

**In the Matter of the Application of: PNW Composts, Inc.**

**Docket No. TG-230798 - Vol. I**

**November 30, 2023**



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Page 1

BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

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In the Matter of the Application of )  
 )  
 PNW COMPOSTS, INC., )  
 )  
 ) Docket No. TG-230798  
 )  
 For Authority to Operate as a Solid )  
 Waste Collection Company in )  
 Washington )  
 )

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PREHEARING CONFERENCE - VIA ZOOM  
BEFORE ADMINISTRATIVE LAW JUDGE BIJAN HUGHES  
VOLUME I | PAGES 1-14

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Washington Utilities and Transportation Commission  
621 Woodland Square Loop SE  
Lacey, Washington 98504

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DATE: November 30, 2023  
TRANSCRIBED BY: ELIZABETH PATTERSON HARVEY,  
FAPR, RPR, WA CCR 2731

Page 2

1 APPEARANCES:  
 2 FOR PNW COMPOSTS, INC.:  
 3  
 4 Derek Scott  
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 6 503.975.6435  
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 11 FOR WASTE CONNECTIONS OF WASHINGTON, INC. and  
 12 WASTE CONTROL, INC.:  
 13 David W. Wiley  
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 20 4160 6th Avenue SE, Suite 205  
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 21 360-943-8859  
 22 ALSO PRESENT:  
 23  
 24 Elaina Young  
 Michael Young  
 25  
 26

Page 3

1 November 30, 2023 1:30 p.m.  
 2 -o0o-  
 3  
 4 JUDGE HUGHES: Good afternoon. We're on the  
 5 record. The time is 1:31 p.m.  
 6 My name is Bijan Hughes, and I'm an  
 7 administrative law judge with the Washington Utilities  
 8 and Transportation Commission.  
 9 We're here today for a prehearing conference  
 10 in Docket TG-230798, which is captioned In the Matter of  
 11 the Application of PNW Composts, Inc. For Authority to  
 12 Operate as a Solid Waste Collection Company in  
 13 Washington.  
 14 Today I ask that we all try our best to speak  
 15 slowly, clearly, and most importantly, one at a time.  
 16 Let's not make the reporter's job any more difficult than  
 17 it needs to be.  
 18 Okay. So before we get into the nitty  
 19 gritty, let's start by taking appearances. PNW Compost,  
 20 will you give your names, address, and phone number,  
 21 please, for the record.  
 22 UNIDENTIFIED SPEAKER: Sorry. Can you hear  
 23 us?  
 24 JUDGE HUGHES: Can now, yes, sir.  
 25 UNIDENTIFIED SPEAKER: Great. This is Nathan  
 26 and Derek Scott.

Page 4

1 DEREK SCOTT: I'm Derek Scott here.  
 2 JUDGE HUGHES: I would ask when you guys  
 3 speak through sharing to please just start every sentence  
 4 with your name for the reporter, all right?  
 5 And can we get your address, phone number,  
 6 and email, please.  
 7 DEREK SCOTT: Yes, this is Derek. It's --  
 8 email is PNWcompost@gmail.com. Address is 220 George  
 9 Taylor Road, Silver Lake, Washington, 98645.  
 10 Phone number is 503.975.6435.  
 11 JUDGE HUGHES: Okay. And then -- okay.  
 12 Staff?  
 13 ATTORNEY ROBERSON: Good afternoon, Judge  
 14 Hughes. My name is Jeff Roberson. I'm an AAG appearing  
 15 for commission staff. My contact information is on file  
 16 and in the notice of appearance.  
 17 And with me virtually at counsel table are  
 18 staff analysts Mike Young and Elaina Young, one, both of,  
 19 or neither of whom will provide staff's testimony in this  
 20 matter.  
 21 JUDGE HUGHES: Okay. Thank you.  
 22 Waste Connections of Washington, Waste Control  
 23 Inc.?  
 24 ATTORNEY WILEY: Hi, your Honor. Dave Wiley.  
 25 Welcome. My information, contact information, is on our  
 26 protest, but I will provide it for the court reporter

Page 5

1 right now.  
 2 Mr. Leake is my colleague also on the line.  
 3 Our law firm address is Suite 4100, Two Union  
 4 Square, Seattle, Washington, 98101. And my email address  
 5 is DWiley@wkg.com and Mr. Leake's is SLeake@wkg.com.  
 6 JUDGE HUGHES: Thank you.  
 7 And Washington Refuse and Recycling  
 8 Association?  
 9 ATTORNEY WHITTAKER: Thank you, Judge. This  
 10 is Rod Whittaker for the Washington Refuse and Recycling  
 11 Association, inhouse counsel. Our address is 4160 Sixth  
 12 Avenue SE, Suite 205, Lacey, Washington, 98053. Phone  
 13 number is 360.943.8859, and email is Rod@wrra.org.  
 14 JUDGE HUGHES: Okay. Thank you.  
 15 So I want to start our conference today by  
 16 checking in with the owners of PNW Composts, Nathan and  
 17 Derek Scott.  
 18 So because Waste Connections of Washington,  
 19 Inc. and Waste Control, Inc. filed protests to your  
 20 company's application, the commission set this matter for  
 21 adjudication. You will not have to write any testimony  
 22 or argument in support of your application today. But  
 23 this conference is a chance for us to clarify the issues  
 24 and discuss procedures in the case.  
 25 Since you're not represented by a lawyer, I  
 26 want to take a few minutes to check in with you before we

