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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Application of:

WASTE MANAGEMENT OF WASHINGTON,
INC. D/B/A WM HEALTHCARE SOLUTIONS
OF WASHINGTON

For an Extension of Certificate G-237 for a
Certificate of Public Convenience and Necessity
to Operate Motor Vehicles in Furnishing Solid
Waste Collection Service

Docket No. TG-120033

**WASTE MANAGEMENT'S ANSWER
TO WARRA'S AND STERICYCLE'S
OBJECTIONS TO PREHEARING
CONFERENCE ORDER AND
PETITIONS FOR INTERLOCUTORY
REVIEW**

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I. RELIEF REQUESTED

12 1. Pursuant to the Commission’s Notice of Opportunity to File Answer to Objections and
13 WAC 480-07-810(3), Applicant Waste Management of Washington, Inc. d/b/a WM Healthcare
14 Solutions of Washington (“Waste Management”) submits this Answer in opposition to the Objections of
15 Washington Refuse & Recycling Association; Rubatino Refuse Removal, Inc.; Consolidated Disposal
16 Services, Inc.; Murrey’s Disposal, Inc.; and Pullman Disposal Service, Inc. to Portions of Prehearing
17 Conference Order 041912 (“WRRRA’s Objections”) and in opposition to Stericycle’s Objection to
18 Prehearing Conference Order and Request for Clarification (“Stericycle’s Objection”). Waste
19 Management requests that the Administrative Law Judge and the Commission reject WRRRA’s
20 Objections and Stericycle’s Objection and that the Prehearing Conference Order not be disturbed.

II. STATEMENT OF FACTS

21 2. Waste Management is the largest regulated hauler of solid waste in Washington. It holds
22 general solid waste authority under Certificate No. G-237 and has provided solid waste collection
23 services subject to the Commission’s oversight and approval for decades. Waste Management’s
24 authorized service area under Certificate No. G-237 covers major portions of the State of Washington
25 and includes densely populated cities and vast, sparsely-populated unincorporated territories, in King,
26 Pierce, Snohomish, Island, Kitsap, Mason, Whatcom, Benton, Chelan, Douglas, Grant, Okanogan,
27 Lincoln, Kittitas, Spokane and Skagit Counties.¹ Pursuant to Certificate No. G-237 and the
28 Commission’s July 2011 Order,² Waste Management operates solid waste collection services, including
biomedical waste collection service, throughout the Certificate No. G-237 territory. According to
Stericycle, Waste Management’s territory encompasses sources for 80% of Washington’s generated
biomedical waste.³

¹ Declaration of Jessica L. Goldman in Support of Waste Management’s Answer to WRRRA’s and Stericycle’s Objections to Prehearing Conference Order and Petitions for Interlocutory Review (“Goldman Decl.”), Exs. 1 & 2.

² *Stericycle of Wash., Inc. v. Waste Mgmt. of Wash., Inc.*, Docket TG-110553, Final Order on Cross-Motions for Dismissal & Summ. Determination (Wash. Utils. & Transp. Comm’n, July 13, 2011).

³ Docket TG-110553, Reply in Supp. of Stericycle’s Mot. for Summ. Determination at 11 n.7 (June 1, 2011). The cited portions of this brief are attached as Exhibit 3 to the Goldman Declaration. Stericycle has been performing biomedical waste collection services statewide for over 20 years, and presumably is in a position to make this calculation. Waste Management has not itself undertaken a precise computation of the percentage of biomedical waste that might be generated in the Certificate No. G-237 territory. However, there is no question that the territory is large, it encompasses many of the most

1 3. In the pending application, Waste Management has requested permission to expand its
2 services to provide biomedical waste collection service in the territories where the incremental
3 remainder of Washington’s biomedical waste is generated. As Judge Kopta noted in the April 16, 2012
4 Prehearing Conference Order, this is an application for “extended authority.”⁴ It is not, as Stericycle
5 mischaracterizes and as WRRRA ignores, an application for “new authority.”⁵

6 4. The Prehearing Conference Order provides, *inter alia*, as follows:

7 **6. BRIEFING ON PRELIMINARY LEGAL ISSUE.** The Commission
8 will require the parties in this docket and in Docket TG-112025 to brief
9 the legal issue of the interpretation of the provision in RCW 81.77.040 that
10 the commission may issue a certificate for a service territory served by
11 another certificate holder “only if the existing solid waste collection
12 company or companies serving the territory will not provide service to the
13 satisfaction of the commission.” Specifically, parties must address
14 whether the statute authorizes the Commission to grant a certificate only if
15 the applicant demonstrates that the service it proposes to provide is
16 different than, or superior to, the services the incumbent provider offers or
17 that the incumbent provider is otherwise unwilling or unable to provide
18 the service the applicant proposes to offer.

