

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND	)	
TRANSPORTATION COMMISSION,	)	DOCKET NO. TG -041481
	)	ORDER NO. 03
Petitioner,	)	
	)	
v.	)	PREHEARING CONFERENCE
	)	ORDER
T&T RECOVERY, INC.,	)	
	)	
Respondent.	)	
.....	)	

1     **NATURE OF PROCEEDING.** On September 20, 2004, the Washington Utilities and Transportation Commission, pursuant to RCW 81.04.510, instituted 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     **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in this docket at Olympia, Washington on February 1, 2005, before Administrative Law Judge Theodora M. Mace.

3     **APPEARANCES.** John Ridge and Jamie Van Nostrand, attorneys, Seattle, represent T&T Recovery, Inc. (T&T). James K. Sells, attorney, Silverdale, Washington, represents Washington Refuse and Recycling Association (WRRRA). Polly L. McNeil, attorney, Seattle, represents Sanitary Service Company, Inc. (Sanitary Service). David W. Wiley, attorney, Seattle, represents Island Disposal, Inc. (Island Disposal). Lisa Watson, Assistant Attorney General, Olympia,

representing Commission Staff. Contact information provided at the conference for the parties' representatives is attached as Appendix A to this order.

4 **PETITIONS FOR INTERVENTION.** Petitions to intervene were filed by WRRRA, Sanitary Service and Island Disposal. T&T filed objections only to the WRRRA petition to intervene. WRRRA is a trade association representing over 70 solid waste carriers in the State of Washington.

5 T&T objections go to WRRRA's intervention for purposes of hearing in this proceeding,<sup>1</sup> but not to WRRRA's participation in settlement negotiations, or to WRRRA's being a signatory to any settlement agreement.

6 In light of the fact that the parties stated during the prehearing conference that they had reached a settlement agreement in principle, and in light of T&T's lack of objection to WRRRA's participation in the settlement agreement, a ruling on T&T's objection to WRRRA's petition to intervene in the evidentiary proceeding would be premature. Should settlement negotiations fail, the Commission will address T&T's objections at that time.

7 **PROTECTIVE ORDER.** A protective order will be entered in this docket.

8 **DISCOVERY.** The parties asked that the discovery rules be invoked in this docket, pursuant to WAC 480-07-400. The matter is one that qualifies for discovery, and the rules are invoked.

9 **PROCEDURAL SCHEDULE.** Because the parties indicated they were very close to settlement of this case, they stated that a settlement agreement would be submitted to the Commission on March 1, 2005. They further agreed that if, for

---

<sup>1</sup> See T&T's Response to Petition to Intervene of Washington Refuse and Recycling Association, November 23, 2004.

unforeseen reasons, settlement negotiations failed, they would recommend a schedule of proceedings to the Commission on March 1, 2005.

- 10 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file with the Commission an original plus six (6) copies of all pleadings, motions, briefs, and other prefiled materials. Paper copies of these materials are required to conform to the format and publication guidelines set forth in WAC 480-07-395 and 480-07-460, and must 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.
- 11 All filings must be mailed to the Commission Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250, or delivered by hand to the Commission Secretary at the Commission's Records Center at the Washington Utilities and Transportation Commission, 1300 S. Evergreen Park Drive, S.W., Olympia, Washington, 98504. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.
- 12 An electronic copy of all filings must be provided by e-mail delivery to <[records@wutc.wa.gov](mailto:records@wutc.wa.gov)>. Alternatively, Parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette including the filed document(s). The Commission prefers that parties furnish electronic copies in .pdf (Adobe Acrobat) format, supplemented by a separate file in MS Word 6.0 (or later), or WordPerfect 5.1 (or later) format. Parties are required to organize and identify electronic files as specified in WAC 480-07-140(5).
- 13 **ELECTRONIC FILING.** Parties may only file documents electronically with the Commission in this proceeding with the permission of the administrative law judge. Under WAC 480-07-145(6), electronic filing of documents provides a one-

day extension of the paper-filing requirement. If, at any time during this proceeding, parties are authorized to file documents with the Commission electronically under WAC 480-07-145(6), Parties must submit the document to [records@wutc.wa.gov](mailto:records@wutc.wa.gov), and file an original, plus six (6) copies, of the document with the Commission by the following business day.

*14* **NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective this 3rd day of February, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

THEODORA M. MACE  
Administrative Law Judge

