

SERVICE DATE

SEP 22 1994

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

THE DISPOSAL GROUP, INC.,)	
d/b/a Vancouver Sanitary)	
Service and Twin City Sanitary)	DOCKET NO. TG-941154
Service, a Washington)	
Corporation (G-65))	NOTICE OF PREHEARING
)	CONFERENCE
v.)	(October 3, 1994)
)	
WASTE MANAGEMENT DISPOSAL)	NOTICE OF BRIEF ADJUDICATION
SERVICES OF OREGON, INC.,)	(October 7, 1994)
d/b/a Oregon Waste Systems, a)	
Delaware Corporation)	
.)	

On August 31, 1994, The Disposal Group, Inc., d/b/a Vancouver Sanitary Service and Twin City Sanitary Service, filed a formal complaint pursuant to RCW 81.04.110 and WAC 480-09-420(5) against Respondent Waste Management Disposal Services of Oregon, Inc., d/b/a Oregon Waste Systems. The complaint alleges that Oregon Waste Systems is hauling solid waste over the public highways of this state without first having obtained a certificate of public convenience and necessity from the Commission, in unincorporated areas of Clark County in which the complainant is one of two exclusive certified haulers of solid waste.

The Commission has the authority under RCW 81.04.110 to hear complaints by public service companies against other public service companies and complaints by public service companies against persons or entities acting as a public service companies.

The complaint is on file in the Commission's offices. It has been served on respondent Oregon Waste Systems.

Statutes and rules involved include those within chapter 480-09 WAC, specifically WAC 480-09-420, -425, and -500, those included within chapter 480-70 WAC, specifically WAC 480-70-050 and -070, and those included within chapter 480-12 WAC. Statutes invoked include RCW 81.04.110, RCW 81.77.040, and RCW 81.80.070. The ultimate issue is whether the transportation in which the respondent is engaged is exempt from state regulation.

Pursuant to WAC 480-09-500, the Commission determines that a brief adjudicative proceeding is appropriate for resolving the issues raised in the complaint. It designates as presiding officer Hearings Examiner John Prusia, telephone number (206) 586-1108.

NOTICE OF PREHEARING CONFERENCE: In order to expedite the proceeding, the Commission requests that the parties consult among themselves with a view to developing a stipulated factual record for decision, and report on that discussion no later than the time of the prehearing conference set below.

The Commission establishes a telephonic prehearing conference to be held at 1:30 p.m., Monday, October 3, 1994, unless changed by the Secretary or the presiding officer. The prehearing conference will be via a conference bridge call. The Commission's conference bridge number is (206) 664-3846. An explanation of the conference bridge calling system is enclosed. Each party shall designate its attorney or other representative for the prehearing conference, and the representative's telephone number, by Thursday, September 29, 1994.

NOTICE OF BRIEF ADJUDICATION: The Commission sets the time and place for oral presentations on the issues as Friday, October 7, 1994, beginning at the hour of 10:00 a.m. in room 140 in the Commission's headquarters offices at 1300 South Evergreen Park Drive S.W., Olympia, Washington 98504, unless changed by the Secretary or the presiding officer.

The names and mailing addresses of the parties and their known representatives are as follows:

Complainant:	The Disposal Group Inc. P.O. Box 4658 Vancouver, WA 98662-0658
Representative:	Cynthia A. Horenstein Horenstein & Duggan, P.S. P.O. Box 694 Vancouver, WA 98666-0694 (206) 699-4771
Respondent:	Waste Management Disposal Services of Oregon, Inc. c/o CT Corporation System, Registered Agent 520 Pike Street Seattle, WA 98101
Representative:	Unknown

It is expected that the Staff of the Commission will appear in this proceeding through the Office of the Attorney General, 1400 South Evergreen Park Drive S.W., Olympia, WA 98504-0128, (206) 753-2281.

DATED at Olympia, Washington and effective this 22nd day of September, 1994.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION


STEVE MCLELLAN
Secretary