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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION

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COMMISSION

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In re Application TG-091026 of	)	
NORTHWEST LIQUID TRANSPORT I,	)	
INC.	)	DOCKET NO. TG-091026
For a Certificate of Public	)	Volume I
Convenience and Necessity to	)	Pages 1 - 9
Operate Motor Vehicles in	)	
Furnishing Solid Waste	)	
Collection Service.	)	

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A prehearing conference in the above matter was held on September 16, 2009, at 1:30 p.m., at 1300 South Evergreen Park Drive Southwest, Olympia, Washington, before Administrative Law Judge PATRICIA CLARK.

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The parties were present as follows:

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WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION, by MICHAEL A. FASSIO, Assistant Attorney General, 1400 South Evergreen Park Drive Southwest, Post Office Box 40128, Olympia, Washington 98504; telephone, (360) 664-1192.

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NORTHWEST LIQUID TRANSPORT I, INC., by LESA STARKENBURG-KROONTJE (via bridge), Attorney at Law, 313 Fourth Street, Post Office Box 231, Lynden, Washington 98264; telephone, (360) 354-7822.

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BLAINE-BAY REFUSE, INC.; SANITARY SERVICE COMPANY, INC., by POLLY L. MCNEILL (via bridge), Attorney at Law, Summit Law Group, 315 Fifth Avenue South, Suite 1000, Seattle, Washington 98104; telephone, (206) 676-7000.

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Kathryn T. Wilson, CCR

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Court Reporter

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1 P R O C E E D I N G S

2 JUDGE CLARK: Good afternoon. It's  
3 approximately 1:30 p.m., September 16th, 2009, in the  
4 Commission's hearing room in Olympia, Washington. This  
5 is the time and the place set for a prehearing  
6 conference in the matter of the application for solid  
7 waste authority filed by Northwest Liquid Transport I,  
8 Inc., given docket number TG-091026, Patricia Clark,  
9 administrative law judge for the Commission presiding.

10 This matter came before the Commission on  
11 June 26th, 2009, when Northwest Liquid Transport filed  
12 an application for a certificate of public convenience  
13 and necessity to operate motor vehicles in furnishing  
14 solid waste collection services under contract with  
15 Nature's Path Food, USA, Inc., located in Blaine,  
16 Washington, to collect and transport for disposal a  
17 mixture of sugar water and solids from the plant in  
18 Whatcom County. Notice of the application was  
19 published in the Commission's weekly docket of July  
20 9th, 2009.

21 On August 7th, 2009, Vanderveen Family  
22 Transport filed a protest to the application. On  
23 August 10th, 2009, Sanitary Service Company,  
24 Incorporated, and Blaine-Bay Refuse, Incorporated, each  
25 filed a protest to the application. On August 18th,

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1 2009, the Commission issued a notice of prehearing  
2 conference scheduling the conference for this date and  
3 time.

4 At this juncture, I would like to take  
5 appearances on behalf of the parties. I would like to  
6 start first with Northwest Liquid Transport. Northwest  
7 Liquid Transport is appearing telephonically for this  
8 afternoon's prehearing conference, so I would like to  
9 inform everyone that you might need to speak a little  
10 more loudly and slowly than you would ordinarily speak.

11 MS. STARKENBURG-KROONTJE: Lesa  
12 Starkenburg-Kroontje is appearing today on behalf of  
13 Northwest Liquid Transport One, Inc.

14 JUDGE CLARK: Appearing on behalf of Sanitary  
15 Service and Blaine-Bay Refuse?

16 MS. MCNEILL: Thank you, Your Honor. This is  
17 Polly L. McNeill with Summit Law Group representing  
18 Sanitary Service Company, Inc., and Blaine-Bay Refuse,  
19 Inc. Would you like our addresses or phone or e-mail  
20 for the record, or do you have that information  
21 already?

22 JUDGE CLARK: Actually, I have all of that  
23 information and can provide that to the court reporter  
24 for including in the transcript of this afternoon's  
25 proceeding, but thank you for the offer.

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1           The record should also reflect that on  
2   September 9th, the Commission received from Vanderveen  
3   Family Transport notice of the withdrawal of their  
4   protest, and by an electronic e-mail from the presiding  
5   officer, I advised Vanderveen Family Transport that  
6   they need not enter an appearance at this afternoon's  
7   prehearing conference.

8           The final party appearing this afternoon  
9   would be the Commission's regulatory staff.

10           MR. FASSIO: Thank you, Your Honor. Michael  
11   Fassio, assistant attorney general appearing on behalf  
12   of Commission staff.

13           JUDGE CLARK: Thank you. The Commission has  
14   before it at this juncture a proposed amendment filed  
15   by Northwest Liquid Transport, and  
16   Ms. Starkenburg-Kroontje, maybe we could start there  
17   with the initial amendment that was proposed by the  
18   applicant, and then perhaps we can discuss the  
19   modification to that filed by Sanitary Services and  
20   Blaine Bay.

