Docket No. TG-200250 - Vol. I

In the Matter of the Application of: ADE Dumpsters, LLC

July 13, 2020



COURT REPORTING AND LEGAL VIDEO

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Docket No. TG-200250 - Vol. I - 7/13/2020

	Page 1	Page 3
BEFORE THE WASHINGTON	rage I	1 APPEARANCES (Cont.)
UTILITIES AND TRANSPORTATION COMMISSION		2
In the Matter of the Application)DOCKET TG-200250	-	FOR WRRA:
) ADE DUMPSTERS, LLC,)		4 Attorney at Law
For Authority to Operate as a)		4160 - 6th Avenue SE, Suite 205
Solid Washington) in Washington		5 Lacey, Washington 98503 (360) 943-8859
)		6 rod@wrra.org 7
TELEPHONIC PREHEARING CONFERENCE, VOLUME I		JAMES K. SELLS
Pages 1-18		8 Attorney at Law 3110 O Judson Street
ADMINISTRATIVE LAW JUDGE MICHAEL HOWARD		9 Gig Harbor, Washington 98335
		(360) 981-0168 10 jamessells47@gmail.com
July 13, 2020		11 12
1:36 p.m.		* * * * *
Washington Utilities and Transportation Commission		13 14
621 Woodland Square Loop Southeast Lacey, Washington 98503		15 16
		17
REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358		18 19
Buell Realtime Reporting, LLC		20 21
1325 Fourth Avenue, Suite 1840 Seattle, Washington 98101	:	22
(206) 287-9066 Seattle (360) 534-9066 Olympia		23 24
(800) 846-6989 National www.buellrealtime.com		25
	Page 2	Page 4
1 A P P E A R A N C E S 2 ADMINISTRATIVE LAW JUDGE:		1 LACEY, WASHINGTON; JULY 13, 2020
3 MICHAEL HOWARD		2 1:36 P.M.
5		3000 4 PROCEEDINGS
FOR ADE DUMPSTERS: 6		5
ANTHONY and JOAN DOUGLAS 7 509 East 52nd Street		
Tacoma, Washington 98404		6 JUDGE HOWARD: Let's be on the record. The
8 (253) 314-6785		7 time is 1:36 p.m.
adeent1997@gmail.com		 time is 1:36 p.m. My name is Michael Howard, and I am an
adeent1997@gmail.com 9 10		 time is 1:36 p.m. My name is Michael Howard, and I am an administrative law judge with the Washington Utilities
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adeent1997@gmail.com 9 10 11 FOR MURREY'S DISPOSAL COMPANY, HAROLD LeMAY ENTERPRISES, & 12 RABANCO LIMITED: 13 DAVID WILEY Williams, Kastner & Gibbs PLLC 14 601 Union Street, Suite 4100 Seattle, Washington 98101 15 (206) 628-6611 dwiley@williamskastner.com 16 7 17 FOR WASTE MANAGEMENT: 18 ANDREW KENEFICK T20 - 4th Avenue, Suite 400 19 Kirkland, Washington 98033 (425) 825-2003 20 akenefick@wm.com 21 WALKER STANOVSKY 22 Davis Wright Tremaine LLP 920 Fifth Avenue, Suite 3300 23 Seattle, Washington 98104		 time is 1:36 p.m. My name is Michael Howard, and I am an administrative law judge with the Washington Utilities and Transportation Commission. We are here today for a prehearing conference in Docket TG-200250, which is captioned In the Matter of the Application of ADE Dumpsters, LLC for authority to operate as a solid waste collection company in Washington. This conference is primarily going to be an opportunity for the parties to clarify the issues and discuss a procedural schedule. After today's conference, I will enter an order setting out a procedural schedule and setting a date for the hearing itself. So let's start by taking appearances. Could we have an appearance for ADE Dumpsters, LLC?

