Staff.

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<sup>1</sup> In an electronic mail communication with all parties regarding telephonic participation at the prehearing conference, the presiding officer informed VanderVeen that it was not necessary to appear at the prehearing conference after filing the withdrawal.

<sup>2</sup> In formal proceedings, such as this, the Commission’s regulatory staff functions as an independent party with the same rights, privileges, and responsibilities as other parties to the proceeding. There is an “*ex parte* wall” separating the Commissioners, the presiding Administrative Law Judge, and the Commissioners’ policy and accounting advisors from all parties, including regulatory staff. *RCW 34.05.455*.

- 9 **SECOND AMENDED APPLICATION.** During the prehearing conference, Northwest Liquids affirmed its willingness to modify its application based on its second amendment to the request for authority and Sanitary Services and Blaine-Bay affirmed their willingness to withdraw their protest based on that amendment. Staff stated it had no objection to the second amended application for authority. Accordingly, there are no disputed issues to be resolved through the adjudicatory process and this application should be referred to the Commission's Licensing Section to be processed as an uncontested application.

Dated at Olympia, Washington, and effective September 18, 2009.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

PATRICIA CLARK  
Administrative Law Judge

### **NOTICE TO THE PARTIES**

This is an initial order. The action proposed in this initial order is not yet effective. If you disagree with this initial order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this initial order, and you would like the Order to become final before the time limits expire, you may send a letter to the Commission, waiving your right to petition for administrative review.

WAC 480-07-825(2) provides that any party to this proceeding has twenty (20) days after the entry of this initial order to file a *Petition for Administrative Review*. Section (3) of the rule identifies what you must include in any petition as well as other requirements for a petition. WAC 480-07-825(4) states that any party may file an *Answer* to a Petition for review within (10) days after service of the petition.

WAC 480-07-830 provides that before the Commission enters a final order any party may file a petition to reopen a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. The Commission will not accept answers to a petition to reopen unless the Commission requests answers by written notice.

RCW 80.01.060(3), as amended in the 2006 legislative session, provides that an initial order will become final without further Commission action if no party seeks administrative review of the initial order and if the Commission fails to exercise administrative review on its own motion. You will be notified if this order becomes final either by operation of law or on administrative review.

You must serve on each party of record one copy of any Petition or Answer filed with the commission, including proof of service as required by WAC 480-07-150(8) and (9). To file a Petition or Answer with the Commission, you must file an original and five (5) copies of your Petition or Answer by mail delivery to:

Attn: David W. Danner, Executive Director and Secretary  
Washington Utilities and Transportation Commission  
P.O. Box 47250  
Olympia, Washington 98504-7250