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BEFORE THE WASHINGTON UTILITIES
AND TRANSPORTATION COMMISSION

STERICYCLE OF WASHINGTON, INC.,

Complainant,

v.

WASTE MANAGEMENT OF
WASHINGTON, INC., d/b/a WM Healthcare
Solutions of Washington,

Respondent.

Docket No. TG-121597

**WASTE MANAGEMENT OF
WASHINGTON, INC.'S REQUEST
FOR A CONTINUANCE TO FILE
LATE ANSWER**

1. Waste Management of Washington, Inc. d/b/a WM Healthcare Solutions of Washington, Inc. ("Waste Management") respectfully submits this Request for a Continuance to File a Late Answer, in accordance with WAC 480-07-375(b) and WAC 480-07-370(1)(c)(iv). The Commission's regulations allow it to alter the time allowed for filing an answer and also to consider requests for continuance that are made after a deadline if the requester demonstrates good cause that prevented a timely request. WAC 480-07-370(1)(c)(iv) & WAC 480-07-385(3)(c). Waste Management had good cause to miss the deadline for filing its Answer.

2. The delay was unintentional. No authorized representative nor any authorized employee had actual knowledge that the time for filing an answer had commenced. Only one employee ostensibly was aware of the Commission's service by certified mail. See McNeill Decl. Service by mail is not as obvious as service by process, and the staff person who received and signed for the mail apparently failed to appreciate the significance of the Commission's

1 service documents. It was not her normal job, and she was filling in for someone else. The
2 company and its counsel missed the filing deadline due to good faith error.

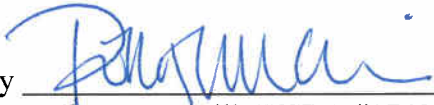
3 3. There is no harm to the public interest from the delay. The prehearing conference
4 is not scheduled until the end of November, on a date that was agreed upon by email exchanges
5 of the parties. Filing the Answer any time preceding the prehearing conference is functionally
6 timely, and indeed this filing is sufficiently prior to allow for the parties to consider it in
7 preparation for the conference. The Commission Staff is not adversely affected by the delay.
8 The Staff has not appeared, and determination of whether to participate in this proceeding is
9 presumably not dependent on the timing of Waste Management's answer. The complainant,
10 Stericycle of Washington, Inc., has suffered no prejudice, either.

11 4. Moreover, the Commission is authorized to rely on Washington Superior Court
12 rules for civil proceedings as guidelines for handling motions. WAC 480-07-375(2). In civil
13 proceedings, the only consequence to a failure to timely file an answer is that the defendant must
14 file the answer prior to consideration of any subsequent motion for default. *See* CR 55 (a)(2) ("If
15 the party has appeared before the motion is filed, he may respond to the pleading or otherwise
16 defend at any time before the hearing on the motion.").

17 5. Waste Management respectfully asks that the Commission order the deadline for
18 filing of an Answer to be continued to today's date, November 5, 2012, the date of actual filing;
19 or, alternatively, the date of the order itself. *See* WAC 480-07-385(4) (requiring a date certain).
20 The proposed Answer is lodged herewith.

1 DATED this 5th day of November, 2012.

2 SUMMIT LAW GROUP PLLC

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4 By 
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6 Jessica L. Goldman, WSBA #21856
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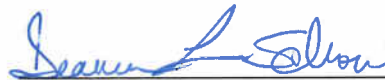
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*Attorneys for Waste Management of
Washington, Inc.*

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I have this day served this document upon all parties of record in this
3 proceeding, by the method as indicated below, pursuant to WAC 480-07-150.

4 Steven B. Johnson 5 Garvey Schubert Barer 6 1191 Second Ave., Suite 1800 7 Seattle, WA 98101 (206) 464-3939 sjohnson@gsblaw.com	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input checked="" type="checkbox"/> Via U.S. Mail <input type="checkbox"/> Via Email
8 Washington Utilities and Transportation 9 Commission 10 1300 S. Evergreen Park Dr. SW 11 PO Box 47250 12 Olympia, WA 98504-7250 360-664-1160 records@utc.wa.gov	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input checked="" type="checkbox"/> Via Federal Express <input checked="" type="checkbox"/> Via Email

13 DATED at Seattle, Washington, this 5th day of November, 2012.

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16 Deanna L. Schow
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