

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of	)	DOCKET TG-112025
	)	
SPARTAN ENVIRONMENTAL LLC	)	ORDER 02
	)	
For a Certificate of Public Convenience	)	
and Necessity to Operate Motor	)	INITIAL ORDER GRANTING
Vehicles in Furnishing Solid Waste	)	MOTION TO WITHDRAW
Collection Service	)	APPLICATION, VACATING
	)	PROCEDURAL SCHEDULE, AND
	)	CLOSING DOCKET
.....	)	

**BACKGROUND**

1 On November 21, 2011, Spartan Environmental LLC (Spartan), filed with the Washington Utilities and Transportation Commission (Commission) an application for a certificate of public convenience and necessity to operate motor vehicles in furnishing solid waste collection service consisting of bio-hazardous and biomedical waste in the state of Washington. Notice of the Application was published in the Commission’s weekly Docket on November 29, 2011. On December 12, 2011, a protest against Spartan’s application was filed jointly by Washington Refuse & Recycling Association, Rubatino Refuse Removal, Inc., Consolidated Disposal Services, Inc., Murrey’s Disposal, Inc., and Pullman Disposal Service, Inc. On December 16, 2011, Stericycle of Washington, Inc. filed a protest against Spartan’s application. On December 29, 2011, Waste Management of Washington, Inc. d/b/a/ WM Healthcare Solutions of Washington filed a protest against Spartan’s Application.

2 The Commission convened a prehearing conference in this docket at Olympia, Washington on February 1, 2012, before Administrative Law Judge Martin Lovinger. In a Prehearing Conference Order (Order 01), the Commission established a procedural schedule.

3 On April 27, 2012, Spartan filed a motion to withdraw its application without prejudice.

4 On April 30, 2012, all other parties to this matter stated that they had no opposition to the Commission granting Spartan's motion.

**DISCUSSION**

5 *Motion to Withdraw Application.* The Commission's rule, WAC 480-07-380(3)(b), provides that a party may withdraw from a proceeding only upon permission granted by the Commission if the Commission has commenced an adjudicative proceeding. The Commission will grant a party's motion if it is in the public interest. In this case, Spartan no longer wishes to pursue its application and there is no opposition. The Commission concludes that withdrawal of the application is in the public interest under these circumstances.

**ORDER**

6 THE COMMISSION ORDERS That:

- 7 (1) The motion of Spartan Environmental, LLC to withdraw its application  
without prejudice to re-file the same or a similar application in the future is  
granted.
- 8 (2) The current procedural schedule is vacated.
- 9 (3) Docket TG-112025 is closed.

DATED at Olympia, Washington, and effective May 1, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARTIN LOVINGER  
Administrative Law Judge

### NOTICE TO PARTIES

This is an Initial Order. The action proposed in this Initial Order is not yet effective. If you disagree with this Initial Order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this Initial Order, and you would like the Order to become final before the time limits expire, you may send a letter to the Commission, waiving your right to petition for administrative review.

WAC 480-07-825(2) provides that any party to this proceeding has twenty (20) days after the entry of this Initial Order to file a *Petition for Administrative Review*. What must be included in any Petition and other requirements for a Petition are stated in WAC 480-07-825(3). WAC 480-07-825(4) states that any party may file an *Answer* to a Petition for review within ten (10) days after service of the Petition.

WAC 480-07-830 provides that before entry of a Final Order any party may file a Petition to Reopen a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. No Answer to a Petition to Reopen will be accepted for filing absent express notice by the Commission calling for such answer.

RCW 80.01.060(3) provides that an Initial Order will become final without further Commission action if no party seeks administrative review of the Initial Order and if the Commission fails to exercise administrative review on its own motion.

One copy of any Petition or Answer filed must be served on each party of record with proof of service as required by WAC 480-07-150(8) and (9). An original and **seven (7)** copies of any Petition or Answer must be filed by mail delivery to:

Attn: David W. Danner, Executive Director and Secretary  
Washington Utilities and Transportation Commission  
P.O. Box 47250  
Olympia, Washington 98504-7250