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WILLIAM K. RASMUSSEN

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September 20, 1994

VIA FEDERAL EXPRESS

Mr. Steve McLellan, Secretary
Washington Utilities and
Transportation Commission
1300 Evergreen Park Drive South
P.O. Box 9022
Olympia, WA 98504-9022

Re: The Disposal Group v. Waste Management Disposal
Services of Oregon d/b/a Oregon Waste Systems,
Washington Utilities and Transportation Commission
Docket No. TG-941154

Dear Mr. McLellan:

Enclosed for filing is the original and four copies of respondent Waste Management's Answer to the Formal Complaint of the Disposal Group, Inc. in the above-referenced matter. After filing the original Answer, please return one of the copies, conformed, to our office in the enclosed envelope.

Thank you for your assistance in this matter.

Very truly yours,

DAVIS WRIGHT TREMAINE



William K. Rasmussen

Enclosure

cc: Ms. Cynthia Horenstein
Mr. William Jeffry
Mr. Norman Wietting
Mr. Douglas Coenen
Mr. Robert Schille

25608\50\00017.LTR
Seattle

FAX: (206) 628-7040

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BEFORE THE UTILITIES AND TRANSPORTATION COMMISSION
OF THE STATE OF WASHINGTON

THE DISPOSAL GROUP, INC., dba)
VANCOUVER SANITARY SERVICE and)
TWIN CITY SANITARY SERVICE, a)
WASHINGTON CORPORATION (G-65);)
Complainant,)
vs.)
WASTE MANAGEMENT DISPOSAL)
SERVICES OF OREGON, INC., dba)
OREGON WASTE SYSTEMS, a)
DELAWARE CORPORATION;)
Respondent.)

NO. TG-941154

RESPONDENT'S ANSWER
TO FORMAL COMPLAINT
OF THE DISPOSAL GROUP,
INC.

Respondent, Waste Management Disposal Services of Oregon, Inc., d/b/a Oregon Waste Systems ("OWS"), through its attorneys William K. Rasmussen and Davis Wright Tremaine, 1501 Fourth Avenue, Suite 2600, Seattle, Washington 98101 files this Answer to the Formal Complaint of The Disposal Group, Inc. ("TDG").

I. ANSWER

1. Answering Paragraph 1 of the Formal Complaint, Respondent admits that TDG is a corporation duly organized under the laws of the State of Washington and that it holds a

RESPONDENT'S ANSWER - 1
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1 certificate from the Washington Utilities and Transportation
2 Commission (the "Commission") to haul solid waste in the
3 unincorporated areas of Clark County, and that Buchman Sanitary
4 Service, Inc. also holds such a certificate.

5 2. Respondent admits the allegations of Paragraph 2 of the
6 Formal Complaint.

7 3. Answering Paragraph 3, Respondent admits that it does
8 not possess a Certificate of Public Convenience and Necessity
9 from the Commission. Except as so admitted, Respondent denies
10 the remaining allegations of Paragraph 3.

11 4. Answering Paragraph 4, Respondent denies that it is
12 violating any law of the State of Washington or any regulation of
13 the Commission.

14 5. Answering Paragraph 5, Respondent denies that it is
15 engaged in the transportation of solid waste for compensation
16 upon the public highways of this state from or near 6200 Old
17 Lower River Road, Vancouver, Washington to the Columbia Ridge
18 Landfill in Arlington, Oregon. Respondent alleges that the
19 above-described transportation service is being performed by T&G
20 Trucking & Freight, Inc. ("T&G Trucking")

21 6. Answering Paragraph 6, Respondent alleges that the
22 documents attached as exhibits to the Formal Complaint speak for
23 themselves, and otherwise denies the allegations of Paragraph 6.

24 7. Respondent denies the allegations of Paragraph 7 of the
25 Formal Complaint.

RESPONDENT'S ANSWER - 2
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II. AFFIRMATIVE DEFENSES

As affirmative defenses, Respondent alleges as follows:

1. Respondent is not engaged in the collection and transportation of solid waste within the State of Washington and therefore is not subject to the regulation and jurisdiction of the Washington Utilities and Transportation Commission. The transportation service described in TDG's Formal Complaint is being performed by T&G Trucking, which TDG has wrongfully failed to name as a party in this proceeding.

2. Any infringement of T&G Trucking's right to perform the transportation at issue, or on Respondent's right to have the material transported to its site in Arlington, Oregon, violates Article I, Section 8 of the United States Constitution.

3. The transportation of the material at issue in this case is exempt from the requirements of RCW 81.77 by virtue of RCW 81.77.140.

4. The transportation at issue in this case is exempt from Commission regulation by virtue of the trailer-on-flatcar/container-on-flatcar (TOFC/COFC) regulations of 49 CFR 1090 promulgated by the Interstate Commerce Commission.

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III. PRAYER FOR RELIEF

Wherefore, Respondent requests that the Commission grant the following relief:

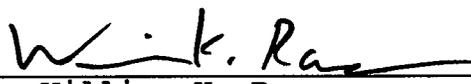
1. A dismissal of TDG's Formal Complaint with prejudice;

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2. Such other and further relief as is just and equitable and within the Commission's jurisdiction and authority.

Dated this 20th day of September, 1994.

DAVIS WRIGHT TREMAINE
Attorneys for Waste Management
Disposal Services of Oregon, Inc.,
d/b/a Oregon Waste Systems



William K. Rasmussen
WSBA #20029

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding by mailing same, postage prepaid, to:

Steve McClellan, Secretary (via Federal Express)
Washington Utilities and Transportation Commission
1300 Evergreen Park Drive South
P.O. Box. 9022
Olympia, WA 98504-9022

Cynthia A. Horenstein
Horenstein & Duggan
First Interstate Tower
900 Washington Street, Suite 900
P.O. Box 694
Vancouver, WA 98666
Attorney for The Disposal Group, Inc.

Dated this 20th day of September, 1994 at Seattle, Washington.



Christine Lewis