1 (Pages 1 to 4)

BUELL REALTIME REPORTING, LLC

	Page 5	Page 7
1	be muted from my end.	1 52nd Street in Tacoma, 98404, our email address would be
2	Okay. We will take appearances from the	2 adeent1997@gmail.com.
3	other parties and intervenors and then return to that	3 JUDGE HOWARD: Great, thank you. And is
4	company.	4 your I can hear you fine, you feel like your
5	Do we have an appearance for Murrey's	5 connection is working now?
б	Disposal Company?	6 MR. DOUGLAS: Yeah, thank you.
7	MR. WILEY: Yes, Your Honor. Dave Wiley.	7 JUDGE HOWARD: Okay. So, again, this is a
8	Address is shown on the protest for Murrey's Disposal	8 conference to discuss some procedural issues at the
9	and for Rabanco and Harold LeMay.	9 start of the case. First thing I want to do today would
10	JUDGE HOWARD: Thank you, Mr. Wiley.	10 be to check in with the owners of ADE Dumpsters, Mr. and
11	Can we have an appearance for Waste	11 Mrs. Douglas, on on the issues in this case.
12	Management of Washington?	12 So as you may be aware, other solid waste
13	MR. KENEFICK: Yes, Your Honor, this is	13 carriers like Murrey's Disposal and Waste Management
14	Andrew Kenefick (phone interference.)	14 have filed protest to your company's application, and
15	JUDGE HOWARD: We are getting some	15 then the Commission set this matter for adjudication.
16	background noise we are getting some background	16 And you do not have to provide any testimony or argument
17	noise, so please be aware of that and mute your lines if	17 in support of your application today. This conference
18	needed.	18 is simply an opportunity to discuss the procedures in
19	Sorry, Mr. Kenefick, was that you?	19 the case and clarify the issues.
20	MR. KENEFICK: Yes, this is Andrew Kenefick,	20 Since you are not represented by a lawyer, I
21	in-house counsel for Waste Management. I was thinking	21 wanted to take just a few minutes to talk with you
22	Walker Stanovsky was going to be on, but I have not	22 before we discuss procedural schedule and other issues.
23	heard him yet. But if he's on, he can do an appearance	23 Are you aware that you can have a lawyer represent you
24	now as well.	24 before the Commission?
25	JUDGE HOWARD: Okay. And thank you.	25 MR. DOUGLAS: Yes, we are aware.
	Page 6	Page 8
1	Page 6 And do we have an appearance for Washington	1 JUDGE HOWARD: Okay. Did you discuss the
1 2		
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2	And do we have an appearance for Washington Refuse and Recycling Association? MR. WHITTAKER: Yes, Your Honor. This is Rod Whittaker, associate counsel for Washington Refuse	 JUDGE HOWARD: Okay. Did you discuss the procedural schedule in the case with the lawyers for the other parties before the call? MR. DOUGLAS: I haven't discussed with any
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2 (Pages 5 to 8)

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	Page 9		Page 11
1	MR. DOUGLAS: From what I understand of the	1	you?
2	situation, I don't know when would be the appropriate	2	MR. WILEY: Yes, sorry. I'm supposed to
3	time to to even approach the other the other	3	identify myself, aren't I? And what I said was I don't
4	agencies that have problems with our service being added	4	object to that if it's reciprocal. I don't know how
5	to we're not trying to do what they do, we're trying	5	Mr. Kenefick or WRRA feel.
6	to just be a little small piece over here. So I	6	JUDGE HOWARD: Yes
7	don't I'm not clear on what the steps are at this	7	MR. KENEFICK: This is Andrew Kenefick
8	at this juncture of our of our discussion.	8	JUDGE HOWARD: Go ahead.
9	JUDGE HOWARD: Well, I I think shortly,	9	MR. KENEFICK: This is Andrew Kenefick with
10	we will set aside time for the parties to discuss the	10	WRR I mean, Andrew Kenefick with Waste Management.
11	schedule in the case and there are unfortunately,	11	That's fine. I'd go along with Mr. Wiley's proposal in
12	there are just difference of issues that that would	12	terms of it being reciprocal if if the applicant is
13	be helpful for you to be aware of. I would encourage	13	discerned [sic] invoking discovery rules. I'm not sure
14	you to seek out a lawyer if you are able to. But	14	if Walker Stanovsky has joined yet. He said he was
15	let's let's proceed with our conference today and	15	going to. I don't know if he has.
16	we I will leave time for brief amount of time for	16	JUDGE HOWARD: Mr. Stanovsky, do we have you
17	questions at the end.	17	on the line? Okay.
18	The next main topic I wanted to talk about	18	MR. KENEFICK: Apparently not.
19	today is interventions. So we received a petition to	19	JUDGE HOWARD: Okay.
20	intervene from the Washington Refuse and Recycling	20	MR. KENEFICK: We can proceed. That's fine.
21	Association. Do we have anyone on the call who wishes	21	JUDGE HOWARD: Mr. Sells, would you like to
22	to intervene besides that that organization?	22	respond on the issue of having discovery be available?
23	So hearing none, do we have any objections	23	MR. WHITTAKER: This is Rod Whittaker. I
24	to that petition to intervene from Washington Refuse and	24	can jump in and just state that we're we're fine with
25	Recycling Association? So hearing no objections to that	25	what the parties have agreed to thus far.
	Page 10		Page 12
		1	1490 12
1	petition, I intend on granting that petition in the	1	JUDGE HOWARD: Okay. Well, I appreciate the
1 2	petition, I intend on granting that petition in the prehearing conference order and I will and I will	1 2	
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3 (Pages 9 to 12)

