

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

MURREY’S DISPOSAL CO., INC.,
Complainant,

DOCKETS TG-200650 and
TG-200651 (*Consolidated*)

v.

WASTE MGMT. OF WASH., INC.,
WASTE MGMT. DISPOSAL
SERVICES OF OR., AND MJ
TRUCKING & CONTRACTING,
Respondents.

NOTICE OF VIRTUAL
PREHEARING CONFERENCE
**(Set for November 5, 2020,
at 1:30 p.m.)**

MURREY’S DISPOSAL CO., INC.,
Complainant,

v.

WASTE MGMT. OF WASH., INC.,
WASTE MGMT. DISPOSAL
SERVICES OF OR., AND DANIEL
ANDERSON TRUCKING AND
EXCAVATION, LLC,
Respondents.

1 On July 15, 2020, Murrey’s Disposal Company, Inc. (Murrey’s Disposal or Company), filed with the Washington Utilities and Transportation Commission (Commission) two separate complaints, the first in Docket TG-200650 against Waste Management of Washington, Inc. (WMW), Waste Management Disposal Services of Oregon, Inc. (WMDSO), and MJ Trucking & Contracting, Inc. (MJ Trucking), and the second in Docket TG-200651 against WMW, WMDSO, and Daniel Anderson Trucking and Excavation, LLC (DAT) (collectively, Respondents), asking the Commission to order WMW, WMDSO, MJ Trucking, and DAT to cease and desist from engaging in the collection and transportation of solid waste without a certificate of public convenience

and necessity from the Commission, and to find that certain intermodal motor carrier transportation services offered by WMW or WMDSO are not preempted by federal law (Complaint).

2 On August 4, 2020, Respondents filed with the Commission an answer to the Complaint (Answer) and a motion to dismiss pursuant to WAC 480-07-380(1) in each docket (Motion), which argues that the Commission is preempted by federal laws regulating the transportation of property by railroad, specifically 49 U.S.C. § 10501.

3 On August 20, 2020, Murrey's Disposal filed with the Commission a response to the motion in each docket.

4 On August 24, 2020, Respondents filed with the Commission a motion for leave to file a reply to Murrey's Disposal's response. That same day, Murrey's Disposal filed with the Commission a response in opposition to Respondents' motion for leave to file a reply.

5 On August 27, 2020, the Commission issued Order 01, consolidating these dockets, denying Respondents' motion for leave to reply, and setting a hearing on Respondents' motion to dismiss.

6 On September 16, 2020, the Commission held a hearing on Respondents' Motion before Administrative Law Judge Andrew J. O'Connell.

7 On October 19, 2020, the Commission entered Order 02, Denying Motion to Dismiss.

8 **STATUTORY AUTHORITY:** The Commission has jurisdiction over this matter under Title 80 RCW and Title 81 RCW and has legal authority to solid waste collection companies. The statutes that apply to this matter include Chapters 80.01 RCW, 80.04 RCW, 81.04 RCW, 81.77 RCW, and 81.80 RCW, including but not limited to RCW 80.01.040, RCW 80.04.060, RCW 81.01.010, RCW 81.04.020, RCW 81.04.110, RCW 81.04.160, RCW 81.04.460, and RCW 81.04.510. The rules that apply to this matter include those within Chapters WAC 480-70, relating to solid waste collection companies.

9 The Commission will hear this matter under the Administrative Procedure Act (APA), particularly Part IV of Chapter 34.05 RCW relating to adjudications. The provisions of the APA that relate to this proceeding include, but are not limited to RCW 34.05.413, RCW 34.05.422, RCW 34.05.431, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452. The Commission will also follow its procedural rules in WAC 480-07 in this proceeding.