19 ...

20 8. Discovery is limited to the scope of the parties’ interest in the
21 proceeding pursuant to WAC 480-07-400(3). Specifically, the protesting
22 parties do not have a significant interest in, and many not conduct
23 discovery on, issues related to Waste Management’s financial or
24 operational fitness to provide service under the extended authority for
25 which it has applied. Such issues include, but are not necessarily limited
26 to, the statutory factors of an estimate of the costs of facilities to be used to
27 provide the proposed service, the Company’s assets, or Waste
28 Management’s prior experience in the field....⁶

1 5. The WRRRA Protestants now contend that Judge Kopta lacked the authority to order
2 preliminary briefing on an issue of law and all Protestants argue that the Commission may not limit
3 discovery about the financial and operational fitness of an entity which today provides certificated
4 collection in territory generating the overwhelming majority of Washington’s biomedical waste.

5 densely-populated areas of the State where the large medical waste generators are located, and it includes a huge majority of
6 the State’s biomedical waste, whatever the precise percentage.

7 ⁴ Prehearing Conference Order ¶ 8.

8 ⁵ Stericycle Objection at 3:24-25.

9 ⁶ Prehearing Conference Order at 2-3.

1 **III. STATEMENT OF ISSUES**

2 6. Did Judge Kopta properly exercise his discretion by requesting preliminary briefing as to
3 the legal standard applicable in biomedical waste application cases?

4 7. Did Judge Kopta properly exercise his discretion to limit discovery about Waste
5 Management’s financial and operational fitness?

6 **IV. EVIDENCE RELIED UPON**

7 8. Waste Management relies upon the Declaration of Jessica L. Goldman and the public
8 records attached thereto.

9 **V. ARGUMENT**

10 **A. The ALJ Has Broad Discretion to Require Preliminary Legal Briefing.**

11 9. Incongruously, the WRRRA Protestants have substantively briefed the legal question
12 presented for preliminary briefing while simultaneously arguing that such briefing is improper prior to
13 the hearing and that Waste Management should not be permitted to brief it now. Contending that “[w]e
14 know what the law is,” the WRRRA Protestants proceed to explain their analysis of the legal standard
15 with reference to Commission authority.⁷ Beyond this disingenuous argument, the WRRRA Protestants
16 have not pointed to any statute or Commission rule which confines the administrative law judge’s
17 (“ALJ”) broad discretion to efficiently manage adjudicative proceedings. Nor have the WRRRA
18 Protestants articulated any reason for ignoring the statutory authority to manage hearing procedures
19 which is conferred on an ALJ presiding over a Commission proceeding.⁸

20 10. Waste Management agrees with the WRRRA Protestants that “[m]edical waste is garbage,
21 but it is different,”⁹ and that the Commission here “is dealing with needs and services that were not
22 contemplated at the time the solid waste statutes were enacted.”¹⁰ It is both proper and efficient to
23 determine at the outset how RCW 81.77.040’s “to the satisfaction of the commission” will be gauged in
24

25 ⁷ WRRRA’s Objections at 2.

26 ⁸ RCW 80.01.060.

27 ⁹ WRRRA’s Objections at 2.

28 ¹⁰ *Id.* (quoting *In re Ryder Distrib. Res., Inc.*, App. No. GA-75154, Order M.V.G. No. 1761 at 11 (Wash. Utils. & Transp. Comm’n, Aug. 11, 1995)). In briefing to the Commission last year, Stericycle too agreed that “the Commission has consistently considered biomedical waste authority under different standards than general waste – notwithstanding that the

1 the “different” context of biomedical waste collection. That determination will guide the parties’
2 discovery and focus their preparation for the hearing. It may be as the WRRRA protestants contend that
3 “[t]he law ‘is what it is,’”¹¹ but, as Judge Kopta rightly anticipated and as evidenced by the respective
4 remarks of counsel for Commission Staff and for Stericycle at the prehearing conference, the parties
5 here have dramatically different views of what the law is and all parties will benefit from having this
6 issue of law resolved early on. The WRRRA Protestants have chosen to completely ignore the nuance of
7 the statutory issue on which Judge Kopta requested briefing, but given the parties’ material
8 disagreement as to the applicable standard, it is plain that “there is something to brief” now.¹²

