

March 26, 2008

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VIA E-MAIL AND U.S. MAIL

Carole Washburn  
Executive Secretary  
Washington Utilities and Transportation Commission  
P. O. Box 47250  
1300 S. Evergreen Park Drive S.W.  
Olympia, WA 98504-7250  
Attn: Administrative Law Judge Adam E. Torem

Re: *In re: Glacier Recycle, LLC, et al.*  
Docket No. TG-072226  
Protective Order Dispute and New Pleading from Respondents;  
Request for Further Prehearing Conference for Consideration of Additional Argument

Dear Judge Torem:

The above matter initially was heard in Prehearing Conference on January 24, 2008. Since that time there have been a number of proposals for protective orders including one by the undersigned of February 12, 2008, as well as one by counsel for the Respondent on or about the same date. As Administrative Law Judge, you issued your form of Protective Order on February 29, 2008 apparently after consideration of those proposals. On March 25, 2008, we now have a motion to further limit the protective order filed by the Respondents. As I originally suggested in my February 12, 2008 letter to you, I believe that the standard protective orders proposed in this matter to date are overbroad in the critical development of a public record for an administrative hearing.

The intervenor companies that I represent are certificated solid waste carriers in their respective territories. Unauthorized collection of solid waste over the public highways for compensation has a direct impact on the revenue and ratepayer customers of regulated solid waste collection companies. We would intend to establish that the Respondents are in fact subject to RCW 81.77.040, and allege that the evidence will ultimately show that they have been engaged in collecting and transporting solid waste over the public highways for compensation without necessary certificate authority from this Commission which is contrary to the public interest, which, as general intervenors, we are authorized to address.

Again, as my February 12th letter indicates, some of the clients that I represent would intend to present evidence of account loss to the Respondents and cross-examine Respondents about their activities. We

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fully expect to place names of customers on the hearing record both through direct and cross-examination testimony and believe it is entirely contrary to the Public Records Act, i.e. to seek to protect any such information under the guise that it is "proprietary" or "confidential."

With these arguments in mind, I would now request that the Administrative Law Division and/or you consider a telephonic or live further prehearing conference to address the protective order issue as soon as possible. Currently, I believe the on-going disputes about the protective order may have delayed discovery and in fact are threatening the viability of the original hearing schedule established on January 24, 2008. It is my hope that argument on the record before you may expedite resolution of this matter and avoid the need for any further submissions and written argument that may take additional weeks to prepare and resolve.

Yours truly,

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DAV:men

cc: Clients  
*See Attached Certificate of Service*