Page 6

1 discuss the specific procedural issues, okay?  
 2 So PNW Composts, are you aware that you can  
 3 have a lawyer represent you before the commission?  
 4 UNIDENTIFIED SPEAKER: Yes, we are.  
 5 UNIDENTIFIED SPEAKER: I do.  
 6 JUDGE HUGHES: Very good. And have you  
 7 discussed the procedural schedule with the other lawyer  
 8 prior to this hearing? Seeing head shakes; is that  
 9 correct, sir?  
 10 UNIDENTIFIED SPEAKER: That is correct. I'm  
 11 sorry.  
 12 JUDGE HUGHES: Okay. Are you familiar with  
 13 the legal issue in the case?  
 14 UNIDENTIFIED SPEAKER: Not 100 percent, no.  
 15 JUDGE HUGHES: Okay. So I'll just -- I'm not  
 16 your attorney. I can't give you advice.  
 17 But under Washington state law, when we have  
 18 an objection to an application, we can only grant your  
 19 application if the existing companies are not providing  
 20 service to the satisfaction of the commission. So if you  
 21 have pen and paper, RCW 81.77.040 would be just a helpful  
 22 citation to know.  
 23 So okay. Let's get to the intervention. So  
 24 we have a petition for intervention that I'm aware that's  
 25 been filed. Are there any other petitions besides the  
 26 one by WRRRA? Nope.

Page 7

1 Seeing none, are there any objections to  
 2 WRRRA's petition to participate?  
 3 PNW Compost, I'm going to take your silence  
 4 as a no?  
 5 UNIDENTIFIED SPEAKER: No.  
 6 JUDGE HUGHES: Cool. Okay. Okay. So  
 7 hearing no objections, I find that WRRRA's intervention is  
 8 in the public interest, so I will be granting the  
 9 petition. The petition is granted. And I will address  
 10 it further in the prehearing conference order.  
 11 ATTORNEY WHITTAKER: Thank you, Judge Hughes.  
 12 JUDGE HUGHES: Yes.  
 13 Okay. So discovery, would parties like to  
 14 have the discovery rules available?  
 15 We'll start with the protester.  
 16 ATTORNEY WILEY: Your Honor, my feeling at  
 17 this juncture is that we would reserve a request for  
 18 discovery until after the direct case is filed.  
 19 And I may then motion for discovery. As you  
 20 know, in transportation application matters, discovery is  
 21 not automatic.  
 22 JUDGE HUGHES: Okay. So you'd like to  
 23 reserve it.  
 24 Staff, any thoughts?  
 25 ATTORNEY ROBERSON: Staff would like to see  
 26 the discovery tools available early. I think from

Page 8

1 staff's perspective, if the parties can engage in  
 2 discovery, they can figure out if they have a chance of  
 3 settling the case before testimony's filing, which kind  
 4 of benefits all parties.  
 5 JUDGE HUGHES: Okay. And any thoughts from  
 6 the company, or from the applicant, rather?  
 7 UNIDENTIFIED SPEAKER: I would agree with  
 8 staff.  
 9 JUDGE HUGHES: Okay. Very good. Then I will  
 10 address that in the order.  
 11 So is there a desire for a protective  
 12 order?  
 13 UNIDENTIFIED SPEAKER: No.  
 14 ATTORNEY WILEY: Your Honor, I would think  
 15 yes, there are. And if we are going to order discovery  
 16 at this stage, the solid waste industry under Title 81.77  
 17 is protected in terms of confidentiality, and we would  
 18 like a protective order issued as a matter of course in  
 19 this matter.  
 20 JUDGE HUGHES: Okay. All right. So I will do  
 21 a standard protective order unless PNW, you said you  
 22 don't want a protective order or are you ambivalent?  
 23 Any arguments for or against?  
 24 UNIDENTIFIED SPEAKER: No arguments against  
 25 that, no.  
 26 JUDGE HUGHES: Okay. Very good.

