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4 BEFORE THE WASHINGTON UTILITIES  
AND TRANSPORTATION COMMISSION

5 In the Matter of the Petition of  
6 STERICYCLE OF WASHINGTON, INC.,  
7  
8 For an Order Suspending Tariff Filing and  
Initiating an Adjudicatory Proceeding  
9 concerning the Abandonment of Authority  
10 Under G-237 and Proposed Biomedical Waste  
Collection and Transportation Services of  
11 Waste Management of Washington, Inc., dba  
WM Healthcare Solutions (G-237)

Docket No. TG-110553

ANSWER OF WASTE MANAGEMENT  
OF WASHINGTON, INC. TO  
COMPLAINT AND PETITION OF  
STERICYCLE

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14 1. Respondent Waste Management of Washington, Inc. ("Waste Management")  
15 answers Complainant Stericycle of Washington, Inc.'s ("Stericycle") Complaint and Petition  
16 ("Complaint") and asserts affirmative or other defenses as follows:

17 **ANSWER**

- 18 2. Waste Management admits Paragraph 1.  
19 3. Waste Management denies Paragraph 2.  
20 4. Waste Management denies that Stericycle is entitled to any of the relief requested  
21 in Paragraph 3. Waste Management denies each of the remaining allegations in Paragraph 3.  
22 5. Paragraph 4 does not state any factual allegations to which an answer is required.  
23 Waste Management denies that Stericycle is entitled to relief under any of the stated laws or  
24 rules.  
25 6. Answering Paragraph 5, Waste Management admits that it filed a tariff for  
26 biomedical waste collection rates under the one-day notice provision of WAC 480-70-261 on

1 March 18, 2011, and that the filing speaks for itself, and that having a tariff rate in effect will  
2 allow Waste Management to perform regulated biomedical waste collection and transportation  
3 services within the territory authorized by Certificate G-237. Waste Management denies each of  
4 the remaining allegations in Paragraph 5.

5 7. Answering Paragraph 6, Waste Management admits that it hired former Stericycle  
6 employees, that the former Stericycle employees had some information about Stericycle's  
7 business, and that Waste Management employees have discussed biomedical waste collection  
8 and transportation services and rates with Washington customers including some that previously  
9 were served by Stericycle. Waste Management denies each of the remaining allegations in  
10 Paragraph 6 and specifically denies the implication that Waste Management's employees made  
11 improper use of any confidential or proprietary Stericycle business information.

12 8. Answering Paragraph 7, Waste Management denies that Stericycle does not  
13 oppose fair competition if in the public interest and initiated in accordance with the requirements  
14 of applicable law. Waste Management admits each of the remaining allegations in Paragraph 7.

15 9. Answering Paragraph 8, Waste Management admits that its parent company and  
16 Stericycle's parent company executed an agreement in 1996 and that the agreement speaks for  
17 itself. Waste Management denies each of the remaining allegations in Paragraph 8.

18 10. Answering Paragraph 9, Waste Management denies that Stericycle is entitled to  
19 the relief requested. Waste Management denies each of the remaining allegations in  
20 Paragraph 9.

21 11. Answering Paragraph 10, Waste Management admits that its biomedical waste  
22 collection services will be offered in the territory authorized by the Commission in Certificate G-  
23 237 and that Certificate G-237 speaks for itself. Waste Management denies each of the  
24 remaining allegations in Paragraph 10.

25 12. Answering Paragraph 11, Waste Management admits that its biomedical waste  
26 collection services will be offered in the territory authorized by the Commission in Certificate G-

1 237 and that Stericycle is required to provide services pursuant to Certificate G-244, which  
2 Certificate speaks for itself. Waste Management denies that Stericycle is entitled to the relief  
3 requested in Paragraph 11. Waste Management denies each of the remaining allegations in  
4 Paragraph 11.

5 13. Answering Paragraph 12, Waste Management admits that biomedical waste  
6 collection, transportation and disposal services require specialized expertise and specialized  
7 equipment as well as access to a waste processing and disposal facility and that WAC 480-70-  
8 426 speaks for itself. Waste Management denies that Stericycle is entitled to the relief requested  
9 in Paragraph 12. Waste Management denies each of the remaining allegations in Paragraph 12.

