



**Before The
State of Wisconsin
DIVISION OF HEARINGS AND APPEALS**

In the Matter of the Request for Confidential Status
Regarding Municipal and Public Sector Client
Names of United Liquid Waste Recycling, Inc.
Located in Clyman, Wisconsin, by the Department
of Natural Resources on July 1, 2014 and Re-
Certified on February 11, 2016.

Case No. DNR-16-007

PREHEARING CONFERENCE REPORT
AND
SCHEDULING ORDER

On February 3, 2016, at a pre-hearing telephone conference it was agreed by the parties that the Department would certify a new issue to DHA regarding the confidential status of United Liquid Waste Recycling Inc.'s (ULWR or United) client list. On February 11, 2016, the Department filed a Request for Hearing with the Division of Hearings and Appeals (DHA) with the new issue stated as follows:

Should the names of ULWR's municipal clients and other public sector clients be granted confidential status under Wis. Stat. § 283.55(2)(c) and Wis. Admin. Code § NR 2.19(5)(b)?

The Department originally granted United's petition for hearing by letter dated August 18, 2014, pursuant to Wis. Stat. 227.42 on the following issue:

Is the Department required by the order issued by the Division of Hearings and Appeals, dated March 11, 2005, to hold the names and addresses of ULWR's municipal clients confidential?

United's petition for a contested case hearing filed on July 30, 2014 challenged the Department on the basis of the 2005 Order. In the process of preparing for hearing it became clear that the parties intended to litigate issues of beyond the simple reading of the 2005 Order and it was thus agreed that a new issue would be certified for review.

The PARTIES to this proceeding are identified as follows:

United Liquid Waste Recycling, Inc. (United or ULWR) (Petitioner), by

Attorney Amy B.F. Tutwiler
Attorney David E. McFarlane
Bell, Moore & Richter, S.C.
345 W. Washington Ave., Suite 302
Madison, WI 53703-3007

Wisconsin Department of Natural Resources (Department or DNR), by

Attorney Judith M. Mills
Attorney Robin T. Nyffeler
DNR – Legal Services
PO Box 7921
Madison, WI 53707-7921

Based upon the representations of the parties, the following schedule is hereby ordered:

1. The parties to this proceeding shall exchange witness lists no later than May 6, 2016. These lists shall contain the names and addresses of the witnesses, the affiliations of said witnesses, and the general subject to be covered by said witnesses.
2. The parties will proceed without any further discovery.
3. Any non-dispositive prehearing motions shall be filed by May 6, 2016.
4. The parties to this proceeding shall exchange exhibits and file a list of the same by May 16, 2016. The parties shall bind and pre-mark the exhibits. The following exhibit numbers are assigned:

1-100: United Liquid Waste Recycling, Inc.
101-201: Wisconsin Department of Natural Resources

5. The contested case hearing will commence at **9:00 A.M. on Wednesday, May 25, 2016**, in the Hearing Room at the offices of the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, Wisconsin.
6. In this order whenever the term “filed” is used, it shall be understood that this means received by mail or facsimile transmission by the Division of Hearings and Appeals and all other parties listed above.

Dated at Madison, Wisconsin on April 20, 2016.

STATE OF WISCONSIN
DIVISION OF HEARINGS AND APPEALS
5005 University Avenue, Suite 201
Madison, Wisconsin 53705
Telephone: (608) 266-7709
FAX: (608) 264-9885

By:

A handwritten signature in black ink, appearing to read 'Rebecca J. Vahle', is written over a horizontal line.

Rebecca J. Vahle
Administrative Law Judge