

**From:** Jessica Goldman [mailto:jessicag@SummitLaw.com]  
**Sent:** Monday, March 04, 2013 10:55 AM  
**To:** Kopta, Gregory (UTC)  
**Cc:** Steve Johnson; Polly McNeill; jamessells@comcast.net; Jared Van Kirk; Smith, Steve (UTC)  
**Subject:** Re: Renewed Request for Extension of Time/Request for Telephonic Hearing (Docket No. TG-120033)

Judge Kopta,

Waste Management remains opposed to any further continuance for the WRRRA Protestants and Waste Management does not oppose Stericycle's request.

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206.676.7062

On Mar 4, 2013, at 12:28 PM, "Kopta, Gregory (UTC)"  
<[Gkopta@utc.wa.gov](mailto:Gkopta@utc.wa.gov)<mailto:Gkopta@utc.wa.gov>> wrote:

Ms Goldman,

I am not inclined to have party-specific dates for filing petitions for administrative review. An extension of the deadline would apply to all parties. Does that change Waste Management's response to Stericycle's request?

Gregory J. Kopta  
Director, Administrative Law Division  
Washington Utilities and Transportation Commission  
(360) 664-1355

From: Jessica Goldman [<mailto:jessicag@SummitLaw.com>]  
Sent: Sunday, March 03, 2013 9:40 PM  
To: 'Steve Johnson'; Kopta, Gregory (UTC)  
Cc: Polly McNeill; [jamessells@comcast.net](mailto:jamessells@comcast.net)<mailto:jamessells@comcast.net>; Jared Van Kirk; Smith, Steve (UTC)  
Subject: RE: Renewed Request for Extension of Time/Request for Telephonic Hearing (Docket No. TG-120033)

Judge Kopta and Counsel,

Waste Management does not oppose Stericycle's renewed request for a continuance. However, based on the prior order, we will expect any petition for administrative review from the WRRRA Protestants by March 13.

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From: Steve Johnson [<mailto:SJohnson@gsblaw.com>]  
Sent: Friday, March 01, 2013 4:37 PM  
To: Kopta, Gregory (UTC)  
Cc: Jessica Goldman; Polly McNeill; [jamesells@comcast.net](mailto:jamesells@comcast.net)<<mailto:jamesells@comcast.net>>;  
Jared Van Kirk; [ssmith@utc.wa.gov](mailto:ssmith@utc.wa.gov)<<mailto:ssmith@utc.wa.gov>>  
Subject: RE: Renewed Request for Extension of Time/Request for Telephonic Hearing (Docket No. TG-120033)

Adding counsel for the Commission Staff.

From: Kopta, Gregory (UTC) [<mailto:Gkopta@utc.wa.gov>]  
Sent: Friday, March 01, 2013 3:17 PM  
To: Steve Johnson  
Cc: Jessica Goldman; Polly McNeill; [jamesells@comcast.net](mailto:jamesells@comcast.net)<<mailto:jamesells@comcast.net>>;  
Jared Van Kirk  
Subject: RE: Renewed Request for Extension of Time/Request for Telephonic Hearing (Docket No. TG-120033)

Mr. Johnson,

I will accept this message as a renewed request for further extension of the deadline and ask counsel for Waste Management or any other party to provide their responses in similar form by the end of the day on Monday. If there is a need to have a scheduling conference on Monday, we can arrange that as well, but you should contact the other parties to make that determination and then communicate it to me.

Gregory J. Kopta  
Director, Administrative Law Division  
Washington Utilities and Transportation Commission  
(360) 664-1355

From: Steve Johnson [<mailto:SJohnson@gsblaw.com>]  
Sent: Friday, March 01, 2013 3:00 PM  
To: Kopta, Gregory (UTC)  
Cc: Jessica Goldman; Polly McNeill; [jamesells@comcast.net](mailto:jamesells@comcast.net)<<mailto:jamesells@comcast.net>>;  
Jared Van Kirk; UTC DL Records Center  
Subject: Renewed Request for Extension of Time/Request for Telephonic Hearing (Docket No. TG-120033)

Dear Judge Kopta,

Further developments require us to renew our request for a further extension of time to file Stericycle's Petition for Administrative Review until March 28. Please accept this email as a motion for extension of time pursuant to WAC 480-07-825(2).

