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14  
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16  
17  
18  
19  
20  
21  
22  
23  
24  
25

0091

1 -----  
2 INDEX OF EXHIBITS  
3 -----

4

5	EXHIBIT:	MARKED:	ADMITTED:
6	ROBERT L. OLSON		
7	1-T	134	
8	2	134	
9	3	134	
10	4	134	
11	5	134	
12	6	134	
13	7	134	
14	8	135	
15	9	135	
16	10	135	
17	11	135	
18	12	135	
19	13	135	
20	14	135	
21	15	135	
22	16	136	
23	17	136	
24	18	136	
25	19	136	

0092

1	ALLEN MCCLOSKEY	
2	25-T	136
3	26	136
4	27	136
5	28	137
6	29	137
7	30	137
8	31	137
9	DARIN PERROLLAZ	
10	35-T	137
11	36	137
12	KENNETH LEE	
13	40-T	137
14	41	137
15	42	138
16	43	138
17	44	138
18	45	138
19	46	138
20	47	138
21	48	138
22	49	138
23		
24		
25		

0093

1	RICHARD VANDERWAL	
2	55-T	139
3	56	139
4	57	139
5	MICHAEL PHILPOTT	
6	60-T	139
7	61	139
8	62	139
9	63	139
10	64	139
11	65	139
12	66	139
13	67	140
14	68	140
15	69	140
16	70	140
17	71	140
18	72	140
19	73	140
20	74	140
21	75	140
22	76	141
23	77	141
24	78	141
25	79	141

0094

1	80	141
2	81	141
3	82	141
4	83	142
5	84	142
6	85	142
7	86	142
8	CHRISTOPHER STROMERSON	
9	91-T	142
10	92	142
11	93	142
12	94	142
13	95	142
14	96	142
15	97	143
16	98	143
17	99	143
18	100	143
19	101	143
20	102	143
21	103	143
22	104	143
23	STEPHEN SHINER	
24	110-T	143
25	111	143

0095

1	NANETTE M. WALKER	
2	115-T	143
3	116	143
4	117	144
5	118	144
6	119	144
7	120	144
8	121	144
9	122	144
10	123	144
11	LARRY MEANY	
12	130-T	144
13	131	144
14	132	145
15	133	145
16	134	145
17	135	145
18	136	145
19	137	145
20	138	145
21	139	145
22	140	145
23	141	146
24	142	146
25	143	146

0096

1	144		146
2		ROSE GOULET	
3	150-T		146
4	151		146
5	152		146
6	153		146
7	154		147
8		MARK WASH	
9	160-T		147
10	161		147
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

0097

1 P R O C E E D I N G S

2 JUDGE RENDAHL: Good afternoon, we're here  
3 before the Washington Utilities and Transportation  
4 Commission this afternoon, Thursday, September 23rd, for  
5 a prehearing conference in Docket Number TG-040248,  
6 which is the application of Kleen Environmental  
7 Technologies, Inc. I'm Ann Rendahl, the Administrative  
8 Law Judge presiding over this proceeding. The purpose  
9 of the prehearing conference is to address any remaining  
10 issues prior to the hearing scheduled to begin on  
11 Monday, September 27th, in Kent, Washington.

12 Before we go any farther, let's take  
13 appearances from the parties, and if you would just  
14 state your name and the party you represent since all of  
15 you have made appearances before in this docket.

16 Please go ahead, Mr. Haffner.

17 MR. HAFFNER: Thank you, Your Honor, Greg  
18 Haffner for the applicant, Kleen Environmental  
19 Technologies, Inc.

20 JUDGE RENDAHL: Thank you.

21 And for Stericycle.

22 MR. JOHNSON: Thank you, Your Honor, this is  
23 Steve Johnson representing protestant Stericycle of  
24 Washington, Inc.

25 JUDGE RENDAHL: And Mr. Sells.

0098

1                   MR. SELLS: Thank you, Your Honor, Jim Sells  
2 representing protestants Rubatino Refuse, Harold LeMay  
3 Enterprises, and Washington Refuse and Recycling  
4 Association.

5                   JUDGE RENDAHL: Are you representing  
6 Consolidated Disposal?

7                   MR. SELLS: And Consolidated Disposal.

8                   JUDGE RENDAHL: Okay, just wasn't sure if  
9 somebody had dropped out here.

10                  MR. SELLS: Oh, no.

11                  JUDGE RENDAHL: All right, and Commission  
12 Staff.

13                  MR. TRAUTMAN: Gregory J. Trautman, Assistant  
14 Attorney General for Commission Staff.

15                  JUDGE RENDAHL: Thank you.

16                  As you know, late yesterday I circulated to  
17 all of you a draft exhibit list, a chart of  
18 cross-examination estimates, and an agenda for the  
19 hearing. Understanding that all of these are at least  
20 at times are estimates, does anyone have any changes or  
21 corrections to the materials I circulated yesterday?

22                  MR. JOHNSON: Your Honor, this is Steve  
23 Johnson, I just have one question for the group, for  
24 yourself as well. We've got it set up or you have it  
25 set up to start Monday and run through Thursday, and I

0099

1 guess the advantage of that is we save Friday if we need  
2 it. The other possibility would be to start Tuesday and  
3 run through Friday. I just was curious whether you  
4 thought that was something worth considering or you  
5 wanted to hold on to that extra day or how, you know,  
6 what the thought was there.

7 JUDGE RENDAHL: Well, I have had to schedule  
8 something in another case here at the Commission, which  
9 is part of the reason why I had called all of you  
10 earlier in the week, and I have tentatively scheduled  
11 something for Friday afternoon for an argument in  
12 another case. So I would like to keep the Monday  
13 through Thursday, and then if we do happen to go over  
14 Friday morning, then we can take that time.

15 MR. JOHNSON: Okay, Your Honor, then I had  
16 just one other question. Again, I guess the order of  
17 witnesses is being established by the party whose  
18 witnesses are being presented; is that basically  
19 correct? I was -- I did wonder if at some point it  
20 would make sense since the primary focus of the hearing  
21 will be on cross-examination to allow the parties who  
22 are cross examining to order the witnesses. And again,  
23 I'm just -- my only thinking was that maybe that would  
24 end up taking less time, but anyway.

25 JUDGE RENDAHL: Well, that's not generally

0100

1 the practice here at the Commission even in hearings  
2 where there are prefiled testimony.

3 MR. JOHNSON: Okay, so you have set it up so  
4 that the witnesses are going in the order that the  
5 presenters specify?

6 JUDGE RENDAHL: Correct, the order that  
7 Mr. Haffner specified for his witnesses and the order  
8 that you specified for yours.

9 MR. JOHNSON: Okay, very good.

10 JUDGE RENDAHL: And the only change would be  
11 if you look at the agenda, I believe I took Rose Goulet  
12 out of order so that she could appear on the 29th to  
13 meet her availability needs.

14 MR. JOHNSON: Okay, we appreciate that, Your  
15 Honor.

16 MR. SELLS: I have not seen that, I haven't  
17 been back to my office in a week, but I can will look at  
18 that this weekend, and I can fit mine in wherever their  
19 scheduled time --

20 JUDGE RENDAHL: You will need to speak up.

21 MR. SELLS: Oh, I'm sorry.

22 JUDGE RENDAHL: I know you're speaking on a  
23 cell phone, but if you can identify yourself as well  
24 since all of you are on the bridge line.

25 Mr. Sells, I scheduled Ms. Goulet to start at

0101

1 4:00 on Wednesday afternoon.

2 MR. SELLS: Great.

3 JUDGE RENDAHL: The other option was to start  
4 with Stericycle's witness, Mr. Stromerson, and then I  
5 had Ms. Goulet at the end, and then I recalled you  
6 needed to coordinate better. And then Mr. Meany will  
7 appear at the end of the day on Thursday and Mr. Wash if  
8 we get to him, and that's one of the issues we need to  
9 talk about. Nobody proposed necessarily any cross  
10 except for Staff, so anyway that's an issue.

