

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Application of

WASTE MANAGEMENT OF
WASHINGTON, INC. D/B/A WM
HEALTHCARE SOLUTIONS OF
WASHINGTON

For an extension of Certificate G-237 for a
Certificate of Public Convenience and
Necessity to Operate Motor Vehicles in
Furnishing Solid Waste Collection Service

DOCKET TG-120033

WASHINGTON UTILITIES AND
TRANSPORTATION
COMMISSION STAFF LATE-
FILED PETITION TO INTERVENE

1 Pursuant to WAC 480-07-355(1)(b), the Staff of the Washington Utilities and
Transportation Commission (“Staff”) hereby petitions for leave to intervene as a party in
Docket TG-120033. Should the petition be granted, Staff expects that its participation in
this matter will focus on legal issues, such as the interpretation of RCW Chapter 81.77 and
prior decisions of the Washington Utilities and Transportation Commission (“Commission”)
involving solid waste.

2 The undersigned counsel has spoken with the attorneys for the existing parties about
this motion. Counsel for Waste Management and the Washington Refuse and Recycling
Association stated that they do not oppose Staff’s intervention.

I. ITEMS REQUIRED BY WAC 480-07-355(1)(c)

3 Petitioner’s Name and Address:

Washington Utilities and Transportation Commission Staff
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250

4 Petitioner's Interest in the Proceeding:

Staff implements the rules, orders, and policies of the Commission under its governing statutes. Staff is not aligned with any of the existing parties in this matter, but Staff seeks a voice in the interpretation of the legal documents that will guide the Commission's decision.

5 Petitioner's Position with Respect to the Matters in Controversy:

At this time, Staff takes no position on whether Waste Management's application should be granted. Staff expects that its participation will be limited, and will focus on legal issues, such as the interpretation of RCW Chapter 81.77 and prior Commission orders.

6 Whether the Petitioner Proposes to Broaden the Issues:

Staff does not seek to broaden the issues in this matter.

7 Name and Address of Petitioner's Attorney

Fronda Woods
Assistant Attorney General
Washington Attorney General's Office
Utilities & Transportation Division
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128

II. STAFF SHOULD BE PERMITTED TO INTERVENE

8 Staff appeared at the April 10, 2012, Prehearing Conference in this matter in response to a notice issued in Docket TG-112025 inviting the parties in that docket to discuss whether the Commission should consolidate Dockets TG-120033 and TG-112025. Staff is a party in Docket TG-112025. During the April 10 Prehearing Conference, Staff recommended that the Commission not consolidate the two matters, but stated that Staff did not expect at that time to participate in Docket TG-120033, the existing parties being represented by able and experienced counsel.

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On April 16, 2012, the Commission issued a Prehearing Conference Order in Docket TG-120033. Paragraph 5 of that order states that the “Commission will not consolidate the dockets at this time but will require joint briefing on a preliminary legal issue as described below.” Paragraph 6 calls for briefing from the parties in Docket TG-112025, as well as those in Docket TG-120033, on “the legal issue of the interpretation of the provision in RCW 81.77.040 that the Commission may issue a certificate for a service territory served by another certificate holder ‘only if the existing solid waste collection company or companies serving the territory will not provide service to the satisfaction of the commission.’”¹

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Regardless of how Docket TG-112025 proceeds, Staff has an interest in the legal issue framed in Paragraph 6 of the Prehearing Conference Order in Docket TG-120033 and understands that the Commission expects Staff to provide its views. Staff may wish to provide its views on other legal issues that may develop in Docket TG-120033. Because Staff has unique experience working with RCW Chapter 81.77 and prior Commission orders, Staff’s participation is in the public interest under WAC 480-07-355(3).

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Staff’s petition to intervene is timely. The existing parties have already asked the presiding officer to adjust the procedural schedule set out in the Prehearing Conference Order. Staff’s entry will not disrupt the process.

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¹ At this time, it appears that no companion order has been issued in Docket TG-112025.

II. CONCLUSION

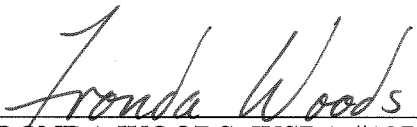
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Commission Staff's petition to intervene should be granted under WAC 480-07-355.

DATED this 18th day of April, 2012.

Respectfully submitted,

ROBERT M. MCKENNA
Attorney General


FRONDA WOODS, WSBA #18728
Assistant Attorney General
Counsel for Washington Utilities and
Transportation Commission Staff