- 10 The Commission finds there is good cause to hear this matter on shortened notice. *See* WAC 480-07-440(1)(a) and RCW 34.05.434.
- 11 **THE COMMISSION GIVES NOTICE That it will hold a virtual prehearing conference in this matter at 1:30 p.m., on November 5, 2020. To participate by phone, call (253) 372-2181 and enter the conference ID 522 866 016#. To participate via the Microsoft Teams application, please use the following link: [Join Microsoft Teams Meeting](#).**
- 12 The purpose of the prehearing conference is to consider requests for intervention, resolve scheduling matters including establishing dates for distributing evidence, to identify the issues in the proceeding, and determine other matters to assist the Commission in resolving the matter, as listed in WAC 480-07-430.
- 13 **INTERVENTION:** Persons seeking to intervene in the proceeding must file written petitions to intervene at least three business days before the date of the prehearing conference. *See* WAC 480-07-355(a). Party representatives must file a notice of appearance with the Commission no later than the business day before the conference. *See* WAC 480-07-345(2). Any party or witness in need of an interpreter or other assistance should fill out the form attached to this Notice and return it to the Commission. The Commission will set the time and place for the evidentiary hearings at the prehearing conference or by later written notice.
- 14 **THE COMMISSION GIVES NOTICE That any party who fails to attend or participate in the prehearing conference set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**
- 15 The names and mailing addresses of all known parties and their known representatives are as follows:

Complainant: Murrey's Disposal Company, Inc.,
d/b/a Olympic Disposal
4622 70th Avenue E
Puyallup, WA 98371

Representative: Blair I. Fassburg
David W. Wiley
Sean D. Leake
Williams, Kastner & Gibbs PLLC
601 Union Street, Suite 4100
Seattle, WA 98101-2380
(206) 628-6600
bfassburg@williamskastner.com
dwiley@williamskastner.com
sleake@williamskastner.com

Respondent: Waste Management of Washington, Inc.,
and Waste Management Disposal Services of
Oregon, Inc.
720 4th Avenue, Ste. 400
Kirkland, WA 98033-8136
mweinstein@wm.com

Representatives: Jessica L. Goldman
Jesse L. Taylor
Summit Law Group PLLC
315 Fifth Avenue So., Suite 1000
Seattle, WA 98104
(206) 646-7000
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Andrew M. Kenefick
Senior Legal Counsel
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Respondent: Daniel Anderson Trucking and Excavating LLC
71 E. Montgomery St.
Port Hadlock, WA 98339
daselfloader@gmail.com

Representative: Jessica L. Goldman
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Summit Law Group PLLC
315 Fifth Avenue So., Suite 1000
Seattle, WA 98104
(206) 646-7000
jessicag@summitlaw.com
jesset@summitlaw.com

Respondent: MJ Trucking & Contracting, Inc.
P.O. Box 930
Chimacum, WA 98325
mjtrucking2000@hotmail.com

Representative: Jessica L. Goldman
Jesse L. Taylor
Summit Law Group PLLC
315 Fifth Avenue So., Suite 1000
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(206) 646-7000
jessicag@summitlaw.com
jesset@summitlaw.com

- 16 The Commissioners of the Washington Utilities and Transportation Commission and Administrative Law Judge Andrew J. O’Connell, from the Commission’s Administrative Law Division, will preside during this proceeding.¹

¹ Judge O’Connell can be reached by email at andrew.j.oconnell@utc.wa.gov or by phone at (360) 664-1285.

- 17 The Commission will give parties notice of any other procedural phase of the proceeding in writing or on the record, as appropriate during this proceeding.

DATED at Lacey, Washington, and effective October 21, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Mark Schutter on behalf of
MARK L. JOHNSON
Executive Director and Secretary

Inquiries may be addressed to:

Executive Director and Secretary
Washington State Utilities and
Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

NOTICE

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

If you need an interpreter, or have other special needs, please fill out and return this form to:

Washington Utilities and Transportation Commission
Attention: Mark L. Johnson
P.O. Box 47250
Olympia, WA 98504-7250

(PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket: _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired: (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone (_____) _____