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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In Re Application of
WASTE MANAGEMENT OF
WASHINGTON, INC.
d/b/a WM Healthcare Solutions
of Washington
720 4th Ave. Ste 400
Kirkland, WA 98033-8136

Docket No. TG-120033

JOINT MOTION FOR EXTENSION OF
TIME TO FILE PETITIONS FOR
ADMINISTRATIVE REVIEW

1. Stericycle of Washington, Inc. (“Stericycle”), through its attorneys Garvey Schubert Barer and Jared Van Kirk, and Rubatino Refuse Removal, Inc.; Consolidated Disposal Services, Inc; Murrey's Disposal, Inc.; Pullman Disposal Service, Inc., and WRRRA (“WRRRA Protestants”), through their attorney James Sells, jointly move the Commission for an Order extending the time for filing Petitions for Administrative Review to March 28, 2013, close of business, with service by email that day, hard copy to be mailed that day.

2. Good cause for this extension exists to allow newly associated counsel to fully review the proceedings in this matter and to assist the WRRRA Protestants in preparing WRRRA Protestants’ Petition for Administrative Review. Good cause further exists due to the unexpected hospitalization yesterday of the wife of Stericycle’s chief briefing counsel due to complications in a late-term pregnancy. Together with a long planned absence from work by Stericycle’s senior counsel, these conditions justify a modest three week delay in the deadline

1 for filing Petitions for Administrative Review. The Initial Decision in this application
2 proceeding purports to change the law that has governed applications for overlapping authority
3 in solid waste cases for over 20 years. The parties and the Commission will be well served by
4 allowing adequate time for preparing Petitions addressing on this important issue.

5 3. This Motion is based upon WAC 480-07-825(2) and the Declarations of Jared
6 Van Kirk and James Sells filed herewith.

7 4. Protestants' deadline for filing Petitions for Review in the above captioned
8 matter is currently March 6, 2013. Mr. Sells initially proposed to all parties that this deadline
9 be extended to March 18, 2013. As set forth in his attached declaration, given the nature of the
10 Initial Order, the WRRRA Protestants have determined that it is necessary to associate additional
11 counsel to assist with WRRRA Protestants' Petition for Review. Declaration of James K. Sells.
12 To effectively represent the WRRRA Protestants, newly associated counsel will need adequate
13 time to review the prior proceedings, including substantial hearing transcripts. *Id.*

14 5. Commission Staff indicated that it would not oppose the request of WRRRA
15 Protestants for extension of time. *Id.* Stericycle agreed to join the motion proposed by WRRRA
16 Protestants. This extension of time is warranted by the nature of the Initial Decision, which on
17 its own terms disregards established Commission precedent and applies law that is different
18 than the existing law applicable for over 20 years in medical waste application proceedings.

19 6. A motion was drafted and prepared for filing on February 26, 2013. However,
20 Mr. Van Kirk asked that the joint motion be held to allow Stericycle to seek an additional
21 extension of time due to a hospitalization and medical complications in Mr. Van Kirk's family
22 the previous evening. Declaration of Jared Van Kirk. As Mr. Van Kirk's attached declaration
23 states, on the evening of February 25, 2013 his wife was hospitalized for complications in her
24 pregnancy, which is entering its final month. *Id.* As of the drafting of this motion, Mrs. Van
25 Kirk remains hospitalized and is being advised that continued hospitalization or strict bed rest
26 will likely be necessary for the remainder of her pregnancy, approximately two to four weeks.

1 *Id.* During this time, Mr. Van Kirk will need to provide primary care to her and their three-
2 year-old daughter during working hours. *Id.* Needless to say, these events have disrupted Mr.
3 Van Kirk's preparation of Stericycle's Petition for Administrative Review and that disruption is
4 likely to continue for several weeks.

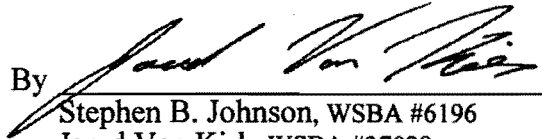
5 7. Mr. Van Kirk is the attorney for Stericycle who was primarily responsible for
6 representing Stericycle at the hearing on this matter and for drafting Stericycle's post-hearing
7 brief. Mr. Van Kirk is the attorney for Stericycle primarily responsible for drafting Stericycle's
8 Petition for Administrative Review and his participation is essential for that purpose. Given his
9 wife's health problems and related care-giving responsibilities, Mr. Van Kirk is unable to
10 prepare an appropriate Petition for Administrative Review for filing by the currently scheduled
11 March 6, 2013 deadline. Stericycle attorney Stephen Johnson is the senior attorney responsible
12 for reviewing and finalizing Stericycle's Petition. Mr. Johnson is scheduled to be out of the
13 country for a long-planned vacation from March 9 through March 21, 2013. In these
14 circumstances Stericycle respectfully requests an extension of the deadline for filing Petitions
15 for Administrative Review until March 28, 2013 so that Mr. Van Kirk is able to prepare
16 Stericycle's Petition and Mr. Johnson can assist in reviewing and finalizing the Petition before
17 it is filed.

