

**BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

In re Application of:

**SUPERIOR WASTE & RECYCLE LLC
PO Box 480
Seabeck, WA 98380**

APPLICATION NO. TG-181023

**PROTEST OF WASTE
MANAGEMENT OF WASHINGTON,
INC.**

1. Waste Management of Washington, Inc., d/b/a Brem-Air Disposal (“Waste Management”), holder of Certificate No. G-237, respectfully protests the application by Superior Waste & Recycle LLC (“Superior”) for a certificate of public convenience and necessity to operate as a solid waste collection company in the territory within Kitsap County requested in the above-numbered application for authority to transport solid waste.

2. Waste Management operates solid waste collection services pursuant to Certificate No. G-237, attached hereto as Exhibit A. As evidenced by this certificate, Waste Management currently holds authority in conflict with the applied-for authority in Kitsap County and therefore has a direct interest in this proceeding.

3. Waste Management believes and therefore alleges that Superior is not qualified to receive a grant of 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. 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 Superior is not warranted by the public convenience and necessity and is not in the public interest.

5. Waste Management requests that Superior 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. Superior has not demonstrated—and cannot—that it is fit, willing, or able to provide the applied-for services to the satisfaction of the Commission. Superior also has not and cannot demonstrate that Waste Management has failed to provide service to the satisfaction of the Commission.

6. If an oral 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:

Waste Management

720 4th Ave. Ste 400
Kirkland, WA 98033-8136

Andrew Kenefick, WSBA No. 18374, Senior Legal Counsel
Telephone: (425) 825-2003
Email: akenefick@wm.com

Davis Wright Tremaine LLP

920 Fifth Avenue, Suite 3300
Seattle, WA 98104-1610

Walker Stanovsky, WSBA No. 49919, counsel
Telephone: (206) 757-8259
Email: WalkerStanovsky@dwt.com

Nancy Foley, legal assistant
Telephone: (206) 757-8582
Email: NancyFoley@dwt.com

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 20th day of February, 2019.

Respectfully Submitted,
DAVIS WRIGHT TREMAINE LLP
Attorneys for Waste Management

By /s/ Walker Stanovsky
Walker Stanovsky, WSBA No. 49919
920 Fifth Avenue, Suite 3300
Seattle, WA 98104-1610
T: (206) 757-8259
Email: WalkerStanovsky@dwt.com