

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

In Re Application of Waste
Management of Washington,
Inc. d/b/a WM Healthcare
Solutions of Washington

Docket TG-120033

Exhibit No. _____ (ER-1T)

PREFILED TESTIMONY OF ED RUBATINO
AND EXHIBITS OF RUBATINO REFUSE
REMOVAL, INC.

SUMMARY OF TESTIMONY

Ed Rubatino, President of Rubatino Refuse Removal, Inc., will testify that Rubatino holds Washington Utilities and Transportation Commission Certificate G-58, and provides full solid waste service within the boundaries of that Certificate, including medical waste. Rubatino presently competes with Stericycle for medical waste customers within its certificated area, and has lost customers to Stericycle. He will testify that a third competitor within this market will result in a further diminution of the shipper base which will be harmful to Rubatino's ability to provide medical waste service to its customers.

TESTIMONY (WITNESS ED RUBATINO)

Q. State your name and your employment.

A. Ed Rubatino, President of Rubatino Refuse Removal, Inc.

Q. Are you authorized to testify on behalf of Rubatino?

1 A. Yes.

2
3 **Q. What is the business of Rubatino Refuse Removal, Inc.?**

4 A. We are a solid waste collection company.

5 **Q. How long has Rubatino been in business?**

6 A. Approximately 100 years.

7
8 **Q. Does Rubatino hold a Certificate of Public Convenience and**
9 **Necessity issued by the Washington Utilities and Transportation**
10 **Commission?**

11 A. Yes. No. G-58.

12 **Q. Is Exhibit ER-2 a true copy of that Certificate?**

13 A. Yes.

14 **Q. Does Rubatino provide service within the entire territory**
15 **covered by Certificate G-58?**

16 A. Yes.

17
18 **Q. Are you and your employees familiar with the rules and**
19 **regulations of the State of Washington which regulate solid waste**
20 **collection companies?**

21 A. Yes.

22 **Q. Has Rubatino received any citations or any other notice of**
23 **regulatory misconduct from any state or local agency in the past five**
24 **years?**

25 A. No.

26 **Q. Does your service include collection of medical waste?**

1 A. Yes.

2
3 **Q. What equipment and personnel is assigned to medical waste**
4 **collection?**

5 A. One vehicle, a 2004 Peterbuilt, VIN #2NPNHD6X74M8311846.
6 One employee, approximately two days per week.

7 **Q. Does the vehicle comply with WUTC regulations regarding**
8 **medical waste collection and transportation?**

9 A. Yes.

10 **Q. Has the driver received special training in the collection and**
11 **transportation of medical waste?**

12 A. Yes.

13 **Q. If the vehicle is replaced or additional vehicles put into**
14 **medical waste service, would they also comply with applicable rules and**
15 **regulations?**

16 A. Yes.

17
18 **Q. If the driver is replaced or additional drivers are put into**
19 **medical waste related positions, would they also receive the appropriate**
20 **training?**

21 A. Yes.

22 **Q. What facility do you use for disposal?**

23 A. We transport medical waste to the Covanta facility in Salem,
24 Oregon. Generally there is one trip per week. Our driver makes the round
25 trip once a week. If more trips were to be required, arrangements could, and
26 would, be made.

1 **Q. How do you make medical waste generators aware of your**
2 **service?**

3 A. We use our tariff as a sales tool and advise customers that the
4 service is available.

5 **Q. Is Exhibit ER-3 a true copy of that tariff page, on company**
6 **letterhead?**

7 A. Yes.

8 **Q. Does Rubatino have the ability to obtain additional**
9 **equipment and personnel for its medical waste service if the need**
10 **arises?**

11 A. Yes.

12 **Q. Has competition from Stericycle affected your medical waste**
13 **business?**

14 A. Yes. We formerly served Providence Hospital in Everett, which
15 switched to Stericycle, and this had a considerable financial impact on us.

16 **Q. How many medical waste generators do you presently serve?**

17 A. Approximately 186.

18 **Q. Are these generally smaller generators as opposed to, for**
19 **example, large hospitals?**

20 A. Yes.

21 **Q. Does Rubatino have the financial and logistical ability to**
22 **provide medical waste service to any or all generators within its area?**

23 A. Yes. We understand our responsibility under our Certificate to
24 require that we provide service at our tariff rate to anyone within the territory
25 who asks for service. That includes medical waste.
26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Q. Why is Rubatino protesting this application?

A. We believe that should a third provider have authority within our certificated area, the market would become further diluted and a “three-way” competition would eventually lead to higher rates for the generator and have an adverse effect upon our ability to continue to provide the service at what we believe are fair and compensable rates. We believe that the WUTC regulatory structure provides the best service at a reasonable and affordable cost for the consumer. We acknowledge that medical waste may be different, but it would seem that two providers within a geographical area is sufficient to provide the competition the WUTC has indicated it wants in medical waste collection and transportation. The addition of a third presence in the market would seem to go against the basic premise of a regulated solid waste collection system.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served this document upon all parties of record in this proceeding, by the method as indicated below, pursuant to WAC 480-07-150.

