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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In Re Application of No. GA-079331 of  
SURE-WAY SYSTEMS, INC.  
For A Certificate of Public Convenience and  
Necessity to Operate Motor Vehicles in  
Furnishing Solid Waste Collection Service

TG-042089

**PROTESTANT STERICYCLE OF  
WASHINGTON, INC.'S PROPOSED  
CROSS EXAMINATION EXHIBITS,  
WITNESS ORDER AND CROSS  
EXAMINATION TIME ESTIMATES**

NOTICE IS HEREBY GIVEN as follows:

(A) Stericycle identifies the cross-examination exhibits identified on Exhibit A attached hereto, some or all of which will be offered at the hearing in the course of cross-examining witnesses presented by Applicant Sure-Way Systems, Inc. Stericycle reserves the right to cross-examine any of applicant's witnesses with respect to any prefiled testimony previously filed herein, any exhibits filed with the prefiled testimony of any witness, any cross-examination exhibits disclosed to applicant herein and any documents or records coming to Stericycle's attention after the date hereof.

(C) Stericycle currently intends to present all of the Stericycle witnesses who have filed prefiled testimony during the hearing days scheduled for September 20-21, 2005. These witnesses are available to testify at the pleasure of the Commission, except Robert Sheridan will only be available to testify on September 20, 2005. Stericycle intends to present its

1 witnesses in the following order: Robert Sheridan, Michael Philpott, Christopher Stromerson,  
2 and Nanette M. Walker, CPA.

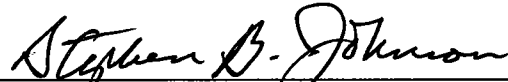
3 (D) Stericycle intends to cross-examine all witnesses presented by Applicant Sure-  
4 Way Systems, Inc. and anticipates that the time required for its cross-examination of Sure-  
5 Way's operating witnesses will be 2-6 hours each or at total of 20 hours. Stericycle proposes to  
6 cross-examine Applicant Sure-Way's operating witnesses in the following order: Dudley  
7 Chilcott, Gary Chilcott, David Sullivan and Jeffrey Gibbs.

8 DATED this 19<sup>th</sup> day of August, 2005.

9 Respectfully submitted,

10 GARVEY SCHUBERT BARER

11  
12 By



13 Stephen B. Johnson, WSBA #6196

14 Jennifer Krebs, WSBA #35372

15 Attorneys for Protestant Stericycle of  
16 Washington, Inc.

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**EXHIBIT A**

Cross-Examination Exhibits

Witnesses:  
Dudley Chilcott – DC  
Gary Chilcott – GC  
David Sullivan – DS  
Jeffrey Gibbs – JG

No.	Document Description	Witness	Hearing Ex #
1	Sure-Way Systems, Inc.'s Application for Certificate of Public Convenience to Operate as a Solid Waste Collection Company Under Chapter 81.77 RCW	GC; DC; DS	
1A	Tariff No. 1 of Sure-Way Systems, Inc.'s Application, labeled Attachment C	GC; DC; DS	
2	Revised Responses of Sure-Way Systems, Inc. to Stericycle of Washington, Inc.'s First Data Requests (includes documents provided in original response and revised response) dated May 25, 2005	GC; DC; JG; DS	
2A	Sure-Way Systems, Inc.'s Summary of Services, provided in response to Stericycle's Data Request #1	GC; DC	
2B	Letters from the FDA to Sure-Way Systems, Inc. and Rotonics Manufacturing, Inc. regarding 510(k) Premarket Notification, provided in response to Stericycle's Data Request #8	GC; DC; JG	
2C	Certificates, licenses and permits issued to Sure-Way Systems, Inc. from various state agencies, provided in response to Stericycle's Data Request #11	GC; DC	
2D	Example of Sure-Way Systems, Inc.'s advertising materials, provided in response to Stericycle's Data Request #15 and 16	GC; DC	
2E	Photo of Sure-Way Systems, Inc.'s reusable sharps containers, provided in response to Stericycle's Data Request #17	GC; DC	
2F	Examples of Sure-Way Systems, Inc.'s container labels, provided in response to Stericycle's Data Request #18	GC; DC	
2G	Sure-Way Systems, Inc.'s Sharps Disposal Service Contract, provided in response to Stericycle's Data Request #23	GC; DC	
2H	Sure-Way Systems, Inc.'s Infectious Waste Disposal Agreement, provided in response to Stericycle's Data Request #23	GC; DC; JG	

