Appendix A

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BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

WASTE CONNECTIONS OF WASHINGTON, INC., Complainant, v. ENVIRO/CON & TRUCKING, INC., a Washington corporation; and WASTE MANAGEMENT DISPOSAL SERVICES OF OREGON, INC., Respondents.	NO. TG-071194 DECLARATION OF CHRIS ROSE REGARDING INITIAL ORDER NO. 3 ON SUMMARY DETERMINATION

Chris Rose Declares:

1. I am the Director of Regulatory Services for the Commission and am over 18 and competent to testify in the matters set forth below and have personal knowledge of those matters.

2. As Director of Regulatory Services, I oversee Regulatory Services Staff and its participation in adjudications before the Commission.

3. I have read the Initial Order No. 3 on Motion for Summary Determination in this docket and I believe the Order raises some important policy implications that I wish the Commission to consider in the administrative review process.

4. My comments are directed specifically to paragraphs 4, 18, 19 and 21 in the Initial Order on Summary Determination on Review. There, the Administrative Law Judge makes some specific findings regarding private party complaints, and the lack of Commission Staff representation/participation in complaint proceedings under RCW 81.04.110.

5. First, in paragraph 4, he notes that neither the Commission's regulatory Staff nor the Public Counsel Section of the Attorney General's Office entered an appearance at any stage of this proceeding.

6. Speaking for the Regulatory Staff, we typically do not seek to intervene or otherwise participate in private party complaint cases, particularly where those companies are represented by experienced counsel familiar with the practice of law before the Commission. We might, on the other hand, consider participation where a complainant or respondent is appearing *pro se,* but even that is not a certainty nor otherwise a frequent occurrence in a transportation or water case.

7. It is not possible for Regulatory Staff to be formally involved in every adjudication at the Commission. We simply lack the staffing and funding resources to so participate and no inferences about the public interest or lack thereof should be drawn when we do not participate in private party complaint cases.

8. As the Commission is aware, it, or the Administrative Law Division ("ALD") is free to seek our involvement in particular cases and we do actively participate as accounting or policy advisors when requested by the Commission or ALD, at any phase of the development of a record in an adjudication to which the Commission is not a party.

9. I specifically disagree with the conclusion in paragraph 19 of the Order that "[w]ithout participation by Staff, we run the risk of a decision with unintended consequences or even an erroneous decision because there is no assurance that any party will zealously advocate the public interest." This dicta not only seems to discount the ability of the

Commission to evaluate a hearing record in the public interest but suggests that only the Staff or Public Counsel can advocate or articulate public interest issues or impacts.

10. It may also here overlook the representation of Clark County in the public interest context to which state law assigns an important role for county governments in the implementation of laws, service levels and regulatory oversight in addition to the Commission under RCW 70.95 *et seq.*, as well as in provisions of Title 81.77 RCW.

11. It would be unreasonable to, in essence, preclude private parties from filing a complaint absent a Staff investigation or a Staff complaint to show cause. Had the Administrative Law Judge not granted the Summary Determination Motion, he would have had to decide the case on its merits, without benefit of Staff's involvement. Any decision necessarily would have required an evaluation of the public interest issues raised by the complaint and on the hearing record.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 29th day of May, 2008 at Olympia, Washington.

By _____
Chris Rose