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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

COMPLAINANT STERICYCLE OF
WASHINGTON, INC.'S MOTION TO
WITHDRAW COMPLAINT

1
2 **I. Introduction**

3 1. On October 3, 2012 Stericycle of Washington, Inc. ("Stericycle") filed a
4 Complaint and Petition for Declaratory Relief with the Washington Utilities and Transportation
5 Commission ("Commission") concerning certain business practices by Waste Management of
6 Washington, Inc. ("Waste Management"). On November 2, 2012 the Commission initiated an
7 adjudicative proceeding.

8 2. On November 8 and November 28, 2012, Stericycle and Waste Management
9 filed cross-motions for summary determination. On January 4, 2013 Administrative Law Judge
10 Torem denied both motions. The Commission denied Stericycle's petition for interlocutory
11 review on January 14, 2013.

12 3. On March 3, 2013 Judge Torem authorized certain discovery related to the
13 complaint. On July 19, 2013 Stericycle moved for third party discovery from certain
14 biomedical waste generators, which Judge Torem denied on August 16, 2013. The
15 Commission affirmed the denial of Stericycle's request for third party discovery on December
16 12, 2013.

17 4. On February 11, 2014 the parties held an informal status conference to discuss
18 scheduling this matter for a hearing. At this point, no hearing schedule has been issued.

19 **II. Discussion**

20 5. Pursuant to WAC 480-07-380(3) Stericycle moves to withdraw its complaint.

21 6. Although Stericycle's complaint is based on substantial evidence, including the
22 evidence addressed in its motion for summary determination and motion for third party
23 discovery, Stericycle no longer wishes to pursue its complaint through an administrative
24 hearing.

25 7. After filing its complaint, Stericycle has observed that to its knowledge the
26 complained of business practices have not been expanded by Waste Management to affect

1 additional customers. Should Stericycle learn that these practices have expanded it may
2 exercise its right to file a new complaint with the Commission. Stericycle's decision to move
3 to withdraw its complaint is also informed by limitations on discovery and on the witnesses and
4 evidence that could be presented at any hearing, as well as the costs and disruption to business
5 operations that a hearing and pre- and post-hearing activities would entail.

6 8. It is in the public's interest to allow a complaining party that no longer wishes to
7 pursue its complaint to withdraw that complaint, especially where no party objects to that
8 withdrawal. *See, e.g., Bremerton-Kitsap Airporter, Inc. v. Shuttle Express, Inc., Docket TG-*
9 *110230, Order 03 Granting Request for Leave to Withdraw Complaint and Vacating Procedural*
10 *Schedule (February 10, 2012) (granting unopposed request to withdraw complaint). Stericycle*
11 *is informed by counsel for Waste Management and the Commission Staff that neither party will*
12 *oppose Stericycle's motion to withdraw its complaint.*

13 **III. Conclusion**

14 9. For the reasons stated above, Stericycle respectfully requests that the
15 Commission grant its motion to withdraw its complaint.

16 DATED this 24th day of February, 2014.

17
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.
26

1 **CERTIFICATE OF SERVICE**

2 I, Dominique Barrientes, certify under penalty of perjury under the laws of the State of
3 Washington that, on February 24, 2014, I caused to be served on the person(s) listed below in
4 the manner shown a copy of COMPLAINANT STERICYCLE OF WASHINGTON, INC.'S
5 MOTION TO WITHDRAW COMPLAINT:

6 Washington Utilities and
7 Transportation Commission
8 1300 S. Evergreen Park Dr. SW
9 PO Box 47250
10 Olympia, WA 98504-7250
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12 records@utc.wa.gov

- Via Legal Messenger
- Via Facsimile
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13 Administrative Law Judge
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15 atorem@utc.wa.gov

- Via Email

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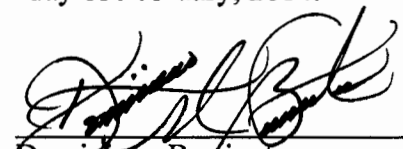
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- Via Email

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Dated at Seattle, Washington this 24th day of February, 2014.



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