9 11. Furthermore, the request for preliminary briefing does not present an issue which is
10 proper for interlocutory review. The request for briefing of a legal issue does not come within any of
11 the three grounds for interlocutory review.¹³ To the degree that WRRRA complains about the “time and
12 expense involved” in briefing the legal standard,¹⁴ it is worth noting again that WRRRA has now
13 submitted its substantive explanation of what the law is and cannot suffer any possible additional
14 burden – let alone “substantial prejudice” – in awaiting the other parties’ briefing on this question and
15 the ALJ’s determination of the applicable legal standard.¹⁵ Moreover, it is the challenged order’s
16 request for preliminary briefing – and not the request for interlocutory review – which is plainly
17 intended to “save the commission and the parties substantial effort or expense.”¹⁶

18 12. Waste Management respectfully requests that the ALJ and the Commission reject
19 WRRRA’s objection to Paragraph 6 of the Prehearing Conference Order.

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23 two are governed by the same statutory provisions” Docket TG-110553, Reply in Supp. of Stericycle’s Mot. for Summ.
24 Determination at 20 (June 1, 2011).

25 ¹¹ WRRRA’s Objections at 3:10.

26 ¹² *Id.* at 3:15.

27 ¹³ WAC 480-07-810(2).

28 ¹⁴ WRRRA’s Objections at 3:13-14.

¹⁵ WAC 480-07-810(2)(b).

¹⁶ WAC 480-07-810(2)(c).

1 **B. The Discovery Restriction Is Warranted and Proper.**

2 **1. The Test for Determining Financial and Operational Fitness Under RCW 81.77.040**
3 **Is to Ensure the Hauler Has the Ability to Perform the Services.**

4 13. The Commission regulates “in the public interest.”¹⁷ Hence, the RCW 81.77.040 inquiry
5 regarding financial and operational fitness is intended to protect the public by guarding against issuance
6 of solid waste certificates to unreliable, unstable companies. In keeping with this statutory goal, the
7 standard for establishing financial and operational fitness in an application for authority depends on the
8 particular applicant, and the Commission may determine what an applicant needs to prove to satisfy its
9 goals of overseeing public interest.

10 14. In considering an application by a biomedical waste service provider new to the
11 Commission and to the State of Washington, the Commission explained that “[t]he type of detailed
12 financial information necessary in a rate case is not required in an application for authority.”¹⁸ The
13 Commission seeks only

14 to determine whether an applicant has enough money to start and maintain
15 operations, whether it has a source of funds to allow it to operate through
16 the start up phase of business (when it most likely will not be profitable),
17 whether it can provide consistent service to its customers and can continue
18 to meet those customers’ needs by acquiring additional equipment and
19 personnel if necessary.... The Commission needs enough information to
20 be reasonably certain that the company will not go out of business, leaving
21 its customers stranded. Finally, the Commission does need information
22 about an applicant’s cost of providing the proposed service in order to
23 determine ... whether the applicant’s finances will allow it to provide the
24 proposed service.¹⁹

25 15. The Commission does not require proof that proposed operations are certain to be
26 profitable.²⁰ Rather, the applicant need only demonstrate “that it could finance statewide operations for
27 a reasonable period, until they either become profitable or demonstrate that they lack feasibility.”²¹ It
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24 ¹⁷ RCW 80.01.040(2).

25 ¹⁸ *In re Sure-Way Incineration, Inc.*, App. No. GA-868, Order No. 1451 at 9 (Wash. Utils. & Transp. Comm’n, Nov. 30,
26 1990).

27 ¹⁹ *Id.*

28 ²⁰ *In re Sureway Med. Servs., Inc.*, App. No GA-75968, Order M.V.G. No. 1663 at 19 (Wash. Utils. & Transp. Comm’n,
Nov. 19, 1993).

²¹ *Id.*

1 was under this lenient standard that Stericycle, an entity not previously regulated by the Commission,
2 was granted statewide authority in 1995.²² In that proceeding, WRRRA complained that Stericycle’s

3 financial information is not sufficiently specific and [] it consists
4 principally of testimony regarding its existing operations on temporary
5 authority, serving “about 205 of the most profitable accounts ... in the
6 most densely populated corridor” of the state. Protestant contends that
7 applicant’s pro forma operating statement fails to consider declining
8 revenues per account and customer attrition. It contends that the
9 applicant’s operating history in another territory, where it does serve
10 customers in rural settings, cannot establish financial feasibility for a
11 service based on different customer and regulatory requirements.²³

12 The Commission rejected WRRRA’s complaints and took pains to emphasize again that “[t]his is not a
13 rate case, in which precise historical evidence is required and future projections must often be known
14 and measurable to be considered.”²⁴ With regard to financial fitness, then, the standard is capable of
15 being met by a fairly perfunctory review of a company’s fiscal resources and corporate wherewithal.

