



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

TG-040248
 OTHER OFFICES
 new york, new york
 portland, oregon
 washington, dc
 GSBLAW.COM

GARVEY SCHUBERT BARER

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

March 5, 2004

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

RECEIVED
 RECORDS MANAGEMENT
 04 MAR - 8 AM 9:07
 STATE OF WASH.
 UTIL. AND TRANSP.
 COMMISSION


Re: Application of Kleen Environmental Technologies, Inc.
 GA079254

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: James K. Sells
 Harold LeMay Enterprises, Inc.
 Greg W. Haffner
 Kleen Environmental Technologies, Inc.
 Stericycle of Washington, Inc.

SEA_DOCS:699998.1

Posted

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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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In Re Application of
KLEEN ENVIRONMENTAL
TECHNOLOGIES, INC.
754 Garfield Street
Seattle, WA 98109

No. GA-079254

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

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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, Charles L. Cottrell and Garvey Schubert Barer, 1191 Second Ave., Seattle, WA 98101, (206) 464-3939, protests the above entitled application for certificate of public convenience and necessity to operate as a solid waste collection company filed with the Commission on February 13, 2004, by Kleen Environmental Technologies, Inc. ("Applicant") in which the Applicant seeks authority for "solid waste collection service consisting of biomedical waste in the state of Washington" (Application No. TG-040248, hereinafter "Application").

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This protest is submitted on the following grounds:

25

I. PROTESTANT'S INTEREST

26

Stericycle is the holder of WUTC Certificate No. G-244, a true copy of which attached

ORIGINAL

1 hereto as Exhibit A. Under Certificate No. G-244, Stericycle holds authority to collect and
2 transport biomedical waste throughout the state of Washington. As a holder of authority to
3 collect and transport biomedical waste in the territory in which Applicant seeks authority to
4 operate, Stericycle has a direct interest in this proceeding adverse to that of Applicant.
5 Stericycle is fit, willing and able to provide biomedical waste collection and transportation

6 services in the territory subject to Application No. TG-040248 (Docket No. GA-079254) and
7 has provided biomedical waste collection and disposal services within that territory to the
8 satisfaction of the Commission at all times relevant to the Application.

9 **II. BASIS FOR PROTEST**

10 **A. Fitness of the Applicant.**

11 Stericycle alleges that the Applicant has not and cannot demonstrate its fitness to
12 conduct the proposed biomedical waste collection and transportation services. Applicant has
13 not and cannot demonstrate that it is fit, willing and able to provide services to the satisfaction
14 of the Commission in the territory that is the subject of the Application.

15 **B. Public Need.**

16 Stericycle alleges that Applicant has not and cannot demonstrate that there is a public
17 need for Applicant's proposed services in the territory subject to this Application.
18 Additionally, Applicant cannot demonstrate that existing carriers with authority have failed to
19 provide service to the satisfaction of the Commission in the territory subject to the Application.

20 **C. Impact on Existing Carriers.**

21 Stericycle is fit, willing and able to provide biomedical waste collection and
22 transportation services to the satisfaction of the Commission to all biomedical waste generators
23 within the territory subject to the Application. Stericycle and its affiliates have invested
24 millions of dollars in developing the capacity to serve biomedical waste generators in the
25 territory subject to the Application and throughout the state of Washington. The granting of
26 additional overlapping authority would harm Stericycle and its ability to provide biomedical

1 waste collection and transportation services to biomedical waste generators in the subject
2 territory and would therefore be detrimental to the public interest.

3 **D. Public convenience and necessity.**

4 Stericycle alleges that the Applicant has not and cannot demonstrate that granting its
5 application is warranted by the public convenience and necessity. Granting of the Application
6 would in fact be contrary to the public interest and is not required by present or future public
7 convenience or necessity.

8 **III. CONCLUSION**

9 Stericycle has a direct interest in this proceeding which can only be represented through
10 its active participation in the development of the record for, and ultimate disposition of the
11 docketed Application. Stericycle is unaware of any restrictive amendment that would fully
12 satisfy its interests herein and therefore asks that the Application be denied in its entirety.
13 Stericycle certifies that it will appear at any hearing on this matter and intends to present
14 evidence through up to ten (10) witnesses, requiring an estimated hearing time of
15 approximately 7 hours.

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

19 DATED this 5th day of March, 2004.

20 Respectfully submitted,

21 GARVEY SCHUBERT BARER

22
23 By Stephen B. Johnson

24 Stephen B. Johnson, WSBA #6196
25 Charles L. Cottrell, WSBA #31984
26 Attorneys for Protestant Stericycle of
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 *Carole J. Shashkina*

1 **CERTIFICATE OF SERVICE**

2 I, Rondi Susort, certify under penalty of perjury under the laws of the State of

3 Washington that, on March 5, 2004, 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 **for Permanent Solid Waste Collection Authority**

7 Kleen Environmental Technologies, Inc.
754 Garfield Street
8 Seattle, WA 98109

Greg W. Haffner
Attorney at Law
P.O. Box 140
9 Kent, WA 98035-0140
Attorney for Applicant

10 James K. Sells
11 Ryan Sells Uptegraft, Inc.
9657 Levin Road N.W., Suite 240
12 Silverdale, WA 98383
Attorney for Protestant
Harold LeMay Enterprises, Inc.

- 13
14 United States Mail, First Class, Postage Prepaid
15 By Legal Messenger
16 By Facsimile

17 Dated at Seattle, Washington this 5th day of March, 2004.

18 
19 Rondi Susort