

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND)	DOCKET TG-131794
TRANSPORTATION COMMISSION,)	
)	
Complainant,)	ORDER 03
)	
v.)	
)	PREHEARING CONFERENCE
WASTE CONTROL, INC. (G-101),)	ORDER; NOTICE OF HEARING
)	(Set for May 13, 2014)
Respondent.)	
)	
.....)	

1 **NATURE OF PROCEEDING.** On September 23, 2013, Waste Control, Inc. (Waste Control or Company) filed with the Washington Utilities and Transportation Commission (Commission) new Tariff No. 15 reflecting a general rate increase. On October 10, 2013, the Commission entered Order 01 in this docket denying Waste Control’s request for exemption from WAC 480-07-520(4)(j), which requires solid waste companies to include certain information in general rate increase filings. On November 25, 2013, Waste Control filed revised tariff sheets. On November 27, 2013, the Commission entered Order 02, a complaint and order suspending Waste Control’s revised tariff pending Commission investigation of the proposed rates, and allowed Waste Control’s proposed rates to become effective on a temporary basis, subject to refund.¹

2 **CONFERENCE/PRESIDING OFFICER.** The Commission convened a prehearing conference in this proceeding at Olympia, Washington on January 14, 2014, before Administrative Law Judge Stephany A. Watson, whom the Commission appoints as the presiding officer in this proceeding.

¹ Due to a clerical error, Order 02 was erroneously designated Order 01. We will refer to the November 27, 2013 order as Order 02.

3 **PARTY REPRESENTATIVES.** David W. Wiley, Williams, Kastner & Gibbs PLLC, Seattle, represents Waste Control. Steven W. Smith, Assistant Attorney General, Olympia, represents the Commission's regulatory staff (Commission Staff or Staff).² James K. Sells, Gig Harbor, represents Washington Refuse and Recycling Association (WRRRA).

4 **PETITIONS FOR INTERVENTION.** WRRRA filed a petition for intervention, explaining that it is a trade association representing a majority of waste haulers in Washington. WRRRA further asserted that it is entitled to participate in the proceeding and will not seek to broaden the issues. The parties did not object to the intervention. The Commission grants WRRRA's petition on the basis that its members have a substantial interest in the proceeding.

5 **DISCOVERY.** Discovery will be conducted under the Commission's discovery rules, WAC 480-07-400 – 425, except that the parties have agreed to serve responses to data requests within five business days instead of ten as set forth in WAC 480-07-405(7)(b).

6 **PROCEDURAL SCHEDULE.** The Commission adopts the procedural schedule set forth in Appendix A to this Order.

7 **NOTICE OF HEARING.** The Commission will hold an evidentiary hearing in this matter on **May 13, 2014, at 9:30 a.m.**, in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.

8 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** The parties must file the original plus **FIVE** 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.

² In a formal proceeding, such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. See RCW 34.05.455.

- 9 All filings must be mailed or delivered to the 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.
- 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 flash drive or CD including the filed documents. 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. The parties agree that the Commission may serve all Commission orders, notices, and other issuances on the parties via email delivery to the parties at the addresses set forth in Appendix B.
- 11 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Parties must submit documents through the Commission's Web Portal (www.utc.wa.gov/e-filing) or by e-mail to (records@utc.wa.gov), and file an original, plus **FIVE** paper copies, of the documents with the Commission by the following business day. Parties must provide courtesy copies of their electronic submissions to the presiding officer and to the parties to the proceeding. Parties may agree to waive the requirement to serve paper copies of all documents on each other and may serve such copies electronically if they memorialize such agreement by letter and provide a courtesy copy of the letter to the Commission.
- 12 The Commission requires parties to submit documents in adjudicative proceedings no later than 3:00 p.m. on the deadline date to give Records Center personnel adequate time to post and distribute them.
- 13 **ALTERNATIVE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. The parties are encouraged to consider means of resolving disputes informally. At the prehearing conference, the Company expressed interest in Commission-facilitated mediation at some time between March 26, 2014, and April 14, 2014, and Commission Staff did not object. The Commission has a limited ability to provide dispute resolution services; the parties will call the Director, Administrative Law Division, at 360-664-1355 at least two weeks before the date that the parties request for alternative dispute resolution.

14 **NOTICE TO PARTIES:** A party who objects to any portion of this Order must file a written objection within 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 January 16, 2014.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEPHANY A. WATSON
Administrative Law Judge

APPENDIX A
PROCEDURAL SCHEDULE
DOCKET TG-131794

EVENT	DATE
Prehearing Conference	January 14, 2014
Company's Direct Testimony and Exhibits	February 14, 2014
Staff's Response Testimony and Exhibits	March 26, 2014
Close of Discovery	April 11, 2014
Evidentiary Hearing	May 13, 2014
Simultaneous Post-Hearing Briefs	June 6, 2014
Statutory Effective Date	October 1, 2014

APPENDIX B
PARTIES' REPRESENTATIVES
DOCKET TG-131794

PARTY	REPRESENTATIVE	PHONE	E-MAIL
Waste Control, Inc.	Waste Control, Inc. P.O. Box 148 Kelso, WA 98626		
	David W. Wiley Williams, Kastner & Gibbs, PLLC 601 Union Street NW Suite 4100 Seattle, WA 98101	206-233-2895	dwiley@williamskastner.com
Commission Staff	Steven W. Smith Assistant Attorney General 1400 S. Evergreen Park Dr. SW P.O. Box 40128 Olympia, WA 98504-0128	360-664-1225	ssmith@utc.wa.gov
Washington Refuse and Recycling Association	Brad Lovaas Executive Director Washington Refuse and Recycling Association 4160 – 6 th Avenue SE Suite 205 Lacey, WA 98503		brad@wrra.org
	James K. Sells Attorney at Law PMB 22, 3110 Judson St. Gig Harbor, WA 98335	360-981-0168	jamesells@comcast.net