

**From:** [Pearson, Rayne \(UTC\)](#)  
**To:** [UTC DL Records Center](#)  
**Subject:** FW: Waste Management of Washington, Inc.'s Motion for Clarification or, in the Alternative, Petition for Administrative Review  
**Date:** Friday, December 13, 2019 1:36:04 PM

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Please place this in Docket TG-181023 with a 12/5 entry date. Thank you!

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**From:** Pearson, Rayne (UTC)  
**Sent:** Thursday, December 5, 2019 5:09 PM  
**To:** 'Jimmy Garg' <jimmy@seattlelitigation.net>; Fukano, Harry (UTC) <harry.fukano@utc.wa.gov>; Foley, Nancy <NancyFoley@dwt.com>; seattlesight@yahoo.com; Sean Stevens <sean@seattlelitigation.net>; DeMarco, Betsy (UTC) <betsy.demarco@utc.wa.gov>; Gross, Krista (UTC) <krista.gross@utc.wa.gov>  
**Cc:** akenefick@wm.com; mweinstein@wm.com; Gannett, Craig <CraigGannett@DWT.COM>; Stanovsky, Walker <WalkerStanovsky@dwt.com>  
**Subject:** RE: Waste Management of Washington, Inc.'s Motion for Clarification or, in the Alternative, Petition for Administrative Review

Good evening Mr. Garg,

Pursuant to WAC 480-07-835 (see below), no party may file a response to a motion for clarification unless requested by the Commission. Given that this is not a final order and Waste Management also filed a petition for rule exemption, I will allow you to file a response within five business days. Please file your response by close of business on Thursday, December 12. Thank you.

## **WAC 480-07-835**

### **Clarification of final order by motion.**

(1) **Motion for clarification.** Any party may request that the commission clarify a final order by filing a motion for clarification within ten days after the commission serves the order. The purpose of such a motion is to ensure that the parties know their rights and responsibilities under the final order. An appropriate motion for clarification requests that the commission modify the final order or take other action to accomplish one or more of the following goals:

(a) Clarify the meaning of, or requirements in, the order so that the parties can accurately prepare compliance filings;

(b) Make technical changes to reconcile the application of principle to data, resolve inconsistencies, or correct patent error without the need for parties to request reconsideration and without delaying post-order compliance; or

(c) Correct typographical or other ministerial errors.

(2) **Motions that do not seek clarification.** A party may not file a motion for clarification that seeks to change an outcome with respect to one or more issues resolved by a final order, or that challenges a finding of fact or conclusion of law stated in the order. A party seeking such commission action must submit a petition for reconsideration pursuant to WAC [480-07-850](#).

(3) **Response.** No party may file a response to a motion for clarification unless the commission requests a response.

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**From:** Jimmy Garg [<mailto:jimmy@seattlelitigation.net>]  
**Sent:** Thursday, December 5, 2019 2:55 PM  
**To:** Fukano, Harry (UTC) <[harry.fukano@utc.wa.gov](mailto:harry.fukano@utc.wa.gov)>; Foley, Nancy <[NancyFoley@dwt.com](mailto:NancyFoley@dwt.com)>; [seattlesight@yahoo.com](mailto:seattlesight@yahoo.com); Sean Stevens <[sean@seattlelitigation.net](mailto:sean@seattlelitigation.net)>; DeMarco, Betsy (UTC) <[betsy.demarco@utc.wa.gov](mailto:betsy.demarco@utc.wa.gov)>; Gross, Krista (UTC) <[krista.gross@utc.wa.gov](mailto:krista.gross@utc.wa.gov)>; Pearson, Rayne (UTC) <[rayne.pearson@utc.wa.gov](mailto:rayne.pearson@utc.wa.gov)>  
**Cc:** [akenefick@wm.com](mailto:akenefick@wm.com); [mweinstein@wm.com](mailto:mweinstein@wm.com); Gannett, Craig <[CraigGannett@DWT.COM](mailto:CraigGannett@DWT.COM)>; Stanovsky, Walker <[WalkerStanovsky@dwt.com](mailto:WalkerStanovsky@dwt.com)>  
**Subject:** RE: Waste Management of Washington, Inc.'s Motion for Clarification or, in the Alternative, Petition for Administrative Review

Good afternoon,

Superior does intend to file a response. Can you tell us when the response is due?

