

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of

**BOBBY WOLFORD TRUCKING &
SALVAGE, INC.**

For Authority to Operate as a Solid
Waste Collection Company in
Washington

DOCKET TG-152228

ORDER 01

PREHEARING CONFERENCE ORDER;
NOTICE OF HEARING
**(Set for November 14, 2016, at
9:30 a.m.)**

- 1 **BACKGROUND.** On November 19, 2015, Bobby Wolford Trucking & Salvage, Inc. (Bobby Wolford Trucking or Company) filed with the Washington Utilities and Transportation Commission (Commission) an application for limited authority to operate as a solid waste collection company in King and Snohomish Counties (Application). On July 12, 2016, the Commission issued a Notice of Application.
- 2 **PROTESTS.** On August 1, 2016, Rabanco Companies, Ltd. d/b/a Republic Services (Republic) filed with the Commission a Letter in Opposition to the Application. Republic holds authority to collect and transport solid waste in areas throughout the state of Washington.
- 3 On August 10, 2016, Waste Management of Washington, Inc. (Waste Management) filed with the Commission a Protest to the Application. Waste Management holds authority to collect and transport solid waste in areas throughout the state of Washington.
- 4 On August 10, 2016, Rubatino Refuse Removal, Inc. (Rubatino) filed with the Commission a Protest to the Application. Rubatino holds authority to collect and transport solid waste in areas throughout the state of Washington.
- 5 **CONFERENCE.** On September 21, 2016, the Commission convened a prehearing conference before Administrative Law Judge Rayne Pearson to determine the scope of the issues to be presented in this docket and to adopt a procedural schedule.
- 6 **APPEARANCES.** Elizabeth Alvord, Staff Counsel, Seattle, Washington, represents Bobby Wolford Trucking; Polly McNeil and Sara Kelly, Summit Law Group PLLC, Seattle, Washington, represent Waste Management; David Wiley, Williams Kastner & Gibbs, PLLC, Seattle, Washington, represents Republic; James Sells and Rod Whittaker, James K. Sells, Attorney at Law, Gig Harbor, Washington, represent Washington Refuse and Recycling Association (WRRRA).
- 7 **INTERVENTION.** On August 23, 2016, WRRRA filed a Petition to Intervene. In its Petition, WRRRA explains that the matters involving solid waste regulation are of interest to WRRRA's members, who are not parties to this proceeding. WRRRA also notes that its

participation in this proceeding will not broaden the scope of the issues. No party objected to the Petition to Intervene.

8 The Commission finds that WRRRA demonstrated a substantial interest in the proceeding and that its participation will be in the public interest. The Commission grants WRRRA's Petition to Intervene.

9 **CONSENT TO ELECTRONIC SERVICE.** All parties have consented to service electronically. The Commission, therefore, may serve only electronic copies of notices and orders in this docket to the party and representative email addresses on file with the Commission.

10 **DISCOVERY.** Discovery will be conducted under the Commission's discovery rules, WAC 480-07-400 – 425, and will be limited to the nature of the service Bobby Wolford Trucking proposes to provide and whether that service is different than the service that incumbent certificated companies provide.

11 **PROCEDURAL SCHEDULE.** The parties agreed to the following procedural schedule:

Discovery Cutoff	Friday, October 28, 2016
Filing Deadline for Witness & Exhibit Lists	Monday, November 7, 2016
Evidentiary Hearing	Monday, November 14, 2016

12 Witness lists must contain the name, address, and telephone number of each witness, along with a short summary of the person's anticipated testimony (*i.e.*, Mr. Smith will describe his job duties and testify about the dates he filed the insurance application on behalf of the company). Exhibit lists must contain a concise description of the document to be presented at the hearing and be accompanied by a copy of each exhibit. Parties should bring the original and two copies of all exhibits with them to the hearing.

13 **NOTICE OF HEARING.** The Commission will hold an evidentiary hearing in this matter on **November 14, 2016, at 9:30 a.m.**, in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.

14 **DOCUMENT FILING REQUIREMENTS.** Parties must file all materials in compliance with all of the following requirements:

- (a) Parties must submit electronic copies in native Microsoft format (Word, Excel, etc.) and searchable Adobe Acrobat (.pdf) of all documents by 5:00 p.m. on the filing deadline established in the procedural schedule (or other deadline as

applicable) unless the Commission orders otherwise. Parties must follow WAC 480-07-140(5) in organizing and identifying electronic files. 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.

- (b) Parties must file one paper copy (with original signatures, if applicable) of the documents with the Commission by 5:00 p.m. on the first business day following the filing deadline as provided in WAC 480-07-145(6). The documents must conform to the format and publication guidelines in WAC 480-07-395 and WAC 480-07-460. All hard copy 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.
- (c) Parties must electronically serve the other parties and provide courtesy electronic copies of filings to the presiding administrative law judge (rpearson@utc.wa.gov) by 5:00 p.m. on the filing deadline unless the Commission orders otherwise. If parties are unable to email copies, they may furnish the electronic copies by delivering them on a flash drive, DVD, or CD.

15 **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 contact Gregory J. Kopta, Director, Administrative Law Division (gkopta@utc.wa.gov or 360-664-1355).

16 **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 September 21, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

RAYNE PEARSON
Administrative Law Judge

APPENDIX A

PARTIES' REPRESENTATIVES

DOCKET TG-152228

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
Bobby Wolford Trucking & Salvage, Inc.	Elizabeth Alvord 22014 W. Bostian Road Woodinville, WA 98072	(425) 481-1800		elizabeth@wolfordtrucking.com
Rabanco Companies, Ltd. d/b/a Republic Services	David Wiley Williams Kastner & Gibbs, PLLC 601 Union Street, Suite 4100 Seattle, WA 98101	(206) 628-6600		dwiley@williamskastner.com
Waste Management of Washington, Inc.	Polly L. McNeill Sara Kelly 720 4th Avenue Kirkland, WA 98033-8136	(206) 676-7040	(206) 676-7041	polym@summitlaw.com sarak@summitlaw.com
Rubatino Refuse Removal, Inc.	Polly L. McNeill Sara Kelly 720 4th Avenue Kirkland, WA 98033-8136	(206) 676-7040	(206) 676-7041	polym@summitlaw.com sarak@summitlaw.com
Washington Refuse & Recycling Association	James K. Sells Rod Whittaker 4160 6th Ave SE Lacey, WA 98503	(360) 981-0168		jamesells@comcast.net