

**BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**In the Matter of the Application of
VAMONOS JUNK HAULERS LLC
For Authority to Operate as a Solid Waste
Collection Company in Washington**

**DOCKET TG-190105
PROTEST OF WASTE
MANAGEMENT OF WASHINGTON,
INC.**

1. Waste Management of Washington, Inc. (“Waste Management”), holder of Certificate No. G-237 and exclusive contracts for solid waste collection within the Cities of Wenatchee and East Wenatchee (the “Cities”), respectfully protests the January 24, 2019 application by Vamonos Junk Haulers LLC (“Vamonos”) for a certificate of public convenience and necessity to operate as a solid waste collection company within the Cities. The Washington Utilities and Transportation Commission (“Commission”) does not regulate solid waste collection services within cities that have elected to contract directly for those services. RCW 35.02.160; RCW 81.77.020. To the extent that the application can be read to include service outside the Cities, Waste Management holds an existing certificate for the areas surrounding the Cities, and is committed to continuing serving those areas to the Commission’s satisfaction.

2. Waste Management operates solid waste collection services under exclusive contracts with each of the Cities, attached as Exhibit A (Wenatchee) and Exhibit B (East Wenatchee). Because the Cities contract directly for solid waste collection service, the Commission no longer regulates service within their boundaries and does not have authority to issue the certificate requested by Vamonos.¹ WAC 480-70-141(2); RCW 35.02.160; RCW 81.77.020 and .030; *see also Ventenbergs v. City of Seattle*, 163 Wash.2d 92, 95 (2008).

¹ The Commission’s docket notice describes the proposed service as “within the current city limits of Wenatchee and East Wenatchee.” However, the application itself describes the service territory as “Wenatchee Valley and East

3. In addition, Waste Management believes and therefore alleges that Vamonos is not qualified to receive a solid waste certificate of public convenience and necessity; is not fit, willing, and able to properly perform the services proposed; and is unable to conform to the provisions of Ch. 81.77 RCW and the requirements, rules, and regulations of this Commission thereunder.

4. To the extent that the Commission has any jurisdiction over the application, Waste Management is suitably and adequately equipped and otherwise qualified, ready, fit, willing, and able to provide all the relevant transportation service required by the shipping public in the applied-for territory, to the satisfaction of the Commission and consistent with the Commission's regulations. It therefore alleges that the service proposed by Vamonos is not warranted by the public convenience and necessity and is not in the public interest.

5. Waste Management requests that Vamonos be required to submit strict proof in support of its application and to produce competent witnesses at a hearing for cross-examination on all material and relevant facts bearing on the protested application. Vamonos has not demonstrated—and cannot—that it is fit, willing, or able to provide the applied-for services to the satisfaction of the Commission. Vamonos also has not and cannot demonstrate that Waste Management has failed to provide service to the satisfaction of the Commission.

6. If a hearing is held, Waste Management will appear and present evidence of its own operations and particular interests in the application. Waste Management estimates that it will call two to three witnesses at the hearing, and that the hearing time for the testimony of the witness will be approximately three hours.

7. Service on Waste Management in this docket should be made to:

Wenatchee.” If Vamonos intends service in unincorporated areas outside the Cities, Waste Management further protests as the holder of an existing G-certificate for that territory offering the same services Vamonos proposes. Waste Management does and will continue to provide service to the Commission's satisfaction, so RCW 81.77.040 bars issuance of a new G-certificate to Vamonos for those unincorporated areas.

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WHEREFORE, Waste Management respectfully requests the opportunity to participate in the hearing on this application, and that the Commission thereafter deny the application.

DATED this 26th day of April, 2019.

Respectfully Submitted,
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