Jimmy Garg, Esq.  
Seattle Litigation Group, PLLC  
500 Union Street, Suite 510  
Seattle, WA 98101  
(206) 407-3300 (p), (206)407-3097(f)

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**From:** Fukano, Harry (UTC) <[harry.fukano@utc.wa.gov](mailto:harry.fukano@utc.wa.gov)>  
**Sent:** Thursday, December 5, 2019 2:53 PM  
**To:** Foley, Nancy <[NancyFoley@dwt.com](mailto:NancyFoley@dwt.com)>; [seattlesight@yahoo.com](mailto:seattlesight@yahoo.com); Jimmy Garg <[jimmy@seattlelitigation.net](mailto:jimmy@seattlelitigation.net)>; Sean Stevens <[sean@seattlelitigation.net](mailto:sean@seattlelitigation.net)>; DeMarco, Betsy (UTC) <[betsy.demarco@utc.wa.gov](mailto:betsy.demarco@utc.wa.gov)>; Gross, Krista (UTC) <[krista.gross@utc.wa.gov](mailto:krista.gross@utc.wa.gov)>; Pearson, Rayne (UTC) <[rayne.pearson@utc.wa.gov](mailto:rayne.pearson@utc.wa.gov)>  
**Cc:** [akenefick@wm.com](mailto:akenefick@wm.com); [mweinstein@wm.com](mailto:mweinstein@wm.com); Gannett, Craig <[CraigGannett@DWT.COM](mailto:CraigGannett@DWT.COM)>; Stanovsky, Walker <[WalkerStanovsky@dwt.com](mailto:WalkerStanovsky@dwt.com)>  
**Subject:** RE: Waste Management of Washington, Inc.'s Motion for Clarification or, in the Alternative, Petition for Administrative Review

Good afternoon,

Commission Staff does not oppose Waste Management's motion for clarification/petition for administrative review and does not intend to file a response.

Thank you,

Harry Fukano  
Assistant Attorney General  
Utilities and Transportation Division  
Office of the Attorney General  
360-664-1225  
[Harry.fukano@utc.wa.gov](mailto:Harry.fukano@utc.wa.gov)

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**From:** Foley, Nancy [<mailto:NancyFoley@dwt.com>]

**Sent:** Tuesday, December 3, 2019 1:41 PM

**To:** Fukano, Harry (UTC) <[harry.fukano@utc.wa.gov](mailto:harry.fukano@utc.wa.gov)>; [seattlesight@yahoo.com](mailto:seattlesight@yahoo.com); [jimmy@seattlelitigation.net](mailto:jimmy@seattlelitigation.net); [sean@seattlelitigation.net](mailto:sean@seattlelitigation.net); DeMarco, Betsy (UTC) <[betsy.demarco@utc.wa.gov](mailto:betsy.demarco@utc.wa.gov)>; Gross, Krista (UTC) <[krista.gross@utc.wa.gov](mailto:krista.gross@utc.wa.gov)>; Pearson, Rayne (UTC) <[rayne.pearson@utc.wa.gov](mailto:rayne.pearson@utc.wa.gov)>

**Cc:** [akenefick@wm.com](mailto:akenefick@wm.com); [mweinstein@wm.com](mailto:mweinstein@wm.com); Gannett, Craig <[CraigGannett@DWT.COM](mailto:CraigGannett@DWT.COM)>; Stanovsky, Walker <[WalkerStanovsky@dwt.com](mailto:WalkerStanovsky@dwt.com)>

**Subject:** Waste Management of Washington, Inc.'s Motion for Clarification or, in the Alternative, Petition for Administrative Review

Attached is Waste Management of Washington, Inc.'s Motion for Clarification or, in the Alternative, Petition for Administrative Review along with the related cover letter and certificate of service, which were filed today at the WUTC.

If you have any questions, please feel free to contact me.

Best regards,

Nancy

**Nancy Foley** | Davis Wright Tremaine LLP  
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