16 16. Operational fitness is an inquiry to determine whether the applicant has the physical
17 ability to provide the proposed service.²⁵ Generally, a showing of adequate equipment and personnel is
18 sufficient to prove ability to serve, although the Commission has for biomedical services also inquired
19 into disposal and processing infrastructure necessary to perform the proposed services. Evidence of a
20 company’s ability to operate is required to prove operational fitness, but the Commission may determine
21 what is needed to meet that burden on a case-specific basis.

22 **2. The Commission Has Sufficient Information About Waste Management to Establish
23 Waste Management’s Financial and Operational Fitness.**

24 17. As discussed above, in the case of a new entrant into the biomedical waste collection
25 market, “[t]he Commission needs enough information to be reasonably certain that the company will not
26 go out of business, leaving its customers stranded.”²⁶ The applicant presently before the Commission is

27 ²² *In re Stericycle of Wash., Inc.*, App. No. GA-77539, Order M.V.G. No. 1761 at 9 (Wash. Utils. & Transp. Comm’n, Aug.
28 11, 1995).

²³ *Id.*

²⁴ *Id.*

²⁵ *In re Sure-Way Incineration, Inc.*, App. No. GA-868, Order No. 1451 at 13 (Wash. Utils. & Transp. Comm’n, Nov. 30,
1990).

²⁶ *Id.* at 9.

1 not a new, untested entrant into the market and what is “enough information” in this context will reflect
2 Waste Management’s long regulatory history with the Commission (and with the Protestants). Waste
3 Management and its predecessor companies have been providing certificated waste collection services
4 throughout vast areas of the State of Washington for decades and, for the last year, Waste Management
5 has also been providing biomedical waste collection services throughout the large Certificate No. G-237
6 territory.²⁷ Waste Management is a financially healthy corporation with substantial resources to ensure
7 no Washington medical waste customer will be stranded due to Waste Management closing its doors.²⁸

8 18. Fitness is not intended as an area of unfettered inquiry simply because it is an element of
9 proof, but rather it is a public interest factor subject to verification by the Commission. Confirmation of
10 the applicant’s financial and operational fitness is not meant to protect the incumbent service provider.
11 If the applicant demonstrates to the Commission that it has the wherewithal to serve the public interest,
12 then further inquiry is unnecessary. Plainly, the Commission has “enough information to be reasonably
13 certain that [Waste Management] will not go out of business [and] leav[e] its customers stranded”²⁹ if it
14 is permitted to **also** serve the territory within the state which is home to the **final** incremental remainder
15 of biomedical waste. Plainly, the Commission has “enough information to be reasonably certain” that
16 Waste Management “has enough money to start and maintain [the additional] operations.”³⁰ Plainly, the
17 Commission has “enough information to be reasonably certain” that Waste Management “has a source
18 of funds to allow it to operate through the start up phase of its [additional] business.”³¹

19 19. Unlike the case with a new entrant into the regulated market, Waste Management already
20 has in place a tariff for the biomedical waste collection services it provides to customers in territory

21 ²⁷ Goldman Decl., Ex. 1.

22 ²⁸ *Id.*, Ex. 4. It is also relevant to the Commission’s exercise of discretion curtailing discovery that Waste Management has
23 corporate affiliates with nation-wide biomedical waste operations. See <http://www.wm.com/enterprise/healthcare/index.jsp>
24 (last visited May 3, 2012). See *In re Am. Env’tl. Mgmt. Corp.*, App. No. GA-874, Order M.V.G. No. 1452 at 5 (Wash. Utils.
25 & Transp. Comm’n, Nov. 30, 1990) (“The applicant’s parent company is quite large and its financial statements show
26 retained earnings of \$9 million.”). This case is very different from the application of Sure-way to which Stericycle alludes.
27 In 1990, the Commission denied Sure-way’s application, not because of its lack of financial or operational fitness, but
28 because it failed to comply with the law. *In re Sure-Way Incineration, Inc.*, App. No. GA-868, Order No. 1451 at 13 (Wash.
29 Utils. & Transp. Comm’n, Nov. 30, 1990).

