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BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION

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3 WASHINGTON UTILITIES AND TRANSPORTATION ) DOCKET TG-111991  
 4 COMMISSION ) (consolidated)  
 ) Pages 1-8  
 5 Complainant )  
 6 v. )  
 7 RABANCO LTD., d/b/a EASTSIDE DISPOSAL, )  
 8 CONTAINER HAULING, RABANCO CONNECTIONS )  
 9 AND RABANCO COMPANIES, )  
 ) Respondent. )

10 ..... )  
 WASHINGTON UTILITIES AND TRANSPORTATION ) DOCKET TG-111992  
 11 COMMISSION ) (consolidated)  
 ) Pages 1-8  
 12 Complainant )  
 13 v. )  
 14 RABANCO LTD., d/b/a ALLIED WASTE SERVICES )  
 15 OF KENT, RABANCO COMPANIES AND SEA-TAC )  
 16 DISPOSAL, )  
 ) Respondent. )

17 ..... )  
 WASHINGTON UTILITIES AND TRANSPORTATION ) DOCKET TG-111993  
 18 COMMISSION ) (consolidated)  
 ) Pages 1-8  
 19 Complainant )  
 20 v. )  
 21 RABANCO LTD., d/b/a LYNNWOOD DISPOSAL, )  
 ) Respondent. )

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22 PREHEARING CONFERENCE, VOLUME I  
 23 Pages 1-8  
 ADMINISTRATIVE LAW JUDGE GREGORY J. KOPTA

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24 1:30 P.M.  
 25 MARCH 5, 2012

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A P P E A R A N C E S

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ADMINISTRATIVE LAW JUDGE:

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OLYMPIA, WASHINGTON, MARCH 5, 2012

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1:30 P.M.

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P R O C E E D I N G S

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JUDGE KOPTA: Then let's be on the record in Dockets  
7 TG-111991, TG-111992, and TG-111993, all of which have been  
8 consolidated, and all of which are encaptioned Washington  
9 Utilities and Transportation Commission versus Rabanco Limited,  
10 with various d/b/a's.

11

Today's date is March 5, 2012. I am Judge Gregory J.  
12 Kopta, appointed to preside over this proceeding. We are here  
13 for a prehearing conference, and we will start by taking the  
14 appearances.

15

I have notices of appearance from the parties, so the  
16 short form of appearance would be sufficient, and we'll start  
17 with the Company.

18

MR. WILEY: Yes, Your Honor. David W. Wiley,  
19 attorney for the Respondents, Rabanco Limited, with multiple  
20 d/b/a's.

21

JUDGE KOPTA: Thank you. Commission Staff?

22

MS. WOODS: Good afternoon, Your Honor. I am Fronda  
23 Woods, Assistant Attorney General, for Commission Staff. Dave  
24 Gomez from Commission Staff is with me in the hearing room.

25

JUDGE KOPTA: Thank you. Is there anyone on the

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1 bridge line who would like to make an appearance?

2           Hearing nothing, we will see if anyone wants to  
3 intervene. I did not receive any written petitions for  
4 intervention, so I will ask at this time if there is anyone who  
5 seeks to intervene in this proceeding.

6           Hearing nothing, we will assume there is not.

7           The next issue is discovery.

8           Do parties foresee the need for any discovery in this  
9 proceeding?

10           Commission Staff, I would assume you would be the  
11 party conducting any discovery.

12           MS. WOODS: Commission Staff does not see a need for  
13 discovery.

14           JUDGE KOPTA: All right. Then we will not worry  
15 about the Commission's discovery rules at this point.

16           That brings us to a schedule.

17           Have the parties had an opportunity to discuss a  
18 schedule in this case?

19           MR. WILEY: I think we have, Your Honor.

20           JUDGE KOPTA: Do you have one that you would like to  
21 propose at this juncture?

22           MR. WILEY: We are both referring to the prehearing  
23 conference order in Dockets TG-111813, et al., and have  
24 discussed the fact that this appears to lay out a suitable  
25 hearing schedule. And I would note that it does reference

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1 Docket TG-112162, which is the interpretive and policy statement  
2 docket that you're very familiar with --

3 JUDGE KOPTA: Mm-hm.

4 MR. WILEY: -- Your Honor, which I think is going to  
5 have an impact on the schedule, and I think Ms. Woods would  
6 agree.

7 MS. WOODS: I do agree, Your Honor.

8 JUDGE KOPTA: Not surprising.

9 So at this point, are you anticipating having  
10 cross-motions for summary determination at some juncture after  
11 the Commission has had an opportunity to issue that interpretive  
12 and policy statement?

13 MR. WILEY: If we can't work out a settlement after  
14 the interpretive statement, I would say yes, Your Honor, so we  
15 should obviously build those into the schedule.

16 JUDGE KOPTA: All right. Did you want to mirror the  
17 dates in the other dockets, or did you have different dates in  
18 mind for this proceeding?

19 MR. WILEY: I think we would like a bit of an  
20 adjustment just because we're a month afterwards. And also I  
21 have -- I reminded Ms. Woods I have hearings beginning in June  
22 in another docket, a related subject, and I would -- right now  
23 I'm seeing that this -- that the briefing -- or motions rather  
24 would be due right around that time, so I would suggest we push  
25 those deadlines to just a month later, preferably.

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1 JUDGE KOPTA: All right. Shall we go off the record  
2 and discuss specific dates?

3 MR. WILEY: Yes.

4 JUDGE KOPTA: All right. Let's be off the record.

5 (Discussion off the record  
6 from 1:34 p.m. to 1:41 p.m.)

7 JUDGE KOPTA: Then let's be back on the record. We  
8 were off the record. We discussed dates for briefing, and I  
9 will let Mr. Wiley memorialize those dates.

10 MR. WILEY: Thank you, Your Honor. I believe that we  
11 have agreed to simultaneous initial and reply briefs. The first  
12 deadline for the initial brief would be July 13, 2012, with the  
13 simultaneous reply briefs due, I believe it's Thursday, August  
14 2nd. My calendar does not -- yes. That appears to be Thursday,  
15 August 2, 2012.

16 JUDGE KOPTA: All right. And then there was also a  
17 discussion of waivers of the initial order.

18 Am I correct that both parties are willing to waive  
19 the initial order in this case?

20 MR. WILEY: Yes, Your Honor, particularly in order to  
21 have those deadlines pushed into July and August, early August.

22 MS. WOODS: That's correct, Your Honor.

23 JUDGE KOPTA: All right. And if you would, please,  
24 file a letter with that waiver, each party, so that we can make  
25 sure that that's in the Commission record of this docket. Those

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1 dates with that waiver are acceptable to the Commission, and I  
2 will be issuing a prehearing conference order with those dates.

3 Is there anything else that we need to discuss this  
4 afternoon?

5 Hearing nothing, we are adjourned. Thank you.

6 (Proceeding concluded at 1:43 p.m.)

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C E R T I F I C A T E

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3 STATE OF WASHINGTON )  
4 COUNTY OF KING ) ss

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6 I, SHELBY KAY K. FUKUSHIMA, a Certified Shorthand Reporter  
7 and Notary Public in and for the State of Washington, do hereby  
8 certify that the foregoing transcript is true and accurate to  
9 the best of my knowledge, skill and ability.

10 IN WITNESS WHEREOF, I have hereunto set my hand and seal  
11 this 14th day of March, 2012.

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SHELBY KAY K. FUKUSHIMA, CCR

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18 My commission expires:  
19 June 29, 2013

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