11 So the agenda given the order of witnesses I  
12 think is appropriate unless you all strongly object.

13 MR. JOHNSON: I have no problem with the  
14 order, Your Honor. This is Steve Johnson. Could I ask  
15 you one other question. Perhaps I didn't look at this  
16 carefully enough, but I attempted at least to reserve  
17 the right to cross examine other protestants' witnesses.  
18 Is that, now as I'm sort of looking here, for example  
19 Larry Meany, I don't see any indication of time reserved  
20 for that cross-examination.

21 JUDGE RENDAHL: Let me find my notes. Well,  
22 the difficulty was that both you, Mr. Johnson, and other  
23 parties gave a block of time instead of specifying by  
24 witness, and so you indicated a total time of one to two  
25 hours each or a total of four to eight hours and

0102

1 identified four Kleen operating witnesses, so that was  
2 my understanding. But then if you will look at the  
3 cross chart, the cross-examination time chart.

4 MR. JOHNSON: Yes.

5 JUDGE RENDAHL: I modified that because there  
6 were five witnesses instead of four, and so I wasn't  
7 sure --

8 MR. JOHNSON: Quite right.

9 JUDGE RENDAHL: So I think you need to modify  
10 your estimates somehow, because there were more than  
11 four witnesses to spread that amongst. I wasn't sure  
12 exactly how you wanted it done.

13 MR. JOHNSON: I apologize for that oversight.  
14 My sort of starting point would be one to two hours for  
15 each witness.

16 JUDGE RENDAHL: Well, then we're looking at 8  
17 to 16 --

18 MR. JOHNSON: I think there may be some that  
19 are --

20 JUDGE RENDAHL: We're looking at 8 to 16  
21 hours per witness, is that a realistic assumption,  
22 Mr. Johnson?

23 MR. JOHNSON: In average 8 to 16, I'm sorry?

24 JUDGE RENDAHL: Well, Mr. Olson,  
25 Mr. McCloskey, Mr. Perrollaz, Mr. Lee, and Mr. Vanderwal

0103

1 are for Kleen, and Mr. Meany, Ms. Goulet, and Mr. Wash  
2 are for the other protestants' witnesses. Are you  
3 planning to cross-examine the other protestants'  
4 witnesses?

5 MR. JOHNSON: Your Honor, I am planning to  
6 reserve that right, and I suggested I believe in my  
7 filing that there wouldn't be any more than one hour for  
8 all of the protestants.

9 JUDGE RENDAHL: Well, that's not what I read  
10 if I look at your filing.

11 MR. JOHNSON: Perhaps I didn't say it  
12 properly.

13 JUDGE RENDAHL: I'm looking at -- all right,  
14 well, then that was my misunderstanding.

15 MR. JOHNSON: I can imagine that I would only  
16 have very few questions for those folks, and my intent  
17 was only to sort of reserve the right to have that if it  
18 seemed appropriate at the time. I do not think it's  
19 going to be a substantial amount of time.

20 JUDGE RENDAHL: So you don't think you will  
21 need an hour for each witness?

22 MR. JOHNSON: Well, I was trying to estimate,  
23 and I -- no, no, not for each witness for sure, only for  
24 Mr. Sells' witnesses only an hour in total.

25 JUDGE RENDAHL: All right, so 20 minutes per

0104

1 witness?

2 MR. JOHNSON: Max.

3 JUDGE RENDAHL: All right. And then so you  
4 would still want one to two hours for each of Kleen's  
5 witnesses including Mr. Perrollaz and Mr. Vanderwal?

6 MR. JOHNSON: Well, again, I was making an  
7 effort to come up with an estimate. I think actually  
8 Mr. Olson and Mr. --

9 JUDGE RENDAHL: I was assuming Mr. Olson and  
10 Mr. Lee would take up most of your time. Mr. Perrollaz  
11 and Mr. Vanderwal might not take more than an hour.

12 MR. JOHNSON: I would think that that is very  
13 likely to be the case. I have to admit I have not -- I  
14 haven't fully planned my cross-examination of these  
15 witnesses.

16 MR. HAFFNER: This is Greg Haffner, Your  
17 Honor and other counsel, I might suggest that, although  
18 I don't mean to suggest who you spend most of your time  
19 with, but I can volunteer that the people that have the  
20 most knowledge about this proposed business are Mr. Lee  
21 for financial, actually Mr. McCloskey for operations,  
22 and Mr. Perrollaz for the technical aspects of the  
23 operation. Mr. Olson really is kind of the overseer of  
24 the entire business, but for the hands on operations he  
25 will end up probably deferring to other people when you

0105

1 ask him questions, but I will leave that up to you to  
2 discover.

3 MR. JOHNSON: Your Honor, this is Steve  
4 Johnson again, I suspect that I could do with one hour  
5 for Mr. Olson.

6 JUDGE RENDAHL: All right. And then you  
7 choose to have two hours for Mr. Perrollaz?

8 MR. JOHNSON: Again, I haven't fully  
9 developed my cross-examination plan. You've got an hour  
10 here in the schedule, I'm willing to try that.

11 JUDGE RENDAHL: Well, I think what we can do  
12 is I don't have to really change things around that  
13 much. I have a feeling that I will not have as much as  
14 I have indicated, and redirect and recross may not take  
15 as much time. These are really estimates to figure out  
16 what the maximum amount of time is that we need, and at  
17 this point I feel comfortable with it.

18 Now Mr. Sells had proposed for Mr. Wash that  
19 if we need to take him on a different day we could do  
20 that.

21 MR. SELLS: Well, this is Jim Sells, let's  
22 talk about Wash for a minute. If, and again I have not  
23 seen what you folks have in front of you, but, Greg, is  
24 it my understanding that you would not have any  
25 cross-examination for Mark Wash?

0106

1                   MR. HAFFNER:  Actually, I was thinking he  
2 wasn't going to be until we had our Spokane hearing.

3                   MR. SELLS:  That's my point.  If we have a  
4 Spokane hearing, then that would be the preferable time  
5 for him to do it, because he's a lot closer to Spokane.  
6 But I'm wondering why don't you and I agree that we just  
7 take his testimony.  If you're not going to  
8 cross-examine him anyway, why don't we just stipulate  
9 and let his testimony come in.  This is a pretty small  
10 operation.

11                   MR. HAFFNER:  He has not submitted any  
12 prefiled.  Well, he did submit a prefiled.

13                   MR. SELLS:  Yeah, minimal prefilings.

14                   MR. HAFFNER:  Yeah.

15                   JUDGE RENDAHL:  I think let's move on to the  
16 other discussion of scheduling, and that may work things  
17 out here.  Right now we have three days scheduled,  
18 October 6th, 7th, and 8th, for the shipper witnesses in  
19 Kent, and that was assuming we had three applications.  
20 Are we really going to need three days for Kleen  
21 Environmental shipper witnesses, Mr. Haffner?

22                   MR. HAFFNER:  Well, based on the  
23 cross-examination I can expect, I know we're going to  
24 probably -- we're going to need at least two days.

25                   JUDGE RENDAHL:  All right.

0107

1                   MR. HAFFNER:  And my concern is whether we  
2 would spill over into that third.

3                   JUDGE RENDAHL:  How many witnesses are you  
4 thinking of propounding?

5                   MR. HAFFNER:  I believe eight to ten.

6                   JUDGE RENDAHL:  And you have witnesses in  
7 Spokane?

8                   MR. HAFFNER:  No, all the witnesses that we  
9 will be putting on can be heard here in Kent.

10                  JUDGE RENDAHL:  So you wouldn't need a  
11 Vancouver hearing?

12                  MR. HAFFNER:  We would not need a Vancouver  
13 hearing, but I believe the reason we left Vancouver and  
14 Spokane was to accommodate the protestants and their  
15 possibility of bringing in shippers to contrast the  
16 testimony of the shipper witnesses we have.

