

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of

SUPERIOR WASTE & RECYCLE LLC

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

DOCKET TG-181023

NOTICE OF PREHEARING  
CONFERENCE  
(Set for April 8, 2019,  
at 1 p.m.)

- 1 **APPLICATION:** On December 13, 2018, Superior Waste & Recycle LLC (Superior Waste & Recycle or Company) filed with the Washington Utilities and Transportation Commission (Commission) an application for authority to operate as a solid waste collection company in Washington, and on January 24, 2019, the Commission issued a notice of pending application, allowing affected parties 30 days to protest the application.
- 2 **PROTEST:** On February 20, 2019, Waste Management of Washington, Inc., filed a protest of the application.
- 3 **STATUTORY AUTHORITY:** The Commission has jurisdiction over this matter under RCW Title 80 and RCW Title 81, and has legal authority to regulate solid waste collection companies in the state of Washington. The statutes that apply to this matter include RCW 80.01, RCW 80.04, and RCW 81.77, including but not limited to RCW 80.01.040, RCW 80.04.020, RCW 81.77.020 and RCW 81.77.040. The rules that apply to this matter include those within Washington Administrative Code (WAC) 480-07 and 480-70, relating to solid waste collection companies.
- 4 **PROCEDURES:** The Commission will hear this matter under the Administrative Procedure Act (APA), particularly Part IV of RCW 34.05 relating to adjudications. The provisions of the APA that relate to this proceeding include, but are not limited to RCW 34.05.413, RCW 34.05.422, RCW 34.05.431, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452. The Commission will also follow its procedural rules in WAC 480-07 in this proceeding.
- 5 The Commission finds there is good cause to hear this matter on shortened notice. *See* WAC 480-07-440(1)(a) and RCW 34.05.434.

6 **THE COMMISSION GIVES NOTICE That it will hold a prehearing conference in this matter at 1 p.m., on April 8, 2019, in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

7 **PURPOSE:** The purpose of the prehearing conference is to consider requests for intervention, to resolve scheduling matters including establishing dates for distributing evidence, to identify the issues in the proceeding, and to determine other matters to assist the Commission in resolving the matter, as listed in WAC 480-07-430. The Commission will set the time and place for the evidentiary hearings at the prehearing conference or by later written notice.

8 **INTERVENTION:** Persons seeking to intervene in the proceeding must file written petitions to intervene at least three business days before the date of the prehearing conference. *See* WAC 480-07-355(a).

9 **NOTICE OF APPEARANCE; INTERPRETER:** Party representatives must file notices of appearance with the Commission, as required by WAC 480-07-345(2), no later than the day before the conference. If any party needs an interpreter or other assistance, they should fill out the form attached to this notice and return it to the Commission.

10 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the prehearing conference set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**

11 The names and mailing addresses of all known parties and their known representatives are as follows:

Applicant: Superior Waste & Recycle LLC  
Daniel J. Stein  
PO Box 480  
Seabeck, WA 98380  
(360) 328-6787  
[seattlesight@yahoo.com](mailto:seattlesight@yahoo.com)

Protestant: Waste Management  
Andrew Kenefick  
Senior Legal Counsel  
740 4<sup>th</sup> Ave. Ste. 400  
Kirkland, WA 98033-8136  
(425) 825-2003  
[akenefick@wm.com](mailto:akenefick@wm.com)

Representative: Walter Stanovsky  
Davis Wright Tremaine LLP  
920 Fifth Avenue, Suite 3300  
Seattle, WA 98104-1610  
(206) 757-8259  
walkerstanovsky@dwt.com

Commission: Washington Utilities and  
Transportation Commission  
1300 S. Evergreen Park Drive S.W.  
P.O. Box 47250  
Olympia, WA 98504-7250  
(360) 664-1160

Representative: Harry Fukano  
Assistant Attorney General  
1400 S. Evergreen Park Drive S.W.  
P.O. Box 40128  
Olympia, WA 98504-0128  
(360) 664-1225  
[harry.fukano@utc.wa.gov](mailto:harry.fukano@utc.wa.gov)

- 12 Administrative Law Judge Rayne Pearson from the Commission's Administrative Law Division will preside during this proceeding.
- 13 The Commission will give parties notice of any other procedural phase of the proceeding in writing or on the record, as appropriate during this proceeding.

DATED at Olympia, Washington, and effective March 27, 2019.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON  
Executive Director and Secretary

**NOTICE**

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

If you need an interpreter, or have other special needs, please fill out this form and return it to Washington State Utilities and Transportation Commission, Attention: Mark L. Johnson, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket : \_\_\_\_\_

Case Name: \_\_\_\_\_

Hearing Date: \_\_\_\_\_ Hearing Location: \_\_\_\_\_

Primary Language: \_\_\_\_\_

Hearing Impaired (Yes) \_\_\_\_\_ (No) \_\_\_\_\_

Do you need a certified sign language interpreter:

Visual \_\_\_\_\_ Tactile \_\_\_\_\_

Other type of assistance needed: \_\_\_\_\_

English-speaking person who can be contacted if there are questions:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: (\_\_\_\_) \_\_\_\_\_