

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of

ADE DUMPSTERS, LLC,

For Authority to Operate as a Solid
Waste Collection Company in
Washington

DOCKET TG-200250

ORDER 01

PREHEARING CONFERENCE
ORDER; NOTICE OF HEARING
**(Evidentiary Hearing set for
December 8, 2020, at 9:00 a.m.)**

- 1 **NATURE OF PROCEEDING.** On March 24, 2020, ADE Dumpsters, LLC, (ADE 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). On April 27, 2020, Murrey's Disposal Company, Inc., and Harold LeMay Enterprises, Inc., filed protests to the Application. On May 4, 2020, Rabanco Ltd., d/b/a Emerald City Disposal, Tri-County Disposal, Lynnwood Disposal, Eastside Disposal, Rabanco Companies, Sea-Tac Disposal, Rabanco Connections, Republic Services, and Rabanco Recycling; and Waste Management of Washington, Inc., d/b/a Waste Management – North Sound, Waste Management – Marysville, Waste – South Sound, and Waste Management of Seattle, also filed protests.
- 2 **CONFERENCE.** The Commission convened a telephonic prehearing conference on July 13, 2020, before Administrative Law Judge Michael Howard.
- 3 **APPEARANCES.** Anthony Douglas and JoAn Douglas, co-owners, represent ADE. David W. Wiley, Williams, Kastner & Gibbs PLLC, represents Murrey's Disposal Company, Inc., Harold LeMay Enterprises, Inc., and Rabanco Ltd. Walker Stanovsky, Davis Wright Tremaine LLP, and Andrew Kenefick, in-house counsel, represent Waste Management of Washington, Inc. James K. Sells and Rod Whitaker represent Washington Refuse and Recycling Association (WRRRA). Contact information for the parties' representatives is attached as Appendix A to this Order.
- 4 **PETITIONS FOR INTERVENTION.** On July 8, 2020, WRRRA filed with the Commission a Petition to Intervene (Petition). No party objected to the Petition. The Commission finds that WRRRA has established a substantial interest in this proceeding and that its participation is in the public interest because WRRRA is an industry

association that represents the majority of regulated solid waste collection companies in Washington.¹ Accordingly, the Commission grants the Petition.

5 **DISCOVERY.** Discovery will be conducted under the Commission’s discovery rules, WAC 480-07-400 – 425. The Commission urges the parties to work cooperatively together to avoid having to bring discovery matters forward for formal resolution. The Commission will issue a separate protective order at the request of the parties.

6 **PROCEDURAL SCHEDULE.** The parties presented an agreed procedural schedule at the prehearing conference, which the Commission modifies by deleting a duplicative entry for the discovery cut-off date. The Commission otherwise adopts the proposed procedural schedule, which is attached to this Order as Appendix B. The parties may modify the date of the settlement conference by providing written notice to the Commission.

7 **DOCUMENT FILING AND SERVICE REQUIREMENTS.** Parties must file and serve all pleadings, motions, briefs, and other pre-filed materials in compliance with all of the following requirements:

- (a) 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. Parties must comply with WAC 480-07-140(6) in formatting, organizing, and identifying electronic files.
- (b) The Commission accepts only electronic versions of documents for formal filing. 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 that 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).
- (c) Parties must electronically serve the other parties and provide courtesy electronic copies of filings to the presiding administrative law judge (michael.howard@utc.wa.gov) by 5 p.m. on the filing deadline unless the Commission orders otherwise. If parties are unable to email copies, they may furnish electronic copies by delivering them on a flash drive only.

¹ WAC 480-07-355.