17                  JUDGE RENDAHL:  Mr. Johnson.

18                  MR. JOHNSON:  Your Honor, I anticipate one or  
19 two witnesses at Kent and no other witnesses.

20                  JUDGE RENDAHL:  So you don't have any  
21 witnesses for Vancouver and you don't have any witnesses  
22 for Spokane?

23                  MR. JOHNSON:  No.

24                  JUDGE RENDAHL:  So it looks to me that we  
25 could dispense with the Spokane hearing and the

0108

1 Vancouver hearing and if it's possible, Mr. Sells, to  
2 bring Mr. Wash back for the 6th, 7th, and 8th days, then  
3 that might alleviate any problems if we go over.

4 MR. SELLS: I'm sorry, I was swatting at  
5 yellow, this is Jim Sells, I was swatting at a yellow  
6 jacket.

7 JUDGE RENDAHL: All right.

8 MR. SELLS: Is it possible to bring Mr. Wash  
9 when?

10 JUDGE RENDAHL: If we cancel the Spokane and  
11 the Vancouver hearings -- a truck must be backing up,  
12 isn't it?

13 MR. SELLS: Oh, they're doing a changing of  
14 the guard here.

15 JUDGE RENDAHL: All right. Well, I was  
16 suggesting that we take him up on the 6th, 7th, or 8th.

17 MR. SELLS: Perfect.

18 JUDGE RENDAHL: So that we, if we're running  
19 out of time, then we don't need to worry about Mr. Wash  
20 at that time.

21 MR. SELLS: Great, yeah, that will be fine,  
22 and that would be much better. I certainly don't want  
23 us to go to Spokane for ten minutes of testimony.

24 JUDGE RENDAHL: Okay, so at this point we'll  
25 cancel the hearing scheduled for October the 12th in

0109

1 Vancouver and cancel the hearing on the 25th in Spokane.  
2 And as we meet next week during the hearing and as  
3 things progress and we find out where we are, we may, I  
4 won't do anything with those days in Kent right now, the  
5 6th, 7th, and 8th, but we can adjust them depending on  
6 how things go. Does that seem reasonable?

7 MR. SELLS: This is Jim Sells, that's fine  
8 with me.

9 MR. HAFFNER: This is Greg Haffner, fine with  
10 me.

11 MR. JOHNSON: Sounds good.

12 MR. TRAUTMAN: That's fine.

13 JUDGE RENDAHL: Okay. So in terms of my  
14 scheduling questions, I think you have resolved them.

15 MR. HAFFNER: Your Honor, this is Greg  
16 Haffner, I would like to reserve a half an hour or less  
17 for cross-examination of Mr. Wash. I think that we  
18 should be able to accommodate that if we're going to  
19 have the flexibility of bringing him in on that second  
20 week.

21 JUDGE RENDAHL: All right, so I will add in a  
22 half an hour for Mr. Wash.

23 And, Mr. Johnson, I have you now down for 20  
24 minutes for Mr. Meany, Ms. Goulet, and Mr. Wash.

25 MR. JOHNSON: Thank you, Your Honor.

0110

1                   JUDGE RENDAHL:  And, Mr. Sells, I'm assuming  
2  you weren't going to -- were you going to conduct any  
3  cross of Stericycle's witnesses?

4                   MR. SELLS:  I do not anticipate that, no.

5                   JUDGE RENDAHL:  All right.  Then I think at  
6  this point let's just go with the schedule that we have  
7  and see how it plays out knowing that we may have some  
8  play the week of the 6th, 7th, and 8th.  So at this  
9  point, we'll have hearings Monday through Thursday and  
10 then again Wednesday, Thursday, Friday of the following  
11 week.

12                  MR. HAFFNER:  Perfect.

13                  MR. JOHNSON:  Your Honor, just on that score,  
14 one particular witness I am aware of that will only be  
15 available on the 6th, so I'm hoping that we can bring in  
16 at least one of the Stericycle shipper witnesses on the  
17 6th.

18                  JUDGE RENDAHL:  Well, I'm sure that we will  
19 be amenable.

20                  Mr. Haffner, would you have any objection?

21                  MR. HAFFNER:  No, we can be flexible on that.

22                  JUDGE RENDAHL:  Okay.  And as we get towards  
23 the end of the week next week and we need to discuss  
24 details for the following week we can do that.  And I  
25 would encourage that you all work with one another in

0111

1 terms of scheduling if as Mr. Johnson noted your  
2 witnesses need to be scheduled in at a particular time.

3 I do have a few questions about the exhibits  
4 that have been marked, Mr. Johnson, for Mr. Philpott's  
5 exhibits.

6 MR. JOHNSON: Yes.

7 JUDGE RENDAHL: Do you have his Exhibit MP-3  
8 that I have marked as Exhibit 62?

9 MR. JOHNSON: Should have it, let's see if I  
10 can find it here.

11 JUDGE RENDAHL: It is supposed to be the new  
12 customer information package.

13 MR. JOHNSON: Yeah, including the tariff and  
14 -- yeah, I'm looking at it.

15 JUDGE RENDAHL: Okay. Since they're not  
16 paginated at the bottom, right after the tariff.

17 MR. JOHNSON: Yes.

18 JUDGE RENDAHL: There's a service schedule.  
19 Is that supposed to be included?

20 MR. JOHNSON: Yes, that's just a sort of a  
21 proforma of what is given to the customer.

22 JUDGE RENDAHL: Okay, and also the --

23 MR. JOHNSON: And the labels.

24 JUDGE RENDAHL: -- the labels even though  
25 those also appear in another exhibit?

0112

1 MR. JOHNSON: Yeah, this is again just the  
2 package that is given out, and those are parts of it.

3 JUDGE RENDAHL: Okay. And then the Sterisave  
4 OSHA Compliance Program is also part of it?

5 MR. JOHNSON: Right.

6 JUDGE RENDAHL: All right.

7 And then I don't know about others' copies,  
8 but my copy of Mr. Philpott's testimony included a chart  
9 at the very back that I'm not sure was intended to be  
10 included. Should I take that out and shred it?

11 MR. JOHNSON: The one of customers by zip  
12 code?

13 JUDGE RENDAHL: No, it's titled Stericycle of  
14 Washington testimony location and identifies an item and  
15 then a location.

16 MR. JOHNSON: Actually no, it should not be  
17 part of it, it's not part of my package.

18 JUDGE RENDAHL: Well, that came --

19 MR. SELLS: I want one of those.

20 JUDGE RENDAHL: Well, it came with mine, so I  
21 will take it out, and it was attached to the very last  
22 page.

23 MR. JOHNSON: Yeah, that's not part of --

24 JUDGE RENDAHL: All right, so if anybody  
25 finds that at the end of Mr. Philpott's testimony,

0113

1 please remove it and throw it away.

2 MR. HAFFNER: What is that called again?

3 JUDGE RENDAHL: Stericycle of Washington  
4 testimony location, September 2004, Kleen hearing.

5 MR. JOHNSON: Intriguing, eh?

6 JUDGE RENDAHL: All right, the next issue is  
7 for you, Mr. Sells, and I asked you in a phone  
8 conversation but I just want to make sure we have it on  
9 the record, the direct testimony filed for Mr. Meany and  
10 Mr. Lloyd, is LeMay intending to withdraw this prefiled  
11 testimony at this time?

