

**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

ORDER 01

PREHEARING CONFERENCE
ORDER; NOTICE OF HEARING
(Set for August 5-6, 2019, at 9 a.m.)

- 1 On December 13, 2018, Superior Waste & Recycle LLC (Superior Waste & Recycle or Applicant) filed with the Washington Utilities and Transportation Commission (Commission) an application for authority to operate as a solid waste collection company in Washington (Application).
- 2 On January 24, 2019, the Commission issued a Notice of Application, which provided 30 days for interested persons to protest the Application. On February 20, 2019, Waste Management of Washington, Inc., d/b/a Brem-Air Disposal (Waste Management) filed a protest to the Application.
- 3 **CONFERENCE.** The Commission convened a prehearing conference in this docket at Olympia, Washington, on Monday, April 8, 2019, before Administrative Law Judge Rayne Pearson.
- 4 **APPEARANCES.** Daniel Stein, Owner, Seabeck, Washington, represents Superior Waste & Recycle. Walker Stanovsky, Davis Wright Tremaine LLP, Seattle, Washington, represents Waste Management. Harry Fukano, Assistant Attorney General, Olympia, Washington represents the Commission's regulatory staff (Commission Staff or Staff).¹ Contact information provided in notices of appearance or at the conference for the parties' representatives is attached as Appendix A to this Order.
- 5 **PETITIONS FOR INTERVENTION.** The Commission received no petitions to intervene in this docket.

¹ In formal proceedings such as this, the Commission's regulatory staff participates like any other party. To assure fairness, the presiding administrative law judge does not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

6 **DISCOVERY.** Discovery will be conducted pursuant to the Commission’s discovery rules, WAC 480-07-400 – 425, and the following instructions. The Commission believes it will aid discovery in this case if every data request and each response thereto is shared with all parties. No party objects to the Commission making the exchange of data requests and responses with all parties a requirement for discovery in this case. Accordingly, we require the parties to share every data request and response with all parties. The Commission urges the parties to work cooperatively together to avoid having to bring discovery matters forward for formal resolution.

7 **DEPOSITIONS.** The parties agree they will not depose any witness without first obtaining approval from the presiding officer.

8 **PROCEDURAL SCHEDULE.** The parties presented an agreed procedural schedule at the conference. The Commission adopts this procedural schedule, which is attached to this Order as Appendix B.

9 **DOCUMENT FILING REQUIREMENTS.** Parties must file and serve all pleadings, motions, briefs, and other prefiled materials in compliance with all of the following requirements:

- (a) The Commission accepts only electronic versions of documents for formal filing. The Commission requires electronic copies to be in searchable .pdf format (adobe acrobat or comparable software), or to otherwise comply with WAC 480-07-140(6)(a). Parties must submit documents electronically through the Commission’s web portal (www.utc.wa.gov/e-filing). If a party is unable to use the web portal to submit documents for filing, the Commission will accept a submission via email to records@utc.wa.gov provided the email: (1) explains the reason the documents are not being submitted via the web portal, and (2) complies with the requirements in WAC 480-07-140(5)(b).
- (b) Pursuant to WAC 480-07-365, parties must submit electronic copies of all documents by 5 p.m. on the filing deadline established in the procedural schedule (or other deadline as applicable) unless the Commission orders otherwise.
- (c) Documents filed with the Commission must conform to the format, organization, and identification requirements in WAC 480-07-140(6), WAC 480-07-395, and WAC 480-07-460, and must comply with the requirements in WAC 480-07-160.

- 10 **SERVICE.** Consistent with WAC 480-07-360, the Commission will electronically serve all documents in this proceeding. Parties must electronically serve the other parties and provide courtesy electronic copies of filings to Judge Pearson (rayne.pearson@utc.wa.gov) by 5 p.m. on the filing deadline unless the Commission orders otherwise. Contact information provided in notices of appearance or at the conference for the parties' representatives is attached as Appendix A to this Order. If parties are unable to email copies, they may furnish electronic copies by delivering them on a flash drive.
- 11 **EXHIBITS FOR CROSS-EXAMINATION.** Parties are required to file with the Commission and serve all proposed cross-examination exhibits by **5 p.m. on July 29, 2019**. The exhibits must be grouped according to the witness the party intends to cross-examine with the exhibits.
- 12 **EXHIBIT LISTS.** Each party must file a list of all exhibits the party intends to introduce into the evidentiary record, including all prefiled testimony and exhibits, as well as cross-examination exhibits. The parties must file and serve their exhibit lists by **5 p.m. on July 29, 2019**.
- 13 **CROSS-EXAMINATION TIME ESTIMATES.** Each party must provide a list of witnesses the party intends to cross-examine at the evidentiary hearing and an estimate of the time that party anticipates the cross-examination of that witness will take. Parties should not file witness lists or cross-examination time estimates to the docket, but must provide them to Judge Pearson and the other parties by **5 p.m. on July 29, 2019**.
- 14 **NOTICE OF HEARING.** The Commission will hold an evidentiary hearing in this matter on **August 5-6, 2019**, at **9 a.m.** in the Commission's Hearing Room, First Floor, Commission Headquarters, 621 Woodland Square Loop S.E., Lacey, Washington.
- 15 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission has limited ability to provide dispute resolution services. If you wish to explore those services, please contact Rayne Pearson, Director, Administrative Law Division at rayne.pearson@utc.wa.gov or (360) 664-1136.
- 16 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of the order in the upper right-hand corner. Absent such objection,**

this Order will control further proceedings in this matter, subject to Commission review.

DATED at Olympia, Washington, and effective April 9, 2019.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

RAYNE PEARSON
Administrative Law Judge

APPENDIX A
PARTIES' REPRESENTATIVES
DOCKET TG-181023

PARTY	REPRESENTATIVE	PHONE	E-MAIL
Superior Waste & Recycle, LLC	Daniel J. Stein Owner 6070 Minnig Lane NW Seabeck, WA 98380	(360) 328-6787	seattlesight@yahoo.com
Waste Management	Walker Stanovsky Davis Wright Tremaine LLP 920 Fifth Avenue, Suite 3300 Seattle, WA 98104-1610	(206) 757-8259	WalkerStanovsky@dwt.com
	Nancy Foley Davis Wright Tremaine LLP	(206) 757-8582	NancyFoley@dwt.com
	Craig Gannett Davis Wright Tremaine LLP		craiggannett@dwt.com
	Mike Weinstein Waste Management 720 4 th Ave. Suite 400 Kirkland, WA 98033-8136		mweinst@wm.com
	Andrew Kenefick Senior Legal Counsel Waste Management	(425) 825-2003	akenefick@wm.com
Commission Staff	Harry Fukano Office of the Attorney General Utilities and Transportation Division 1400 S. Evergreen Park Drive SW P.O. Box 40128 Olympia, WA 98504-0128	(360) 664-1225	harry.fukano@utc.wa.gov
	Betsy DeMarco Office of the Attorney General Utilities and Transportation Division		betsy.demarco@utc.wa.gov

APPENDIX B
PROCEDURAL SCHEDULE
DOCKET TG-181023

EVENT	DATE
Direct Testimony and Exhibits (All Parties)	May 15, 2019
Response Testimony and Exhibits (All Parties)	June 14, 2019
Deadline for Filing Any Dispositive Motions	July 3, 2019
Discovery Cut-off	July 15, 2019
Cross-Examination Exhibits, Exhibit Lists, and Cross-Examination Time Estimates	July 29, 2019
Evidentiary Hearing	August 5-6, 2019