

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND	)	DOCKET TG-111672
TRANSPORTATION COMMISSION,	)	<i>(consolidated)</i>
)	
Complainant,	)	ORDER 03
)	
v.)	
)	
MURREY’S DISPOSAL COMPANY,)	
INC., G-9,)	
)	
Respondent.)	
.....)	
)	
WASHINGTON UTILITIES AND	)	DOCKET TG-111674
TRANSPORTATION COMMISSION,	)	<i>(consolidated)</i>
)	
Complainant,	)	ORDER 03
)	
v.)	
)	
AMERICAN DISPOSAL COMPANY,)	
INC., G-87,)	
)	
Respondent.)	
.....)	
)	
WASHINGTON UTILITIES AND	)	DOCKET TG-111681
TRANSPORTATION COMMISSION,	)	<i>(consolidated)</i>
)	
Complainant,	)	ORDER 03
)	
v.)	
	)	PREHEARING CONFERENCE
MASON COUNTY GARBAGE CO.,	)	ORDER;
INC. D/B/A MASON COUNTY)	
GARBAGE, G-88,	)	NOTICE OF HEARING
	)	(Set for January 11 and 12, 2012)
Respondent.)	
.....)	

- 1 **NATURE OF PROCEEDINGS.** Dockets TG-111672, TG-111674 and TG-111681 involve filings by Murrey's Disposal Company, Inc., American Disposal Company, Inc., and Mason County Garbage Company, Inc., d/b/a Mason County Garbage, respectively. Each company proposes to increase the amount it pays to single family and multi-family customers for the value of the recyclable materials that it collects in its residential recycling collection service. Each company also requests to retain up to fifty (or thirty) percent of the revenue it receives from the sale of recyclable materials that it collects in its residential single and multi-family recycling collection service from November 1, 2011, to October 31, 2012.
- 2 **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in this docket at Olympia, Washington on November 10, 2011, before Administrative Law Judge Gregory J. Kopta. Joining him on the bench for a portion of the prehearing conference were Chairman Jeffrey D. Goltz and Commissioner Patrick J. Oshie.
- 3 **APPEARANCES.** David W. Wiley, Williams, Kastner & Gibbs PLLC, Seattle, Washington, represents Respondents. James K. Sells, Attorney at Law, Gig Harbor, Washington, represents the Washington Refuse and Recycling Association. Gregory J. Trautman, Assistant Attorney General, Olympia, Washington, represents the Commission's regulatory staff (Commission Staff or Staff).¹ Contact information provided for the parties' representatives is attached as Appendix A to this order.
- 4 **PETITIONS FOR INTERVENTION.** The Washington Refuse and Recycling Association petitioned in writing to intervene in the docket. No party objected to the petition, which was granted.
- 5 **DISCOVERY.** Discovery will be conducted pursuant to the Commission's discovery rules, WAC 480-07-400 – 425. The Commission urges the parties to work

¹ In formal proceedings, 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.

cooperatively together to avoid having to bring discovery matters forward for formal resolution.

- 6 **ERRATA.** Counsel for Mason County Garbage raised the issue of errors of fact in Order 01 in Docket TG-111681, and Staff agreed that the order should be corrected. The parties have provided the Commission with their proposed corrections, and the Commission will issue an appropriate order in that docket in due course.
- 7 **SCHEDULING ISSUES.** The parties agreed that there are two sets of issues to be resolved in this proceeding: (1) issues concerning whether the 2011-2012 recycling plans the companies have presented for Commission approval demonstrate that retained revenues will be used to increase recycling (Prospective Issues); and (2) issues arising from the implementation and operation of the 2010-2011 plans the Commission previously approved in other dockets (Retrospective Issues). While observing that these issues overlap to some extent, the parties agreed to address each set of issues separately.
- 8 **PROCEDURAL SCHEDULE.** The parties agreed during the conference on a procedural schedule to separately address the Prospective Issues and the Retrospective Issues. The Commission adopts this procedural schedule, which is attached to this Order as Appendix B.
- 9 **NOTICE OF HEARING.** The Commission will hold evidentiary hearings on the Prospective Issues in this matter beginning **January 11, 2012, at 9:30 a.m., and continuing thereafter, as necessary, on January 12, 2012**, in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.
- 10 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file an original plus nine (9) 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.

- 11 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 by the U.S. Postal Service.
- 12 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 3.5-inch IBM-formatted high-density diskette or CD including the filed document(s). 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.
- 13 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Parties may submit documents electronically to the Commission on the filing deadline to expedite the filing process, but must file an original, plus nine (9) paper copies, of the documents with the Commission by 12:00 noon on the first business day following the filing deadline established in the procedural schedule. WAC 480-07-145(6). Parties may submit documents electronically through the Commission's Web Portal (www.utc.wa.gov/efiling) or by e-mail to records@utc.wa.gov. Finally, to perfect filing, parties must simultaneously provide e-mail courtesy copies of filings to the presiding administrative law judge (gkopta@utc.wa.gov) as well as to the parties to the proceeding.
- 14 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission does have limited ability to provide dispute resolution services; if you wish to explore those services, please call the Director, Administrative Law Division, at 360-664-1355.

15 **NOTICE TO PARTIES:** A party who objects to any portion of this Order must file a written objection within ten (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 November 15, 2011.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

GREGORY J. KOPTA
Administrative Law Judge

APPENDIX A

**PARTIES' REPRESENTATIVES
 DOCKETS TG-111672, et al.**

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
Murrey's Disposal Company, Inc., American Disposal Company, Inc. and Mason County Garbage	David W. Wiley Attorney at Law Williams, Kastner & Gibbs PLLC Two Union Square 601 Union Street, Suite 4100 Seattle, WA 98101	(206)-233-2895	(206) 628-6611	dwiley@williamskastner.com
Washington Refuse and Recycling Association	James K. Sells Attorney at Law PMB 22 3110 Judson Street Gig Harbor, WA 98335	(360) 981-0168		jamesells@comcast.net
Commission Staff	Gregory J. Trautman Assistant Attorney General 1400 S. Evergreen Park Drive S.W. P.O. Box 40128 Olympia, WA 98504-0128	(360) 664-1187	(360) 586-5522	gtrautma@utc.wa.gov

APPENDIX B
PROCEDURAL SCHEDULE
DOCKETS TG-111672, et al.

EVENT	DATE
Telephone Status Conference on Prospective Issues	December 28, 2011, at 10:30 a.m.
Evidentiary Hearings on Prospective Issues	January 11-12, 2012
Simultaneous Post-Hearing Briefs on Prospective Issues	February 8, 2012
Cross-Motions for Summary Determination of Retrospective Issues	April 19, 2012
Responses to Cross-Motions on Retrospective Issues	April 30, 2012