Washington Utilities and Transportation Commission 1300 S. Evergreen Park Dr. SW PO Box 47250 Olympia, WA 98504-7250 360.664.1160 records@utc.wa.gov	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input checked="" type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email
Fronda Woods 1400 S. Evergreen Park Dr. SW PO Box 40128 Olympia, WA 98504-0218 fwoods@utc.wa.gov <u>3DeMarco@utc.wa.gov</u>	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email
Administrative Law Judge Gregory Kopta gkopta@utc.wa.gov	<input checked="" type="checkbox"/> Via Email
Jessica Goldman Polly L. McNeill Summit Law Group 315 - Fifth Avenue S. Suite 1000 Seattle, Washington 98101-2939 jessicag@summitlaw.com pollym@summitlaw.com kathym@summitlaw.com deannas@summitlaw.com	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email
Stephen B. Johnson Jared Van Kirk Garvey Schubert Barer 1191 Second Avenue Suite 1800 Seattle, WA 98101 sjohnson@gsblaw.com jvankirk@gsblaw.com dbarrientes@gsblaw.com vowen@gsblaw.com	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email

DATED at Silverdale, Washington, this 28th day of September 2012.


Cheryl L. Sinclair

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

1300 S EVERGREEN PARK DRIVE SW, PO BOX 47250

OLYMPIA, WA 98504-7250

(360) 664-1222

This certificate authorizes the following operations under the provisions of RCW Title 81:
RUBATINO REFUSE REMOVAL, INC. Cert No.
 2812 HOYT AVE G-58
 PO BOX 1029
 EVERETT, WA 98206-1029

CORRECTED

GARBAGE AND REFUSE COLLECTION SERVICE In the City of Everett and those portions of Snohomish County adjacent thereto, described as follows: (1) South of Everett: Beginning at the point where the Great Northern Railway right-of-way intersects with the south city limits of Everett; thence southerly along said right-of-way to its intersection with 61st Street extended; thence west along 61st Street extended to its intersection with the new Alternate PSH-1 (U.S. 99 by-pass); thence southerly along said U.S. 99 by-pass to its intersection with 84th Street; thence west along 84th Street to the Upper Ridge Road; thence northerly along the Upper Ridge Road, including 78th Place S.W. and 76th Place S.W., to the Beverly Park Maple Heights Road; thence northerly along the Beverly Park-Maple Heights Road to the 7th Standard Parallel North; thence west on said parallel to the east line of Section 3, T. 28 N., R. 4 E.W.M.; thence south on said line to the east-west centerline of said Section 3; thence west on said centerline to the east city limits of Mukilteo; thence northerly and westerly following the city limits of Mukilteo to the shore line of Possession Sound and/or Port Gardner Bay; thence easterly along said shoreline to the west city limits of Everett. Also in that portion of Snohomish County described as follows: Starting at the points where 40th Ave. W. extended intersects with the north boundary of Paine Field; thence east on said north boundary to the east boundary of Paine Field; thence south to a line 100 feet north of 90th Street S.W.; thence east on this line to U.S. Highway 99 (no service to be rendered on Kelly-Corbin Road); thence north on a line one block west of U.S. Highway 99 to its intersection with 84th Street S.W.; thence west on the south side of 84th Street S.W. to Upper Ridge Road; thence north on Upper Ridge Road (with no service to be rendered on Upper Ridge Road) to Beverly Park-Maple Heights Road; thence following the west side of the Beverly Park Maple Heights road to the 7th Standard Parallel North; thence west on said parallel to the east line of Section 3, T. 28 N., R. 4 E.W.M.; thence south on said line to the east-west centerline of said Section 3; thence west on said centerline to the east city limits of Mukilteo; thence southerly and easterly following said city limits to 40th Ave. W. extended; thence south on 40th Ave. W. extended to the north boundary of Paine Field, the place of beginning. (2) East of Everett: Beginning at the point where Hewitt Avenue (PSH-15) intersects with the city limits of Everett; thence east on Hewitt Avenue extended to the southeast corner of Section 21, T. 29 N., R. 6 E.W.M.; thence north on the east line of said Section 21 extended to the northeast corner of Section 4, T. 29 N., R.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



By _____

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Continuation Page

6 E.W.M.; thence west on the north line of said Section 4 extended to the point where it intersects with the southerly shore of Steamboat Slough; thence westerly along said shoreline to Port Gardner Bay; thence southerly along the shoreline of said bay to the north city limits of Everett.