Jared Van Kirk's wife is suffering from preeclampsia and her medical condition has deteriorated. The situation is now sufficiently acute that, as of today, her doctors are advising that her delivery must be induced approximately March 9 at the latest. Jared is very much involved in dealing with his wife's medical situation – in addition, of course, to dealing with his 3-year-old daughter. He is getting some help from one or both grandmothers in caring for his daughter but his wife's medical situation requires his direct personal involvement with her and her doctors.

Our situation is this: Jared Van Kirk is the lawyer in our office with primary responsibility for preparing Stericycle's Petition for Administrative Review. Because Jared did most of the work on the Stericycle's Post-Hearing Brief and is most fully current on the issues that need to be addressed in the Petition, he was identified as the lawyer in our firm best able to prepare the Petition.

Shortly following the issuance of your Initial Order, Jared began work on the Petition. Of course, we did not know exactly when the Initial Order would be issued, so Jared had taken on other responsibilities and needed several days to wind up those matters. He began work on the Petition toward the end of last week. However, over last weekend, his wife began experiencing the symptoms of preeclampsia. This can be life threatening. She was admitted to the hospital on Monday, February 25, and remains there. Jared has been substantially knocked off the Petition project while dealing with this medical emergency this week. Given his wife's potentially life-threatening medical condition, the plan to induce her delivery no later than March 9, and his need to be involved in these medical matters next week and thereafter, we will not get any significant relief from the one-week extension you granted yesterday. After this weekend, Jared's ability to string together several consecutive days of focused work on the project prior to March 13 is unlikely.

I am the only other lawyer in our firm with the ability to prepare the Petition. However, because (a) we did not know when the Initial Order would be issued and (b) Jared was assigned primary responsibility for preparing Stericycle's Petition, I took on other responsibilities during this period. I have been occupied with those responsibilities this past week. It is simply not possible without essentially starting over for me to pick up the Petition project at this time. Even then, because I am less familiar with the record of the hearing and the research underlying the legal arguments presented in Stericycle's Post-Hearing Brief, I am definitely less capable than Jared to prepare an appropriate Petition. Further, as previously indicated, I will be out of the country on a long-planned vacation from March 9. Thus, even if I took over the project now and did nothing else (an impossibility, given my other responsibilities), I would have only 7 days from today to prepare the Petition. I will be out of the country for 5 of the 7 additional days you granted in your extension order yesterday.

If I could reschedule my vacation I would do it. However, my wife and I have purchased non-refundable airline tickets at a cost of over \$1,800 departing Seattle Saturday morning March 9 and returning late in the evening March 21. I have also paid a non-refundable hotel deposit of almost \$2,800. There are additional complications involving our commitment to share the cost of accommodations at a second location with another couple during this trip but perhaps this litany of difficulties is sufficient to make the point.

The upshot of all this is that Jared probably has only 4-5 days between now and March 13 that he can devote to preparation of Stericycle's Petition, perhaps less, and I have only a portion of the next 7 days.

I respectfully submit that the foregoing constitutes good cause for a further extension of the deadline to file Stericycle's Petition for Administrative Review and renew our request for an extension until March 28. Mrs. Van Kirk's medical condition should be resolved within the next two weeks, allowing Jared to complete the Petition for filing by March 28.

The further two week extension we are requesting will not significantly prejudice Waste Management, given the circumstances and the time already invested in these proceedings.

We certainly regret the medical emergency that has caused us to make this request but these circumstances are truly beyond our control. Your understanding will be appreciated.

We respectfully request that you schedule a telephonic hearing to consider this request on Monday, March 4, to hear from Waste Management concerning any objection Waste Management may have to this request and to allow us to answer any questions you may have concerning these circumstances.

Thank you.

STEPHEN B. JOHNSON

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