Page 9

1 Okay. So I will have asked this earlier, if  
 2 we've had a chance to talk scheduling. And I believe  
 3 that was a no. So we can take a brief recess to allow  
 4 the parties time to discuss the schedule.  
 5 You have to schedule at least one settlement  
 6 conference. You're free to schedule as many as you want.  
 7 I think we're planning on having probably prefiled direct  
 8 or response testimony in this case.  
 9 So if I pop off, can you collectively figure  
 10 out a schedule, and then one of you call me or email when  
 11 it's been resolved?  
 12 ATTORNEY ROBERSON: I'll make sure one of the  
 13 staff members texts you on Teams.  
 14 JUDGE HUGHES: Very good. Very good. So I  
 15 will pop off, and we will be going off the record, then,  
 16 and take a brief recess.  
 17 (Recess.)  
 18 JUDGE HUGHES: Back on the record. It is  
 19 1:46. So do we have a schedule?  
 20 ATTORNEY ROBERSON: We have an agreed  
 21 schedule amongst the parties. I guess it remains to be  
 22 seen whether it works for you and the commission. But  
 23 I'm happy to list out some dates.  
 24 JUDGE HUGHES: Hit me, please.  
 25 ATTORNEY ROBERSON: So starting with the  
 26 first relevant date, the settlement conference would be

Page 10

1 February 7, 2024.  
 2 JUDGE HUGHES: Okay.  
 3 ATTORNEY ROBERSON: Applicant's opening  
 4 testimony would be due February 21, 2024.  
 5 JUDGE HUGHES: Okay.  
 6 ATTORNEY ROBERSON: Response testimony would  
 7 be due March 27, 2024.  
 8 JUDGE HUGHES: Okay.  
 9 ATTORNEY ROBERSON: Rebuttal and  
 10 cross-answering testimony would be due April 10, 2024.  
 11 JUDGE HUGHES: Okay.  
 12 ATTORNEY ROBERSON: The discovery cutoff  
 13 would be April 24, 2024.  
 14 JUDGE HUGHES: Okay.  
 15 ATTORNEY ROBERSON: Exhibit list, witness  
 16 list, cross exhibits and cross-examination time estimates  
 17 would be due May 1, 2024.  
 18 JUDGE HUGHES: Okay.  
 19 ATTORNEY ROBERSON: The merits hearing would  
 20 be May 8, 2024.  
 21 JUDGE HUGHES: Okay. Very good.  
 22 ATTORNEY ROBERSON: The opening brief would  
 23 be due June 5, 2024.  
 24 And then reply briefs would be due June 19,  
 25 2024. And I would imagine that that is a subject we can  
 26 revisit at the hearing if necessary.

Page 11

1 JUDGE HUGHES: Okay. Sounds fair enough.  
 2 Thank you for settling that. I will check my calendar,  
 3 and if this works for us at the commission, we will issue  
 4 it. Otherwise, I can reach out to modify dates.  
 5 Okay. Let's move on. Okay. The parties --  
 6 No. We covered that.  
 7 Okay. Some boilerplate: So electronic  
 8 filing, I want to remind the parties that documents  
 9 should be filed online through the electronic filing link  
 10 on the commission's web page.  
 11 If the parties intend to submit exhibits,  
 12 there will be requirements for filing exhibits and an  
 13 exhibit list in advance of the hearing, which will also  
 14 be done only electronically. I (inaudible) a prehearing  
 15 order with the details on this topic.  
 16 Also, the commission's rules provide for  
 17 electronic service of documents. The commission will  
 18 serve the parties electronically and the parties will  
 19 serve each other electronically.  
 20 If you have any corrections or updates to our  
 21 master service list in this docket, please file a written  
 22 notice of appearance or email me at  
 23 Bijan.Hughes@utc.wa.gov.  
 24 If any parties would like a designated lead  
 25 representative for service, please do so via email to me  
 26 as soon as possible. My email is

Page 12

1 Bijan.Hughes@utc.wa.gov.  
 2 Also, if anyone would like to add names and  
 3 email addresses of other representatives or support staff  
 4 who should receive electronic courtesy copies of all  
 5 documents filed in this proceeding, please email me about  
 6 that as well.  
 7 Did the schedule discuss errata sheets? I  
 8 forget if that was mentioned. No. Okay. So under WAC  
 9 480-07-460(1)(b), the deadline for filing errata sheets  
 10 to exhibits may be established at the prehearing  
 11 conference order.  
 12 Does anyone have an objection to setting a  
 13 deadline a week prior to the evidentiary hearing, so it  
 14 would be May 1?  
 15 ATTORNEY ROBERSON: No objection from staff.  
 16 ATTORNEY WILEY: No objection from  
 17 protesting.  
 18 UNIDENTIFIED SPEAKER: No objection.  
 19 JUDGE HUGHES: Thank you.  
 20 All right. So hearing none, we will  
 21 incorporate that date on the prehearing conference order.  
 22 Okay. Is there anything else anyone thinks  
 23 that we need to address today?  
 24 ATTORNEY WILEY: Your Honor, Dave Wiley.  
 25 Just one point, which for our newcomer applicant at  
 26 least, discovery should -- answers and questions should

3 (Pages 9 to 12)

1 not be served on the judge. Just wanted to underscore  
2 that. That has come up in past proceedings.