12 MR. SELLS: As to protestants, yes, so their  
13 prefiled testimony will be as protestants, not as  
14 applicants.

15 JUDGE RENDAHL: All right, so we should be  
16 marking them?

17 MR. SELLS: Well, there should be two sets.

18 JUDGE RENDAHL: Well, there was the first set  
19 that included Mr. Meany and Mr. Lloyd for LeMay.

20 MR. SELLS: Right.

21 JUDGE RENDAHL: And then there was testimony  
22 by Mr. Meany as a protestant.

23 MR. SELLS: Right. See, the first, what you  
24 referred to as the first set Meany and Lloyd should not  
25 be marked.

0114

1 JUDGE RENDAHL: All right, so those are  
2 withdrawn?

3 MR. SELLS: Correct.

4 JUDGE RENDAHL: All right.

5 MR. JOHNSON: Your Honor, this is Steve  
6 Johnson, could I ask a question about that. There are  
7 some materials in that prefiled testimony that I  
8 considered using as cross-examination exhibits. Again,  
9 I intended to reserve the right to use any of the  
10 exhibits to the prefiled testimony to examine, you know,  
11 as a basis to examine witnesses. I'm not sure what  
12 withdrawal of that -- whether withdrawal of that  
13 prefiled testimony is the proper way to approach it. I  
14 understand Mr. Sells' point that, you know, he's no  
15 longer seeking or LeMay is no longer an applicant.

16 JUDGE RENDAHL: Well, Mr. Johnson, I'm just  
17 looking through Mr. Meany's testimony and the exhibits,  
18 Exhibits 1 through 9 are attached to Mr. Meany's  
19 testimony as a protestant. And the 10th, which I think  
20 is included in a cross-examination exhibit that you have  
21 submitted, which are the responses to LeMay's inquiries  
22 to various biomedical waste shippers, the survey. So to  
23 the extent that there are differences, I would allow you  
24 to include them as a cross-exhibit.

25 MR. JOHNSON: Very good, Your Honor.

0115

1                   JUDGE RENDAHL: But I believe everything is  
2 already in the record.

3                   MR. JOHNSON: All right.

4                   JUDGE RENDAHL: Mr. Sells.

5                   MR. SELLS: Yes, this is Jim Sells. Steve,  
6 by withdrawing them, I don't want to preclude you from  
7 using them if you think it's appropriate, so -- and I'm  
8 thinking maybe you were looking more at John Lloyd's  
9 stuff.

10                  MR. JOHNSON: Well, again, I haven't got a  
11 completely developed plan for exactly how the hearing is  
12 going to go next week.

13                  MR. SELLS: Okay.

14                  MR. JOHNSON: But my thought had been that we  
15 had sworn testimony from these or declarations from  
16 these folks and that that would be available to use in  
17 the proceeding.

18                  MR. SELLS: Judge, I have no objection to  
19 that. I'm just trying to avoid confusion as to what the  
20 testimony from LeMay is.

21                  JUDGE RENDAHL: Well, and I think that's  
22 understandable. I guess I would suggest, Mr. Sells and  
23 Mr. Johnson, that you all have some discussions. And I  
24 don't have any objections to allowing additional  
25 cross-examination exhibits if there is something that's

0116

1 in the testimony that, Mr. Johnson, you believe is  
2 appropriate. But keep in mind that both parties are now  
3 protestants and LeMay is not an applicant.

4 MR. JOHNSON: I understand, Your Honor, and I  
5 will review the earlier testimony, and if it's not  
6 needed, I will certainly agree that it can be not marked  
7 and not further dealt with as an exhibit.

8 JUDGE RENDAHL: Okay, at this time I won't be  
9 marking them, but we can take that up and mark any  
10 appropriate exhibits as we need to. And I understand  
11 that, Mr. Sells, you have indicated that you might bring  
12 Mr. Lloyd in as a rebuttal witness; is that correct?

13 MR. SELLS: That's highly unlikely, but I  
14 would like to reserve that right, yes.

15 JUDGE RENDAHL: All right, so in that case he  
16 may become a witness, and so that's also an issue. So  
17 we'll take that up as need be next week, but I do  
18 encourage the two of you to talk about this, and include  
19 Mr. Haffner and Mr. Trautman in the agreements you might  
20 reach.

21 MR. SELLS: Very well.

22 JUDGE RENDAHL: All right, and then there's  
23 one other issue, and that was raised in an E-mail by  
24 Mr. Johnson just prior to the hearing. I know,  
25 Mr. Sells, you are not aware of it, and I know

0117

1 Mr. Haffner is because I asked him if he had seen it.

2 Mr. Trautman, have you seen the E-mail?

3 MR. TRAUTMAN: No.

4 JUDGE RENDAHL: All right. It has to do with  
5 the proposed Exhibit KRL-7 that was filed today by  
6 Mr. Haffner on behalf of Kleen indicating that it was  
7 unintentionally omitted from Exhibit KRL-5, and  
8 Mr. Johnson is objecting. So I guess at this time,  
9 Mr. Johnson, if you could state your objection, and I  
10 will allow Mr. Haffner to respond, and then we'll take  
11 it from there.

12 MR. JOHNSON: Okay, Your Honor, we just  
13 received Mr. Haffner's proposed Exhibit KRL-7, a new  
14 exhibit to the testimony of Kenneth Lee, I'm sorry, I  
15 can't recall whether it was yesterday or today, but in  
16 any event just within the last day or two. My concern  
17 about this is that it is not a document that we can tell  
18 from the testimony was specifically referenced in the  
19 earlier testimony of Kenneth Lee. The Kenneth Lee  
20 testimony was and applicant Kleen's prefiled testimony  
21 was due August 13th, and we just got this new proposed  
22 exhibit within the last day or two, you know, and it's  
23 indicated to have been an omission from the filing made  
24 on August 13th.

25 Stericycle has presented an economic analysis

0118

1 of the materials that were presented by Mr. Lee in his  
2 prefiled testimony of August 13th and in response to  
3 Mr. Lee's testimony. We have put substantial effort  
4 into that project, and at this point to have another  
5 substantial portion of financial information presented  
6 long after the August 13th filing deadline prejudices  
7 our ability to respond to the issue in the hearing.

8 I understand how things can be omitted from  
9 testimony. We omitted a table that was specifically  
10 referenced in the testimony of Nanette Walker, but the  
11 conclusions drawn from that exhibit were identified in  
12 her prefiled testimony, and the exhibit was provided  
13 within a few days of -- in fact, I think on the second  
14 day, let's see, maybe the third day after the filing was  
15 due. So we, you know, the testimony -- the exhibit does  
16 not go beyond the testimony that was presented, and it  
17 merely is illustrative of the conclusions that are  
18 referenced in the actual text of Ms. Walker's prefiled  
19 testimony. So I think it's a little -- did we lose  
20 someone?

21 MR. HAFFNER: This is Greg Haffner, I'm still  
22 here.

23 JUDGE RENDAHL: We may have lost Mr. Sells.

24 MR. JOHNSON: Okay. Well, in any event, Your  
25 Honor, I understand that Your Honor may decide to

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1 include the item, nonetheless I would like my objection  
2 to be on the record.

3 JUDGE RENDAHL: All right.

4 And, Mr. Haffner.

5 MR. HAFFNER: Thank you, Your Honor. First,  
6 I do want to say that it was an inadvertent omission. I  
7 was preparing the case here meeting with my clients this  
8 week, and they were reviewing the proformas with me, and  
9 we realized that the copies that we sent did not have  
10 the balance sheet in them. The testimony of Mr. Lee  
11 makes a broad reference to all of the proforma financial  
12 statements, and he doesn't make any conclusions about  
13 those financial analyses in any of his very short  
14 prefiled testimony, but it is a part of his testimony,  
15 it was intended to be a part of his testimony.

16 Mr. Johnson is correct that we have  
17 previously submitted in our discovery a different set of  
18 proforma balance sheets, but this was in the same  
19 format, the numbers have just been modified a little bit  
20 as we did as we went through this process, and frankly  
21 as we are going to propose again because of analysis by  
22 Mr. Johnson's witnesses in the rebuttal form. But this  
23 was the document that was supposed to go with the  
24 original proforma statements, which were the only ones  
25 that were sent turned out to be the income statements.

