

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND) DOCKET TG-111813
TRANSPORTATION COMMISSION,) (*consolidated*)
)
Complainant) ORDER 04
)
v.)
) PREHEARING CONFERENCE
WASTE MANAGEMENT OF) ORDER
WASHINGTON, INC., d/b/a WASTE)
MANAGEMENT – NORTHWEST,)
)
Respondent.)
.....) DOCKET TG-111814
WASHINGTON UTILITIES AND) (*consolidated*)
TRANSPORTATION COMMISSION,)
) ORDER 05
Complainant)
)
v.) PREHEARING CONFERENCE
) ORDER
WASTE MANAGEMENT OF)
WASHINGTON, INC, d/b/a WASTE)
MANAGEMENT – SNO-KING,)
)
Respondent.) DOCKET TG-111815
.....) (*consolidated*)
WASHINGTON UTILITIES AND)
TRANSPORTATION COMMISSION,) ORDER 05
)
Complainant,)
) PREHEARING CONFERENCE
v.) ORDER
)
WASTE MANAGEMENT OF)
WASHINGTON, INC., d/b/a WASTE)
MANAGEMENT – SOUTH SOUND,)
WASTE MANAGEMENT OF)
SEATTLE,)
)
Respondent.)
.....)

- 1 **NATURE OF PROCEEDING.** Dockets TG-111813, TG-111814 and TG-111815 involve filings by Waste Management of Washington, Inc., d/b/a Waste management – Northwest, Waste Management of Washington, Inc., d/b/a Waste Management – Sno-King, and Washington Management of Washington, Inc., d/b/a Waste Management South Sound, Waste Management of Seattle (Collectively Waste Management). Each company proposes 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.
- 2 **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in this docket at Olympia, Washington on February 6, 2012, before Administrative Law Judge Gregory J. Kopta.
- 3 **APPEARANCES.** Gregory J. Trautman, Assistant Attorney General, Olympia, Washington, represents the Commission’s regulatory staff (Commission Staff or Staff).¹ Polly L. McNeill, Summit Law Group PLLC, Seattle, Washington, represents Waste Management. Contact information provided at the conference for the parties’ representatives is attached as Appendix A to this order.
- 4 **PETITIONS FOR INTERVENTION.** No party appeared at the conference seeking to intervene.
- 5 **CONSOLIDATION.** The Commission previously entered an order consolidating these three dockets on January 23, 2012.
- 6 **DISCOVERY.** It does not appear that discovery will be required in this proceeding. If parties see a need for discovery, any party may move that the Commission make the Commission’s discovery rules available.

¹ In formal proceedings, such as this, the Commission’s regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners’ policy and accounting advisors do 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.

- 7 **COORDINATION WITH DOCKET TG-112162.** On January 9, 2012, the Commission conducted a workshop and recessed open meeting in Docket TG-112162, to address recycling revenue sharing programs operated by regulated solid waste collection companies. The Commission followed that workshop with notices on January 13, 2012, and February 1, 2012, that provide opportunities to submit written comments and schedule a second workshop in that proceeding on March 28, 2012. The Commission anticipates issuing an interpretive and policy statement following that workshop.
- 8 The issues in this proceeding overlap, at least in part, with the issues to be addressed in Docket TG-112162. The parties, therefore, propose to brief the disputed issues in these dockets after the Commission issues its interpretive and policy statement in Docket TG-112162. The Commission does not object to this proposal provided the Commission has sufficient time to issue a final order before the statutory suspension deadline of September 30, 2012.
- 9 **PROCEDURAL SCHEDULE.** The parties agreed that no evidentiary hearing is necessary and that the issues can be resolved on cross-motions for summary determination. The parties agreed on a briefing schedule during the conference based on the assumption that the Commission will issue its interpretive and policy statement in Docket TG-112162 before the end of May 2012. The Commission adopts this procedural schedule, which is attached to this Order as Appendix B. The parties may seek to amend this schedule if the Commission does not issue its interpretive and policy statement in Docket TG-112162 as anticipated.
- 10 **WAIVER OF INITIAL ORDER.** The parties agreed to waive an initial order in this case and have the Commission issue a final order directly after the briefing is concluded. Each of the parties will submit a letter confirming this waiver.
- 11 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file an original plus **six** copies of all pleadings, motions, briefs, and other prefiled materials. These materials must conform to the format and publication guidelines in WAC 480-07-395 and WAC 480-07-460. The Commission prefers that materials 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.

- 12 All filings must be mailed or delivered to the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.
- 13 An electronic copy of all filings must be provided through the Commission's Web Portal (www.utc.wa.gov/e-filing) or by e-mail delivery to records@utc.wa.gov. Alternatively, parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette or CD including the filed document(s). Parties must furnish electronic copies in MS Word 6.0 (or later) supplemented by a separate file in .pdf (Adobe Acrobat) format. Parties must follow WAC 480-07-140(5) in organizing and identifying electronic files.
- 14 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Parties may submit documents electronically to the Commission on the filing deadline to expedite the filing process, but must file an original, plus **six** paper copies, of the documents with the Commission by 12:00 noon on the first business day following the filing deadline established in the procedural schedule. WAC 480-07-145(6). Parties may submit documents electronically through the Commission's Web Portal (www.utc.wa.gov/efiling) or by e-mail to records@utc.wa.gov. Finally, to perfect filing, parties must simultaneously provide e-mail courtesy copies of filings to the presiding administrative law judge as well as to the parties to the proceeding.
- 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 does have limited ability to provide dispute resolution services; if you wish to explore those services, please call the Director, Administrative Law Division, at 360-664-1355.

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 February 8, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

GREGORY J. KOPTA
Administrative Law Judge

APPENDIX A

**PARTIES' REPRESENTATIVES
DOCKETS TG-111813, et al.**

| PARTY | REPRESENTATIVE | PHONE | FACSIMILE | E-MAIL |
|--------------------------------------|---|--------------|------------------|--|
| Commission Staff | Gregory J. Trautman Assistant Attorney General 1400 S. Evergreen Park Drive S.W. P.O. Box 40128 Olympia, WA 98504-0128 | 360-664-1176 | 360-586-5522 | gtrautma@utc.wa.gov |
| Waste Management of Washington, Inc. | Mike Weinstein 13225 NE 126 th Place Kirkland, WA 98034 | 425-814-7840 | 425-814-7866 | mweinstein@wm.com |
| | Polly L. McNeill Summit Law Group PLLC 315 Fifth Avenue S Suite 1000 Seattle, WA 98104 | 206-676-7040 | 206-676-7001 | pollym@summitlaw.com |

APPENDIX B
PROCEDURAL SCHEDULE
DOCKETS TG-111813, et al.

| EVENT | DATE |
|-----------------------------|---------------|
| Simultaneous Initial Briefs | June 5, 2012 |
| Simultaneous Reply Briefs | June 25, 2012 |