3 JUDGE HUGHES: Thank you. Thank you for  
4 adding that.

5 Okay. Is there anything else?

6 Okay. Hearing nothing, I will be issuing an  
7 order shortly containing the procedural schedule and the  
8 other guidelines for the disposition of this case.

9 So it is 1:51 p.m. We are adjourned. Thank  
10 you.

11 (Proceedings concluded at 1:51 p.m.)  
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1 CERTIFICATE

2  
3 STATE OF WASHINGTON )

4 )

5 COUNTY OF KING )

6 I, the undersigned, do hereby certify under penalty  
7 of perjury that the foregoing recorded statements, hearings,  
8 and/or interviews were transcribed under my direction as a  
9 Washington Certified Court Reporter; that the transcript is  
10 true and accurate to the best of my ability, that I am not an  
11 employee or relative of any attorney or counsel employed by  
12 the parties hereto, nor financially interested in its outcome.

13 IN WITNESS WHEREOF, I have hereunto set my hand  
14 this 11th day of December, 2023.  
15

16  
17 

18 Elizabeth Patterson Harvey, WA CCR 2731  
19  
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<p style="text-align: center;"><b>A</b></p> <p><b>AAG</b> 4:14  <b>ability</b> 14:10  <b>accurate</b> 14:10  <b>add</b> 12:2  <b>adding</b> 13:4  <b>address</b> 3:20 4:5,8              5:3,4,11 7:9 8:10              12:23  <b>addresses</b> 12:3  <b>adjourned</b> 13:9  <b>adjudication</b> 5:21  <b>administrative</b>              1:11 3:7  <b>advance</b> 11:13  <b>advice</b> 6:16  <b>afternoon</b> 3:4 4:13  <b>agree</b> 8:7  <b>agreed</b> 9:20  <b>allow</b> 9:3  <b>ambivalent</b> 8:22  <b>analysts</b> 4:18  <b>and/or</b> 14:8  <b>answers</b> 12:26  <b>appearance</b> 4:16              11:22  <b>appearances</b> 3:19  <b>appearing</b> 4:14  <b>applicant</b> 8:6 12:25  <b>Applicant's</b> 10:3  <b>application</b> 1:4              3:11 5:20,22 6:18              6:19 7:20  <b>April</b> 10:10,13  <b>argument</b> 5:22  <b>arguments</b> 8:23,24  <b>asked</b> 9:1  <b>Association</b> 2:18,20              5:8,11  <b>attorney</b> 2:9 4:13              4:24 5:9 6:16              7:11,16,25 8:14              9:12,20,25 10:3,6              10:9,12,15,19,22              12:15,16,24 14:11</p>	<p><b>Authority</b> 1:7 3:11  <b>automatic</b> 7:21  <b>available</b> 7:14,26  <b>Avenue</b> 2:20 5:12  <b>aware</b> 6:2,24</p> <hr/> <p style="text-align: center;"><b>B</b></p> <p><b>Back</b> 9:18  <b>believe</b> 9:2  <b>benefits</b> 8:4  <b>best</b> 3:14 14:10  <b>Bijan</b> 1:11 3:6  <b>Bijan.Hughes@u...</b>              11:23 12:1  <b>boilerplate</b> 11:7  <b>Box</b> 2:9  <b>brief</b> 9:3,16 10:22  <b>briefs</b> 10:24</p> <hr/> <p style="text-align: center;"><b>C</b></p> <p><b>C</b> 2:1 14:1,1  <b>calendar</b> 11:2  <b>call</b> 9:10  <b>captioned</b> 3:10  <b>case</b> 5:24 6:13 7:18              8:3 9:8 13:8  <b>CCR</b> 1:25 14:19  <b>Certified</b> 14:9  <b>certify</b> 14:6  <b>chance</b> 5:23 8:2 9:2  <b>check</b> 5:26 11:2  <b>checking</b> 5:16  <b>citation</b> 6:22  <b>clarify</b> 5:23  <b>clearly</b> 3:15  <b>colleague</b> 5:2  <b>Collection</b> 1:7 3:12  <b>collectively</b> 9:9  <b>come</b> 13:2  <b>commission</b> 1:2,14              2:7 3:8 4:15 5:20              6:3,20 9:22 11:3              11:17  <b>commission's</b> 11:10              11:16  <b>companies</b> 6:19</p>	<p><b>company</b> 1:7 3:12              8:6  <b>company's</b> 5:20  <b>Compost</b> 3:19 7:3  <b>Composts</b> 1:5 2:2              3:11 5:16 6:2  <b>concluded</b> 13:11  <b>conference</b> 1:10 3:9              5:15,23 7:10 9:6              9:26 12:11,21  <b>confidentiality</b>              8:17  <b>Connections</b> 2:11              4:22 5:18  <b>contact</b> 4:15,25  <b>containing</b> 13:7  <b>Control</b> 2:12 4:22              5:19  <b>Cool</b> 7:6  <b>copies</b> 12:4  <b>correct</b> 6:9,10  <b>corrections</b> 11:20  <b>counsel</b> 4:17 5:11              14:11  <b>COUNTY</b> 14:5  <b>course</b> 8:18  <b>court</b> 4:26 14:9  <b>courtesy</b> 12:4  <b>covered</b> 11:6  <b>cross</b> 10:16  <b>cross-answering</b>              10:10  <b>cross-examination</b>              10:16  <b>cutoff</b> 10:12</p> <hr/> <p style="text-align: center;"><b>D</b></p> <p><b>D</b> 2:14  <b>date</b> 1:23 9:26              12:21  <b>dates</b> 9:23 11:4  <b>Dave</b> 4:24 12:24  <b>David</b> 2:13  <b>day</b> 14:14  <b>deadline</b> 12:9,13  <b>December</b> 14:14</p>	<p><b>Derek</b> 2:3 3:26 4:1              4:1,7,7 5:17  <b>designated</b> 11:24  <b>desire</b> 8:11  <b>details</b> 11:15  <b>difficult</b> 3:16  <b>direct</b> 7:18 9:7  <b>direction</b> 14:8  <b>discovery</b> 7:13,14              7:18,19,20,26 8:2              8:15 10:12 12:26  <b>discuss</b> 5:24 6:1 9:4              12:7  <b>discussed</b> 6:7  <b>disposition</b> 13:8  <b>docket</b> 1:6 3:10              11:21  <b>documents</b> 11:8,17              12:5  <b>due</b> 10:4,7,10,17,23              10:24  <b>dwiley@wkg.com</b>              2:13 5:5</p> <hr/> <p style="text-align: center;"><b>E</b></p> <p><b>E</b> 2:1,1 14:1,1  <b>earlier</b> 9:1  <b>early</b> 7:26  <b>Elaina</b> 2:23 4:18  <b>electronic</b> 11:7,9,17              12:4  <b>electronically</b>              11:14,18,19  <b>Elizabeth</b> 1:24              14:19  <b>email</b> 4:6,8 5:4,13              9:10 11:22,25,26              12:3,5  <b>employed</b> 14:11  <b>employee</b> 14:11  <b>engage</b> 8:1  <b>errata</b> 12:7,9  <b>established</b> 12:10  <b>estimates</b> 10:16  <b>evidentiary</b> 12:13  <b>exhibit</b> 10:15 11:13</p>	<p><b>exhibits</b> 10:16              11:11,12 12:10  <b>existing</b> 6:19</p> <hr/> <p style="text-align: center;"><b>F</b></p> <p><b>F</b> 14:1  <b>fair</b> 11:1  <b>familiar</b> 6:12  <b>FAPR</b> 1:25  <b>February</b> 10:1,4  <b>feeling</b> 7:16  <b>figure</b> 8:2 9:9  <b>file</b> 4:15 11:21  <b>filed</b> 5:19 6:25 7:18              11:9 12:5  <b>filing</b> 8:3 11:8,9,12              12:9  <b>financially</b> 14:12  <b>find</b> 7:7  <b>firm</b> 5:3  <b>first</b> 9:26  <b>foregoing</b> 