1	2I	Sure-Way Systems, Inc.'s Infectious Waste Profile Sheet for Generators, provided in response to Stericycle's Data Request #23	GC; DC	
2				
3	2J	Sample Sure-Way Systems, Inc. statement and invoice, provided in response to Stericycle's Data Request #24	GC; DC	
4				
5	2K	Sure-Way Systems, Inc.'s Receiving Record, Manifest, and customer spreadsheet, provided in response to Stericycle's Data Request #25	GC; DC	
6				
7	2L	Legionella Analysis and other testing report, provided in response to Stericycle's Data Request #27	GC; DC	
8				
9	2M	Sure-Way Systems, Inc.'s Contingency Plan, Butte, Montana, dated 5/04/04, provided in response to Stericycle's Data Requests # 34 and 50	GC; DC	
10				
11	2N	Sure-Way Systems, Inc.'s Condensed Balance Sheets for 2003 and 2004, provided in response to Stericycle's Data Request #39	GC; DC; DS	
12				
13	2O	Sure-Way Systems, Inc.'s Cash Flow Statements for 2003 and 2004, provided in response to Stericycle's Data Request #39	GC; DC; DS	
14				
15	2P	Sure-Way Systems, Inc. and Affiliate Combining Financial Statements and Report of Independent Public Accountants, dated 12/31/02, provided in response to Stericycle's Data Request #45	GC; DC; DS	
16				
17	2Q	Sure-Way Systems, Inc.'s Statement, Infectious Waste Disposal Agreement, and Invoice, provided in response to Stericycle's Data Request #49	GC; DC	
18				
19	2R	Sure-Way Systems, Inc.'s Contingency Plan, Butte, Montana, dated 5/04/04, provided in response to Stericycle's Data Requests # 34 and 50	GC; DC	
20				
21	2S	Sure-Way Systems, Inc.'s Employee Handbook, with an effective date of 8/02/04, provided in response to Stericycle's Data Request #50	GC; DC	
22				
23	2T	Sure-Way Systems, Inc.'s Bloodborne Pathogens Exposure Control Plan, dated 10/04, provided in response to Stericycle's Data Request #50	GC; DC	
24				
25	2U	Document with "GENERAL" at the top, describing Sure-Way Systems, Inc.'s facility and operator information, provided in response to Stericycle's Data Request #50	GC; DC	
26				

2V	Sure-Way Systems, Inc.'s QSR Manual, last modified 12/04, provided in response to Stericycle's Data Request #50	GC; DC; JG	
3	Materials furnished in response to Stericycle's Data Requests #8, 9, 10 and 12, pursuant to a letter dated 6/01/05 from Greg Haffner to Steve Johnson (internal FDA memoranda omitted)	GC; DC; JG	
3A	501(k) Premarket Notification for Reusable Sharps Container, submitted to the FDA Office of Device Evaluation by Sure-Way Sharps Disposal Services, a Division of Sure-Way Systems, Inc., with a receipt date of 8/05/99	GC; DC; JG	
3B	Memorandum dated 8/12/99 from Patricia A. Fox of the FDA Department of Health & Human Services, commenting on Sure-Way Systems, Inc.'s 510(k) Premarket Notification, with comments to Sure-Way Systems, Inc. dated 9/09/99	GC; DC; JG	
3C	Letter dated 10/04/99 from Sure-Way Systems, Inc. to Patricia Fox of the FDA, responding to inquiries of 9/09/99 and 9/27/99, and including attachments	GC; DC; JG	
3D	Telcom Memorandum dated 11/09/99 from Patricia Fox to Gary Chilott requesting additional information	GC; DC; JG	
3E	Letter dated 11/16/99 from Sure-Way Systems, Inc. to Patricia Fox of the FDA, responding to inquiries of 11/09/99, and including attachments	GC; DC; JG	
3F	Letter dated 11/22/99 from Sure-Way Systems, Inc. to Patricia Fox of the FDA, responding to inquiries of 11/09/99, and including attachments	GC; DC; JG	
3G	Letter dated 12/16/99 from Timothy Ulatowski of the FDA to Gary Chilcott regarding Sure-Way Systems, Inc.'s 510(k) Premarket Notification	GC; DC; JG	
4	Email dated 7/15/05 from Greg Haffner to Steve Johnson, and attached Safety Manual for All Employees Working at Sure Way Systems, Inc.	GC; DC	
5	Email dated 7/15/05 from Greg Haffner to Steve Johnson re Sure-Way Systems, Inc.'s 2003 and 2004 federal tax returns and audited financial statements	GC; DC; DS	
6	Email dated 8/01/05 from Greg Haffner to Steve Johnson enclosing Sure-Way Systems, Inc.'s 2002 federal tax return and application for an extension to file its 2003 federal tax return	GC; DC; DS	