0120

1 And as you noted or as you can note, the assumptions  
2 sheet is part of what we're trying -- what we are  
3 submitting now, and that is -- that applies to both the  
4 balance sheet and the income statement.

5 MR. JOHNSON: Your Honor, the only other  
6 thing I would like to say about this is that --

7 JUDGE RENDAHL: Well, Mr. Johnson, may I have  
8 a few questions for Mr. Haffner first?

9 MR. JOHNSON: Please.

10 JUDGE RENDAHL: So, Mr. Haffner, the  
11 difference between what is marked as KRL-7 and what you  
12 submitted in discovery is that the discovery was a  
13 modification of KRL-7 and not the other way around?

14 MR. JOHNSON: No, I would say it is the other  
15 way around. The discovery was our proformas at that  
16 time, which I don't remember the exact date, but it was  
17 certainly sometime before August when we submitted  
18 Mr. Lee's testimony. This statement or this balance  
19 sheet was prepared to submit with that August statement,  
20 and so it was a modification of what was provided  
21 earlier, but I thought that by providing it at that time  
22 we would be complying with the discovery requirement to  
23 update. We didn't realize until this week that we  
24 didn't submit it.

25 JUDGE RENDAHL: And now you're saying you

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1 have a further modified exhibit that you intend to offer  
2 during the hearing?

3 MR. HAFFNER: I think I misspoke there. We  
4 do not have a balance sheet that we modified. We have a  
5 proforma income statement for regions 1 through 4 that  
6 we are going to offer as a rebuttal exhibit, so I  
7 misspoke about there being one more balance sheet.

8 JUDGE RENDAHL: Mr. Johnson.

9 MR. JOHNSON: Your Honor, we have really two  
10 problems. One is a substantial additional --

11 JUDGE RENDAHL: Let's be off the record for a  
12 moment, sorry to interrupt you, Mr. Johnson, we have a  
13 technical difficulty.

14 (Discussion off the record.)

15 JUDGE RENDAHL: Sorry, Mr. Johnson, I cut you  
16 off in mid sentence I believe.

17 MR. JOHNSON: I think what I was going to say  
18 is that we have substantial additional financial  
19 testimony that is offered more than 30 days after the  
20 deadline for Kleen to submit its direct case. This  
21 additional data is very important to its direct case,  
22 and it would have been very important to Stericycle to  
23 have it to be able to respond to it prior to the  
24 hearing.

25 As I said before, we have made great effort

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1 to respond to Kleen's financial case, and in fact we had  
2 a prehearing conference in August in which I made a  
3 specific point out of not wanting to see Kleen's  
4 financial case modified after it was presented in  
5 response to the presentation that Stericycle would make  
6 on its -- with respect to the Kleen financial testimony.  
7 And now here right before the hearing after we have  
8 presented our prefiled testimony and our financial --  
9 our analysis of Kleen's financial case, we get a  
10 substantial addition, a balance sheet that was not  
11 previously presented.

12           Also the problem is that the earlier  
13 materials provided to us in discovery were not  
14 supplemented, so it would have been appropriate for  
15 Mr. Haffner and his client to bring us up to speed  
16 promptly and fully by the August 13th deadline, you  
17 know, if that was the time when this document was  
18 available to them, and I have no doubt that it was based  
19 on Mr. Haffner's comment.

20           JUDGE RENDAHL: Anything further,  
21 Mr. Haffner?

22           MR. HAFFNER: Well, I guess the only other  
23 thing that I would add is that it seems to me that it's  
24 better for us to have this document in final form for us  
25 all to look at and use rather than having my client

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1 testify that that is not the proforma balance sheet that  
2 accurately portrays a picture of the proposed operation,  
3 and I think we would have the right to do that under  
4 rebuttal testimony.

5 MR. JOHNSON: Well, Mr. Haffner, this is  
6 Steve Johnson, you are assuming what our  
7 cross-examination is going to be.

8 JUDGE RENDAHL: Mr. Sells or Mr. Trautman, do  
9 you have anything to add?

10 MR. SELLS: This is Jim Sells, I have no  
11 comment.

12 MR. TRAUTMAN: I have no comment.

13 JUDGE RENDAHL: Well, I think it's quite  
14 unfortunate, Mr. Haffner, that it wasn't discovered  
15 until now, because it is problematic for Stericycle in  
16 preparing its case.

17 MR. HAFFNER: We would have no problem with  
18 making any accommodation of Stericycle that they might  
19 request. I mean I realize that this was a mistake on  
20 our part, and it does impact them. I'm not sure how  
21 much it impacts them. I really don't know how different  
22 this balance sheet is from the one that we originally  
23 submitted. So we certainly would be willing to give  
24 them whatever additional time to analyze it that they  
25 think would be necessary.

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1 JUDGE RENDAHL: Mr. Johnson.

2 MR. JOHNSON: Well, Your Honor, there's two  
3 points about that. First of all, if Your Honor does  
4 decide to admit this additional exhibit, then I think we  
5 are entitled to a reasonable opportunity to respond, and  
6 it will be, you know, it will require time after the  
7 hearing next week to prepare that response. So we will  
8 need to, you know, go on from, you know, we will need  
9 some reasonable period of time. You know, we had 30  
10 days or thereabouts or a little more to respond to the  
11 prefiled testimony, we will need some additional time to  
12 respond to this new financial data.

13 Then I assume, you know, I don't know what it  
14 does to us in terms of, you know, the ability to either  
15 effectively cross-examine Mr. Lee with respect to this  
16 item without, you know, a complete expert analysis from  
17 our expert or how we handle sort of bringing our expert  
18 back later if that's the case. That seems to be the  
19 thing to do. So in terms of how it would actually work  
20 for the hearing, I'm a little concerned about the  
21 absence of, you know, our ability to cross-examine  
22 effectively without being fully conversant and having  
23 our accountant able to analyze and respond to the  
24 balance sheet and the additional assumptions that were  
25 provided, you know, and educate me about the issues that

0125

1 are in here in those prior to my cross-examination of  
2 the Kleen witness.

3 JUDGE RENDAHL: Well, if we need to defer  
4 Mr. Lee until later, that's a possibility. We can shift  
5 around the witnesses if that would give you some  
6 additional time to work with your expert in addressing  
7 these changes.

8 MR. JOHNSON: Well, Your Honor, I guess what  
9 I would -- what I would suggest perhaps if you're  
10 inclined to admit this exhibit is that we proceed with  
11 the schedule we have, and that if based on further  
12 analysis by our expert we desire additional  
13 cross-examination time with Mr. Lee, that we would be  
14 entitled to request that and the request would be  
15 favorably entertained. And that's again if we desired  
16 to prepare responsive testimony that we would again have  
17 the right to do that at a later point.

18 JUDGE RENDAHL: Well, at this point I'm not  
19 inclined to admit anything, it's just at this point  
20 being marked. And so at this point I'm inclined to mark  
21 it as an exhibit and allow you to explore this exhibit  
22 with Mr. Lee and the circumstances of this exhibit with  
23 Mr. Lee and determine at the time that it's discussed  
24 whether to admit the exhibit. And if need be, I would  
25 allow Stericycle additional time for cross-examination

0126

1 of Mr. Lee at a later date if necessary, because I think  
2 that's reasonable given the late date that the exhibit's  
3 been offered.

4 MR. JOHNSON: And, Your Honor, just --

5 JUDGE RENDAHL: In terms of additional  
6 written testimony, I would have to think through that  
7 and whether it's more appropriate to have Ms. Walker  
8 have some oral direct to address the issue. But I think  
9 as we get into this and you explore what you need,  
10 Mr. Johnson, we can take up that issue.

