

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Determining the Proper
Carrier Classification of, and Complaint
for Penalties Against:

PAUL HENRICKSON,
D/B/A CONCRETE AND MORE

DOCKET TG-190793

NOTICE OF BRIEF ADJUDICATIVE
PROCEEDING

(Set for November 17, 2020, at 10 a.m.)

INTRODUCTION

- 1 The Washington Utilities and Transportation Commission (Commission) initiated a special proceeding in the above-referenced docket to determine if Paul Henrickson, d/b/a Concrete and More, (Concrete and More) is engaged in business as a solid waste collection carrier without possessing the certificate required for such operations.
- 2 On October 11, 2019, the Commission entered Order 01, Order Instituting Special Proceeding; Complaint Seeking to Impose Penalties; and Notice of Mandatory Appearance at Hearing (Order 01). On the same date, the Commission issued a *Subpoena and Subpoena Duces Tecum For Production of Documents* (Subpoenas) to Concrete and More commanding Paul Henrickson to appear before the Commission at a special proceeding scheduled to convene at 9 a.m. on November 26, 2019.
- 3 On October 24, 2019, the Commission issued a Notice Rescheduling Special Proceeding and Notice of Substitution of Presiding Officer (Notice). The Notice rescheduled the special proceeding for November 25, 2019, at 9 a.m. and assigned Administrative Law Judge Rayne Pearson as presiding officer.
- 4 On November 25, 2019, the hearing convened as scheduled in Lacey, Washington, before Administrative Law Judge Rayne Pearson. Commission staff (Staff) was the only party to appear at the hearing. Staff moved that Concrete and More be held in default pursuant to RCW 34.05.440(2) and WAC 480-07-450(1).
- 5 The Commission granted Staff's motion, and also found that Concrete and More operated as a solid waste collection company without the required Commission-issued certificate. Further, the Commission ordered Concrete and More to pay a \$2,000 penalty for two (2) violations of RCW 81.77.040. Finally, the Commission ordered Concrete and More to cease and desist from future unauthorized operations.

6 On December 11, 2019, Concrete and More filed with the Commission a Motion to Vacate Default Order (Motion). In its Motion, Concrete and More denied that it received the Notice rescheduling the proceeding to November 25, 2019, and denied that its operations are subject to Commission regulation.

7 On December 16, 2019, the Commission entered Order 03, Vacating Default Order, Reopening Proceeding for Further Process (Order 03). Order 03 required Commission staff (Staff) to either: (1) file a stipulated initial order agreed to and signed by the parties, (2) file a letter providing a status update of any negotiations, or (3) file a letter recommending the matter be set for hearing.

8 On December 18, 2019, Staff filed a letter in this docket informing the Commission that Staff had been unable to resolve the dispute, and requesting the matter be set for hearing.

9 Pursuant to RCW 34.05.482 and WAC 480-07-610, the Commission determines that a brief adjudicative proceeding is appropriate for resolving the issues in this docket.

10 **THE COMMISSION GIVES NOTICE That it will hold a virtual brief adjudicative proceeding in this matter at 10 a.m. on Tuesday, November 17, 2020. To attend by phone, please call (253) 372-2181 and enter the Conference ID: 576 891 23#. To participate via the Microsoft Teams application, use the following link: [Join Microsoft Teams Meeting](#).**

11 The record in this case will consist of any documents regarding the matter that are considered by or prepared for the presiding officer for the brief adjudicative proceeding and a transcript of any oral statements given at the hearing, which statements will be given under oath

12 Parties wishing to submit any other documents for consideration at the brief adjudicative proceeding must file with the Commission all proposed exhibits, as well as a list enumerating and describing them, no later than 5 p.m. on Tuesday, November 10, 2020, and bring an original and three (3) copies to the hearing. Filing shall be in accordance with WAC 480-07-140.

13 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the brief adjudicative proceeding 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.**

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

Carrier: Paul Henrickson, d/b/a Concrete and More
3706 103rd Ave. SE Apt. A
Lake Stevens, WA 98258
(425) 686-5270

Representative: Unknown

Commission: Washington Utilities and
Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

Representative: Jeff Roberson
Assistant Attorney General
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1188
jeff.roberson@utc.wa.gov

15 Administrative Law Judge Rayne Pearson, from the Commission's Administrative Law Division, is designated to preside at the hearing of these matters.¹

DATED at Lacey, Washington, and effective October 6, 2020.

/s/ Greg Kopta
GREG KOPTA
Administrative Law Judge

Inquiries should be addressed to:

Mark L. Johnson
Executive Director and Secretary

¹ Judge Pearson can be reached by telephone at (360) 664-1136 or by email at rayne.pearson@utc.wa.gov.

Washington Utilities and Transportation Commission
P. O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

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 (_____) _____