14:7  <b>forget</b> 12:8  <b>free</b> 9:6  <b>further</b> 7:10</p> <hr/> <p style="text-align: center;"><b>G</b></p> <p><b>General</b> 2:9  <b>George</b> 2:5 4:8  <b>Gibbs</b> 2:15  <b>give</b> 3:20 6:16  <b>going</b> 7:3 8:15 9:15  <b>good</b> 3:4 4:13 6:6              8:9,26 9:14,14              10:21  <b>grant</b> 6:18  <b>granted</b> 7:9  <b>granting</b> 7:8  <b>Great</b> 3:25  <b>gritty</b> 3:19  <b>guess</b> 9:21  <b>guidelines</b> 13:8  <b>guys</b> 4:2</p> <hr/> <p style="text-align: center;"><b>H</b></p> <p><b>hand</b> 14:13</p>
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<p><b>happy</b> 9:23  <b>Harvey</b> 1:24 14:19  <b>head</b> 6:8  <b>hear</b> 3:22  <b>hearing</b> 6:8 7:7              10:19,26 11:13              12:13,20 13:6  <b>hearings</b> 14:7  <b>helpful</b> 6:21  <b>hereto</b> 14:12  <b>hereunto</b> 14:13  <b>Hi</b> 4:24  <b>Hit</b> 9:24  <b>Honor</b> 4:24 7:16              8:14 12:24  <b>Hughes</b> 1:11 3:4,6              3:24 4:2,11,14,21              5:6,14 6:6,12,15              7:6,11,12,22 8:5,9              8:20,26 9:14,18              9:24 10:2,5,8,11              10:14,18,21 11:1              12:19 13:3</p> <hr/> <p style="text-align: center;"><b>I</b></p> <p><b>imagine</b> 10:25  <b>importantly</b> 3:15  <b>inaudible</b> 11:14  <b>incorporate</b> 12:21  <b>industry</b> 8:16  <b>information</b> 4:15              4:25,25  <b>inhouse</b> 5:11  <b>intend</b> 11:11  <b>interest</b> 7:8  <b>interested</b> 14:12  <b>intervention</b> 6:23              6:24 7:7  <b>interviews</b> 14:8  <b>issue</b> 6:13 11:3  <b>issued</b> 8:18  <b>issues</b> 5:23 6:1  <b>issuing</b> 13:6</p> <hr/> <p style="text-align: center;"><b>J</b></p> <p><b>Jeff</b> 2:8 4:14</p>	<p><b>jeff.roberson@ut...</b>              2:8  <b>job</b> 3:16  <b>judge</b> 1:11 3:4,7,24              4:2,11,13,21 5:6,9              5:14 6:6,12,15 7:6              7:11,12,22 8:5,9              8:20,26 9:14,18              9:24 10:2,5,8,11              10:14,18,21 11:1              12:19 13:1,3  <b>juncture</b> 7:17  <b>June</b> 10:23,24</p> <hr/> <p style="text-align: center;"><b>K</b></p> <p><b>Kastner</b> 2:15  <b>kind</b> 8:3  <b>KING</b> 14:5  <b>know</b> 6:22 7:20</p> <hr/> <p style="text-align: center;"><b>L</b></p> <p><b>Lacey</b> 1:15 2:21              5:12  <b>Lake</b> 2:5 4:9  <b>law</b> 1:11 3:7 5:3              6:17  <b>lawyer</b> 5:25 6:3,7  <b>lead</b> 11:24  <b>Leake</b> 2:14 5:2  <b>Leake's</b> 5:5  <b>legal</b> 6:13  <b>let's</b> 3:16,19 6:23              11:5  <b>line</b> 5:2  <b>link</b> 11:9  <b>list</b> 9:23 10:15,16              11:13,21  <b>Loop</b> 1:15</p> <hr/> <p style="text-align: center;"><b>M</b></p> <p><b>March</b> 10:7  <b>master</b> 11:21  <b>matter</b> 1:4 3:10              4:20 5:20 8:18,19  <b>matters</b> 7:20  <b>members</b> 9:13</p>	<p><b>mentioned</b> 12:8  <b>merits</b> 10:19  <b>Michael</b> 2:24  <b>Mike</b> 4:18  <b>minutes</b> 5:26  <b>modify</b> 11:4  <b>motion</b> 7:19  <b>move</b> 11:5</p> <hr/> <p