11 MR. JOHNSON: Okay, Your Honor, I understand  
12 your suggestions.

13 JUDGE RENDAHL: All right. So at this point  
14 I'm going to mark it as Exhibit 49, but I have not  
15 admitted any exhibits, I have just simply marked them  
16 for consideration in the hearing. So I think we can  
17 take up the issue of objections to any and all of these  
18 exhibits at the time of the hearing, but I think it's  
19 appropriate to include it at this point in Kleen's  
20 offering, and we'll take it up as we go along.

21 Is there anything else that we need to talk  
22 about before we go to hearing on Monday?

23 MR. HAFFNER: Your Honor, this is Greg  
24 Haffner, I had two other issues. One was I guess the  
25 use of rebuttal exhibits. As I have said, we, you know,

0127

1 are, you know, proposing or will be proposing to submit  
2 a revised proforma income statement for regions 1  
3 through 4, which is the state, based on some of  
4 Ms. Walker, the accountant.

5 JUDGE RENDAHL: Yes, it's Ms. Walker.

6 MR. HAFFNER: Okay. And this is Greg Haffner  
7 again, I don't know if we have lost somebody or somebody  
8 is coming on.

9 MR. SELLS: This is Jim Sells, somehow I got  
10 cut off, but I'm back.

11 JUDGE RENDAHL: All right.

12 MR. HAFFNER: But it seems, again I go back  
13 to the statement I made earlier, that it seems to make  
14 more sense to have a document that shows revisions where  
15 we have seen a point made by the protestants' expert  
16 witness and see how that changes the business model.  
17 And so we will be offering at some point, and I hope to  
18 be able to have that document maybe by tomorrow, and I  
19 guess I'm asking what is going to be the format for  
20 rebuttal exhibits?

21 JUDGE RENDAHL: Well, in the usual round of  
22 testimony it's the initial testimony, responsive, and  
23 then a reply. In some situations we do take reply or  
24 rebuttal testimony orally and rebuttal exhibits orally  
25 during the hearing, and I don't think I precluded that

0128

1 in the August prehearing conferences. So I think they  
2 would be allowed in a sense when you bring your witness  
3 forward for cross-examination if you would make a brief,  
4 or I guess you would need to let me know how much time  
5 you would need, and I'm assuming it's just for Mr. Lee,  
6 how much time you would need for the rebuttal, the  
7 direct rebuttal testimony. And if you can circulate any  
8 exhibits in advance as soon as you have them in  
9 particular to the parties, that would be useful.

10 MR. HAFFNER: All right.

11 JUDGE RENDAHL: So that they have the most  
12 time to review them, then I think that's the way I will  
13 handle it.

14 MR. HAFFNER: Okay.

15 JUDGE RENDAHL: And likewise for you,  
16 Mr. Johnson, Ms. Walker does appear late in the hearing,  
17 if you would like to have rebuttal testimony by  
18 Ms. Walker direct on the stand and offer any rebuttal  
19 exhibits, that's acceptable as well.

20 MR. HAFFNER: Your Honor, this is Greg  
21 Haffner again, I had one other issue I just wanted to  
22 disclose to everybody, and that went to as I commented  
23 very early in this proceeding, Mr. McCloskey has more  
24 knowledge of most of these areas than certainly  
25 Mr. Olson, but Mr. McCloskey is also the person that

0129

1 prepared the tariff, and the assumptions that are made  
2 by Mr. Lee in the financial statements are based on the  
3 tariff analysis and the tariff that was created by  
4 Mr. McCloskey. So in terms of preparing for  
5 cross-examination, I wanted the protestants' counsel to  
6 be aware that they will want to pursue those questions  
7 of Mr. McCloskey and not just wait for Mr. Lee and then  
8 have Mr. Lee defer them to Mr. McCloskey, who would have  
9 already been cross-examined previously.

10 JUDGE RENDAHL: I appreciate your letting us  
11 know.

12 Is that helpful, Mr. Johnson?

13 MR. JOHNSON: Your Honor, I'm just trying to  
14 remember whose testimony the tariff is attached to.

15 Mr. Haffner, can you help us?

16 MR. HAFFNER: I should be able to.

17 JUDGE RENDAHL: I can look as well.

18 MR. HAFFNER: You might be able to find it  
19 before I do, I don't have my book in front of me.

20 JUDGE RENDAHL: The tariff is not included  
21 with Mr. McCloskey's testimony.

22 MR. HAFFNER: No, it's in Mr. Lee's.

23 MR. JOHNSON: Yeah, it's attached to  
24 Mr. Lee's testimony as KRL-6.

25 MR. HAFFNER: Right.

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1                   JUDGE RENDAHL: All right, is that a change  
2 you would like to make?

3                   Mr. Sells, are you back?

4                   MR. SELLS: I'm back.

5                   JUDGE RENDAHL: All right.

6                   MR. SELLS: I have no idea what's going on.

7                   MR. HAFFNER: I think it's one of those that  
8 actually should be in both, and it's the only one that  
9 I'm really aware of that needs to be in both. But I  
10 didn't realize that there would be a need to or I don't  
11 know if there is a need to submit it for both, but I  
12 wanted everybody to understand that Mr. McCloskey is the  
13 one that did all of the assumptions that go into the  
14 tariff pricing.

15                   JUDGE RENDAHL: All right, so --

16                   MR. HAFFNER: That Mr. Lee relied on to make  
17 the proforma.

18                   JUDGE RENDAHL: I cut you off I think at the  
19 end of that statement.

20                   MR. HAFFNER: I think all I added was that  
21 Mr. Lee relied on those assumptions to prepare his  
22 proformas.

23                   JUDGE RENDAHL: Okay, thank you.

24                   Right now the tariff is marked as Exhibit 45  
25 under Mr. Lee. We can admit it in discussion with

0131

1 Mr. McCloskey, that I don't think is a problem. But,  
2 Mr. Johnson, you know, at least now you have a heads up  
3 as to who to direct some of those tariff questions to.

4 MR. JOHNSON: Well, Your Honor, again I guess  
5 I'm a little confused because the tariff is part of the  
6 testimony of Mr. Lee, not part of the testimony of  
7 Mr. McCloskey, at least as filed, but I take  
8 Mr. Haffner's point.

9 JUDGE RENDAHL: All right.  
10 So is there anything else that we need to  
11 talk about before Monday?

12 MR. SELLS: This is Jim Sells, not that I'm  
13 aware of.

14 MR. HAFFNER: Greg Haffner, Your Honor, not  
15 that I'm aware of.

16 JUDGE RENDAHL: All right, well, is there any  
17 party that would like to order a copy of today's  
18 transcript?

19 Hearing nothing, I think it's time to  
20 adjourn. We will adjourn today, and we will begin our  
21 hearing on Monday morning in Kent. Is everyone aware of  
22 where we're meeting in Kent?

23 MR. JOHNSON: Your Honor, this is Steve  
24 Johnson, I was just thrashing through some documents  
25 trying to see if we had an address.

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1                   JUDGE RENDAHL: It would be in I believe one  
2 of the prehearing conference orders. It's the Kent City  
3 Hall, and the location of the hearing is set forth in a  
4 prehearing conference order entered on May 28th, and  
5 it's Order Number 3 in the LeMay Kleen dockets and Order  
6 Number 2 in the Rubatino Refuse Removal docket. It  
7 gives an address of the Kent City Hall at 220 Fourth  
8 Avenue South in Kent. I found it on Mapquest, so I'm  
9 sure you all can do it too, but that's where we will be.

10                   MR. JOHNSON: Your Honor, what kind of a room  
11 have we got there?

12                   JUDGE RENDAHL: We have --

13                   MR. HAFFNER: I can address that, I  
14 believe --

15                   MR. SELLS: Excuse me, Greg, this is Jim  
16 Sells.

17                   MR. HAFFNER: I think we lost you again, Jim.

18                   JUDGE RENDAHL: It's the Chambers East Room,  
19 and my assistant has indicated that I think I asked for  
20 a capacity of 25, and there are microphones, and so I'm  
21 hoping that it will meet our needs.

