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8 BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

9 In Re Application of

10 WASTE MANAGEMENT OF  
11 WASHINGTON, INC.  
12 d/b/a WM Healthcare Solutions  
13 of Washington  
14 720 4th Ave. Ste 400  
15 Kirkland, WA 98033-8136

Docket No. TG-120033

16 PROTEST OF STERICYCLE OF  
17 WASHINGTON, INC. TO APPLICATION  
18 FOR PERMANENT SOLID WASTE  
19 COLLECTION AUTHORITY

20  
21 1. STERICYCLE OF WASHINGTON, INC, (“Stericycle”), WUTC Certificate  
22 No. G-244, 20320 80th Ave. S., Kent, WA 98032, by and through its attorneys Stephen B.  
23 Johnson, Jared Van Kirk and Garvey Schubert Barer, 1191 Second Ave., Seattle, WA 98101,  
24 (206) 464-3939, protests the above entitled application for a new certificate of public  
25 convenience and necessity to operate as a solid waste collection company filed with the  
26 Commission on November 22, 2011, by Waste Management of Washington, Inc. (“Applicant”)  
in which the Applicant seeks an extension of its existing Certificate no. G-237 to provide new  
authority for “SOLID WASTE COLLECTION SERVICE consisting of biomedical waste in  
the state of Washington” (Application No. TG-120034, hereinafter, the “Application”).

PROTEST OF STERICYCLE OF WASHINGTON, INC. - 1

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

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 **II. BASIS FOR PROTEST**

16 **A. Fitness of the Applicant.**

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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.**

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

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 to the Applicant overlapping  
16 Stericycle's state-wide authority and the authority of other certificated solid waste companies  
17 would harm Stericycle and the other certificate holders and jeopardize their ability to provide  
18 quality and reasonably priced biomedical waste collection and transportation services to  
19 biomedical waste generators throughout the state and would therefore be detrimental to the  
20 public interest.  
21

22 **D. Public convenience and necessity.**

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

1 future public convenience or necessity.

2  
3 **III. CONCLUSION**


4 9. Stericycle has a direct interest in this proceeding which can only be represented  
5 through its active participation in the development of the record for, and ultimate disposition of  
6 the docketed Application in an adjudicative proceeding. Stericycle is unaware of any  
7 restrictive amendment that would fully satisfy its interests herein and therefore asks that the  
8 Application be denied in its entirety. Stericycle certifies that it requests and will participate in  
9 an adjudicative proceeding, will appear at the hearing on this Application, and intends to  
10 present evidence through up to ten (10) to fifteen (15) witnesses, requiring an estimated hearing  
11 time of approximately three (3) to four (4) days.

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

16  
17 DATED this 17th day of February, 2012.

18 Respectfully submitted,

19 GARVEY SCHUBERT BARER

20  
21 By 

22 Stephen B. Johnson, WSBA #6196  
23 Jared Van Kirk, WSBA #37029  
24 Attorneys for Protestant Stericycle of  
25 Washington, Inc.

**CERTIFICATE OF SERVICE**

I, Vickie Owen, certify under penalty of perjury under the laws of the State of Washington that, on February 17, 2012, I caused to be served on the person listed below in the manner shown a copy of the attached Protest of Stericycle of Washington, Inc. to Application for Permanent Solid Waste Collection Authority:

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

- Via Legal Messenger
- Via Facsimile
- Via U.S. Mail, First Class,  
Postage Prepaid
- Via Email

Waste Management of Washington  
d/b/a WM Healthcare Solutions of  
Washington  
720 – 4<sup>th</sup> Avenue, Suite 400  
Kirkland, WA 98033-8136

- Via Legal Messenger
- Via Facsimile
- Via U.S. Mail, First Class,  
Postage Prepaid
- Via Email


Polly L. McNeill  
Summit Law Group  
315 – 5<sup>th</sup> Avenue South  
Seattle, WA 98104

- Via Legal Messenger
- Via Facsimile
- Via U.S. Mail, First Class,  
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- Via Email

James K. Sells  
Ryan Sells Uptegraft, Inc.  
9657 Levin Road N.W., Suite 240  
Silverdale, WA 98383  
Attorney for Protestant  
WRRRA, Rubatino, Consolidated,  
Murrey's and Pullman

- Via Legal Messenger
- Via Facsimile
- Via U.S. Mail, First Class,  
Postage Prepaid
- Via Email

Dated at Seattle, Washington this 17th day of February, 2012.

  
\_\_\_\_\_  
Vickie Owen