style="text-align: center;"><b>N</b></p> <p><b>N</b> 2:1  <b>name</b> 3:6 4:4,14  <b>names</b> 3:20 12:2  <b>Nathan</b> 2:4 3:25              5:16  <b>necessary</b> 10:26  <b>need</b> 12:23  <b>needs</b> 3:17  <b>neither</b> 4:19  <b>newcomer</b> 12:25  <b>nitty</b> 3:18  <b>Nope</b> 6:26  <b>notice</b> 4:16 11:22  <b>November</b> 1:23 3:1  <b>number</b> 3:20 4:5              4:10 5:13</p> <hr/> <p style="text-align: center;"><b>O</b></p> <p><b>o0o-</b> 3:2  <b>objection</b> 6:18              12:12,15,16,18  <b>objections</b> 7:1,7  <b>okay</b> 3:18 4:11,11              4:21 5:14 6:1,12              6:15,23 7:6,6,13              7:22 8:5,9,20,26              9:1 10:2,5,8,11,14              10:18,21 11:1,5,5              11:7 12:8,22 13:5              13:6  <b>Olympia</b> 2:10  <b>online</b> 11:9  <b>opening</b> 10:3,22  <b>Operate</b> 1:7 3:12  <b>order</b> 7:10 8:10,12              8:15,18,21,22</p>	<p>11:15 12:11,21              13:7  <b>outcome</b> 14:12  <b>owners</b> 5:16</p> <hr/> <p style="text-align: center;"><b>P</b></p> <p><b>P</b> 2:1,1  <b>p.m</b> 3:1,5 13:9,11  <b>page</b> 11:10  <b>PAGES</b> 1:12  <b>paper</b> 6:21  <b>participate</b> 7:2  <b>parties</b> 7:13 8:1,4              9:4,21 11:5,8,11              11:18,18,24 14:12  <b>Patterson</b> 1:24              14:19  <b>pen</b> 6:21  <b>penalty</b> 14:6  <b>percent</b> 6:14  <b>perjury</b> 14:7  <b>perspective</b> 8:1  <b>petition</b> 6:24 7:2,9              7:9  <b>petitions</b> 6:25  <b>phone</b> 3:20 4:5,10              5:12  <b>planning</b> 9:7  <b>please</b> 3:21 4:3,6              9:24 11:21,25              12:5  <b>PLLC</b> 2:15  <b>PNW</b> 1:5 2:2 3:11              3:19 5:16 6:2 7:3              8:21  <b>PNWcompost@g...</b>              4:8  <b>pnwcomposts@g...</b>              2:4  <b>PO</b> 2:9  <b>point</b> 12:25  <b>pop</b> 9:9,15  <b>possible</b> 11:26  <b>prefiled</b> 9:7  <b>prehearing</b> 1:10              3:9 7:10 11:14</p>	<p>12:10,21  <b>PRESENT</b> 2:22  <b>prior</b> 6:8 12:13  <b>probably</b> 9:7  <b>procedural</b> 6:1,7              13:7  <b>procedures</b> 5:24  <b>proceeding</b> 12:5  <b>proceedings</b> 13:2              13:11  <b>protected</b> 8:17  <b>protective</b> 8:11,18              8:21,22  <b>protest</b> 4:26  <b>protester</b> 7:15  <b>protesting</b> 12:17  <b>protests</b> 5:19  <b>provide</b> 4:19,26              11:16  <b>providing</b> 6:19  <b>public</b> 7:8</p> <hr/> <p style="text-align: center;"><b>Q</b></p> <p><b>questions</b> 12:26</p> <hr/> <p style="text-align: center;"><b>R</b></p> <p><b>R</b> 2:1 14:1  <b>RCW</b> 6:21  <b>reach</b> 11:4  <b>Rebuttal</b> 10:9  <b>receive</b> 12:4  <b>recess</b> 9:3,16,17  <b>record</b> 3:5,21 9:15              9:18  <b>recorded</b> 14:7  <b>Recycling</b> 2:18,20              5:7,10  <b>Refuse</b> 2:18,20 5:7              5:10  <b>relative</b> 14:11  <b>relevant</b> 9:26  <b>remains</b> 9:21  <b>remind</b> 11:8  <b>reply</b> 10:24  <b>reporter</b> 4:4,26              14:9</p>
--	--	--	---	--

