



Bob Ferguson

ATTORNEY GENERAL OF WASHINGTON

Utilities and Transportation Division

1400 S Evergreen Park Drive SW • PO Box 40128 • Olympia WA 98504-0128 • (360) 664-1183

January 25, 2013

David W. Danner, Executive Director and Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P.O. Box 47250
Olympia, Washington 98504-7250

RE: *In re Application of Waste Management of Washington, Inc. d/b/a WM Healthcare
Solutions of Washington*
Docket TG-120033

Dear Mr. Danner:

Enclosed for filing in the above-referenced docket are the original and four copies of the
Commission Staff Reply Brief, and Certificate of Service.

Sincerely,

STEVEN W. SMITH
Assistant Attorney General

SWS:klg

Enclosures

cc: Parties (*via e-mail*)

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

DOCKET TG-120033

COMMISSION STAFF REPLY
BRIEF

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

- 1 The Staff of the Washington Utilities and Transportation Commission (“Staff”) submits this reply brief in response to the post-hearing briefs of the other parties.
- 2 Staff’s Post-Hearing Brief primarily addresses the issue of Waste Management’s fitness to provide the service proposed in its application. Staff concluded that Waste Management had established its fitness. The other parties appear to agree with the Staff’s position on fitness.
- 3 Stericycle’s briefing, in any event, does not challenge Waste Management’s fitness. In its brief, Washington Refuse and Recycling Association (WRRRA) concedes that the “fitness test” can be met by Waste Management.¹ WRRRA, however, contends that the Commission should be concerned with the “eventual profitability of the proposed service, and the subsidization of same by the parent company for a period of time.” In particular, WRRRA asserts that there was no testimony as to how long the corporate parent is willing to

¹ WRRRA Post Hearing Brief at 2.

subsidize Waste Management until its medical waste service becomes profitable.² Waste Management witness Michael Weinstein, however, did testify that WMI will continue to absorb the costs of Waste Management's medical waste operation until Waste Management achieves profitability.³

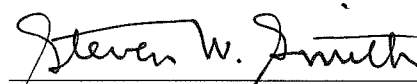
4 As noted in Staff's Post Hearing Brief, evidence of support from a parent company is evidence of financial fitness. Moreover, an applicant meets the test of financial fitness if it provides credible evidence that it has sufficient financing to begin and continue its operations for a reasonable time while its business grows.⁴ Mr. Weinstein's representation that the well-capitalized parent WMI will provide financial support until Waste Management's biomedical waste service becomes profitable satisfies this test.

5 For these reasons, and the reasons set forth in Staff's Opening Brief, Staff is satisfied that Waste Management has established its fitness to provide the proposed service.

DATED this 25th day of January 2013.

Respectfully submitted,

ROBERT W. FERGUSON
Attorney General of Washington



STEVEN W. SMITH
Assistant Attorney General
Counsel for Washington Utilities and
Transportation Commission Staff

² WRRRA Post Hearing Brief at 4.

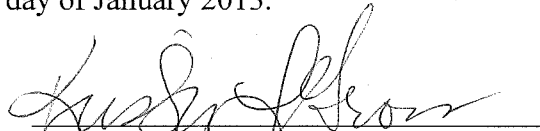
³ Weinstein, Exh. No. MAW-16T, ¶12.

⁴ Staff Post Hearing Brief, ¶¶16-17.

Docket TG-120033
CERTIFICATE OF SERVICE

I hereby certify that I have this day served the attached Commission Staff Reply Brief upon the persons and entities listed on the Service List below *via e-mail*.

DATED at Olympia, Washington this 25th day of January 2013.


KRISTAL L. GROSS

For Waste Management of Washington:

Jessica Goldman
Polly L. McNeill
Summit Law Group
315 Fifth Ave., S, Suite 1000
Seattle, WA 98104-2682
Phone: (206) 676-7040
E-mail: jessicag@summitlaw.com
pollym@summitlaw.com

For Stericycle of Washington:

Stephen B. Johnson
Jared Van Kirk
Garvey, Schubert & Barer
1191 2nd Ave., Suite 1800
Seattle, WA 98101-2939
Phone: (206) 464-3939
E-mail: sjohnson@gsblaw.com
jvankirk@gsblaw.com

***WRRRA, Rubatino Refuse, Consolidated
Disposal, Murrey's Disposal and
Pullman Disposal:***

James K. Sells
PMB 22 3110 Judson Street
Gig Harbor, WA 98335
Phone: (360) 981-0168
E-mail: jamessells@comcast.net