²⁹ *In re Sure-Way Incineration, Inc.*, App. No. GA-868, Order No. 1451 at 9 (Wash. Utils. & Transp. Comm’n, Nov. 30,
1990).

³⁰ *Id.*

³¹ *Id.*

1 including the significant proportionate share – ostensibly 80% – of Washington’s biomedical waste.³² It
2 is these exact rates which Waste Management will charge to customers when it starts service in the
3 expanded territory. These rates are comparable to those presently charged by Stericycle under a
4 presumably reasonable, nearly 20-year-old tariff.³³

5 20. Moreover, Waste Management is obviously operationally fit to provide the proposed
6 service, not because it is a subsidiary of a “big international company,”³⁴ but, rather, because it is
7 already operating in territory where the overwhelming majority of the state’s biomedical waste is
8 generated. It is impossible to conceive of more compelling evidence of its operation capability to serve
9 the incremental remainder which is not covered by Certificate No. G-237.

10 21. There can be no material dispute as to Waste Management’s financial or operational
11 fitness and it **already has** demonstrated the “feasibility of [its] operations.”³⁵ In the absence of a
12 “genuine issue” as to a “material fact,” Protestants are not entitled to discovery on the issue of Waste
13 Management’s financial and operational fitness.³⁶

14 **3. The ALJ Has Properly Exercised His Broad Discretion to Control Discovery.**

15 22. The Administrative Procedure Act vests the ALJ with the power to “condition use of
16 discovery on a showing of necessity....”³⁷ Moreover, before the UTC, discovery among the parties is
17 only available if the ALJ finds that an adjudicative proceeding meets one of four criteria:

- 18 (i) Any proceeding involving a change in the rate levels...;
- 19 (ii) Any proceeding that the commission declares to be of a potentially
20 precedential nature;

21
22 ³² Docket No. TG-110552.

23 ³³ Goldman Decl., Ex. 5. When a regulated company files a tariff to start a new service option or service level which has not
24 been previously included in its tariff, it is required only to file its rates with proper notice (as Waste Management did). RCW
25 81.28.040. Of course, to the degree the Commission has concerns about any of these tariffs which took effect automatically
26 by operation of law, WAC 480-70-262, the Commission may initiate a complaint proceeding. RCW 81.28.230.

27 ³⁴ WRRRA’s Objections at 3:22-24.

28 ³⁵ *Id.* at 4:7-10 (citing *In re Ryder Distrib. Res., Inc.*, App. No. GA-75154, Order M.V.G. No. 1761 at 9 (Wash. Utils. &
Transp. Comm’n, Aug. 11, 1995)). Waste Management is concurrently filing a Motion for Summary Determination as to
Financial and Operational Fitness and incorporates herein the arguments made in that Motion.

³⁶ WAC 480-07-380(2)(a).

³⁷ RCW 34.05.446(3).

1 (iii) Any complaint proceeding involving claims of discriminatory or
2 anticompetitive conduct, ...; or

3 (iv) Any proceeding in which the commission, in its discretion,
4 determines that the needs of the case require the methods of discovery
5 specified in this rule.³⁸

6 Where authorized, discovery among the parties “must seek only information that is relevant to the issues
7 in the adjudicative proceeding” and “must not be used for any improper purpose, such as to harass or to
8 cause ... needless increase in the costs of litigation.”³⁹

9 23. Judge Kopta concluded that this proceeding did not entitle the parties to an automatic
10 right to discovery from each other.⁴⁰ However, in the exercise of his discretion, he determined under
11 subsection (iv) that he would permit discovery among the parties “with the limitations set forth in this
12 order.”⁴¹ His exercise of discretion as to what discovery is permissible will not be disturbed on appeal
13 absent an abuse of discretion.⁴²

14 24. The WRRRA Protestants casually note that the discovery limitation reflects the fact that
15 “Waste Management is a big international company and everybody knows they have the ability to
16 provide the service, so why waste time asking them about it?”⁴³ Discovery is allowed when it probes a
17 debatable issue of fact, not where its sole purpose is to harass and to create a financial burden and a
18 burrier to competition.⁴⁴ WRRRA suggests that Waste Management “may well be fully capable of

18 ³⁸ WAC 480-07-400(2)(b).

19 ³⁹ WAC 480-07-400(3). This Rule does indeed “permit the presiding officer to preemptively bar available discovery,”
20 Stericycle’s Objection at 7:5-7, where that discovery does not concern a “genuine issue as to any material fact.” WAC 480-
21 07-380(2)(a). Stericycle cites no authority for the opposite assertion. Stericycle’s Objection at 7:8-10 & n.2.