The following authority was obtained by transfer from Basin Disposal, Inc. holder of Certificate No. G-118.

GARBAGE AND WASTE MATERIALS COLLECTION SERVICE From within that portion of Snohomish County described as follows: Bounded on the north by the south city limits line of the City of Everett extended east to its intersection with the New Broadway Cut-off (alternate PSH-1); thence south on the New Broadway Cut-off to its intersection with Pacific Northwest Traction Company Road; thence south on both sides of said road to its intersection with Stockshow Road; thence west along the north side of Stockshow Road to its intersection with 8th Ave. W. extended; thence north on 8th Ave. W. extended to the intersection of 9th Ave. W. and U.S. 99; thence westerly and northerly on 9th Ave. W. to its intersection with 100th St. S.W. and Holly Drive; thence west on 100th St. S.W. (but not including 100th St. S.W.) to 12th Ave. W. extended (West boundary of Sec. 13, TWP 28 N., Range 4 E.); thence north on 12th Ave. W. extended to a point 100 Ft. north of 90th St. S.W.; thence east on a line 100 Ft. north of 90th St. S.W. to U.S. 99 (service is authorized on both sides of the Kelly-Corbin Road for its entire extent); thence northeast along U.S. Highway 99 (both sides) to its intersection with 84th St. S.W.; thence west on the north side of 84th St. S.W. to its intersection with Upper Ridge Road; thence north on both sides of Upper Ridge Road to its intersection with the Beverly Park-Maple Heights Road to its intersection with the south city limits of Everett.

GARBAGE AND REFUSE COLLECTION SERVICE In that portion of Snohomish County described as follows: From the Snohomish County Airport for the account of Tyee Aircraft, Inc., only, to the City of Everett dump.

REFUSE AND DEBRIS COLLECTION SERVICE consisting of lumber brick, tile and other cast-off materials (excluding regular garbage collection service) from premises where construction or repair jobs are being or have been conducted or structures are being or have been razed in Snohomish County (except for starting from Puget Sound at 148th St. S.W. to Highway 99, thence South on 99 to 35th Avenue S.W., thence South on 35 to 164th St. S.W., thence East on 164th St. S.W. including the City of Mill Creek present City Limits to Seattle Hill Road, thence North to Seattle Hill Road to Lowell-Larimer Road, thence Southeast on Lowell-Larimer Road and Connelly Road which runs into Elliott Road which connects with high Bridge Road

to the King County Line, thence West to Puget Sound following the King County Line, thence North along the shoreline of Puget Sound to the point of beginning.)

01-11-00



P. O. BOX 1029 • EVERETT, WA 98206-1029
(425) 259-0044 • FAX (425) 339-4196

MEDICAL WASTE CHARGES PER PICKUP PER GALLON
(Collector provided containers)

QUANTITY	RATE	QUANTITY	RATE	QUANTITY	RATE
0-10	2.00	251-260	0.80	611-630	0.54
11-20	1.67	261-270	0.79	631-660	0.53
21-30	1.64	271-280	0.77	661-680	0.52
31-40	1.61	281-290	0.76	681-700	0.51
41-50	1.60	291-300	0.75	701-720	0.50
51-60	1.57	301-310	0.74	721-740	0.49
61-70	1.49	311-320	0.73	741-760	0.48
71-80	1.42	321-330	0.72	761-780	0.47
81-90	1.35	331-340	0.71	781-800	0.46
91-100	1.28	341-360	0.70	801-830	0.45
101-110	1.22	361-370	0.69	831-850	0.44
111-120	1.16	371-380	0.68	861-870	0.43
121-130	1.12	381-400	0.67	871-900	0.42
131-140	1.07	401-410	0.66	901-920	0.41
141-150	1.04	411-430	0.65	921-950	0.40
151-160	1.00	431-440	0.64	951-980	0.39
161-170	0.97	441-460	0.63	981-1000	0.34
171-180	0.95	461-480	0.62	1001-1700	0.37
181-190	0.92	481-500	0.61	Over 1700	0.31
191-200	0.90	501-520	0.60		
201-210	0.88	521-540	0.59		
211-220	0.86	541-550	0.58		
221-230	0.84	551-570	0.57		
231-240	0.83	571-590	0.56		
241-250	0.81	591-610	0.55		

NOTE 1: Container sizes offered are 10, 20, and 35 gallons. Credit shall not be given for partially empty containers.

NOTE 2: Minimum charge, \$20.00 per pickup.

NOTE 3: Compaction of material shall not be allowed. The following is the maximum weight allowed per container:

- 10 gallon box - 25 pounds.
- 20 gallon box - 35 pounds.
- 35 gallon box - 45 pounds.

NOTE 4: A late charge will be added for any account which remains unpaid at the time of the next regular billing in the amount of 1%, minimum \$1.00.