



SEATTLE OFFICE
eighteenth floor
second & seneca building
1191 second avenue
seattle, washington 98101-2939
TEL 206 464 3939 FAX 206 464 0125

OTHER OFFICES
new york, new york
portland, oregon
washington, dc
GSBLAW.COM

GARVEY SCHUBERT BARER

A PARTNERSHIP OF PROFESSIONAL CORPORATION

Please reply to STEPHEN B. JOHNSON
sjohnson@gsblaw.com TEL EXT 1309
Direct: (206) 816-1309

January 6, 2005

Ms. Carole Washburn
Executive Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504

RECEIVED
JAN 10 AM 8:31
OFFICE OF THE
ATTORNEY GENERAL
WASHINGTON
STATE

Re: Application of Sure-Way Systems, Inc., TG-042089

Dear Ms. Washburn:

Enclosed for filing is an original and three copies of Protest of Stericycle of Washington, Inc. to Application for Permanent Solid Waste Collection Authority.

Sincerely,

GARVEY SCHUBERT BARER

By

Stephen B. Johnson

SBJ:r
Enclosures

cc: Sure-Way Systems, Inc.
James K. Sells
Stericycle of Washington, Inc.

SEA_DOCS:739923.1

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RECORDS MANAGEMENT

05 JAN 10 AM 8:31

STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In Re Application GA-079331 of

SURE-WAY SYSTEMS, INC.
P.O. Box 899
Deer Lodge, MT 59722

For a Certificate of Public Convenience and
Necessity

No. TG-042089

PROTEST OF STERICYCLE OF
WASHINGTON, INC. TO APPLICATION
OF SURE-WAY SYSTEMS, INC. FOR
PERMANENT SOLID WASTE
COLLECTION AUTHORITY

STERICYCLE OF WASHINGTON, INC. ("Stericycle"), WUTC Certificate No. G-
244, 20320 80th Ave. S., Kent, WA 98032, through its attorneys Stephen B. Johnson and
Garvey Schubert Barer, 1191 Second Ave., Seattle, WA 98101, (206) 464-3939, protests the
above entitled application of Sure-Way Systems, Inc. ("Applicant") for a certificate of public
convenience and necessity to operate as a solid waste collection company with the following
authority:

SOLID WASTE COLLECTION consisting of biomedical waste
in Adams, Asotin, Benton, Columbia, Franklin, Garfield, Grant,
Klickitat, Lincoln, Pen Oreille, Spokane, Stevens, Walla Walla,
Whitman and Yakima Counties.

Application No. GA-079331; Docket No. TG 042089 (the "Application").

This protest is submitted on the following grounds:

ORIGINAL

PROTEST OF STERICYCLE OF WASHINGTON, INC.
TO APPLICATION OF SURE-WAY SYSTEMS, INC. FOR
PERMANENT SOLID WASTE COLLECTION AUTHORITY- 1
SEA_DOCS:738841.1

GARVEY SCHUBERT BARER
A PARTNERSHIP OF PROFESSIONAL CORPORATIONS
eighteenth floor
1191 second avenue
seattle, washington 98101-2939
206 464-3939

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PROTESTANT'S INTEREST

13 Stericycle is the holder of WUTC Certificate No. G-244, a true copy of which attached
14 hereto as Exhibit A. Under Certificate No. G-244, Stericycle holds authority to collect and
15 transport biomedical waste throughout the state of Washington. As a holder of authority to
16 collect and transport biomedical waste for treatment and disposal in the territory in which
17 Applicant seeks authority to operate, Stericycle has a direct interest in this proceeding adverse
18 to that of Applicant. Stericycle is fit, willing and able to provide biomedical waste collection
19 and transportation services to all generators located in the territory covered by the Application
20 and has provided biomedical waste collection, transportation and disposal services within that
21 territory to the satisfaction of the Commission at all times relevant to the Application.

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BASIS FOR PROTEST

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A. Fitness of the Applicant.