21           MS. STARKENBURG-KROONTJE: Well, the initial  
22   application that was submitted to the Commission  
23   contained the language that you read into the record  
24   just a few moments ago, and then on September 10th,  
25   2009, through a transmittal to the Commission, we

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1 proposed on behalf of Northwest Liquid Transport to  
2 amend the language in an effort to facilitate  
3 withdrawal of the protests filed by Sanitary Service  
4 Company and Blaine-Bay Refuse.

5           After further communication with their  
6 counsel, we proposed a second amendment to the initial  
7 filing which then would replace the amendment that we  
8 proposed on September 10. That second amendment was by  
9 letter dated September 15th, 2009. That second  
10 amendment contains language -- I can either read the  
11 whole thing into the record or just speak to the change  
12 process, because the change first and then see if you  
13 want me to read the entire thing into the record, but  
14 basically the transport of the sugar water and the  
15 solids would be by internal or external vacuum system  
16 into a tanker truck, and so the authority request would  
17 be limited to that loading and transport system. Would  
18 you like me to read the entire amended language then  
19 into the record?

20           JUDGE CLARK: I think that would be a good  
21 idea.

22           MS. STARKENBURG-KROONTJE: The request for  
23 authority would be amended to read as follows: Solid  
24 waste collection services under contract with Nature's  
25 Path Food, USA, Inc., located in Blaine, Washington, to

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1 collect and transport for disposal a mixture of sugar  
2 water and solids using an internal or external vacuum  
3 system to load and transport by tanker truck in Whatcom  
4 County.

5 JUDGE CLARK: Thank you. Ms. McNeill?

6 MS. MCNEILL: Thank you, Your Honor, and  
7 thank you to Ms. Starkenburg-Kroontje for reading that.  
8 We have been in communication with the Applicant and  
9 with Staff in the last couple of weeks to try to come  
10 up with an amended authority that would provide  
11 Northwest Liquids with the authority that they need to  
12 perform the service and minimize the risk that any  
13 future certificate holders could use it to transport  
14 solid waste in a manner that would interfere and  
15 overlap with my two client's authorities, and I  
16 apologize to you, Your Honor, as well as to Staff, and  
17 I thank very much the Applicant and Staff for working  
18 with me while I was on vacation, and that is the only  
19 reason, I think, that as of yesterday when I returned,  
20 we were able to finally come up with some language that  
21 does give Northwest Liquids the authority that they  
22 need to perform the services and addresses any concerns  
23 that my clients, Sanitary Service and Blaine-Bay  
24 Refuse, have.

25 So if the Commission is willing to accept the

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1 amendment as proposed in the letter that was sent  
2 yesterday, September 15th, then we are willing to  
3 withdraw our protest as well.

4 JUDGE CLARK: That concluded your comments  
5 regarding the amendment, Ms. McNeill?

6 MS. MCNEILL: That's correct.

7 JUDGE CLARK: Mr. Fassio?

8 MR. FASSIO: Thank you. The Staff did have  
9 an opportunity to be privy to the discussions between  
10 the Applicant and the Protestants here and did have an  
11 opportunity to review the language that was proposed,  
12 and the amendment is acceptable to Staff, and Staff has  
13 no concerns and would support the request to amend.

14 JUDGE CLARK: So we now have an application  
15 for the amended authority, which is unopposed by any  
16 protest and which is amenable to Staff, so I believe  
17 that we can handle this matter administratively without  
18 having any evidentiary hearing or further proceedings  
19 in this matter; is that correct?

20 MS. STARKENBURG-KROONTJE: That would appear  
21 correct to the Applicant.

22 MS. MCNEILL: That's my understanding as  
23 well, Your Honor.

24 MR. FASSIO: Staff's understanding as well,  
25 Your Honor.

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1           JUDGE CLARK: Is there any further matter  
2 that should be considered on the record this afternoon?

3           MS. STARKENBURG-KROONTJE: Not from the  
4 Applicant.

5           MS. MCNEILL: Not from the Protestants  
6 either.

7           MR. FASSIO: Your Honor, if you could maybe  
8 perhaps clarify for the parties administratively, would  
9 this be handled through an initial order? How would  
10 this be resolved administratively, do you believe?

11           JUDGE CLARK: That's an excellent question,  
12 Mr. Fassio, and I have to tell you honestly I'm not  
13 really sure because this has never ever happened  
14 before, so what I intend to do following this  
15 afternoon's prehearing conference is to consult with  
16 the director of the administrative law division, and I  
17 was unable to do that this morning, and inquire what is  
18 the best way for us to proceed, but in any event, it  
19 appears, whether it's an initial order, exactly what  
20 form that order would take, the Commission will be  
21 issuing an order basically approving the application  
22 based on the authority requested in the second  
23 amendment, but procedurally exactly how I will effect  
24 that particular process, I am unsure at this juncture.

25           Are there any other questions that I am



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1 unable to answer? If you have a question I know the  
2 answer to, it is not appropriate to ask at this time.  
3 Are there any other matters to consider, Mr. Fassio?

4 MR. FASSIO: No.

5 JUDGE CLARK: Hearing nothing, we are  
6 adjourned.

7 (Prehearing adjourned at 1:42 p.m.)

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