22                   MR. JOHNSON: Sounds very elegant.

23                   JUDGE RENDAHL: Well, we'll just have to see.

24                   So we will see you all at we will start at  
25 9:30 on Monday morning, and we'll see you then, thank

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1 you very much.

2 We will be off the record.

3 (Hearing adjourned at 3:50 p.m.)

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EXHIBIT LIST

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ROBERT L. OLSON

- 1-T Prefiled Testimony of Robert L. Olson  
(RLO-1T), filed on August 16, 2004
- 2 Interstate Registration Receipt - Form RS-3,  
issued by the WUTC, and effective on February  
5, 2004 (RLO-2)
- 3 Contract Carrier Permit No. MC-471089-P,  
issued by the U.S. Department of  
Transportation on December 11, 2003  
(RLO-3)
- 4 Hazardous Materials Certificate of  
Registration No. 060404 001 039M issued by  
U.S. Department of Transportation, Research  
and Special Programs Administration, reissued  
on July 6, 2004 (RLO-4)
- 5 Kleen Environmental Technologies, Inc. two  
page pamphlet (RLO-5)
- 6 Kleen Environmental Technologies, Inc., one  
page pamphlet (RLO-6)
- 7 Kleen Environmental Technologies, Inc.,  
document titled "Creating Solutions for  
Industry" (RLO-7)

0135

1 8 Kleen Environmental Technologies, Inc.,  
2 document titled "Hazardous Waste Management"  
3 (RLO-8)  
4 9 Kleen Environmental Technologies, Inc.,  
5 document titled "Decontamination and  
6 Remediation" (RLO-9)  
7 10 Kleen Environmental Technologies, Inc.,  
8 document titled "Hospitals and Biotechnology"  
9 (RLO-10)  
10 11 Kleen Environmental Technologies, Inc.,  
11 document titled "Manufacturing and Commercial"  
12 (RLO-11)  
13 12 Kleen Environmental Technologies, Inc.,  
14 document titled "Waste Types" (RLO-12)  
15 13 Kleen Environmental Technologies, Inc.,  
16 document titled "Engineering" (RLO-13)  
17 14 Kleen Environmental Technologies, Inc.'s  
18 Application for Certificate of Public  
19 Convenience and Necessity to Operate as a  
20 Solid Waste Collection Company under Chapter  
21 81.77 RCW, filed February 13, 2004  
22 15 Stericycle Inc.'s First Data Requests to  
23 Applicant Kleen Environmental Technologies,  
24 Inc., dated July 1, 2004  
25

0136

1 16 Responses to Stericycle Inc.'s First Data  
2 Requests to Applicant Kleen Environmental  
3 Technologies, Inc., with attachments, dated  
4 July 12, 2004

5 17 Stericycle Inc.'s Second Data Requests to  
6 Applicant Kleen Environmental Technologies,  
7 Inc., dated July 16, 2004

8 18 Responses to Stericycle Inc.'s Second Data  
9 Requests to Applicant Kleen Environmental  
10 Technologies, Inc., without attachments, dated  
11 July 27, 2004

12 19 Copies of Citation/Notice of Penalty issued  
13 on May 22, 2003, regarding notification to  
14 Department of Labor and Industries of asbestos  
15 project/use of respirators.

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17 ALLEN McCLOSKEY

18 25-T Prefiled Testimony of Allen McCloskey (AM-1T),  
19 filed on August 16, 2004

20 26 Medical Waste Disposal Agreement (AM-2)

21 27 Certificate No. 00398405 of Treatment/  
22 Disposal issued to Kleen Environmental  
23 Technologies, Inc., dated July 31, 2004  
24 (AM-3)

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0137

1 28 Qwest Dex yellow pages listing for Kleen  
2 Environmental Technologies, Inc. (AM-4)  
3 29 Certificate of Liability Insurance issued on  
4 July 9, 2004 to Kleen Environmental  
5 Technologies, Inc. (AM-5)  
6 30 One page pamphlet from Covanta Marion, Inc.  
7 (AM-6)  
8 31 One-page pamphlet from Covanta Marion, Inc.,  
9 describing "A Typical Covanta Waste-to-Energy  
10 Facility" (AM-7)

11

12 DARIN PERROLLAZ

13 35-T Prefiled Testimony of Darin Perrollaz  
14 (DCP-1T), filed on August 16, 2004  
15 36 Biomedical Waste Standard Operating Procedures  
16 (DCP-2)

17

18 KENNETH LEE

19 40-T Prefiled Testimony of Kenneth Lee  
20 (KRL-1T), filed on August 16, 2004  
21 41 Kleen Environmental Technologies, Inc.,  
22 Financial Statements, September 30, 2003  
23 (KRL-2)

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0138

1 42 April 19, 2004, letter from Kenneth R. Lee to  
2 Robert L. Olson, President, Kleen  
3 Environmental Technologies, Inc., (KRL-3)  
4 43 Kleen Environmental Technologies, Inc.  
5 Biohazardous Waste Capitalization Inventory  
6 List (KRL-4)  
7 44 Kleen Environmental Technologies, Inc.  
8 Biohazardous Waste Disposal Division Proforma  
9 Profit & Loss Analysis (KRL-5)  
10 45 Tariff No. 1 of Kleen Environmental  
11 Technologies, Inc. (KRL-6)  
12 46 Proforma revenue and expense projections for  
13 first 12 months of operation and balance sheet  
14 analysis  
15 47 Kleen Environmental Technologies, Inc,  
16 Financial Statements, dated September 30,  
17 2001  
18 48 Kleen Environmental Technologies, Inc,  
19 Financial Statements, dated September 30,  
20 2002  
21 49 Kleen Environmental Technologies, Inc,  
22 Biohazard Waste Disposal Division, Proforma  
23 Balance Sheet Analysis (KRL-7)  
24  
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0139

1 RICHARD VANDERWAL

2 55-T Prefiled Testimony of Richard Vanderwal  
3 (RV-1T), filed on August 16, 2004

4 56 Hydroclave Biomedical Waste Treatment System  
5 (RV-2)

6 57 Steam Treatment Comparisons (RV-3)

7

8 MICHAEL PHILPOTT

9 60-T Prefiled Testimony of Michael Philpott  
10 (MP-1T), filed on September 17, 2004

11 61 Certificate No. G-244 issued on December 7,  
12 1999, to Stericycle of Washington, Inc. (MP-2)

13 62 Stericycle New Customer Information Package,  
14 including tariff and waste acceptance policy.

15 (MP-3)

16 63 Example of Stericycle's bar code labels  
17 (MP-4)

18 64 Stericycle route sheet with cover page  
19 (MP-5)

20 65 Stericycle shipping manifest, labeled  
21 Regulated Waste Manifest, No. MDSE001FWC,

22 dated 6/24/04 (MP-6)

23 66 Example of Biotrack printout, dated 8/12/04  
24 (MP-7)

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0140

1 67 Example of Stericycle's invoice and  
2 certification (MP-8)

3 68 Example of Stericycle's Container Detail  
4 Report (MP-9)

5 69 Stericycle promotional materials describing  
6 Biosystems program (MP-10)

7 70 Stericycle promotional materials describing  
8 the Mailback Program (MP-11)

9 71 Stericycle promotional materials describing  
10 the Mercury and Dental Amalgam Mailback  
11 Program (MP-12)

12 72 Stericycle promotional materials describing  
13 the Direct Return Program for disposal of  
14 waste pharmaceutical products (MP-13)

15 73 Stericycle's 2003 WUTC Annual Report  
16 (MP-14)

17 74 Stericycle's revenues and expenses incurred,  
18 and number of containers processed in 2003  
19 (MP-15)

