



STATE OF WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

621 Woodland Square Loop S.E. • Lacey, Washington 98503

P.O. Box 47250 • Olympia, Washington 98504-7250

(360)664-1160 • TTY 1-800-833-6384 or 711

March 24, 2021

**NOTICE OF VIRTUAL BRIEF ADJUDICATIVE PROCEEDING**  
**(Set for Wednesday, May 26, 2021, at 9:30 a.m.)**

**and**

**NOTICE OF SUBSTITUTION OF PRESIDING OFFICER**

RE: *In the Matter of Determining the Proper Carrier Classification of, and Complaint for Penalties against Paul Henrickson d/b/a Concrete and More*  
Docket TG-190793

TO ALL PARTIES:

The Washington Utilities and Transportation Commission (Commission) initiated a special proceeding in the above-referenced docket to determine if Paul Henrickson, d/b/a Concrete and More, (Concrete and More or Company) is engaged in business as a solid waste collection carrier without possessing the certificate required for such operations.

On October 11, 2019, the Commission entered Order 01, Order Instituting Special Proceeding; Complaint Seeking to Impose Penalties; and Notice of Mandatory Appearance at Hearing (Order 01). On the same date, the Commission issued a Subpoena and Subpoena Duces Tecum For Production of Documents (Subpoenas) to Concrete and More commanding Paul Henrickson to appear before the Commission at a special proceeding scheduled to convene at 9 a.m. on November 26, 2019.

On October 24, 2019, the Commission issued a Notice Rescheduling Special Proceeding and Notice of Substitution of Presiding Officer (Notice). The Notice rescheduled the special proceeding for November 25, 2019, at 9 a.m. and assigned Administrative Law Judge (ALJ) Rayne Pearson as presiding officer.

On November 25, 2019, the hearing convened as scheduled in Lacey, Washington, before ALJ Rayne Pearson. Commission staff (Staff) was the only party to appear at the hearing. Staff moved that Concrete and More be held in default pursuant to RCW 34.05.440(2) and WAC 480-07-450(1).

The Commission granted Staff's motion, and also found that Concrete and More operated as a solid waste collection company without the required Commission-issued certificate. Further, the Commission ordered Concrete and More to pay a \$2,000 penalty for two (2) violations of RCW 81.77.040. Finally, the Commission ordered Concrete and More to cease and desist from future unauthorized operations.

On December 11, 2019, Concrete and More filed with the Commission a Motion to Vacate Default Order (Motion). In its Motion, Concrete and More denied that it received the Notice rescheduling the proceeding to November 25, 2019, and denied that its operations are subject to Commission regulation.

On December 16, 2019, the Commission entered Order 03, Vacating Default Order, Reopening Proceeding for Further Process (Order 03). Order 03 required Commission staff (Staff) to either: (1) file a stipulated initial order agreed to and signed by the parties, (2) file a letter providing a status update of any negotiations, or (3) file a letter recommending the matter be set for hearing.

On December 18, 2019, Staff filed a letter in this docket informing the Commission that Staff had been unable to resolve the dispute, and requesting the matter be set for hearing.

On October 20, 2020, the Commission issued a Notice of Brief Adjudicative Proceeding; Setting Time for Oral Statements set for November 17, 2020.

Concrete and More appeared at the November 17, 2020, brief adjudicative proceeding (BAP) and requested a continuance to allow time to review the Commission's response to the Company's requests for public records. Staff did not oppose the Company's request, and the request was granted orally by the presiding ALJ. The BAP was rescheduled for January 22, 2021.

On January 4, 2021, Concrete and More contacted Staff and the former presiding officer, requesting a continuance of the BAP to allow time for Concrete and More to receive and review the outstanding response to its request for Commission records. Staff responded that it does not object to the request.

On January 12, 2021, the Commission issued a notice rescheduling the BAP for February 25, 2021.

On February 25, 2021, the Commission held a BAP before ALJ Gregory J. Kopta. After the BAP, Concrete and More contacted the previous presiding officer, ALJ Rayne Pearson, stating that the Company representative, Paul Henrickson, had been suffering from a medical condition that he believed impacted his ability to prepare for and participate in the hearing. The Company also expressed concerns related to bias, although it was unclear which BAP it was referencing.

Based on Paul Henrickson's medical condition during the BAP on February 22, 2021, the Commission finds good cause to allow Concrete and More another opportunity for hearing. In addition, the Commission will substitute the presiding officer to alleviate the Company's concerns about bias. The Commission therefore reassigns this matter to ALJ Michael Howard.<sup>1</sup> The Commission will hold a virtual BAP in this matter at 9:30 a.m. on Wednesday, May 26, 2021.

**THE COMMISSION GIVES NOTICE That a virtual brief adjudicative proceeding in this matter will be held on Wednesday, May 26, 2021, beginning at 9:30 a.m. The Commission will hold this hearing using Microsoft Teams. To participate by phone, call (253) 372-2181 and enter the Conference ID: 300 311 164#. To participate via the Microsoft Teams application, use the following link: [Click here to join the meeting](#) .**

**THE COMMISSION GIVES FURTHER NOTICE That the Commission sets the deadline to file exhibits and exhibit lists at 5 p.m. on Wednesday, May 19, 2021.**

**THE COMMISSION GIVE FURTHER NOTICE That the Commission substitutes Administrative Law Judge Michael Howard as the presiding officer.**

*/s/ Rayne Pearson*  
RAYNE PEARSON  
Director, Administrative Law Division

---

<sup>1</sup> Judge Howard can be reached by email at [Michael.howard@utc.wa.gov](mailto:Michael.howard@utc.wa.gov) or by phone at (360) 664-1139.