

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of

ECOMED SERVICES, LLC

For Authority to Operate as a Solid
Waste Collection Company in
Washington or Alternatively for
Exemptions from Commission Rules
Governing Regulated Collection of
Medical Waste

DOCKET TG-152373

ORDER 01

PREHEARING CONFERENCE
ORDER; NOTICE OF SECOND
PREHEARING CONFERENCE
**(Set for September 9, 2016, at
10:00 a.m.)**

- 1 **BACKGROUND.** On December 18, 2015, EcoMed Services, LLC (EcoMed or Company) filed with the Washington Utilities and Transportation Commission (Commission) an application for authority to operate as a solid waste collection company (Application).
- 2 On April 11, 2016, EcoMed filed with the Commission a petition for exemption (Petition) from Commission rules sufficient to enable EcoMed to transport medical waste solely for Multicare Health System either without a certificate of public convenience and necessity from the Commission or with a limited certificate. The Company seeks to be able to provide its proposed service either through an exemption from applicable regulation or by obtaining a certificate.
- 3 **PROTESTS.** On June 17, 2016, Stericycle of Washington, Inc. (Stericycle) filed with the Commission a Protest to Application for Permanent Solid Waste Collection Authority and Response to Petition for Waiver of Regulation. Stericycle holds authority to collect and transport biomedical waste throughout the state of Washington, and objects to the Application on multiple grounds. Stericycle requests the Commission deny EcoMed's Petition because it neither identifies which rule from which the Company seeks exemption nor provides a full explanation of the reason an exemption should be granted.
- 4 On June 20, 2016, Waste Management of Washington, Inc. d/b/a WM Healthcare Solutions of Washington (Waste Management) filed with the Commission a Protest to Application for Permanent Solid Waste Collection Authority and Response to Petition for Waiver of Regulation. Waste Management holds authority to collect and transport biomedical waste throughout the state of Washington, and also objects to the Application on multiple grounds. Waste Management requests the Commission deny EcoMed's Petition for the same reasons Stericycle cites.

5 **CONFERENCE.** On June 29, 2016, the Commission convened a prehearing conference before Administrative Law Judge Rayne Pearson to determine the scope of the issues to be presented in this docket and to adopt a procedural schedule.

6 **APPEARANCES.** Alex Squalli, president and presiding manager, Seattle, Washington represents EcoMed, *pro se*; Julian Beattie, Assistant Attorney General, Olympia, Washington, represents Commission staff (Staff); Jared Van Kirk and Stephen B. Johnson, Garvey Schubert Barer, Seattle, Washington, represent Stericycle; Polly McNeil and Sara Kelly, Summit Law Group PLLC, Seattle, Washington, represent Waste Management; James Sells and Rod Whittaker, James K. Sells, Attorney at Law, Gig Harbor, Washington, represent Washington Refuse and Recycling Association (WRRRA).

7 **INTERVENTION.** On June 16, 2016, WRRRA filed a Petition to Intervene. In its Petition, WRRRA explains that the matters involving solid waste regulation are of interest to WRRRA's members, who are not parties to this proceeding. WRRRA also notes that its participation in this proceeding will not broaden the scope of the issues. Stericycle, Waste Management, and Staff had no objection to WRRRA's Petition. EcoMed objected to the Petition, arguing that the reasons WRRRA gave to support its petition were vague.

8 The Commission finds that WRRRA demonstrated a substantial interest in the proceeding and that its participation will be in the public interest. The Petition to Intervene is granted.

9 **PETITION FOR EXEMPTION.** Because EcoMed's Petition failed to identify which rule from which the Company seeks exemption, the Commission denied the Company's Petition for Exemption.

10 **PETITION FOR DECLARATORY ORDER.** The parties agree that the procedural schedule should be held in abeyance pending EcoMed's decision to file a petition for a declaratory order seeking a ruling from the Commission that its operations are not subject to Commission regulation. The parties agree that EcoMed should file any such petition no later than **September 2, 2016.**

11 **CONSENT TO ELECTRONIC SERVICE.** All parties have consented to service electronically. The Commission, therefore, may serve only electronic copies of notices and orders in this docket to the party and representative email addresses on file with the Commission.

- 12 **DISCOVERY.** Discovery will be held in abeyance pending EcoMed's decision to file a petition for declaratory order. Discovery will be made available if and when the adjudication on the Application resumes, pursuant to the Commission's discovery rules, WAC 480-07-400 – 425.
- 13 **NOTICE OF PREHEARING CONFERENCE.** The Commission will hold a second prehearing conference in this matter on **Friday, September 9, 2016, at 10:00 a.m., in Room 206, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**
- 14 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission does have limited ability to provide dispute resolution services; if you wish to explore those services, please call the Director, Administrative Law Division, at 360-664-1355.
- 15 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

DATED at Olympia, Washington, and effective July 5, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

RAYNE PEARSON
Administrative Law Judge

APPENDIX A

PARTIES' REPRESENTATIVES
DOCKET TG-152373

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
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Stericycle of Washington, Inc.	Jared Van Kirk Stephen B. Johnson Garvey, Schubert & Barer 1191 Second Avenue Seattle, WA 98101	(206) 464-3939	(206) 464-0125	jvankirk@gsblaw.com sjohnson@gsblaw.com
Waste Management of Washington, Inc.	Polly L. McNeill Sara Kelly 720 4th Avenue Kirkland, WA 98033-8136	(206) 676-7040	(206) 676-7041	pollym@summitlaw.com sarak@summitlaw.com
Washington Refuse & Recycling Association	James K. Sells Rod Whittaker 4160 6th Ave SE Lacey, WA 98503	(360) 981-0168		jamesells@comcast.net
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