

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of

WESTSIDE WASTE, LLC,

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

DOCKET TG-190653

NOTICE OF TELEPHONIC
PREHEARING CONFERENCE
(Set for April 13, 2020, at 1:30 p.m.)

- 1 **APPLICATION:** On August 5, 2019, Westside Waste, LLC, (Westside Waste 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), and on January 1, 2020, the Commission issued a notice of pending application, allowing affected parties 30 days to protest the Application.
- 2 **PROTEST.** On January 24, 2020, Rabanco LTD/Republic and Rubatino Refuse Removal, Inc., filed protests to the Application. On January 28, 2020, Waste Management of Washington, Inc., d/b/a Waste Management - North Sound and Waste Management – Marysville, also filed a protest.
- 3 **STATUTORY AUTHORITY:** The Commission has jurisdiction over this matter under RCW Title 80 and RCW Title 81, and has legal authority to regulate solid waste collection companies in the state of Washington. The statutes that apply to this matter include RCW 80.01, RCW 80.04, and RCW 81.77, including but not limited to RCW 80.01.040, RCW 80.04.020, RCW 81.77.020 and RCW 81.77.040. The rules that apply to this matter include those within Washington Administrative Code (WAC) 480-07 and 480-70, relating to solid waste collection companies.
- 4 **PROCEDURES:** 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.
- 5 The Commission finds there is good cause to hear this matter on shortened notice. *See* WAC 480-07-440(1)(a) and RCW 34.05.434.

6 **THE COMMISSION GIVES NOTICE** That it will hold a telephonic prehearing conference in this matter at 1:30 p.m., on April 13, 2020. To participate by phone, call (360) 407-3810 and enter the conference ID: 4649139. To participate online, use the following link: <https://lync.wa.gov/utc.wa.gov/meet/aldcalendar/K93ZRLR5>.

7 **PURPOSE:** The purpose of the prehearing conference is to consider requests for intervention, to resolve scheduling matters including establishing dates for distributing evidence, to identify the issues in the proceeding, and to determine other matters to assist the Commission in resolving the matter, as listed in WAC 480-07-430. The Commission will set the time and place for the evidentiary hearings at the prehearing conference or by later written notice.

8 **INTERVENTION:** Persons seeking to intervene in the proceeding must file written petitions to intervene at least three business days before the date of the prehearing conference. See WAC 480-07-355(a).

9 **NOTICE OF APPEARANCE; INTERPRETER:** Party representatives must file notices of appearance with the Commission, as required by WAC 480-07-345(2), no later than the day before the conference. If any party needs an interpreter or other assistance, they should fill out the form attached to this notice and return it to the Commission.

10 **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.**

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

Applicant: Westside Waste, LLC
1805 249th St. NE
Arlington, WA 98223
(425) 508-3323
westsidewastellc@gmail.com

Representative: Steven Dietrich
Smith & Dietrich Law Offices PLLC
3905 Martin Way E, Suite F
Olympia, WA 98506
(360) 915-6952
steved@smithdietrich.com

Protestant: Rabanco LTD/Republic
54 South Dawson St.
Seattle, WA 98134

Representative: David W. Wiley
Williams, Kastner & Gibbs PLLC
601 Union St., Ste. 4100
Seattle, WA 98101-2380
(206) 233-2895
dwiley@williamskastner.com

Protestant: Rubatino Refuse Removal, Inc.
2812 Hoyt Ave.
P.O. Box 1029
Everett, WA 98206-1029

Representative: David W. Wiley
Williams, Kastner & Gibbs PLLC
601 Union St., Ste. 4100
Seattle, WA 98101-2380
(206) 233-2895
dwiley@williamskastner.com

Protestant: Waste Management of Washington, Inc.
720 4th Ave. Ste. 400
Kirkland, WA 98033-8136

Representatives: Andrew Kenefick
720 4th Ave. Ste. 400
Kirkland, WA 98033-8136
(425) 825-2003
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Walker Stanovsky
Davis Wright Tremaine LLP
920 Fifth Ave., Ste. 3300
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Commission: Washington Utilities and
Transportation Commission
P.O. Box 47250
Olympia, Washington
(360) 664-1160

Representative: Jeff Roberson
Assistant Attorney General
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Olympia, WA 98504-0128
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- 12 Administrative Law Judge Michael Howard from the Commission's Administrative Law Division will preside during this proceeding.¹
- 13 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 April 1, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON
Executive Director and Secretary

¹ Judge Howard can be reached by email at Michael.howard@utc.wa.gov or by phone at (360) 664-1139.

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 and return this form to:

Washington Utilities and Transportation Commission
Attention: Mark L. Johnson
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 (_____) _____