

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

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,	)	DOCKET TG-101220
)	
Complainant	)	ORDER 03
)	
v.	)	ORDER OF CONSOLIDATION AND
	)	NOTICE OF PREHEARING
WASTE MANAGEMENT OF	)	CONFERENCE
WASHINGTON, INC., d/b/a WASTE	)	(Set for December 20, 2010,
MANAGEMENT – NORTHWEST,	)	at 10:00 a.m.)
)	
Respondent.)	
.....)	
WASHINGTON UTILITIES AND	)	DOCKET TG-101221
TRANSPORTATION COMMISSION,)	
	)	ORDER 03
Complainant)	
)	
v.	)	ORDER OF CONSOLIDATION AND
	)	NOTICE OF PREHEARING
WASTE MANAGEMENT OF	)	CONFERENCE
WASHINGTON, INC, d/b/a WASTE	)	(Set for December 20, 2010,
MANAGEMENT – SNO-KING,	)	at 10:00 a.m.)
)	
Respondent.)	
.....)	
WASHINGTON UTILITIES AND	)	DOCKET TG-101222
TRANSPORTATION COMMISSION,)	
	)	ORDER 03
Complainant,)	
)	
v.	)	ORDER OF CONSOLIDATION AND
	)	NOTICE OF PREHEARING
WASTE MANAGEMENT OF	)	CONFERENCE
WASHINGTON, INC., d/b/a WASTE	)	(Set for December 20, 2010,
MANAGEMENT – SOUTH SOUND,	)	at 10:00 a.m.)
WASTE MANAGEMENT OF)	
SEATTLE,)	
)	
Respondent.)	
.....)	

- 1 On July 16, 2010, in Docket TG-101220, Waste Management of Washington, Inc., d/b/a Waste Management – Northwest (Waste Management) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective Tariff No. 17.
- 2 On July 16, 2010, in Docket TG-101221, Waste Management of Washington, Inc., d/b/a Waste Management – Sno-King (Waste Management) filed with the Commission revisions to its currently effective Tariff No. 15.
- 3 On July 16, 2010, in Docket TG-101222, Waste Management of Washington, Inc., d/b/a Waste Management South Sound, Waste Management of Seattle (Waste Management) filed with the Commission revisions to its currently effective Tariff No. 22.
- 4 The filings, in the above-referenced dockets, propose to increase the amount Waste Management pays to single family and multi-family customers for the value of the recyclable materials that Waste Management collects in its residential recycling collection service.¹
- 5 On August 31, 2010, the Commission, by order in Dockets TG-101220, TG-101221, and TG-101222, authorized Waste Management to retain fifty percent of the revenue it receives from the sale of recyclable materials collected in single-family and multi-family residential recycling programs on an interim basis, from September 1, 2010, through December 1, 2010, subject to refund.
- 6 On November 1, 2010, Waste Management filed information required by Order 01, including a Petition to allow revenue sharing, lift interim status and approve revised commodity credits.
- 7 On November 24, 2010, the Commission, by order, suspended the operation of the tariff revisions in Dockets TG-101220, TG-101221, and TG-101222, pending hearing or hearings concerning all proposed changes, including whether the changes are fair, just, reasonable and sufficient.

¹ Also on July 16, 2010, Waste Management filed with the Commission, in the same dockets, a request to retain fifty percent of the revenue Waste Management receives from the sale of recyclable materials that it collects in its residential recycling collection service.

ORDER OF CONSOLIDATION

8 THE COMMISSION ORDERS that these matters are consolidated for purposes of hearing and determination. The Commission reserves the right to hold separate hearings and to enter separate orders in the individual dockets as it deems appropriate.

NOTICE OF PREHEARING CONFERENCE

9 The Commission has jurisdiction over this matter under RCW Title 81, and has legal authority to regulate the rates, services, and practices of solid waste collection companies pursuant to RCW 81.77. The statutes that apply to this matter include RCW 81.04 and RCW 81.28 relating to rates, including but not limited to RCW 81.01.010 and RCW 81.04.020. The rules that apply to this matter include those within WAC 480-70, relating to solid waste collection companies.

10 The Commission will hear this matter under the Administrative Procedure Act (APA), particularly Part IV of RCW 34.05 relating to adjudications. The provisions of the APA that relate to this proceeding include, but are not limited to RCW 34.05.413, RCW 34.05.422, RCW 34.05.431, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452. The Commission will also follow its procedural rules in WAC 480-07 in this proceeding.

11 The Commission finds there is good cause to hear this matter on shortened notice. *See WAC 480-07-440(1)(a).*

12 **THE COMMISSION GIVES NOTICE That the Commission will hold a prehearing conference in this matter at 10:00 a.m., on Monday, December 20, 2010, in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington. The prehearing conference will convene at the same time as a prehearing conference in Dockets TG-101542, TG-101545, and TG-101548 (*consolidated*) and the two conferences will be conducted concurrently.**

13 The purpose of the prehearing conference is to consider requests for intervention, resolve scheduling matters including establishing dates for distributing evidence and workpapers, to identify the issues in the proceeding and determine other matters to assist the Commission in resolving the matter, as listed in WAC 480-07-430. Further, a purpose of the prehearing conference is to discuss whether the proceedings should be consolidated with Dockets TG-101542, TG-101545, and TG-101548. **Parties are**

encouraged to consult informally prior to the prehearing conference to develop a proposed schedule for the Commission's consideration.

14 **INTERVENTION:** Persons who wish to intervene should file a petition to intervene in writing at least three business days before the date of the prehearing conference. *See WAC 480-07-355(a)*. The Commission will consider oral petitions to intervene during the conference, but strongly prefers written petitions to intervene. Party representatives must file a notice of appearance with the Commission no later than the business day before the conference. *See WAC 480-07-345(2)*. Any party or witness in need of an interpreter or other assistance should fill out the form attached to this notice and return it to the Commission. The Commission will set the time and place for any evidentiary hearings at the prehearing conference, on the record of a later conference or hearing session, or by later written notice.

15 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the prehearing conference set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**

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

Complainant: Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

Representative: Fronda Woods
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664- 1225
fwoods@utc.wa.gov

Respondents: Waste Management of Washington, Inc.
d/b/a Waste Management – Northwest
Michael A. Weinstein, Senior Pricing Manager
13225 NE 126th Place
Kirkland, WA 98034

Waste Management of Washington, Inc.
d/b/a Waste Management – Sno-King
Michael A. Weinstein, Senior Pricing Manager
13225 NE 126th Place
Kirkland, WA 98034

Waste Management of Washington, Inc.
d/b/a Waste Management – South Sound, Waste
Management of Seattle
Michael A. Weinstein, Senior Pricing Manager
13225 NE 126th Place
Kirkland, WA 98034

Representative:

Polly L. McNeill
Summit Law Group PLLC
315 Fifth Avenue S, Suite 1000
Seattle, WA 98104
(206) 676-7040
Pollym@summitlaw.com

- 17 Administrative Law Judge Gregory J. Kopta, from the Commission's Administrative Law Division, will preside during this proceeding.
- 18 The Commission will give parties notice of any other procedural phase of the proceeding in writing or on the record, as appropriate during this proceeding.

DATED at Olympia, Washington, and effective December 1, 2010.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER
Executive Director and Secretary

Inquiries may be addressed to:

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

NOTICE

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, 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.

If you need an interpreter, or have other special needs, please fill out this form and return it to Washington State Utilities and Transportation Commission, Attention: David W. Danner, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket : _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary
Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

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

Name: _____

Address: _____

Phone No.: (____) _____