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7 BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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9 In re Joint Applications GA-79141, GA-79142,  
10 and GA-79159 of Rabanco. Ltd.

ORDER TG-030433  
ORDER TG-030434  
ORDER TG-030590

11 ANSWER OF RABANCO, LTD. TO  
12 PETITION OF KING COUNTY TO  
AMEND ORDERS

13 **I. IDENTITY AND ADDRESS OF RESPONDENT**

14 COMES NOW Rabanco, Ltd., (“Rabanco” or “Respondent”) 54 South Dawson Street,  
15 Seattle, Washington 98134, Certificate G-12, and for Answer to the Petition filed by King  
16 County on or about September 30, 2004, files the following in response to the Petition to  
17 Amend Orders.

18 **II. RELEVANT STATUTES AND RULES**

19 Statutes and regulations relevant to this Answer, *inter alia*, are: RCW 81.04.210,  
20 RCW 34.05.416 and WAC 480-07-370(c).

21 **III. RESPONSE TO REQUEST FOR RELIEF**

22 Rabanco, Ltd. opposes King County’s request for relief on numerous grounds,  
23 including ripeness, timeliness, lack of standing, and, the currently pending appeal in *Rabanco,*  
24 *Ltd. v. King County*, before the Washington Court of Appeals, Division I, Cause No. 54535-  
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1 3-I. The sole issue in that appeal is the interpretation of RCW 36.58.040 regarding the  
2 regulation of disposal of solid waste collected by a hauler operating under a G-Certificate that  
3 authorizes collection in areas in more than one county. The resolution of the appeal will  
4 directly address the relief King County has requested in this Petition. The appeal is on an  
5 expedited schedule, has been fully briefed, and is slated for oral argument before the Court of  
6 Appeals on November 8, 2004.

7 The ruling in that case may affect the interpretation of the relevant statutory provision  
8 of RCW 36.58.040, and may serve as a basis for further examination of the continuing  
9 practice of consolidating multi-county G-Certificates issued to regulated haulers by the  
10 Commission. Respondent also notes this action is filed more than a year after the unopposed  
11 application for transfer by Rabanco, Ltd., and that King County was not a party to that  
12 proceeding. The County also lacks administrative standing to challenge the Orders at issue.  
13 Finally, Rabanco opposes the attempted fragmentation of its operating certificate as  
14 envisioned by the Petition as contrary to the spirit of the Commission's G-Certificate mapping  
15 project under WAC 480-70-056, and the simplification and clarification of operating  
16 certificates and tariffs designed in part to add greater regulatory transparency to the solid  
17 waste industry for the public, and is therefore contrary to the public interest under RCW  
18 81.77.040.

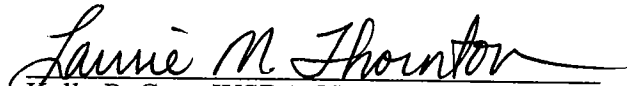
#### 19 **IV. PRAYER FOR RELIEF**

20 WHEREFORE, having initially answered the Petition by King County to amend  
21 orders TG-030433, TG-030434 and TG-030590, and reserving the right to provide additional  
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2 legal argument and briefing should this matter be subsequently docketed for hearing by the  
3 Commission, Rabanco, Ltd. hereby requests that the Petition be denied.  
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5 DATED this 20<sup>th</sup> day of October, 2004.

6 CORR CRONIN LLP

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10 Attorneys for Rabanco, Ltd.  
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