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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In Re Application of  
SPARTAN ENVIRONMENTAL LLC  
PO Box 611  
Scappoose, OR 97056

Docket No. TG-112025

PROTEST OF STERICYCLE OF  
WASHINGTON, INC. TO APPLICATION  
FOR PERMANENT SOLID WASTE  
COLLECTION AUTHORITY

1. STERICYCLE OF WASHINGTON, INC, (“Stericycle”), WUTC Certificate No. G-244, 20320 80th Ave. S., Kent, WA 98032, by and through its attorneys Stephen B. Johnson, Jared Van Kirk and Garvey Schubert Barer, 1191 Second Ave., Seattle, WA 98101, (206) 464-3939, protests the above entitled application for a new certificate of public convenience and necessity to operate as a solid waste collection company filed with the Commission on November 22, 2011, by Spartan Environmental LLC (“Applicant”) in which the Applicant seeks new authority for “SOLID WASTE COLLECTION consisting of bio-hazardous and biomedical waste in the state of Washington” (Application No. TG-112025, hereinafter, the “Application”).

1           2.       This protest is submitted pursuant to RCW § 81.77.040 and WAC 480-07-305,  
2 480-07-370, 480-70-091, and 480-70-106 on the following grounds:

### 3 4   **I. PROTESTANT'S INTEREST**

5           3.       Stericycle is the holder of WUTC Certificate No. G-244, a true copy of which is  
6 attached hereto as Exhibit A. Under Certificate No. G-244, Stericycle holds authority to collect  
7 and transport biomedical waste throughout the state of Washington. As a holder of authority to  
8 collect and transport biomedical waste in the territory in which Applicant seeks authority to  
9 operate, Stericycle has a direct interest in this proceeding adverse to that of Applicant.

10 Stericycle is fit, willing and able to provide biomedical waste collection and transportation  
11 services in the territory subject to the Application and has provided biomedical waste collection  
12 services within that territory to the satisfaction of the Commission at all times relevant to the  
13 Application.  
14

### 15 16   **II. BASIS FOR PROTEST**

#### 17           **A. Fitness of the Applicant.**

18           4.       Stericycle alleges that the Applicant has not and cannot demonstrate its fitness to  
19 conduct the proposed biomedical waste collection and transportation services. Applicant has  
20 not and cannot demonstrate that it is fit, willing and able to provide services to the satisfaction  
21 of the Commission in the territory that is the subject of the Application.  
22

#### 23           **B. Public Need.**

24           5.       Stericycle alleges that Applicant has not and cannot demonstrate that there is a  
25 public need for Applicant's proposed services in the service territory described in the  
26

1 Application. Additionally, Applicant cannot demonstrate that Stericycle and other existing  
2 carriers with authority have failed to provide service to the satisfaction of the Commission  
3 within the Applicant's proposed service territory.  
4

5 **C. Impact on Existing Carriers.**

6 6. Stericycle is fit, willing and able to provide biomedical waste collection and  
7 transportation services to the satisfaction of the Commission to all biomedical waste generators  
8 within the proposed service territory described in the Application. Stericycle makes its services  
9 known to generators throughout the state of Washington and provides biomedical waste  
10 collection and disposal services to generators throughout the state. Stericycle and its affiliates  
11 have invested millions of dollars in developing the capacity to serve biomedical waste  
12 generators throughout the state of Washington. Other solid waste collection companies with  
13 authority from the Commission also serve the Applicant's proposed service territory.  
14

15 7. The granting of additional state-wide authority overlapping Stericycle's state-  
16 wide authority and the authority of other certificated solid waste companies would harm  
17 Stericycle and the other certificate holders and jeopardize their ability to provide quality and  
18 reasonably priced biomedical waste collection and transportation services to biomedical waste  
19 generators throughout the state and would therefore be detrimental to the public interest.  
20

21 **D. Public convenience and necessity.**

22 8. Stericycle alleges that the Applicant has not and cannot demonstrate that  
23 granting its application is warranted by the public convenience and necessity. Granting of the  
24 Application would in fact be contrary to the public interest and is not required by present or  
25 future public convenience or necessity.  
26

1 **III. CONCLUSION**


2 9. Stericycle has a direct interest in this proceeding which can only be represented  
3 through its active participation in the development of the record for, and ultimate disposition of  
4 the docketed Application in an adjudicative proceeding. Stericycle is unaware of any  
5 restrictive amendment that would fully satisfy its interests herein and therefore asks that the  
6 Application be denied in its entirety. Stericycle certifies that it requests and will participate in  
7 an adjudicative proceeding, will appear at the hearing on this Application, and intends to  
8 present evidence through up to six (6) witnesses, requiring an estimated hearing time of  
9 approximately seven (7) hours.  
10

11 10. Protestant Stericycle of Washington, Inc. prays that its right to participate in  
12 Commission adjudicative proceedings on the Application be fully affirmed and that the  
13 Application be denied in its entirety.  
14

15 DATED this 16<sup>th</sup> day of December, 2011.

16 Respectfully submitted,

17 GARVEY SCHUBERT BARER

18  
19 By   
20 Stephen B. Johnson, WSBA #6196  
21 Jared Van Kirk, WSBA #37029  
22 Attorneys for Protestant Stericycle of  
23 Washington, Inc.  
24  
25  
26

1 **CERTIFICATE OF SERVICE**

2 I, Vickie Owen, certify under penalty of perjury under the laws of the State of  
3 Washington that, on December 16, 2011, I caused to be served on the person listed below in the  
4 manner shown a copy of the attached Protest of Stericycle of Washington, Inc. to Application  
5 for Permanent Solid Waste Collection Authority:

6 Washington Utilities and  
7 Transportation Commission  
8 1300 S. Evergreen Park Dr. SW  
9 P.O. Box 47250  
10 Olympia, WA 98504-7250  
11 (360) 664-1160  
12 records@utc.wa.gov

- 13  Via Legal Messenger
- 14  Via Facsimile
- 15  Via U.S. Mail, First Class,  
16 Postage Prepaid
- 17  Via Email


18 Spartan Environmental LLC  
19 P.O. Box 611  
20 Scapoose, OR 97056

- 21  Via Legal Messenger
- 22  Via Facsimile
- 23  Via U.S. Mail, First Class,  
24 Postage Prepaid
- 25  Via Email

26 James K. Sells  
27 Ryan Sells Uptegraft, Inc.  
28 9657 Levin Road N.W., Suite 240  
29 Silverdale, WA 98383  
30 Attorney for Protestant  
31 Harold LeMay Enterprises, Inc.

- 32  Via Legal Messenger
- 33  Via Facsimile
- 34  Via U.S. Mail, First Class,  
35 Postage Prepaid
- 36  Via Email

37 Dated at Seattle, Washington this 16th day of December, 2011.

38   
39 \_\_\_\_\_  
40 Vickie Owen