10 14. Answering Paragraph 13, Waste Management admits that it is the subsidiary of a  
11 corporation engaged in solid waste collection and disposal in Washington. Waste Management  
12 denies that Stericycle is entitled to the relief requested in Paragraph 13. Waste Management  
13 specifically denies that Stericycle is a “smaller competitor” and denies each of the remaining  
14 allegations in Paragraph 13.

15 15. Waste Management denies Subheading D.

16 16. Waste Management denies the first sentence of Paragraph 14. Waste  
17 Management admits that the cited case speaks for itself. Waste Management denies each of the  
18 remaining allegations in Paragraph 14.

19 17. Waste Management denies the first sentence of Paragraph 15. Waste  
20 Management admits that the cited case speaks for itself. Waste Management denies each of the  
21 remaining allegations in Paragraph 15.

22 18. Answering Paragraph 16, Waste Management admits that the cited cases and  
23 statute speak for themselves. Waste Management denies each of the remaining allegations in  
24 Paragraph 16.

25 19. Answering Paragraph 17, Waste Management admits that pursuant to a 1996  
26 agreement with Stericycle’s parent company, Waste Management’s parent company

1 contractually agreed not to provide biomedical waste collection services in competition with  
2 Stericycle for a term of years. Waste Management further admits that the comments it filed in  
3 Docket No. TG-110287 speak for themselves. Waste Management denies each of the remaining  
4 allegations in Paragraph 17.

5 20. Answering Paragraph 18, Waste Management admits that it has not had a tariff  
6 for biomedical waste collection for the past 15 years. Waste Management denies that Stericycle  
7 is entitled to any of the relief requested in Paragraph 18. Waste Management denies each of the  
8 remaining allegations in Paragraph 18.

9 21. Waste Management denies Subheading E.

10 22. Answering Paragraph 19, Waste Management admits that the cited case speaks  
11 for itself. Waste Management denies each of the remaining allegations in Paragraph 19.

12 23. Waste Management denies Paragraph 20.

13 24. Answering Paragraph 21, Waste Management admits that the Commission has the  
14 authority specified in the cited statutes and that the cited statutes and case speak for themselves.  
15 Waste Management denies each of the remaining allegations in Paragraph 21.

16 25. Answering Paragraph 22, Waste Management admits that the cited statutes and  
17 regulation speak for themselves. Waste Management denies each of the remaining allegations in  
18 Paragraph 22.

19 26. Answering Paragraph 23, Waste Management admits that the cited statute speaks  
20 for itself. Waste Management denies that Stericycle is entitled to the relief requested in  
21 Paragraph 23. Waste Management denies each of the remaining allegations in Paragraph 23.

22 27. Waste Management denies that Stericycle is entitled to the relief requested in  
23 Subheading F.

24 28. Answering Paragraph 24, Waste Management admits that the cited regulation  
25 speaks for itself and that the Commission has the authority granted to it by the Legislature.  
26

1 Waste Management denies that Stericycle is entitled to the relief requested in Paragraph 24.

2 Waste Management denies each of the remaining allegations in Paragraph 24.

3 29. Waste Management denies that Stericycle is entitled to the relief requested in  
4 Paragraph 25.

5 **AS FURTHER, AFFIRMATIVE, AND OTHER DEFENSES,** Waste Management  
6 alleges as follows:

7 30. The Complaint fails to state a claim upon which relief may be granted.

8 31. There exists no case or controversy.

9 32. Stericycle's injuries or damages (which are expressly denied) resulted in whole or  
10 in part from Stericycle's own conduct or fault and these claims should be barred accordingly.

11 33. Granting the relief requested would result in an unlawful taking.

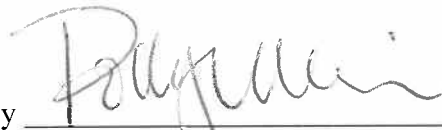
12 **PRAYER FOR RELIEF**

13 WHEREFORE, Waste Management requests:

- 14 a. That the Commission dismiss Stericycle's Complaint with prejudice; and  
15 b. That the Commission grant such other or further relief as is just and equitable.

16 DATED this 21<sup>st</sup> day of April, 2011.

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19 By



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### 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.

Steven B. Johnson Donald B. Scaramastra Garvey Schubert Barer 1191 Second Ave., Suite 1800 Seattle, WA 98101 (206) 464-3939 sjohnson@gsblaw.com	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input checked="" type="checkbox"/> Via U.S. Mail <input type="checkbox"/> Via Email
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DATED at Seattle, Washington, this 21st day of April, 2011.

  
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Kathy Moll