

BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION

In re Application No. GA-079358 of	)	DOCKET NO. TG-050239
	)	
DB HAULING LLC,	)	ORDER NO. 01
	)	
For Authority to Transfer All Rights	)	
Under Certificate No. G-198,	)	PREHEARING CONFERENCE
Standing in the Name of Haney	)	ORDER
Truck Line, Inc., to DB Hauling LLC.	)	
	)	
.....	)	

1     **NATURE OF PROCEEDING.** Docket No. TG-050239 is an application by DB Hauling LLC to acquire solid waste Certificate No. G-198 by transfer from Haney Truck Line, Inc. to allow hauling of wastes in Yakima County under contract with Del Monte and Tree Top.

2     **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in Docket No. TG-050239 at Olympia, Washington on May 10, 2005, before Administrative Law Judge Karen Caillé.

3     **APPEARANCES.** Don Burke, owner of Applicant DB Hauling LLC appeared pro-se. Bruce Moorner, owner of the certificate holder Haney Truck Line, Inc. appeared pro-se. Greg W. Haffner, Curran Mendoza P.S., Kent, Washington, represents the protestant Yakima Waste Systems, Inc. James K. Sells, Ryan Sells Uptegraft, Inc., P.S., Silverdale, Washington, represents Washington Refuse and Recycling Association (WRRRA). Lisa Watson, Assistant Attorney General, Olympia, Washington, represents the Commission’s regulatory staff (Commission Staff or Staff). Contact information provided at the conference for the parties’ representatives is attached as Appendix A to this order.

- 4 **AMENDMENT TO APPLICATION.** On May 4, 2005, Applicant filed with the Commission copies of two contracts, one between DB hauling and TreeTop, and a second between DB Hauling and Del Monte Foods. In addition, Applicant supplemented the application with updated financial statements. The ALJ amended the application to include the two contracts, and accepted the updated financial statements. Under WAC 480-07-395(5), the Commission will allow amendments to pleadings, including applications, on “terms that promote fair and just results.”
- 5 **DISCOVERY.** The parties will exchange information on an informal basis. The Commission urges the parties to work cooperatively together to avoid having to bring discovery matters forward for formal resolution.
- 6 **ISSUES.** The parties acknowledged that the main issue in this proceeding is whether DB Hauling is fit willing and able to perform the contracts identified in Certificate No. G-198. The parties discussed other related issues including dormancy of the permit, nature of the commodities transported, and value of consideration for the transfer of the certificate, that may arise as issues as a result of the discovery process.
- 7 **PROCEDURAL SCHEDULE.** The parties agreed upon a procedural schedule during the conference. The Commission adopts this procedural schedule, which is attached to this order as Appendix B, and incorporated into the body of this Order by this reference.
- 8 **NOTICE OF HEARING.** The Commission convenes a hearing in this matter to consider the transfer of the authority under Certificate No. G-198 in the name of Haney Truck Line, Inc., to DB Hauling LLC. **The hearing will be held on Friday, July 29, 2005, beginning at 8:00 a.m. in the Hearing Room No. B-33 of the Yakima County Courthouse, 128 North Second Street, Yakima, Washington.**

- 9 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file with the Commission an original plus **seven** copies of all pleadings, motions, briefs, and other prefiled materials. Paper copies of these materials are required to conform to the format and publication guidelines set forth in WAC 480-07-395 and 480-07-460, and must 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.
- 10 All filings must be mailed or delivered to the Executive 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.
- 11 An electronic copy of all filings must be provided by e-mail delivery to <[records@wutc.wa.gov](mailto:records@wutc.wa.gov)>. Alternatively, parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette including the filed document(s). The Commission prefers that parties furnish electronic copies in .pdf (Adobe Acrobat) format, supplemented by a separate file in MS Word 6.0 (or later), or WordPerfect 5.1 (or later) format. Parties are required to organize and identify electronic files as specified in WAC 480-07-140(5).
- 12 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Pursuant to WAC 480-07-145(6), the presiding officer may grant parties a one-day extension of the paper-filing requirement, allowing electronic submission of documents with the Commission on the filing deadline. Parties may only submit documents electronically with the Commission in this proceeding with the permission of the presiding officer. If, at any time during this proceeding, parties are authorized to submit documents with the Commission electronically under WAC 480-07-145(6), Parties must submit the document to [records@wutc.wa.gov](mailto:records@wutc.wa.gov), and file an

original, plus **six** paper copies, of the document with the Commission by the following business day.

- 13 **NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective this 16th day of May, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

KAREN M. CAILLÉ  
Administrative Law Judge