

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

WASHINGTON UTILITIES AND	)	DOCKETS TG-080913
TRANSPORTATION COMMISSION,	)	TG-080914 (<i>consolidated</i>)
)	
Complainant,	)	ORDER 02
)	
v.	)	PREHEARING CONFERENCE
	)	ORDER; NOTICE OF HEARING
POINTS RECYCLING AND REFUSE,	)	(Set for April 20-21, 2009,
LLC,	)	at 9:30 a.m.)
)	
Respondent.)	
.....)	
)	
WHATCOM COUNTY,	)	DOCKET TG-081089
	)	(<i>consolidated</i>)
Complainant,)	
	)	ORDER 02
v.)	
	)	PREHEARING CONFERENCE
POINTS RECYCLING AND REFUSE	)	ORDER; NOTICE OF HEARING
LLC,	)	(Set for April 20-21, 2009,
	)	at 9:30 a.m.)
Respondent.)	
.....)	

1 **NATURE OF PROCEEDING.** Docket TG-080913 involves a tariff filing by Points Recycling and Refuse, LLC (Points or the Company) to remove curbside recycling from the Company’s tariff. Docket TG-080914 involves a tariff filing by Points to add the company-specific definition of “Alternative Daily Landfill Cover” to Points’ tariff.¹ Docket TG-081089 involves a complaint filed by Whatcom County against

¹At the prehearing conference, Points indicated that it will be requesting to withdraw its tariff revision request in Docket TG-080914. The Commission will review the request when it is received.

Points to revoke the Company's certification as the designated hauler for Point Roberts, Washington.

2 **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in this docket at Olympia, Washington on December 8, 2008, before Administrative Law Judge Marguerite E. Friedlander.

3 **APPEARANCES.** Dan Gibson, Whatcom County Deputy Prosecutor, Bellingham, Washington, represents Whatcom County. James Sells, Ryan Sells and Uptegraft, Inc., Silverdale, Washington, represents Points. Jonathan Thompson, Assistant Attorney General, Olympia, Washington, represents the Commission's regulatory Staff (Commission Staff or Staff).² 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 **DISCOVERY.** Commission Staff asked that the discovery rules be invoked in this docket, under WAC 480-07-400. The matter is one that qualifies for discovery, and the discovery rules, WAC 480-07-400 – 425, are invoked.

6 **PROCEDURAL SCHEDULE.** The parties agreed on a procedural schedule during the conference. The Commission adopts this procedural schedule, which is listed below and attached to this Order as Appendix B.

Prefiled Direct Testimony	January 20, 2009
Prefiled Responsive Testimony	March 2, 2009
Prefiled Rebuttal Testimony	March 30, 2009
Witness Lists	April 15, 2009
Hearing	April 20-21, 2009

² In formal proceedings, such as this, the Commission's regulatory staff functions as an independent party with the same rights, privileges, and responsibilities as other parties to the proceeding. There is an "ex parte wall" separating the Commissioners, the presiding Administrative Law Judge, and the Commissioners' policy and accounting advisors from all parties, including regulatory staff. *RCW 34.05.455.*

Post-hearing opening briefs May 12, 2009
Post-hearing closing briefs May 19, 2009

- 7 **NOTICE OF HEARING.** The Commission will hold a hearing in this matter, to begin on **Monday, April 20, 2009, at 9:30 a.m., in Room 206, the Richard Hemstad Building, 1300 S. Evergreen Park Drive SW, Olympia, Washington.** The hearing will continue and be completed, if needed, through **Tuesday, April 21, 2009**, in the same location.
- 8 **DOCUMENT PREPARATION.** Parties must file an original plus **five (5)** 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.
- 9 **FILING REQUIREMENTS.** All filings must be mailed or delivered to the David W. Danner, 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.
- 10 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.
- 11 **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 **five (5)** 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/e-filing) 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 identified on Appendix A to this Order as well as to the parties to the proceeding.

- 12 **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 360-664-1144.
- 13 **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 December 12, 2008.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

MARGUERITE E. FRIEDLANDER
Administrative Law Judge

APPENDIX A

PARTIES' REPRESENTATIVES
DOCKETS TG-080913, TG-080914, and TG-081089 (consolidated)

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
Whatcom County	Dan Gibson Whatcom County Deputy Prosecutor 311 Grand Avenue, Ste. 201 Bellingham, WA 98225	360-676-6784	360-738-4561	dgibson@co.whatcom.wa.us
Points Recycling and Refuse, LLC	James Sells Ryan Sells and Uptegraft, Inc. 9657 Levin Rd. NW, Ste. 240 Silverdale, WA 98383	360-307-8860	360-307-8865	jimsells@rsulaw.com
Commission Staff	Jonathan Thompson Assistant Attorney General 1400 S. Evergreen Park Dr. SW P.O. Box 40128 Olympia, WA 98504-0128	360-664-1225	360-586-5522	jthomps@utc.wa.gov
Admin. Law Judge	Marguerite E. Friedlander 1300 S. Evergreen Park Dr. SW P.O. Box 47250 Olympia, WA 98504-7250	360-664-1285	360-664-2654	mfriedla@utc.wa.gov

APPENDIX B
PROCEDURAL SCHEDULE
DOCKETS TG-080913, TG-080914, and TG-081089

EVENT	DATE
Prefiled Direct Testimony	January 20, 2009
Prefiled Responsive Testimony	March 2, 2009
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