7	Deposition of Gary Chilcott dated 6/24/2005 (with exhibits)	GC; DC; DS; JG	
7A	Letter dated 6/22/05 from Gary Chilcott to the FDA; FDA Device Listing from Sure-Way Systems, Inc. dated 5/24/05; four FDA Initial Registration of Device Establishment forms dated 5/24/05 from Sure-Way Systems, Inc.; Email dated 6/22/05 from Gary Chilcott to Walter Snesko of the FDA Center for Devices and Radiological Health	GC; DC; JG	
7B	Letter dated 6/15/05 from the FDA Center for Devices and Radiological Health to Gary Chilcott, providing an establishment registration number; Initial Registration of Device Establishment form with registration number provided	GC; DC; JG	
7C	Email dated 6/14/05 from Greg Haffner to Steve Johnson providing additional responses to Stericycle's Data Requests	GC; DC; JG	
7D	Sure-Way Systems, Inc.'s QSR Manual, last modified December 2004	GC; DC; JG	
7E	Warning Letter dated 2/22/00 from FDA Department of Health & Human Services to Gary Chilcott	GC; DC; JG	
7F	FDA Establishment Inspection Report dated 1/10, 13 & 14/00 regarding Sure-Way Systems, Inc.'s Wilmington, CA facility (redacted by the FDA); Letter dated 3/06/00 from James Kozick of the FDA to Gary Chilcott; Letter dated 2/22/00 from Gary Chilcott to Kelvin Cheung of the FDA	GC; DC; JG	
7G	Letter dated 12/16/99 from Timothy Ulatowski of the FDA to Gary Chilcott regarding Sure-Way Systems, Inc.'s 510(k) Premarket Notification	GC; DC; JG	
7H	Print out of contact page from Sure-Way Systems, Inc.'s website, <a href="http://www.sureway.net">www.sureway.net</a>	GC; DC	
7I	Sure-Way Systems, Inc.'s Sharps Disposal Service Contract	GC; DC; JG	
7J	Sure-Way Systems, Inc.'s Infectious Waste Disposal Agreement and Statement	GC; DC; JG	
7K	Sure-Way Systems, Inc.'s Manifest No. 87274	GC; DC; JG	
7L	Sure-Way Systems, Inc.'s sharps container label	GC; DC; JG	
7M	Google map of Butte, Montana area	GC; DC	
7N	Montana County map	GC; DC	

