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STATE OF WASH.
UTIL. & TRANSP.
COMMISSION
ROBERT E. ALLISON
COUNSEL

September 6, 1994

Steve McLellan, Secretary
Washington Utilities and
Transportation Commission
PO Box 47250
Olympia, WA 98504-7250

Re: The Disposal Group, Inc. v. Waste Management Disposal
Services of Oregon, Inc., et al.
Cause No. TG-941154

Dear Secretary McLellan:

On behalf of T & G Trucking & Freight Co., Respondent, in
the above matter, we are enclosing original and four copies of
Answer of T & G Trucking & Freight Co. to Amended Formal
Complaint of The Disposal Group, Inc.

Very truly yours,


Jack R. Davis

JRD:sa
Encs.
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cc: Cynthia A. Horenstein, Attorney (w/encs.)
Steve Smith, Assistant Attorney General (w/encs.)
William K. Rasmussen, Attorney (w/encs.)
Doug Walters, T & G Trucking & Freight Co. (w/encs.)

1 BEFORE THE
2 WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

3 THE DISPOSAL GROUP, INC.,)
4 d/b/a VANCOUVER SANITARY SERVICE)
5 and TWIN CITY SANITARY SERVICE,)
6 a Washington corporation (G-65),)
7 Complainant,)
8 v.)
9 WASTE MANAGEMENT DISPOSAL)
10 SERVICES OF OREGON, INC.,)
11 d/b/a OREGON WASTE SYSTEMS,)
a Delaware corporation; and)
T & G TRUCKING & FREIGHT CO.,)
an Oregon corporation,)
Respondents.)

CAUSE NO. TG-94-15

ANSWER OF T & G TRUCKING
& FREIGHT CO. TO AMENDED
FORMAL COMPLAINT OF THE
DISPOSAL GROUP, INC.

12 COMES NOW, T & G TRUCKING & FREIGHT CO., Respondent herein,
13 and in Answer to the Amended Formal Complaint of The Disposal
14 Group, Inc., does state and allege as follows:

15 1. Respondent T & G Trucking & Freight Co. (T & G) not
16 having sufficient information upon which to base a belief as to
17 the truth or accuracy of the allegations contained in paragraph
18 1, 2 and 3 of the Complaint, therefore denies the same.

19 2. Respondent T & G admits that it does not hold a garbage
20 and refuse collection certificate from the WUTC, but denies that
21 it requires one.

22 3. Respondent T & G denies that the allegations contained
23 in paragraphs 5 and 6 of the Complaint to the extent that they
24 relate to Respondent T & G.

25 4. Not having sufficient information upon which to base a
26 belief as to the truth or accuracy of the allegations contained
27 in paragraphs 7 and 8 of the Complaint, Respondent T & G denies
28 the same.

5. Respondent T & G denies the allegations contained in
paragraph 9 of the Complaint.

FURTHER ANSWERING THE COMPLAINT AND BY WAY OF AFFIRMATIVE
DEFENSE, Respondent T & G does state and allege as follows:

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1 6. Any transportation being performed by T & G in the
2 State of Washington is a part of and/or incidental to a through
3 movement of transportation of property in interstate commerce by
4 rail in containers on flat cars (COFC) and is exempt from
5 regulation under 49 USC §10505 and/or 49 CFR §1039 and/or 1090.

6 7. Services provided by T & G in the State of Washington
7 are a part of a continuous movement of property in interstate
8 commerce and are exempt from regulation as pickup and/or delivery
9 within a terminal area under the provisions of 49 USC §10523.

10 8. The services performed by T & G in the State of
11 Washington are a part of a continuous movement of property in
12 interstate commerce and are exempt from regulation as being
13 performed wholly within the commercial zone under the provisions
14 of 49 USC §10526(b)(1).

15 WHEREFORE, Respondent T & G respectfully prays that the
16 Commission deny and dismiss the Amended Formal Complaint of The
17 Disposal Group, Inc.

18 Respectfully submitted,

19 DAVIS, BALDWIN & HAFFNER

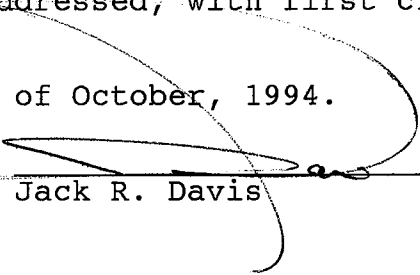
20 By: 

21 Jack R. Davis, WSBA #2071
22 Attorney for Respondent
23 T & G Trucking & Freight
24 Co.
25
26
27
28

1
2 CERTIFICATE OF SERVICE

3 I hereby certify that I have this date served the foregoing
4 Answer of T & G Trucking & Freight Co. to Amended Formal
5 Complaint of The Disposal Group, Inc., upon Cynthia A.
6 Horenstein, Attorney at Law, First Interstate Tower, 900
7 Washington Street, Ste. 900, PO Box 694, Vancouver, WA 98666-
8 0694; Steve Smith, Assistant Attorney General, Heritage-Plaza
9 Building, 1400 S. Evergreen Park Drive SW, Olympia, WA 98504-
10 0128; and William K. Rasmussen, Attorney at Law, 2600 Century
11 Square, 1501 Fourth Avenue, Seattle, WA 98101-1688, by mailing a
12 copy thereof, properly addressed, with first class postage
13 prepaid.

14 DATED this 6th day of October, 1994.

15
16 
17 _____
18 Jack R. Davis

19 Suite 1900 IBM Building
20 1200 Fifth Avenue
21 Seattle, WA 98101
22 (206) 624-7373