18 8. Counsel for Waste Management has been informed of these requests and has
19 indicated that they would agree to a short extension until March 13, 2013, and would address a
20 request for a further extension at that time if necessary. However, given the needs of the
21 WRRRA's newly associated counsel, the unexpected limitations on Stericycle's chief drafting
22 counsel, the likelihood that those limitations will persist for several weeks, and the long
23 planned absence of Stericycle's senior counsel, Stericycle and the WRRRA defendants believe
24 that a modest extension of three weeks is appropriate under WAC 480-70-825(2), considering
25 the circumstances and the importance and precedential nature of the matters at issue.

26 DATED this 26th day of February, 2013.

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Respectfully submitted,
GARVEY SCHUBERT BARER

By 
Stephen B. Johnson, WSBA #6196
Jared Van Kirk, WSBA #37029
Attorneys for Protestant Stericycle of
Washington, Inc.

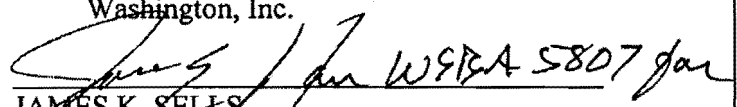
JAMES K. SELLS
WSBA No. 6040
Attorney for "WRRRA Protestants"

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Respectfully submitted,

GARVEY SCHUBERT BARER

By _____
Stephen B. Johnson, WSBA #6196
Jared Van Kirk, WSBA #37029
Attorneys for Protestant Stericycle of
Washington, Inc.



JAMES K. SELLS
WSBA No. 6040
Attorney for "WRRRA Protestants"

1 **CERTIFICATE OF SERVICE**

2 I, Dominique Barrientes, certify under penalty of perjury under the laws of the State of
3 Washington that, on February 26, 2013, I caused to be served on the person(s) listed below in
4 the manner shown a copy of JOINT MOTION FOR EXTENSION OF TIME TO FILE
5 PETITIONS FOR ADMINISTRATIVE REVIEW:

6 Washington Utilities and
7 Transportation Commission
8 1300 S. Evergreen Park Dr. SW
9 PO Box 47250
10 Olympia, WA 98504-7250
11 (360) 664-1160
12 records@utc.wa.gov

- 13 Via Legal Messenger
- 14 Via Facsimile
- 15 Via FedEx
- 16 Via Email

17 Administrative Law Judge
18 Gregory Kopta
19 gkopta@utc.wa.gov

- 20 Via Email

21 Jessica Goldman
22 Polly L. McNeill
23 Summit Law Group
24 315 – 5th Avenue South
25 Seattle, WA 98104
26 jessicag@summitlaw.com
pollym@summitlaw.com
kathym@summitlaw.com
deannas@summitlaw.com

- 27 Via Legal Messenger
- 28 Via Facsimile
- 29 Via U.S. Mail, First Class,
30 Postage Prepaid
- 31 Via Email

32 James K. Sells
33 Attorney at Law
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35 Gig Harbor, WA 98335
36 jamesells@comcast.net
cheryls@rsulaw.com
*Attorney for Protestant WRRRA,
Rubatino, Consolidated, Murrey's and
Pullman*

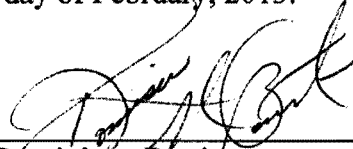
- 37 Via Legal Messenger
- 38 Via Facsimile
- 39 Via U.S. Mail, First Class,
40 Postage Prepaid
- 41 Via Email

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Steven W. Smith
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- Via Facsimile
- Via U.S. Mail, First Class,
Postage Prepaid
- Via Email

Dated at Seattle, Washington this 26th day of February, 2013.



Dominique Barrientes
dbarrientes@gsblaw.com