

[Service Date February 16, 2011]

February 16, 2011

NOTICE OF OPPORTUNITY TO COMMENT
(Due by March 4, 2011)

RE: *In re Petition of Stericycle of Washington, Inc., for an Order Suspending Tariff Filings and Initiating an Adjudicatory Proceeding Concerning the Proposed Biomedical Waste Collection and Transportation Services of Waste Management of Washington, Inc., dba WM Healthcare Solutions (G-237), Docket TG-110287*

TO ALL PARTIES AND INTERESTED PERSONS:

On February 10, 2011, the Washington Utilities and Transportation Commission (Commission) received a petition from Stericycle of Washington, Inc. (Stericycle or Petitioner) requesting that the Commission initiate an adjudicatory proceeding to consider imposing certain conditions and restrictions on the proposed entry of Waste Management of Washington, Inc. (Waste Management) into the business of collecting and transporting biomedical waste for disposal in Washington. The petition, however, does not allege that Waste Management has filed tariffs or otherwise has sought authority from the Commission to enter into the business of collecting and transporting biomedical waste for disposal in Washington or that Waste Management has entered into that business without Commission authority.

The Administrative Procedure Act and Commission rules authorize the Commission to “commence an adjudicative proceeding at any time with respect to any matter within its jurisdiction and within the scope of its authority.” WAC 480-07-305(1); *accord* RCW 34.05.413(1). “A person involved in an actual case or controversy subject to the Commission’s jurisdiction may apply to the Commission for an adjudicative proceeding by filing the appropriate form of pleading.” WAC 480-07-305(2). An actual case or controversy subject to the Commission’s jurisdiction does not appear to exist if Waste Management has not entered or sought Commission authority to enter into the business of collecting and transporting biomedical waste for disposal in Washington.

Before determining how best to proceed, including whether to conduct an adjudicatory proceeding in response to Stericycle's petition, the Commission seeks comments from the Petitioner, Waste Management, and any other interested parties concerning whether the petition seeks resolution of an actual case or controversy subject to the Commission's jurisdiction.

NOTICE IS GIVEN that Stericycle, Waste Management, and all other interested persons may provide comments on whether Stericycle's petition involves a case or controversy subject to the Commission's jurisdiction no later than Friday, March 4, 2011.

Sincerely,

GREGORY J. KOPTA
Director, Administrative Law Division