22 ⁴⁰ Prehearing Conference Order ¶ 7. Notwithstanding Judge Kopta’s plain ruling that “[t]his proceeding does not fall within
23 any of the types of proceedings specified in WAC 480-07-400(2)(b)” automatically allowing discovery, Stericycle contends
24 that the Commission has effectively declared this case to be of potentially precedential nature under that provision by
25 requesting preliminary briefing from the parties. Of course, it is the Commission, **not Stericycle**, which exercises its
26 discretion by declaring which cases are and which cases are not potentially precedential.

27 ⁴¹ Prehearing Conference Order ¶ 7.

28 ⁴² *Lang v. Wash. State Dep’t of Health*, 138 Wn. App. 235, 254, 156 P.3d 919 (2007), *review denied*, 162 Wn.2d 1021, 178
P.3d 1033 (2008).

⁴³ WRRRA’s Objections at 3:22-24.

⁴⁴ The Commission last year recognized that Stericycle’s policy arguments in opposition to Waste Management offering
biomedical waste service in the Certificate No. G-237 territory “would raise significant barriers to entry to this particular part
of the industry. Stericycle’s dominance in providing this specialized service statewide adds to the inappropriateness of its
position.” *Stericycle of Wash., Inc. v. Waste Mgmt. of Wash., Inc.*, Docket TG-110553, Final Order on Cross-Motions for
Dismissal & Summ. Determination ¶ 39 (Wash. Utils. & Transp. Comm’n, July 13, 2011).

1 providing the requested service, but we do not know that....”⁴⁵ To the contrary, as described above,
2 Protestants (and the Commission) do know “that.”

3 25. Notably, Judge Kopta has not limited discovery into Waste Management’s regulatory
4 fitness. So, Stericycle may satisfy itself that Waste Management has not been dumping body parts into
5 Capitol Lake.⁴⁶

6 26. The wild goose chase which would ensue absent the discovery restriction would uncover
7 no possibly relevant information regarding the financial and operational fitness of this applicant, but it
8 would accomplish its intended goal of making it more expensive and more burdensome for Waste
9 Management to pursue this Application and provide the competition among biomedical waste collection
10 services which the Commission has held is in the public interest.⁴⁷

11 27. Finally, Stericycle complains that the discovery restriction is faulty because Stericycle
12 did not have prior notice that it would be imposed. It has certainly now been heard fully on the subject
13 and it is absurd to contend that Stericycle has not been afforded an opportunity to address the restriction
14 “at the prehearing conference **or otherwise**.”⁴⁸ The claim of prejudice is baseless.

15 28. Waste Management respectfully requests that the ALJ and the Commission reject
16 Protestants’ objections to the discovery limitation in Paragraph 6 of the Prehearing Conference Order.

17 VI. CONCLUSION

18 29. The Protestants’ objections to the Prehearing Conference Order should be overruled and
19 interlocutory review should be denied.⁴⁹

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24 ⁴⁵ WRRRA’s Objections at 4:3-4.

25 ⁴⁶ See Stericycle’s Objection at 6 n.1.

26 ⁴⁷ *Stericycle of Wash., Inc. v. Waste Mgmt. of Wash., Inc.*, Docket TG-110553, Final Order on Cross-Motions for Dismissal &
Summ. Determination ¶ 36 (Wash. Utils. & Transp. Comm’n, July 13, 2011).

27 ⁴⁸ Stericycle’s Objection at 9:7 (emphasis added).

28 ⁴⁹ To the degree it is deemed that there is any merit to Protestants’ objections, only limited discovery should be allowed
regarding Waste Management’s financial and operational fitness to provide service to the territory containing the remaining
20% of biomedical waste.

1 DATED this 4th day of May, 2012.

2 SUMMIT LAW GROUP PLLC

3 By 

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9 *Washington, Inc.*

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served this document upon all parties of record in this proceeding, by the method indicated below, pursuant to WAC 480-07-150.

Table with 2 columns: Recipient Information and Service Method. Rows include Washington Utilities and Transportation Commission, Fronda Woods (Attorney General's Office), Stephen B. Johnson (Attorneys for Stericycle), and James K. Sells (Attorney for Protestant WRRRA).

DATED at Seattle, Washington, this 4th day of May, 2012.

Handwritten signature of Deanna L. Schow over a horizontal line.

Deanna L. Schow