

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND)	DOCKET TG-121265
TRANSPORTATION COMMISSION,)	
)	
Complainant,)	ORDER 02
)	
v.)	
)	
WASTE MANAGEMENT OF)	
WASHINGTON, INC., d/b/a WASTE)	PREHEARING CONFERENCE
MANAGEMENT - NORTHWEST,)	ORDER; NOTICE OF HEARING
WASTE MANAGEMENT - SOUTH)	(Set for December 18-19, 2013)
SOUND, WASTE MANAGEMENT)	
OF SEATTLE, and WASTE)	
MANAGEMENT - SNO-KING,)	
)	
Respondent.)	
.....)	

1 **NATURE OF PROCEEDING.** On April 23, 2013, the Washington Utilities and Transportation Commission (Commission) on its own motion, and through its regulatory staff (Commission Staff or Staff)¹ filed a complaint against Waste Management of Washington, Inc., d/b/a Waste Management – Northwest, Waste Management – South Sound, Waste Management of Seattle, and Waste Management – Sno-King (collectively, Waste Management). On May 13, 2013, Waste Management filed an answer to the complaint. The allegations in the complaint arise from a Commission investigation into the business practices of Waste Management related to service during and immediately following a labor strike from July 25, 2012, thru August 2, 2012. The complaint alleges that Waste Management violated its legal obligations under Title 81 RCW with respect to rates, services, facilities, and practices.

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.

2 **CONFERENCE.** The Commission convened a prehearing conference in this docket
at Olympia, Washington, on June 6, 2013, before Administrative Law Judge
Marguerite E. Friedlander.

3 **APPEARANCES.** Polly L. McNeill, Summit Law Group PLLC, Seattle,
Washington, represents Waste Management. Robert D. Cedarbaum, Assistant
Attorney General, Olympia, Washington, represents the Commission Staff. Contact
information provided at the conference for the parties' representatives is attached as
Appendix A to this order.

4 **PETITIONS FOR INTERVENTION.** No party appeared at the conference seeking
to intervene.

5 **DISCOVERY.** Discovery will be conducted pursuant to the Commission's
discovery rules, WAC 480-07-400 – 425. 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 on a procedural schedule during
the conference. The Commission adopts this procedural schedule, which is attached
to this Order as Appendix B.

7 **NOTICE OF HEARING.** The Commission will hold evidentiary hearings in this
matter beginning **December 18, 2013, at 10:00 a.m.**, in the Commission's Hearing
Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W.,
Olympia, Washington. Hearings will continue on December 19, 2013, as needed.
The Commission may alter this schedule by subsequent notice.

8 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must
file an original plus **two (2) 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>](mailto: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, a flash drive, 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 **two (2)** 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 at mfriedla@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 June 7, 2013.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARGUERITE E. FRIEDLANDER
Administrative Law Judge

APPENDIX A

**PARTIES' REPRESENTATIVES
DOCKET TG-121265**

PARTY	REPRESENTATIVE	PHONE	E-MAIL
Waste Management	Polly L. McNeill Summit Law Group 315 Fifth Avenue South Suite 1000 Seattle, WA 98104-2682	206-676-7040	pollym@summitlaw.com
	Andrew Kenefick Waste Management 720 4 th Avenue Suite 400 Kirkland, WA 98033-8136		akenefick@wm.com
	Jessica L. Goldman		jessicag@summitlaw.com
	Katie Angelikis		katiea@summitlaw.com
Staff	Robert D. Cedarbaum Assistant Attorney General Office of the Attorney General Utilities and Transportation Division 1400 S. Evergreen Park Drive S.W. P.O. Box 40128 Olympia, WA 98504-0128	360-664-1188	bcedarba@utc.wa.gov

APPENDIX B
PROCEDURAL SCHEDULE
DOCKET TG-121265

EVENT	DATE
Settlement Conference (parties only)	June 14, 2013
Staff's Direct Testimony and Exhibits	September 17, 2013 ²
Waste Management's Response Testimony and Exhibits	October 29, 2013 ³
Staff's Rebuttal Testimony and Exhibits	November 26, 2013
Discovery Cutoff	December 6, 2013
Evidentiary Hearings	December 18-19, 2013
Simultaneous Post-Hearing Briefs	January 16, 2014

² Discovery responses will be due on a seven (7) business day turn around after September 17, 2013. Prior to this, the typical ten (10) business day turn around will apply.

³ Discovery responses will be due on a five (5) business day turn around after October 29, 2013.