1 Stericycle alleges that the Applicant has not and cannot demonstrate its fitness to
2 conduct the proposed biomedical waste collection and transportation services. Applicant has
3 not and cannot demonstrate that it is fit, willing and able to provide service to the satisfaction of
4 the Commission in the territory covered by the Application.

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B. Public Need.

8 Stericycle alleges that Applicant has not and cannot demonstrate that there is a public
9 need for Applicant's proposed service in the territory covered by the Application.

10 Additionally, Applicant cannot demonstrate that existing carriers with authority have failed to
11 provide service to the satisfaction of the Commission in the territory covered by the
12 Application.

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C. Impact on Existing Carriers.

16 Stericycle is fit, willing and able to provide biomedical waste collection and
17 transportation services to all biomedical waste generators within the territory covered by the

1 Application. Stericycle is currently providing biomedical waste collection and transportation
2 service to the satisfaction of the Commission in the territory covered by the Application.
3 Stericycle and its affiliates have invested millions of dollars in developing the capacity to serve
4 biomedical waste generators in the territory covered by the Application and throughout the
5 state of Washington. The granting of additional overlapping authority would harm Stericycle,
6 would be detrimental to Stericycle's ability to provide biomedical waste collection and
7 transportation services to biomedical waste generators in the subject territory at reasonable
8 rates and would therefore be detrimental to the public interest.

9 **D. Public convenience and necessity.**

10 Stericycle alleges that the Applicant has not and cannot demonstrate that granting the
11 Application is warranted by the public convenience and necessity. Granting of the Application
12 is not required by present or future public convenience or necessity and would in fact be
13 contrary to the public interest.

14 **CONCLUSION**

15 Stericycle has a direct interest in this proceeding which can only be represented by its
16 active participation in the development of the record for the docketed Application and in the
17 Commission's proceedings for its disposition. Stericycle is unaware of any restrictive
18 amendment that would fully satisfy its interests herein and therefore asks that the Application
19 be denied in its entirety. Stericycle certifies that it will appear at any hearing on this matter and
20 intends to present evidence through up to ten (10) witnesses, requiring an estimated hearing
21 time of approximately two days.

22 Protestant Stericycle of Washington, Inc. prays that its right to participate in all
23 Commission proceedings on the Application be fully affirmed and that the Application be
24 denied in its entirety.

1 DATED this 6th day of January, 2005.

2 Respectfully submitted,

3 GARVEY SCHUBERT BARER

4
5 By Stephen B. Johnson
6 Stephen B. Johnson, WSBA #6196

7 Attorneys for Protestant Stericycle of
8 Washington, Inc.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

For the Operation of Motor Propelled Vehicles

pursuant to the provisions of Chapter 81 RCW

THIS IS TO CERTIFY that authority is granted to operate as a MOTOR CARRIER in the transportation of the commodities and in the territory described herein to

STERICYCLE OF WASHINGTON, INC.
258 SW 43RD STREET SUITE M-B
RENTON, WASHINGTON 98055

Cert No.
G-244

CORRECTED

Solid Waste consisting of biohazardous or biomedical wastes in the state of Washington.

Solid Waste from the facilities of Stericycle, Inc., for disposal

M. V. G. NO. 1876

12-07-99



WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

By *Carol J. Shuckler*

1 **CERTIFICATE OF SERVICE**

2 I, Rondi Susort, certify under penalty of perjury under the laws of the State of
3 Washington that, on January 6, 2005, I caused to be served on the person listed below in the
4 manner shown:

5 **Protest of Stericycle of Washington, Inc. to Application**
6 **of Sure-Way Systems, Inc. for Permanent Solid Waste Collection Authority**

7 Sure-Way Systems, Inc.
8 P.O. Box 899
9 Deer Lodge, MT 59722

James K. Sells
Ryan Sells Uptegraft, Inc.
9657 Levin Road N.W., Suite 240
Silverdale, WA 98383
Attorney for Washington Refuse and
Recycling Association

10
11 ☒ United States Mail, First Class, Postage Prepaid

12 ☐ By Legal Messenger

13 ☐ By Facsimile

14 Dated at Seattle, Washington this 6th day of January, 2005.

15
16 
17 Rondi Susort