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1 BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION

2 COMMISSION

3 WASHINGTON UTILITIES AND)
TRANSPORTATION COMMISSION,)

4)

5 Petitioner,)

6 vs.)

7 DOCKET NO. TG-041481

8 Volume 1

9 T&T RECOVERY, INC.,)

10 Pages 1 - 10

11 Respondent.)

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14 A prehearing conference in the above matter
15 was held on December 27, 2004, at 9:32 a.m., at 1300
16 South Evergreen Park Drive Southwest, Olympia,
17 Washington, before Administrative Law Judge THEODORA
18 MACE.

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20 The parties were present as follows:

21 T&T RECOVERY, INC., by JOHN RIDGE and JAMES
22 M. VAN NOSTRAND, (via bridge line), Attorneys at Law,
23 Stoel Rives, 600 University Street, Suite 3600,
24 Seattle, Washington 98101-3197; telephone, (206)
25 386-7665.

26 WASHINGTON UTILITIES AND TRANSPORTATION
27 COMMISSION, by LISA WATSON, Assistant Attorney General,
28 1400 South Evergreen Park Drive Southwest, Post Office
29 Box 40128, Olympia, Washington 98504; telephone, (360)
30 664-1186.

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32 Kathryn T. Wilson, CCR

33 Court Reporter

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1 WASHINGTON REFUSE & RECYCLING ASSOCIATION;
2 RABANCO, LIMITED; SANITARY SERVICE, INC.; WASTE
3 CONNECTIONS, INC., by JAMES K. SELLS, Attorney at Law,
4 Ryan, Sells & Uptegraft, 9657 Levin Road Northwest,
5 Suite 240, Silverdale, Washington 98383; telephone,
6 (360) 307-8860.

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1 P R O C E E D I N G S

2 JUDGE MACE: Let's be on the record in Docket
3 No. TG-041481. This is the Washington Utilities and
4 Transportation Commission complaint against T&T
5 Recovery, Inc. An order to show cause and a notice of
6 hearing was issued by the Commission on September 20th,
7 and a hearing was set for November 17th, 2004, in
8 Bellingham. That hearing was continued until December
9 1st and 2nd of 2004, and prior to that, I received a
10 request to further continue the proceeding because
11 Staff indicated to me that settlement negotiations were
12 taking place to resolve this matter.

13 My name is Theodora Mace. I'm the
14 administrative law judge who has been assigned to hold
15 hearings in this case. I believe this is the first
16 time we've been on the record, so I'm going to need to
17 get a long form of appearances from everyone who is
18 involved.

19 We are here at the offices of the Washington
20 Utilities and Transportation Commission in Olympia,
21 Washington, and the date is December 27th, 2004. I
22 would like to begin, actually, with the representative
23 from T&T. I believe he's on the conference bridge;
24 Mr. Ridge?

25 MR. RIDGE: Yes.

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1 JUDGE MACE: The long form of the appearance
2 requires that you give your name, address, who you
3 represent, phone number, fax number, and e-mail, and
4 please speak slowly and clearly so the reporter can
5 record this, and I'll also be taking that information
6 too.

7 MR. RIDGE: This is John Ridge, R-i-d-g-e,
8 from Stoel Rives, 600 University Street, Suite 3600,
9 Seattle, Washington, 98101. My direct dial is
10 (206) 386-7575. E-mail is jhridge@stoel.com. Fax is
11 (206) 386-7500.

12 JUDGE MACE: Thank you, Mr. Ridge.

13 MR. RIDGE: Jamie Van Nostrand is also from
14 Stoel Rives and should be on the line.

15 MR. VAN NOSTRAND: I'm on the line as well,
16 Your Honor. James M. Van Nostrand, V-a-n
17 N-o-s-t-r-a-n-d. E-mail address is
18 jmvannostrand@stoel.com. The rest of the information
19 that Mr. Ridge gave you will work for me.

20 JUDGE MACE: Thank you. Is there anyone else
21 on the conference bridge? Let's turn to counsel in the
22 hearing room. Mr. Sells, why don't you go ahead and
23 introduce yourself.

24 MR. SELLS: Thank you, Your Honor. James
25 Sells, attorney, 9657 Levin Road Northwest, Silverdale,

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1 98383; telephone, (360) 307-8860; fax, (360) 307-8865;
2 e-mail, jimsells@rsulaw.com, and I'm appearing on
3 behalf of proposed intervenor Washington Refuse and
4 Recycling Association.

5 I should add that solely for the purposes of
6 this hearing today, I'm also appearing on behalf of
7 Sanitary Service, Incorporated; Rabanco Limited, and
8 Waste Connections, Incorporated, all of whom are
9 represented by other counsel who were unable to be here
10 today or make it to the bridge line. In order to make
11 sure we get them, I can give their information as well,
12 the other two counsel involved.

13 JUDGE MACE: If you would, I would appreciate
14 it.

15 MR. SELLS: On behalf of Sanitary Service
16 would be Polly L. McNeill, 1505 Westlake Avenue North,
17 Suite 300, Seattle, 98109; telephone, (206) 676-7040;
18 fax; (206) 676-7041 --

19 JUDGE MACE: The fact is I have a certificate
20 of service here that shows completely different
21 information for her.

