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GORDON WALGREN
OF COUNSEL

September 28, 1994

Mr. Steve McLellan, Secretary
Washington Utilities and
Transportation Commission
P. O. Box 47250
Olympia, WA 98504-7250

Re: Disposal Group, Inc. v. Waste Management Disposal Svc.
Docket No. TG-941154

Dear Mr. McLellan:

Enclosed for filing in the captioned matter is an original and
three copies of Petition to Intervene of Washington Refuse &
Recycling Association.

Very truly yours,

McCLUSKEY, SELLS, RYAN,
UPTGRAFT & DECKER

JAMES K. SELLS

JKS:cs

encs.

cc: Mr. J. P. Jones

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STATE OF WASH
UTIL & TRANSP
COMMISSION

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STATE OF WASHINGTON
UTILITIES & TRANSPORTATION
COMMISSION

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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6 THE DISPOSAL GROUP, INC.,)
7 d/b/a Vancouver Sanitary)
8 Service and Twin City Sanitary)
9 Service, a Washington Corporation)
10 (G-65))
11 vs.)
12 WASTE MANAGEMENT DISPOSAL)
13 SERVICES OF OREGON, INC.,)
14 d/b/a Oregon Waste Systems, a)
15 Delaware Corporation.)

DOCKET NO. TG-941154

PETITION TO INTERVENE
OF WASHINGTON REFUSE &
RECYCLING ASSOCIATION

15 COMES NOW the Washington Refuse & Recycling Association and
16 petitions the Commission for general intervention in the above-
17 entitled matter pursuant to WAC 480-09-430(1), and in doing so
18 alleges and prays as follows:

19 1) The Washington Refuse & Recycling Association is a non-
20 profit trade association which represents the vast majority of
21 solid waste collection companies operating in the state of
22 Washington. The Washington Refuse & Recycling Association has
23 appeared before the Commission as a party protestant in appli-
24 cations for solid waste and recycling authority pursuant to WAC
25 480-70-150. The Association has also played an active role before
26 the Commission in rule making and other Commission procedures. The
27 Association is a "person" within the meaning of WAC 480-09-410(1).

28 2) The interest of the Washington Refuse & Recycling
29 Association in this proceeding is that the definitions of solid
30 waste and recyclables as they relate to regulation by the
31 Commission and by counties pursuant to flow control affects
32 virtually every solid waste carrier in the state. The resolution

PETITION TO INTERVENE OF WASHINGTON
REFUSE & RECYCLING ASSOCIATION - 1

ORIGINAL

McCluskey, Sells, Ryan, Uptegraff & Decker
ATTORNEYS AT LAW
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510 WASHINGTON AVENUE
BREMERTON, WASHINGTON 98337
(206) 479-4545

1 of the issues raised in this proceeding is of paramount importance
2 to all solid waste carriers and recyclers within the state.

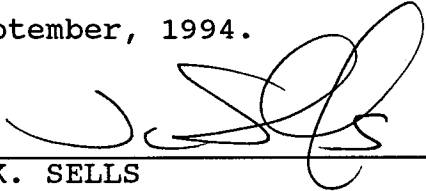
3 3) It is the position of the Washington Refuse & Recycling
4 Association that a commodity that is transported for disposal at a
5 landfill is, by definition, solid waste and therefore subject to
6 regulation by the Washington Utilities & Transportation Commission.

7 4) Participation in this proceeding by the Washington Refuse
8 & Recycling Association will not broaden the issues therein.

9 5) The address of the Washington Refuse & Recycling
10 Association is 711 South Capitol Way, Suite 704, Olympia, WA 98507.
11 The name and address for the Washington Refuse & Recycling
12 Association is James K. Sells, McCluskey, Sells, Ryan, Uptegraft &
13 Decker, 510 Washington Ave., #300, Bremerton, WA 98337.

14 **WHEREFORE,** the Washington Refuse & Recycling Association
15 respectfully requests intervenor status in the above-entitled
16 matter and requests specifically that the attorney therefor be
17 included in the prehearing conference to be held by telephone
18 conference call Tuesday, October 4, 1994 at 1:30 p.m., and for
19 participation in the brief adjudicative hearing to be held
20 thereafter.

21 DATED this 28 day of September, 1994.

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24 _____
25 JAMES K. SELLS
26 WSBA No. 6040
27 Attorney for Intervenor
28 Washington Refuse & Recycling Association
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PETITION TO INTERVENE OF WASHINGTON
REFUSE & RECYCLING ASSOCIATION - 2

McCluskey, Sells, Ryan, Uptegraft & Decker
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BREMERTON, WASHINGTON 98337
(206) 479-4545

CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of the foregoing was served by first class mail, postage prepaid, to:

Mr. Steve McLellan, Secretary
Washington Utilities and
Transportation Commission
P. O. Box 47250
Olympia, WA 98504-7250

Mr. John Prusia
Hearing Examiner
Washington Utilities and
Transportation Commission
P. O. Box 47250
Olympia, WA 98504-7250

Disposal Group, Inc.
P. O. Box 4658
Vancouver, WA 98662

Ms. Cindy Horenstein
Horenstein & Duggan
P. O. Box 694
Vancouver, WA 98666

Waste Management Disposal
Services of Oregon, Inc.
c/o CT Corporation System
Registered Agent
520 Pike St.
Seattle, WA 98101

Mr. William K. Rasmussen
Davis Wright Tremaine
2600 Century Square
1501 Fourth Ave.
Seattle, WA 98101-1688

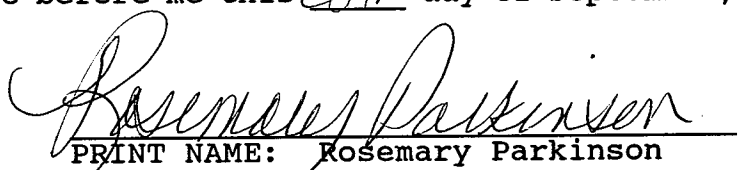


JAMES K. SELLS

PETITION TO INTERVENE OF WASHINGTON
REFUSE & RECYCLING ASSOCIATION - 3

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Subscribed and sworn to before me this 28th day of September, 1994.



PRINT NAME: Rosemary Parkinson
Notary Public for the
State of Washington
Residing at Mason Co.
My commission expires 2/6/97

PETITION TO INTERVENE OF WASHINGTON
REFUSE & RECYCLING ASSOCIATION - 4

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