

[Service Date April 21, 2011]

April 21, 2011

**NOTICE GRANTING AGREED CONTINUANCE  
(Responses continued to May 2, 2011)**

*RE: Stericycle of Washington, Inc. v. Waste Management of Washington, Inc.,<sup>1</sup>*  
Docket TG-110553

TO ALL PARTIES:

On March 21, 2011, Stericycle of Washington, Inc. (Stericycle), filed a complaint and petition (complaint), with the Washington Utilities and Transportation Commission (Commission) against Waste Management of Washington, Inc. (Waste Management). The complaint challenges the authority of Waste Management to engage in biomedical waste collection and transportation for compensation under Certificate G-237 without a specific grant of authority by the Commission. Stericycle alleges, among other things, that Waste Management has abandoned any authority once provided by Certificate G-237 for such services and that the initiation of such services by Waste Management is therefore unauthorized and unlawful. Stericycle requests the Commission issue an order amending and restricting Certificate G-237 to expressly exclude biomedical waste collection and transportation services. The Commission set the matter for hearing.

On April 12, 2011, Waste Management filed a Motion to Dismiss Stericycle's Complaint and Petition. On April 20, 2011, Stericycle filed its Motion for Extension of Time and for Expedited Consideration. Stericycle asks for an extension of time to file its response to

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<sup>1</sup> This matter previously has borne the caption: *In the Matter of the Complaint and Petition of STERICYCLE OF WASHINGTON, INC., for an Order Suspending Tariff Filing and Initiating an Adjudicatory Proceeding Concerning the Abandonment of Authority under G-237 and Proposed Biomedical Waste Collection and Transportation Services of Waste Management of Washington, Inc., d/b/a WM Healthcare Solutions (G-237)*. This does not appear to be an appropriate caption for a private party complaint brought under RCW 81.04.110. Henceforth, absent further direction from the Commission, this matter will be styled in the form used in this Notice.

Waste Management's Motion to Dismiss, currently due on April 25, 2011,<sup>2</sup> "until a time to be set following the prehearing conference now scheduled for April 29, 2011 and the issuance of a scheduling order by the Administrative Law Judge." Stericycle's rationale essentially is that this will promote judicial economy and preserve the parties' resources.

Waste Management responds that "Waste Management is willing to agree to a one-week extension that would allow the parties' responses to be filed on May 2, 2011." A longer extension could cause prejudice to it, according to the response.

Stericycle's request for an indefinite continuance of the date provided by the Commission's procedural rules as the deadline for it to file a response to Waste Management's motion is not well taken. WAC 480-07-385(4) provides that "The commission will grant continuances only to a specified date." The Commission, considering Waste Management's agreement in its response to an extension until May 2, 2011, will treat this as if it were a first agreed continuance. WAC 480-07-385(2) provides that "The commission will grant a timely request to which all parties expressly agree unless it is inconsistent with the public interest or the commission's administrative needs."

**THE COMMISSION GIVES NOTICE THAT the date for any responses to Waste Management's motion to dismiss Stericycle's complaint is continued to May 2, 2011.**

Sincerely,

DENNIS J. MOSS  
Administrative Law Judge

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<sup>2</sup> The date ordinarily would be April 22, 2011. That day, however, is a state temporary layoff day and the Commission will be closed.