22 MR. SELLS: I'm sorry. I have an old one.

23 JUDGE MACE: What I have is Summit Law Group,
24 PLLC, 315 Fifth Avenue South, Suite 1000, Seattle,
25 Washington, 98104-2682. Phone is (206) 676-7000. Fax

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1 is (206) 676-7001. E-mail is pollym@summitlaw.com. So
2 she represents Sanitary Service?

3 MR. SELLS: That is correct, Your Honor.
4 Rabanco and Waste Connections are represented by David
5 W. Wiley, W-i-l-e-y; law firm, Williams, Kastner, and
6 Gibbs, PLLC. Their address is 601 Union Street, Suite
7 4100, Seattle, 98101. Telephone is (206) 628-6600;
8 fax, (206) 628-6611; direct e-mail, dwiley@wkg.com.

9 JUDGE MACE: For staff?

10 MS. WATSON: My name is Lisa Watson. I'm an
11 assistant attorney general appearing on behalf of
12 Commission staff. My address is 1400 South Evergreen
13 Park Drive Southwest, PO Box 40128, Olympia,
14 Washington, 98504-0128. My telephone number is
15 (360) 664-1186; fax number, (360) 586-5522, and my
16 e-mail is lwatson@wutc.wa.gov.

17 JUDGE MACE: Thank you. We are convened
18 today for a status conference, but it may turn out this
19 is more in the nature of what's called a prehearing
20 conference.

21 I understand from Staff in earlier
22 correspondence that there has been some settlement
23 discussion in this case, and since this is termed a
24 status conference, I would like to have a report on the
25 status of the negotiations.

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1 MS. WATSON: As you know, shortly before the
2 hearings were scheduled to convene, T&T submitted a
3 settlement proposal, and Staff evaluated it, and it
4 looked like something that the parties should sit down
5 and discuss further. Because it was so close to the
6 hearing date, we submitted the request that those
7 hearings be suspended at that time.

8 Since then, we, the parties, all of us, had a
9 chance to sit down and look at the settlement proposal
10 and discuss it. We actually met on December 1st here
11 in the Commission's offices. Discussed a lot of the
12 concerns that the parties had.

13 From that point, T&T provided another draft
14 copy of the settlement proposal, which we are working
15 off of now, and at this point, Staff believes it is
16 probably best if we have one discussion document.
17 There is a number of parties that are giving input on
18 the settlement, so Staff is proposing to work with the
19 intervenors to produce one discussion document, and so
20 we are working on that at this time.

21 We have sort of a time line sketched out. We
22 should be able to provide a discussion document to T&T
23 early in January, I'm hoping that first week of
24 January, and I spoke with Mr. Van Nostrand last week,
25 and it sounds like we might be able to get the parties

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1 convened once again in about mid January to discuss
2 that discussion document.

3 JUDGE MACE: Thank you. Does anyone have
4 anything to add to this report? Very well. While we
5 were off the record today, this morning, I believe
6 Mr. Sells stated he thought it would be beneficial to
7 set a hearing date so that the parties would have a
8 target to prompt them better to negotiate.

9 Having heard that, I guess I have thought
10 about it somewhat. My problem with setting a hearing
11 date is if we are to hold a hearing in Bellingham,
12 setting a hearing date involves quite a bit of
13 coordination with the facilities people in Bellingham,
14 and I hesitate to do that unless -- just to avoid the
15 use of resources that would be involved in that if this
16 is going to settle.

17 I'm not opposed to setting a further status
18 conference date. I think that would be a good idea.
19 And I would indicate that that status conference should
20 be the last one, and if you don't come to some
21 resolution at that point, then we would go ahead and
22 set hearing dates. I'm wondering how the parties would
23 feel about that. Ms. Watson?

24 MS. WATSON: That sounds like a good idea,
25 because at least from Staff's perspective, there is

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1 quite a bit of coordination involved with getting
2 witnesses lined up and that sort of thing if we
3 actually set a hearing date. The status conference, I
4 think, is a good way to go.

5 JUDGE MACE: Mr. Sells?

6 MR. SELLS: That would work for us, yes.

7 JUDGE MACE: Mr. Ridge, Mr. Van Nostrand?

8 MR. RIDGE: I'll defer to you, Your Honor.

9 JUDGE MACE: Do the parties have a date that
10 would work for them? I want to suggest that for me, it
11 would probably have to be -- the soonest, based on your
12 schedule, which calls for you to submit a discussion
13 document to the parties and to discuss the document in
14 mid January, that I probably would not be available
15 then until the first week in February or after. Let's
16 be off the record for a moment.

17 (Discussion off the record.)

18 JUDGE MACE: We've discussed scheduling of an
19 additional status conference, and I've indicated to the
20 parties that I will try to schedule a status conference
21 for February 1st, and if that is not a date upon which
22 I can schedule such a conference, I will move the date
23 out to sometime the 2nd, 3rd, or 4th of February in
24 2005, and the exact date will be listed in the order I
25 send out as a result of this proceeding.

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1 Is there anything else we need to discuss at
2 this time?

3 MS. WATSON: I don't believe so, Your Honor.

4 JUDGE MACE: If it turns out that you get to
5 a point before mid January where you realize that the
6 case is not going to settle or there is some problem,
7 let me know, and we can maybe set a schedule that would
8 be a little more compressed than what will happen if we
9 have this status conference.

10 MS. WATSON: Absolutely.

11 JUDGE MACE: We are adjourned. Thank you
12 very much.

13 (Prehearing conference adjourned at 9:48 a.m.)

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