1	8	Preamble and selected pages from the FDA's Current Good Manufacturing Practices Final Rule, Federal Register Vol. 61, No. 195, dated 10/07/96, pages 52602-52611 and 52640-52641	GC; DC; JG	
2	9	FDA Proposed Rules for Medical Devices, Federal Register Vol. 62, No. 246, dated 12/23/97, pages 67011-67013	GC; DC; JG	
3	10	FDA Notice of Revocation of Medical Devices Compliance Policy Guide, Federal Register Vol. 63, No. 233, dated 12/04/98, pages 67076-67078	GC; DC; JG	
4	11	FDA Compliance Policy Guide 7382.845, Inspection of Medical Device Manufacturers, with Attachments A - G omitted	GC; DC; JG	
5	12	Food and Drug Administration Guide to Inspections of Quality Systems dated August 1999	GC; DC; JG	
6	13	Envirotech of America, Inc.'s Quality System Manual dated January, 2005	GC; DC	
7	14	Print out of selected pages from the website of QA/RA Compliance Connection, Inc. accessed 8/17/05	GC; DC; JG	
8	15	Email dated 7/15/05 from Mark Stephensen of the Commercial Division for the State of Idaho to Jennifer Krebs re Foreign Corporation Registration	GC; DC	
9	16	Email dated 8/17/05 from the State of Utah Corporations Division to Jennifer Krebs re Foreign Corporation Registration	GC; DC	
10	17	State of Montana/Business Entity Section notification of involuntary dissolution of Sure-Way Transportation, Inc. as of 12/31/01; Email from Nickie Eck, Compliance Specialist to Jennifer Krebs dated 8/12/05	GC; DC	
11	18	State of Montana Business Entity Search regarding Western States Medical Waste Group, Inc.'s involuntary dissolution as of 12/1/99 and re-incorporation effective 6/02/05	GC; DC	
12	19	North Dakota Interoffice Memorandum dated 4/03/02 re complaint of illegal waste disposal, including letter and photos from file	GC; DC	
13	20	Warning letters from State of Hawaii to Gary Kondo, President of Hawaii Bio-Waste Systems, Inc. dated 10/09/03 and 6/21/2004	GC; DC	
14	21	Regulated Medical Waste Disposal Service Contract between Sure-Way Systems, Inc. and Stericycle, Inc., dated 2000	GC; DC	

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22	Property records from Granite County, Montana, for properties owned by Sure-Way Systems, Inc.	GC; DC	
23	Records from the Montana Secretary of State's Office showing UCC financing statements filed re Sure-Way Systems, Inc. since 2000	GC; DC; DS	
24	The Decatur Daily News article "Medical waste firm taking over old facility" dated August 30, 2003	GC; DC	
25	Sure-Way Systems, Inc.'s Financial Statement Comparison 2002-2004	GC; DC; DS	
26	Email dated 7/14/05 from Christie Shelton to Nanette Walker regarding Sure-Way Systems, Inc.'s financial statements, with attachments	GC; DC; DS	
26A	Sure-Way Systems, Inc. WA PUC Application – Financial Questions and Responses	GC; DC; DS	
26B	Sure-Way Systems, Inc. 2004 Income Statement	GC; DC; DS	
26C	Sure-Way Systems, Inc. 2004 Balance Sheet	GC; DC; DS	



1 **CERTIFICATE OF SERVICE**

2 I, Rondi Susort, certify under penalty of perjury under the laws of the State of  
3 Washington that, on August 22, 2005, I caused to be served on the person listed below in the  
4 manner shown:

5 **PROTESTANT STERICYCLE OF WASHINGTON, INC.'S PROPOSED CROSS**  
6 **EXAMINATION EXHIBITS, WITNESS ORDER AND CROSS EXAMINATION TIME**  
7 **ESTIMATES**

8 Greg W. Haffner  
9 Curran Mendoza  
10 P.O. Box 140  
11 555 W. Smith Street  
12 Kent, WA 90835

13 Greg Trautman, Asst. Attorney general  
14 1400 S. Evergreen Park Drive S.W.  
15 P.O. Box 40128\  
16 Olympia, WA 98504-0128

17 The Honorable Karen M. Caillé  
18 Administrative Law Judge  
19 Washington Utilities and Transportation  
20 Commission  
21 P.O. Box 47250  
22 Olympia, WA 98504-7250

- 23  United States Mail, First Class, Postage Prepaid  
24  By Legal Messenger  
25  By Facsimile  
26  Via e-mail: [gtrautman@wutc.wa.gov](mailto:gtrautman@wutc.wa.gov); [records@wutc.wa.gov](mailto:records@wutc.wa.gov); [gwh@curranmendoza.com](mailto:gwh@curranmendoza.com)

Dated at Seattle, Washington this 20<sup>th</sup> day of August, 2005.



Rondi Susort