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	Page 13		Page 15
1		1 that first discovery sutoff data on Son	
2	Mr. Douglas, it sounds like the parties, at least with ADE Dumpsters, did not have an opportunity to discuss a	 that first discovery cutoff date on Sep appears to be a workable schedule from 	
3	procedural schedule. Would it be helpful if I place	 appears to be a workable schedule if perspective, but I will confirm those days 	
4	if I left the call from my end and the parties discussed	4 suggested hearing date work, and I w	
5	that procedural schedule?	 suggested healing date work, and iw the order, but I anticipate it will work. 	
6	MR. STANOVSKY: Hi, Walker Stanovsky here.	6 Would the parties prefer closi	ing arguments
7	I really apologize. I made a calendar error initially	at the end of the hearing or to file post	
8	and had trouble connecting, but I'm here now.	8 Could we get the position from Mr. W	-
9	JUDGE HOWARD: Great, thank you.	9 MR. WILEY: Yes, Your Hond	-
10	MR. KENEFICK: In response to your question,	.0 posthearing briefs if if you want the	-
11	Judge Howard, I think that makes sense for us to do a	JUDGE HOWARD: Okay.	
12	discussion amongst all of us while you're on break.	2 MR. WILEY: With a page lim	nitation of (phone
13	JUDGE HOWARD: Sounds good. And could	.3 interference.)	
14	you identify yourself? Was that Mr. Wiley?	4 JUDGE HOWARD: Would te	en pages be too strict
15	MR. KENEFICK: I'm sorry, that was	.5 or would it be	
16	Mr. Kenefick.	6 MR. WILEY: I think that's	I think that's
17	JUDGE HOWARD: Okay, great. Thank you.	doable, Your Honor, from my standpo	
18	Okay. Well, in that case, I will I will	.8 JUDGE HOWARD: And thou	
19	leave the call from my end. We will go off the record	9 Management?	0
20	in a moment here. Would one of the parties' attorneys	MR. STANOVSKY: Well, this	s is Walker
21	be willing to call me on my work cell when the parties	Stanovsky. Off the top of my head, 1	0 pages, you know,
22	are done conferring?	double-spaced and all seems tight. I	the last one we
23	MR. WHITTAKER: This is Rod Whittaker, I can	filed was in the superior case late last	t year, and I
24	do that.	don't remember what the case count	was on that, but I
25	JUDGE HOWARD: Okay. Great.	think it was between 15 and 20. That	t had a lot of
	Page 14		Page 16
1	Page 14 Mr. Whittaker let's let's go off the record now	1 factual issues going on, but I would	
1 2		 factual issues going on, but I would to perhaps. 	
	Mr. Whittaker let's let's go off the record now		
2	Mr. Whittaker let's let's go off the record now and then we'll and I'll give you my work cell.	2 perhaps.	think, you know, 15
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