<p>reporter's 3:16  represent 6:3  representative  11:25  representatives  12:3  represented 5:25  request 7:17  requirements  11:12  reserve 7:17,23  resolved 9:11  response 9:8 10:6  revisit 10:26  right 4:4 5:1 8:20  12:20  Road 2:5 4:9  Roberson 2:8 4:13  4:14 7:25 9:12,20  9:25 10:3,6,9,12  10:15,19,22 12:15  Rod 2:19 5:10  rod@wrra.org  2:19 5:13  RPR 1:25  rules 7:14 11:16</p> <hr/> <p style="text-align: center;"><b>S</b></p> <hr/> <p>S 2:1  satisfaction 6:20  schedule 6:7 9:4,5  9:6,10,19,21 12:7  13:7  scheduling 9:2  Scott 2:3,4 3:26 4:1  4:1,7 5:17  SE 1:15 2:20 5:12  Sean 2:14  Seattle 2:16 5:4  see 7:25  Seeing 6:8 7:1  seen 9:22  sentence 4:3  serve 11:18,19  served 13:1  service 6:20 11:17</p>	<p>11:21,25  set 5:20 14:13  setting 12:12  settlement 9:5,26  settling 8:3 11:2  shakes 6:8  sharing 4:3  sheets 12:7,9  shortly 13:7  silence 7:3  Silver 2:5 4:9  sir 3:24 6:9  Sixth 5:11  sleake@wkg.com  2:14 5:5  slowly 3:15  solid 1:7 3:12 8:16  soon 11:26  sorry 3:22 6:11  Sounds 11:1  speak 3:14 4:3  SPEAKER 3:22,25  6:4,5,10,14 7:5  8:7,13,24 12:18  specific 6:1  Square 1:15 5:4  staff 2:7 4:12,15,18  7:24,25 8:8 9:13  12:3,15  staff's 4:19 8:1  stage 8:16  standard 8:21  start 3:19 4:3 5:15  7:15  starting 9:25  state 6:17 14:3  statements 14:7  Street 2:15  subject 10:25  submit 11:11  Suite 2:15,20 5:3  5:12  support 5:22 12:3  sure 9:12</p> <hr/> <p style="text-align: center;"><b>T</b></p> <hr/>	<p>T 14:1,1  table 4:17  take 5:26 7:3 9:3,16  talk 9:2  Taylor 2:5 4:9  Teams 9:13  terms 8:17  testimony 4:19  5:21 9:8 10:4,6,10  testimony's 8:3  texts 9:13  TG-230798 1:6  3:10  Thank 4:21 5:6,9  5:14 7:11 11:2  12:19 13:3,3,9  think 7:26 8:14 9:7  thinks 12:22  thoughts 7:24 8:5  time 3:5,15 9:4  10:16  Title 8:16  today 3:9,14 5:15  5:22 12:23  tools 7:26  topic 11:15  transcribed 1:24  14:8  transcript 14:9  transportation 1:2  1:14 3:8 7:20  true 14:10  try 3:14  Two 5:3</p> <hr/> <p style="text-align: center;"><b>U</b></p> <hr/> <p>underscore 13:1  undersigned 14:6  UNIDENTIFIED  3:22,25 6:4,5,10  6:14 7:5 8:7,13,24  12:18  Union 2:15 5:3  updates 11:20  Utilities 1:2,14 3:7</p>	<p style="text-align: center;"><b>V</b></p> <hr/> <p>virtually 4:17  VOLUME 1:12</p> <hr/> <p style="text-align: center;"><b>W</b></p> <hr/> <p>W 2:13  WA 1:25 2:21  14:19  WAC 12:8  want 5:15,26 8:22  9:6 11:8  wanted 13:1  Washington 1:1,8  1:14,15 2:5,9,10  2:11,16,18,20 3:7  3:13 4:9,22 5:4,7  5:10,12,18 6:17  14:3,9  waste 1:7 2:11,12  3:12 4:22,22 5:18  5:19 8:16  We'll 7:15  we're 3:4,9 9:7  we've 9:2  web 11:10  week 12:13  Welcome 4:25  WHEREOF 14:13  Whittaker 2:19 5:9  5:10 7:11  Wiley 2:13 4:24,24  7:16 8:14 12:16  12:24,24  Williams 2:15  witness 10:15 14:13  Woodland 1:15  works 9:22 11:3  write 5:21  written 11:21  WRRRA 6:26  WRRRA's 7:2,7</p> <hr/> <p style="text-align: center;"><b>X</b></p> <hr/> <p style="text-align: center;"><b>Y</b></p> <hr/> <p>Young 2:23,24 4:18</p>	<p>4:18</p> <hr/> <p style="text-align: center;"><b>Z</b></p> <hr/> <p>ZOOM 1:10</p> <hr/> <p style="text-align: center;"><b>0</b></p> <hr/> <p style="text-align: center;"><b>1</b></p> <hr/> <p>1 10:17 12:14  1-14 1:12  1:30 3:1  1:31 3:5  1:46 9:19  1:51 13:9,11  10 10:10  100 6:14  11th 14:14  19 10:24</p> <hr/> <p style="text-align: center;"><b>2</b></p> <hr/> <p>2023 1:23 3:1 14:14  2024 10:1,4,7,10,13  10:17,20,23,25  205 2:20 5:12  206.628.6600 2:16  21 10:4  220 2:5 4:8  24 10:13  27 10:7  2731 1:25 14:19</p> <hr/> <p style="text-align: center;"><b>3</b></p> <hr/> <p>30 1:23 3:1  360-943-8859 2:21  360.709.4852 2:10  360.943.8859 5:13</p> <hr/> <p style="text-align: center;"><b>4</b></p> <hr/> <p>40128 2:9  4100 2:15 5:3  4160 2:20 5:11  480-07-460(1)(b)  12:9</p> <hr/> <p style="text-align: center;"><b>5</b></p> <hr/> <p>5 10:23  503.975.6435 2:6</p>
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4:10				
<hr/> <b>6</b> <hr/>				
<b>601</b> 2:15				
<b>621</b> 1:15				
<b>6th</b> 2:20				
<hr/> <b>7</b> <hr/>				
<b>7</b> 10:1				
<hr/> <b>8</b> <hr/>				
<b>8</b> 10:20				
<b>81.77</b> 8:16				
<b>81.77.040</b> 6:21				
<hr/> <b>9</b> <hr/>				
<b>98053</b> 5:12				
<b>98101</b> 2:16 5:4				
<b>98503</b> 2:21				
<b>98504</b> 1:15 2:10				
<b>98645</b> 2:5 4:9				