

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND)	
TRANSPORTATION COMMISSION,)	DOCKET NO. TG-041481
)	
Petitioner,)	ORDER NO. 01
)	
v.)	
)	ORDER TO SHOW CAUSE AND
T&T RECOVERY, INC.,)	NOTICE OF HEARING
)	(Set for November 17, 2004, 1:30
Respondent.)	p.m., Bellingham)
.....)	

1 The Washington Utilities and Transportation Commission, pursuant to RCW 81.04.510, institutes this special proceeding upon its own motion to determine whether T&T Recovery, Inc., (T&T) is transporting solid waste for collection or disposal for compensation over the public highways in Washington State without a certificate of public convenience and necessity as required by RCW 81.77.040.

2 The Commission has information from which it believes and therefore alleges that T&T is engaged in transporting solid waste for collection or disposal for compensation over the public highways of Washington State without having obtained a certificate of public convenience and necessity as required by RCW 81.77.040 for such operations.

3 Information received by the Commission indicates that T&T is transporting solid waste for collection or disposal for compensation in Whatcom County and Island County. T&T does not hold a certificate of public convenience and necessity to provide such service.

4 Pursuant to RCW 81.04.510, upon proof of the allegations set forth above, the Commission is authorized to issue an order requiring T&T to cease and desist activities subject to regulation under Title 81 RCW.

ORDER AND NOTICE OF HEARING

5 **IT IS HEREBY ORDERED That T&T Recovery, Inc., appear before the Commission in this special proceeding at 1:30 p.m., on Wednesday, November 17, 2004, in the 3rd Floor Conference Room, Office of the Attorney General, 103 E. Holly Street, Suite 310, Bellingham, Washington, to give testimony and evidence under oath as to its operations.** T&T shall appear at the time and place set forth above unless the Secretary of the Commission, by notice of hearing, specifies a different time and place.

6 If a limited English-speaking or hearing-impaired party needs an interpreter, a form is attached to this notice to be filled out and returned as indicated, so a qualified interpreter may be appointed at no cost to the party or witness.

7 IT IS FURTHER ORDERED That, pursuant to RCW 81.04.510, T&T bring to the special proceeding all books, records, accounts, and other documents pertaining to its operations.

8 IT IS FURTHER ORDERED That, pursuant to RCW 81.04.510, T&T shall bear the burden of proving that the alleged operations are not subject to the provisions of RCW 81.77.040.

9 The hearing in this matter is being held pursuant to Part IV of the Administrative Procedure Act (APA), chapter 34.05 RCW. The Commission has jurisdiction over this matter pursuant to chapter 81.77 RCW, which authorizes the Commission to regulate intrastate transportation of solid waste for collection or disposal for compensation under RCW 81.77.020. In addition to the foregoing statutes, this

matter involves chapter 80.01 RCW and chapter 81.77 RCW, including but not limited to RCW 81.77.010, RCW 81.77.030, and RCW 81.77.040. This matter also involves the administrative rules set forth in chapter 480-70 WAC and chapter 480-07 WAC.

10 **NOTICE IS FURTHER GIVEN THAT ANY PARTY WHO FAILS TO ATTEND OR PARTICIPATE IN THE HEARING SET BY THIS NOTICE, OR ANY OTHER STAGE OF THIS PROCEEDING, MAY BE HELD IN DEFAULT IN ACCORDANCE WITH RCW 34.05.440.**

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

Hauler:	T&T Recovery, Inc. Owner: Troy Lautenbach 4731 Lost Creek Road Bellingham, WA 98229
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:	Lisa Watson Assistant Attorney General 1400 S. Evergreen Park Drive S.W. P.O. Box 40128 Olympia, WA 98504-0128 (360) 664-1186

- 12 Theodora M. Mace has been appointed as the Administrative Law Judge from the Utilities and Transportation Commission's Administrative Law Division, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-7250, and will preside at the hearing.

DATED at Olympia, Washington, and effective this 17th day of September, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner

Inquiries should be addressed to:

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

NOTICE

PLEASE BE ADVISED that the hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and that if limited English-speaking or 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.

The information needed to provide an appropriate interpreter or other assistance should be designated below and returned to:

Carole J. Washburn, Executive Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive S.W.
P. O. Box 47250
Olympia, WA 98504-7250.

(SUPPLY ALL REQUESTED INFORMATION)

Docket No.: **Docket No. TG-041481**

Case Name: **T&T Recovery, Inc.**

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired (Yes) (No)

Do you need a certified sign language interpreter: (Yes) (No)

Visual _____ Tactile _____

Other type of assistance needed: _____

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

Name: _____

Address: _____

Phone No.: (____) _____