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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In Re Application of  
WASTE MANAGEMENT OF  
WASHINGTON, INC.  
d/b/a WM Healthcare Solutions  
of Washington  
720 4th Ave. Ste 400  
Kirkland, WA 98033-8136

Docket No. TG-121597

DECLARATION OF JARED VAN KIRK IN  
SUPPORT OF STERICYCLE OF  
WASHINGTON, INC.'S OPPOSITION TO  
CROSS-MOTION FOR SUMMARY  
DETERMINATION

I, Jared Van Kirk, declare:

1. I am an attorney for Stericycle of Washington, Inc. (hereinafter "Stericycle") in the above captioned action. I make this declaration based on personal knowledge and am competent to testify herein.

2. Filed herewith in support of Stericycle of Washington, Inc.'s Opposition to Cross-Motion for Summary Determination:

Exhibit 1: Excerpts of Jeff Norton Deposition.

I declare under penalty of perjury under the laws of the State of Washington and the United States that the foregoing is true and correct to the best of my knowledge and belief.

DECLARATION OF JARED VAN KIRK IN SUPPORT OF  
STERICYCLE OF WASHINGTON, INC.'S OPPOSITION TO  
CROSS-MOTION FOR SUMMARY DETERMINATION - 1

GARVEY SCHUBERT BARER  
A PARTNERSHIP OF PROFESSIONAL CORPORATIONS  
eighteenth floor  
1191 second avenue  
seattle, washington 98101-2939  
206 464-3939

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EXECUTED this 18<sup>th</sup> day of December, 2012, at Seattle, Washington.

  
Jared Van Kirk

DECLARATION OF JARED VAN KIRK IN SUPPORT OF  
STERICYCLE OF WASHINGTON, INC.'S OPPOSITION TO  
CROSS-MOTION FOR SUMMARY DETERMINATION - 2

**GARVEY SCHUBERT BARER**  
A PARTNERSHIP OF PROFESSIONAL CORPORATIONS  
*eighteenth floor*  
*1191 second avenue*  
*seattle, washington 98101-2939*  
*206 464-3939*

1 **CERTIFICATE OF SERVICE**

2 I, Dominique Barrientes, certify under penalty of perjury under the laws of the State of  
3 Washington that, on December 18, 2012, I caused to be served on the person(s) listed below in  
4 the manner shown a copy of DECLARATION OF JARED VAN KIRK IN SUPPORT OF  
5 STERICYCLE OF WASHINGTON, INC.'S OPPOSITION TO CROSS-MOTION FOR  
6 SUMMARY DETERMINATION:

7 Washington Utilities and  
8 Transportation Commission  
9 1300 S. Evergreen Park Dr. SW  
10 PO Box 47250  
11 Olympia, WA 98504-7250  
12 (360) 664-1160  
13 records@utc.wa.gov

- Via Legal Messenger
- Via Facsimile
- Via FedEx
- Via Email

14 Administrative Law Judge  
15 Gregory Kopta  
16 gkopta@utc.wa.gov

- Via Email

17 Jessica Goldman  
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24 kathym@summitlaw.com  
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- Via Facsimile
- Via U.S. Mail, First Class,  
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- Via Email

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30 jamesells@comcast.net  
31 cheryls@rsulaw.com  
32 *Attorney for Protestant WRRRA,  
33 Rubatino, Consolidated, Murrey's and  
34 Pullman*

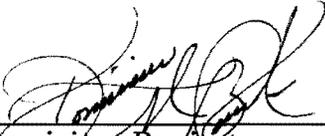
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Frona Woods  
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- Via Legal Messenger
- Via Facsimile
- Via U.S. Mail, First Class,  
Postage Prepaid
- Via Email

Dated at Seattle, Washington this 19<sup>th</sup> day of December, 2012.

  
 \_\_\_\_\_  
 Dominique Barrientes  
[dbarrientes@gsblaw.com](mailto:dbarrientes@gsblaw.com)

**Exhibit 1**

Transcript of the Testimony of

**Jeffrey Norton**

October 15, 2012

**In the Matter of the Application of Waste Management of  
Washington**

No. TG-120033



**Byers and Anderson, Inc.**  
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Seattle/Tacoma, Washington

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Tacoma: **253 627-6401** Fax: **253 383-4884**

**Byers & Anderson Court Reporters/Video/Videoconferencing  
Seattle/Tacoma, Washington**

BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Application        )  
of    )  
  )  
WASTE MANAGEMENT OF WASHINGTON,        ) Docket No. TG-120033  
INC., D/B/A WM HEALTHCARE                )  
SOLUTIONS OF WASHINGTON                 ) Order 05  
  )  
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                                        )

DEPOSITION OF JEFFREY NORTON

October 15, 2012

Seattle, Washington

Byers & Anderson, Inc.

