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7 BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

8 In re Application of

DOCKET NO. TG-081725

9 Northwest Industrial Services, LLC
10 d/b/a American on Site Services,

OBJECTION TO DATA REQUESTS

11 for Solid Waste Collection Services.
12

13 **COMES NOW** Protestant and objects to Applicant's "Data Requests" and
14 moves same be stricken.

15 This objection is based upon the following:

16 Order 01: Order 01 in this docket specifically states that:

17 It does not appear that formal discovery will be required in this
18 proceeding. If the need for discovery becomes apparent later, any
19 party may request by motion that the Commission allow for
20 discovery pursuant to the Commission's discovery rules, WAC
21 480-07-400-425. (emphasis added).

22 WAC 480-07-400(2)(b):

23 **When other discovery methods available.** If the commission
24 finds that an adjudicative proceeding meets one of the following
25 criteria, the methods of discovery described in subsection (1)(c)(iii)
26 through (vi) of this section and in WAC 480-07-410 and
480-07-415 will be available to parties:

(i) Any proceeding involving a change in the rate levels of an
electric company, natural gas company, pipeline company,
telecommunications company, water company, solid waste

1 company, low-level radioactive waste disposal site, or a segment
2 of the transportation industry;

3 (ii) Any proceeding that the commission declares to be of a
4 potentially precedential nature;

5 (iii) Any complaint proceeding involving claims of
6 discriminatory or anticompetitive conduct, unjust or
7 unreasonable rates, violations of provisions in Titles 80 and 81
8 RCW; or

9 (iv) Any proceeding in which the commission, in its discretion,
10 determines that the needs of the case require the methods of
11 discovery specified in this rule.

12 This proceeding meets none of these criteria. If it did, the parties could
13 have invoked the discovery rule at the Prehearing Conference, and none did.
14 This discovery request is not timely and is in violation of the Prehearing
15 Conference Order. It should be stricken.

16 DATED this 26 day of February 2009.



17 JAMES K. SELLS
18 WSBA No. 6040
19 Ryan Sells Uptegraft, Inc. P.S.
20 9657 Levin Rd. NW, Suite 240
21 Silverdale, WA 98383
22 Attorneys for Protestant

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2 CERTIFICATE OF SERVICE

3 I hereby certify that on February 27th, 2009, I caused to be served the
4 original and six (6) copies of the foregoing document to the following address
via first class mail, postage prepaid to:

5 Dave Danner, WUTC Executive Secretary
6 Washington Utilities and Transportation Commission
1300 S. Evergreen Park Dr. S.W.
7 P.O. Box 47250
8 Olympia, WA 98504-7250

9 I certify I have also provided to the Washington Utilities and Transportation
Commission's Secretary an official electronic file containing the foregoing
10 document via email to: records@wutc.wa.gov

11 I certify I have electronically sent a PDF version of the foregoing document to:

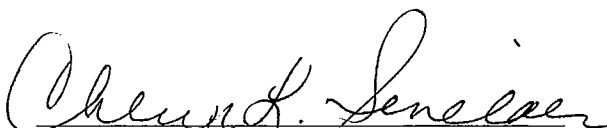
12 The Honorable Adam E. Torem
13 Administrative Law Judge
atorem@utc.wa.gov

14 Paul J. Allison
15 Attorney at Law
11315 E. 44th Ave.
16 Spokane Valley, WA 99206-9417
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17 Michael A. Fassio
18 Assistant Attorney General
1400 S. Evergreen Park Dr. SW
19 PO Box 40128
20 Olympia, WA 98504-0128
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21 I swear under the penalty of perjury of the laws of the State of
22 Washington that the foregoing is true and correct.

23 DATED and signed at Silverdale, Washington on February 27th, 2009.

24
25 
26 Cheryl L. Sinclair