- 8 **EXHIBITS FOR CROSS-EXAMINATION.** Parties are required to file with the Commission and serve all proposed cross-examination exhibits by **5 p.m. on Tuesday, December 1, 2020.** The Commission requires electronic copies in searchable PDF (Adobe Acrobat or comparable software). If any of the exhibits contain information designated as confidential, parties must file an electronic copy of the redacted version in searchable PDF (Adobe Acrobat or comparable software) of each such exhibit. The exhibits must be grouped according to the witness the party intends to cross examine with the exhibits.
- 9 **EXHIBIT LISTS.** With each submission of pre-filed testimony and exhibits, the party making the submission must include a preliminary exhibit list that identifies each submitted exhibit in the format the Commission uses for exhibit lists it prepares for evidentiary hearings. ADE will prepare its preliminary exhibit list and circulate it to the parties. Each party must file and serve a final list of all exhibits the party intends to introduce into the evidentiary record, including all pre-filed testimony and exhibits, as well as cross-examination exhibits by **5 p.m., Tuesday, December 1, 2020.**
- 10 **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 but must provide them to the administrative law judge (michael.howard@utc.wa.gov) and the other parties by email on **Tuesday, December 1, 2020, at 5:00 p.m.**
- 11 **PUBLIC COMMENT HEARING.** No party requested a public comment hearing, and the Commission does not find such a hearing is necessary in this case.
- 12 **NOTICE OF EVIDENTIARY HEARING.** The Commission will hold an evidentiary hearing in this docket on **Tuesday, December 8, 2020, at 9:00 a.m., continuing if necessary to Wednesday, December 9, 2020.** Due to uncertainties surrounding the COVID-19 pandemic, the Commission will determine at a later date whether the hearing will be conducted in-person or virtually. If the hearing is conducted in-person, it will convene in the Commission's Hearing Room, First Floor, Commission Headquarters, 621 Woodland Square Loop S.E., Lacey, Washington.
- 13 **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 (360-664-1136).

14 **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 this Order, in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this docket, subject to Commission review.**

DATED at Lacey, Washington, and effective July 14, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Michael S. Howard
MICHAEL HOWARD
Administrative Law Judge

APPENDIX A
PARTIES' REPRESENTATIVES
DOCKET TG-200250

PARTY	REPRESENTATIVE	PHONE	E-MAIL
ADE Dumpsters, LLC	Anthony Douglas and JoAn Douglas PO Box 111883 Tacoma, WA 98411	253-314-6785	Adeent1997@gmail.com
Murrey's Disposal Company, Inc.	David W. Wiley Williams, Kastner & Gibbs PLLC 601 Union St., Ste. 4100 Seattle, WA 98101-2380	206-233-2895	dwiley@williamskastner.com
Harold LeMay Enterprises, Inc.	David W. Wiley Williams, Kastner & Gibbs PLLC 601 Union St., Ste. 4100 Seattle, WA 98101-2380	206-233-2895	dwiley@williamskastner.com
Rabanco LTD	David W. Wiley Williams, Kastner & Gibbs PLLC 601 Union St., Ste. 4100 Seattle, WA 98101-2380	206-233-2895	dwiley@williamskastner.com
Waste Management	Andrew Kenefick 720 4th Ave. Ste. 400 Kirkland, WA 98033-8136	425-825-2003	akenefick@wm.com
	Walker Stanovsky Davis Wright Tremaine LLP 920 Fifth Ave., Ste. 3300 Seattle, WA 98104-1610	206-757-8259	walkerstanovsky@dwt.com
	Nancy Foley		nancyfoley@dwt.com
WRAA	James K. Sells, Attorney at Law PMB22 3110 O Judson Street Gig Harbor, WA 98335	360-981-0168	jamesells@comcast.net
	Rod Whitaker, Attorney at Law WRAA 4160 6th Avenue SE, Ste.205 Lacey, WA 98503	360-943-8859	rod@-wraa.org

**APPENDIX B
PROCEDURAL SCHEDULE
DOCKET TG-200250**

EVENT	DATE
Application Filing	March 24, 2020
Prehearing Conference	July 13, 2020
Applicant Direct Testimony and Exhibits	September 4, 2020
Response testimony from Protestants and Intervenor	October 9, 2020
Discovery deadline	October 23, 2020
Rebuttal Testimony	November 13, 2020
Settlement Conference	November 18, 2020, 10:00 a.m. to 12:00 p.m.
Exhibit List, Cross-Examination Exhibits, Witness Lists, Time Estimates, and Exhibit Errata	December 1, 2020
Evidentiary Hearing	December 8, 2020, at 9:00 a.m., continuing if needed to December 9, 2020