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**Jeffrey Norton  
October 15, 2012**

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APPEARANCES

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APPEARANCES (Continuing)

For Utilities & Transportation Commission Staff  
(appearing by phone):

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Assistant Attorney General  
Washington Attorney General's Office  
Utilities & Transportation Division  
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360.586.5522 Fax  
fwoods@utc.wa.gov

Also present: Jeff Daub  
Ron Adams  
Mike Philpott

1           anywhere else where you know that ecoFinity is  
2           operational?

3           **A   Not that I could -- not that I know of, no.  Not that I**  
4           **can recollect.**

5           Q   Do you report to -- I forgot his name at St. Joe's.  What  
6           was his name again?

7           **A   Bill.**

8           Q   Do you report to Bill about anything about the recycling  
9           aspects of the program?

10          **A   I don't.**

11          Q   Do you know if anybody reports to him?

12          **A   I don't.**

13          Q   Are there reports generated about recycling content or  
14          recycling yield?

15          **A   I believe there are through our corporate office, but I'm**  
16          **not sure.**

17          Q   Are they intended for the customer or just for internal  
18          use?

19   MS. GOLDMAN:  Objection.  Calls for  
20          speculation.

21          **A   And I don't know.**

22          Q   (By Mr. Van Kirk)  Has Bill asked you about those issues?  
23          Does he want to know?

24          **A   He has not.**

25          Q   Why not, if you know?

1           So based on the information you have, this isn't  
2           accurate; correct?

3       **A   For our hospital here, yes.**

4       Q   For the services in Washington?

5       **A   Correct.**

6       Q   And since this is part of your testimony, is it fair to  
7           correct that statement in this document?

8                   MS. GOLDMAN:  Objection.  He didn't  
9           write this.

10                   MR. VAN KIRK:  He included it in his  
11          testimony.

12                   MS. GOLDMAN:  Okay.  And what does it  
13          testimony say about it?

14                   MR. VAN KIRK:  It says, here's some  
15          promotional materials, I think.

16                   MS. GOLDMAN:  Okay.  And that's true.  
17          So I don't believe there's anything for him to correct.

18       Q   (By Mr. Van Kirk)  When you gave this -- the people you  
19          gave this to, were they in Washington?

20       **A   I can't recall if I gave it to anybody in Washington.**

21                   **Again, when we had our one pilot program, I'm not -- it's**  
22                   **not a big deal on promoting to sell it to other people.**

23       Q   Did you qualify that this number probably isn't accurate  
24          based on your experience?

25                   MS. GOLDMAN:  I'm going to object as

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Seattle/Tacoma, Washington**

1 STATE OF WASHINGTON ) I, Karmen M. Knudson, CCR, RPR, CRR,  
2 County of Pierce ) ss a certified court reporter in  
3 the State of Washington, do hereby  
4 certify:

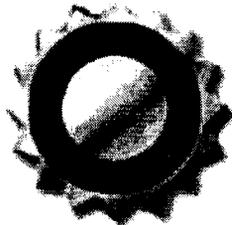
5 That the foregoing deposition of JEFFREY NORTON  
6 was taken before me and completed on October 15, 2012, and  
7 thereafter was transcribed under my direction; that the  
8 deposition is a full, true and complete transcript of the  
9 testimony of said witness, including all questions, answers,  
10 objections, motions and exceptions;

11 That the witness, before examination, was by me  
12 duly sworn to testify the truth, the whole truth, and  
13 nothing but the truth, and that the witness reserved the  
14 right of signature;

15 That I am not a relative, employee, attorney or  
16 counsel of any party to this action or relative or employee  
17 of any such attorney or counsel and that I am not  
18 financially interested in the said action or the outcome  
19 thereof;

20 That I am herewith securely sealing the said  
21 deposition and promptly delivering the same to  
22 Attorney Jared Van Kirk.

23 IN WITNESS WHEREOF, I have hereunto set my  
24 signature on October 19, 2012.



25  
Karmen Knudson  
Karmen M. Knudson, CCR, RPR, CRR  
Certified Court Reporter No. 1935.