20 75 Letter from Carole Washburn, Executive  
21 Secretary, WUTC to Stephen B. Johnson, Garvey  
22 Schubert & Barer, dated September 2, 2004  
23 (MP-16)

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0141

1 76 August 26, 2004, Memorandum from John Foster,  
2 MCLE Special Investigator, WUTC to Mark  
3 Halliday, Compliance Manager, exhibits to  
4 memorandum, and other information in WUTC file  
5 re: Kleen Environmental Technologies (MP-16)  
6 77 Kleen Environmental Technologies, Inc.'s  
7 Application for Intrastate Common Carrier  
8 Operating Authority from WUTC dated July 20,  
9 2004, and Intrastate Common Carrier Permit No.  
10 CC-61426 issued on July 28, 2004 (MP-17)  
11 78 Table from 2003 Annual Report of Marion County  
12 Department of Public Works, Environmental  
13 Services (MP-18)  
14 79 Written insurance quotation from Kibble &  
15 Prentice, dated September 15, 2004 (MP-19)  
16 80 Table identifying Stericycle of Washington  
17 Medical Waste Generators by County.  
18 (MP-20)  
19 81 Responses to Kleen Environmental Technologies,  
20 Inc.'s First Data requests to Stericycle of  
21 Washington, Inc., dated July 20, 2004  
22 82 Transportation Services Agreement between  
23 Stericycle of Washington, Inc., and Ludtke  
24 Pacific Trucking, Inc., dated December 10,  
25 2001

0142

1 83 Stericycle Service Agreement for Washington  
2 State Customers Only (3 versions)  
3 84 Stericycle, Inc., Biomedical Waste Service  
4 Contract - Washington State  
5 85 Stericycle of Washington Biomedical Waste  
6 Services Agreement  
7 86 Form Letter from Stericycle to Dental  
8 Customer  
9  
10 CHRISTOPHER STROMERSON  
11 91-T Prefiled Testimony of Christopher E.  
12 Stromerson (CS-1T), dated September 17, 2004  
13 92 Stericycle Biomedical Waste Terminal Operating  
14 Plan, dated April 2004 (CS-2)  
15 93 Stericycle Bloodborne Pathogens Training  
16 Manual and Bloodborne Pathogens Policy (CS-3)  
17 94 Stericycle Personal Protective Equipment  
18 Policy (CS-4)  
19 95 Stericycle Accident Investigation Procedures  
20 Policy (CS-5)  
21 96 Stericycle form labeled "Company Compliance  
22 Requirements - DRIVER"  
23 (CS-6)  
24  
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0143

1 97 Stericycle of Washington, Inc., Written Hazard  
2 Communication Plan for Kent, Washington,  
3 facilities (CS-7)  
4 98 Stericycle Lockout/Tagout Program Statement  
5 (CS-8)  
6 99 Stericycle Medical Surveillance Policy (CS-9)  
7 100 Stericycle Drug and Alcohol Policy (CS-10)  
8 101 Stericycle Exposure Control Plan  
9 (Transportation) (CS-11)  
10 102 Stericycle Certified Packing Group II  
11 Container Information Sheets (CS-12)  
12 103 Stericycle Company Policy Statement regarding  
13 Locking of Vehicles (CS-13)  
14 104 Stericycle Safety and Health Policy (CS-14)  
15  
16 STEPHEN SHINER  
17 110-T Prefiled Testimony of Stephen Shiner (SS-1T),  
18 dated September 17, 2004  
19 111 Resume of Stephen Shiner (SS-2)  
20  
21 NANETTE M. WALKER  
22 115-T Prefiled Testimony of Nanette M. Walker, CPA  
23 (NMW-1T), dated September 17, 2004  
24 116 Resume of Nanette M. Walker (NMW-2)  
25

0144

1 117 Kleen Environmental Technologies, Inc., Notes  
2 to Profit Analysis (NMW-3)  
3 118 Kleen Environmental Technologies, Inc., Profit  
4 Analysis - Revenue Statistics (NMW-4)  
5 119 Kleen Environmental Technologies, Inc., Profit  
6 Analysis Using Stericycle's Revenue History  
7 (NMW-5)  
8 120 Kleen Environmental Technologies, Inc., Profit  
9 Analysis - Cost Adjustments  
10 (NMW-6)  
11 121 Kleen Environmental Technologies, Inc., Profit  
12 Analysis Combining Revenue and Cost  
13 Adjustments (NMW-7)  
14 122 Kleen Environmental Technologies, Inc., Cash  
15 Requirements - First Twelve Months (NMW-8)  
16 123 Stericycle of Washington, Inc., WUTC -  
17 Washington Only (NMW-9)  
18  
19 LARRY MEANY  
20 130-T Prefiled Testimony of Larry Meany on behalf of  
21 Protestant LeMay Enterprises, Inc., filed on  
22 September 17, 2004  
23 131 Resume of Larry Meany (LM-1)  
24  
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0145

1 132 WUTC Certificate No. G-98 issued to Harold  
2 LeMay Enterprises, Inc., d/b/a Pierce County  
3 Refuse Co., et al. (LM-2)  
4 133 Harold LeMay Enterprises, Inc., Infectious  
5 Waste Tariff (LM-3)  
6 134 LeMay Inc. Infectious Waste Division, Rate  
7 Sheet (LM-4)  
8 135 Pierce County Dex Media Yellow pages listing  
9 for LeMay Pierce County Refuse  
10 (LM-5)  
11 136 LeMay Inc. Infectious Waste Division,  
12 Infectious Waste Procedures and Management  
13 Plan (LM-6)  
14 137 Harold LeMay Enterprises, Inc., Infectious  
15 Waste Division Certificate of Destruction by  
16 Incineration (LM-7)  
17 138 Covanta Marion, Inc. delivery receipt issued  
18 to LeMay, on February 3, 2004 (LM-8)  
19 139 LeMay Inc., Commercial Division, Bill of  
20 Lading No. 59049, dated February 3, 2004  
21 (LM-9)  
22 140 Stericycle of Washington, Inc.'s First Data  
23 Requests to Harold LeMay Enterprises, Inc.,  
24 dated July 1, 2004  
25

0146

1 141 Responses by Harold LeMay Enterprises, Inc. to  
2 Stericycle of Washington, Inc.'s First Data  
3 Requests, dated July 14, 2004  
4 142 Responses to Harold LeMay Enterprises, Inc. to  
5 Stericycle of Washington, Inc.'s First Data  
6 Requests Nos. 34 and 35  
7 143 Stericycle of Washington, Inc.'s Second Data  
8 Requests to Harold LeMay Enterprises, Inc.,  
9 dated July 16, 2004  
10 144 Responses by Harold LeMay Enterprises, Inc. to  
11 Stericycle of Washington, Inc.'s Second Data  
12 Requests, dated September 22, 2004  
13  
14 ROSE GOULET  
15 150-T Prefiled Testimony of Rose Goulet on behalf of  
16 Protestant Rubatino Refuse Removal, Inc.,  
17 filed on September 17, 2004  
18 151 WUTC Certificate No. G-58 operated under WUTC  
19 approved lease arrangement by Refuse Removal,  
20 Inc. (RG-1)  
21 152 Portion of Rubatino Refuse Removal, Inc.'s  
22 Tariff addressing infectious waste (RG-2)  
23 153 Rubatino Refuse Removal, Inc. Equipment List  
24 (RG-3)  
25

0147

1 154 Rubatino Refuse Removal, Inc. Balance Sheet

2 (undated) (RG-4)

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4 MARK WASH

5 160-T Prefiled Testimony of Mark Wash on behalf of

6 Protestant Consolidated Disposal Services,

7 Inc., filed on September 17, 2004

8 161 WUTC Certificate No. G-190 issued to

9 Consolidated Disposal Services, Inc., (MW-1)

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