

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
1-360-664-1222**

In re application of)
) DOCKET TG-120034
Waste Management of Washington,)
Inc.,) ORDER 01
)
for a temporary certificate to operate as) ORDER DENYING APPLICATION
a solid waste collection company under)
RCW 81.77.)
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1 On December 30, 2011, Waste Management of Washington, Inc., (Waste Management) filed an application in Docket TG-120034 with the Washington Utilities and Transportation Commission (Commission) requesting authority for a temporary certificate of public convenience and necessity to operate as a solid waste collection company.¹ The application requests authority to provide the following service:

Extend the authority stated in Certificate No. G-237 so that the Applicant may transport Biomedical Waste for collection and disposal throughout the State of Washington.

2 On January 9, 2012, Stericycle, Inc., filed a letter opposing Waste Management’s application for a temporary certificate. On January 12, 2012, the Washington Refuse and Recycling Association, on behalf of member companies Rubatino Refuse Removal, Inc., Consolidated Disposal Services, Inc., Murrey’s Disposal, Inc., and Pullman Disposal, Inc., also filed in opposition. Both argued that Waste Management failed to establish an immediate or urgent need for the temporary authority.

3 The Commission has delegated to the Secretary decisions in applications for temporary solid waste authority. WAC 480-07-905(8) and Order 02 in Docket A-090485 (July 24, 2011).

DISCUSSION

4 The Commission may grant a temporary certificate after determining that granting the requested authority is consistent with the public interest, as set forth in WAC 480-70-131(2). In determining whether the requested authority is consistent with the public interest, the Commission will consider factors including the following: (a) the

¹ Waste Management’s application also seeks permanent authority. That matter is docketed as TG-120033.

fitness of the applicant, (b) the immediate or urgent need for the requested service, (c) whether the requested service is currently available from an existing company serving the requested territory, and (d) any other circumstances indicating that a grant of temporary authority is consistent with the public interest.

- 5 The applicant has not demonstrated that there is an immediate or urgent need for the requested service. There is no evidence of lack of service in the state, as the requested service is currently available from an existing company, Stericycle, Inc., which holds Certificate No. G-244, authorizing collection and transportation of biomedical waste statewide, and six other companies that provide biomedical waste collection and transportation service in smaller service areas located in 21 counties.² There is nothing in the record to indicate that these companies have not, or will not, provide the requested service.³
- 6 Nor are there any other circumstances that indicate a grant of temporary authority is consistent with the public interest. WAC 480-70-131(3) requires applicants for temporary authority to submit signed and sworn statements from one or more potential customers identifying pertinent facts relating to the “need for the proposed service.” In its application, Waste Management submitted a statement of support from Pathology Associates Medical Laboratories, (PAML) which operates 60 facilities statewide. Of those facilities, Waste Management serves 39 and Stericycle serves 21. PAML stated that it desires to use Waste Management at all of its facilities, saying “It will promote efficiencies, eliminate administrative redundancies, and reduce overhead costs to use one company.”
- 7 While these claimed benefits may result from the grant of statewide authority to Waste Management, they do not compel a finding of an “immediate or urgent need” justifying a grant of a temporary authority at this time. The full Commission currently has before it in Docket TG-120033 the matter of Waste Management’s application for permanent statewide authority to collect biomedical waste, and it can assess the claimed benefits of Waste Management’s requested service at that time. It would be inappropriate to pre-judge that decision in the absence of an immediate or urgent need to do so.
- 8 The Commission Secretary, having investigated and considered the application and being fully advised, finds that the requested temporary authority is not consistent with the public interest because (1) there is no showing of an immediate or urgent need for the authorized service, (2) there is no showing of a lack of available service, and (3) there are no other considerations presented that necessitate a temporary grant of authority.

² Those are Consolidated Disposal Service, Inc. (Certificate No. G-190), Basin Disposal, Inc. (Certificate No. G-165), Empire Disposal (Certificate No. G-75), Murrey’s Disposal (Certificate No. G-9), Pullman Disposal Service, Inc. (Certificate No. G-42), and Rubatino Refuse Removal, Inc. (Certificate No. G-58).

³ See *In re Application No. GA-75563 of Ryder Distribution Systems, Inc.*, Order M. V. G. No. 1536 (Jan. 30, 1992) (granting temporary biomedical waste authority where immediate need was shown).

ORDER

9 THE COMMISSION SECRETARY, by authority delegated by the Commission in WAC 480-07-905 and Order 2 in A-090485 (July 14, 2011), orders that the application of Waste Management of Washington, Inc., in Docket TG-120034, for a temporary certificate of public convenience and necessity to operate a solid waste collection company is DENIED.

10 Pursuant to WAC 480-07-905(8), this order takes effect immediately. The applicant may obtain Commission review of this order within 20 days.

DATED at Olympia, Washington, and effective February 16, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER,
Executive Director and Secretary