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TG-040221  
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GARVEY SCHUBERT BARER

Please reply to STEPHEN B. JOHNSON  
 sjohnson@gsblaw.com TEL EXT 1309  
 Direct: (206) 816-1309

March 5, 2004

Ms. Carole Washburn  
 Executive Secretary  
 Washington Utilities and Transportation Commission  
 P.O. Box 47250  
 Olympia, WA 98504

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 04 MAR -8 AM 9:07  
 STATE OF WASH.  
 UTIL. AND TRANSP.  
 COMMISSION

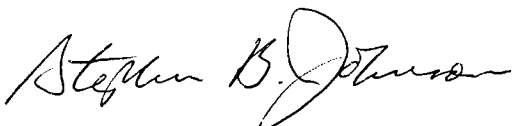
Re: Application of Harold LeMay Enterprises, Inc.  
 GA079251

Dear Ms. Washburn:

Enclosed for filing is an original and three copies of Protest of Stericycle of Washington, Inc. to Application for Permanent Solid Waste Collection Authority.

Sincerely,

GARVEY SCHUBERT BARER

By   
 Stephen B. Johnson

SBJ:r

Enclosures

cc: James K. Sells  
 Harold LeMay Enterprises, Inc.  
 Greg W. Haffner  
 Kleen Environmental Technologies, Inc.  
 Stericycle of Washington, Inc.

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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In Re Application of  
HAROLD LeMAY ENTERPRISES, INC.  
13502 Pacific Avenue  
PO Box 44459  
Tacoma, WA 98444

No. GA-079251

PROTEST OF STERICYCLE OF  
WASHINGTON, INC. TO APPLICATION  
FOR PERMANENT SOLID WASTE  
COLLECTION AUTHORITY

STERICYCLE OF WASHINGTON, INC, (“Stericycle”), WUTC Certificate No. G-244, 20320 80<sup>th</sup> Ave. S., Kent, WA 98032, by and through its attorneys Stephen B. Johnson, Charles L. Cottrell and Garvey Schubert Barer, 1191 Second Ave., Seattle, WA 98101, (206) 464-3939, hereby protests the above entitled application for certificate of public convenience and necessity to operate as a solid waste collection company filed with the Commission on February 11, 2004, by Harold LeMay Enterprises, Inc. (“Applicant”) in which the Applicant seeks an extension of Certificate No. G-98 to permit Applicant to provide “solid waste collection service consisting of biomedical waste in King, Pacific, Kitsap, Wahkiakum, Cowlitz, Clark, and Skamania Counties” (Application No. TG-040221, hereinafter the “Application”).

This protest is submitted on the following grounds:

ORIGINAL

1  
2 **I. PROTESTANT'S INTEREST**

3 Stericycle is the holder of WUTC Certificate No. G-244, a true copy of which attached  
4 hereto as Exhibit A. Under Certificate No. G-244, Stericycle holds authority to collect and  
5 transport biomedical waste throughout the state of Washington. As a holder of authority to  
6 collect and transport biomedical waste in the territory in which Applicant seeks authority to  
7 operate, Stericycle has a direct interest in this proceeding adverse to that of Applicant.  
8 Stericycle is fit, willing and able to provide biomedical waste collection and transportation  
9 services in the territory subject to Application No. TG-040221 (Docket No. GA-079251) and  
10 has provided biomedical waste collection and disposal services within that territory to the  
11 satisfaction of the Commission at all times relevant to the Application.

12 **II. BASIS FOR PROTEST**

13 **A. Fitness of the Applicant.**

14 Stericycle alleges that the Applicant has not and cannot demonstrate its fitness to  
15 conduct the proposed biomedical waste collection and transportation services. Applicant has  
16 not and cannot demonstrate that it is fit, willing and able to provide services to the satisfaction  
17 of the Commission in the territory that is the subject of the Application.

18 **B. Public Need.**

19 Stericycle alleges that Applicant has not and cannot demonstrate that there is a public  
20 need for Applicant's proposed services in the territory subject to this Application.  
21 Additionally, Applicant cannot demonstrate that existing carriers with authority have failed to  
22 provide service to the satisfaction of the Commission in the territory subject to the Application.

23 **C. Impact on Existing Carriers.**

24 Stericycle is fit, willing and able to provide biomedical waste collection and  
25 transportation services to the satisfaction of the Commission to all biomedical waste generators  
26 within the territory subject to the Application. Stericycle and its affiliates have invested

1 millions of dollars in developing the capacity to serve biomedical waste generators in the  
2 territory subject to the Application and throughout the state of Washington. The granting of  
3 additional overlapping authority would harm Stericycle and its ability to provide biomedical  
4 waste collection and transportation services to biomedical waste generators in the subject  
5 territory and in other parts of the state of Washington and would therefore be detrimental to the  
6 public interest.

7 **D. Public convenience and necessity.**

8 Stericycle alleges that the Applicant has not and cannot demonstrate that granting its  
9 application is warranted by the public convenience and necessity. Granting of the Application  
10 would in fact be contrary to the public interest and is not required by present or future public  
11 convenience or necessity.

12 **III. CONCLUSION**

13 Stericycle has a direct interest in this proceeding which can only be represented through  
14 its active participation in the development of the record, and for the ultimate disposition of the  
15 docketed Application. Stericycle is unaware of any restrictive amendment that would fully  
16 satisfy its interests herein and therefore asks that the Application be denied in its entirety.  
17 Stericycle certifies that it will appear at any hearing on this matter and intends to present  
18 evidence through up to ten (10) witnesses, requiring an estimated hearing time of  
19 approximately 7 hours.

20 Protestant Stericycle of Washington, Inc. prays that its right to participate in all  
21 Commission proceedings on the Application be fully affirmed and that the Application be  
22 denied in its entirety.

1 DATED this 5<sup>th</sup> day of March, 2004.

2 Respectfully submitted,

3 GARVEY SCHUBERT BARER

4  
5 By Stephen B. Johnson

6 Stephen B. Johnson, WSBA #6196  
7 Charles L. Cottrell, WSBA #31984  
8 Attorneys for Protestant Stericycle of  
9 Washington, Inc.

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WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

**For the Operation of Motor Propelled Vehicles**

pursuant to the provisions of Chapter 81 RCW

**THIS IS TO CERTIFY** that authority is granted to operate as a MOTOR CARRIER in the transportation of the commodities and in the territory described herein to

STERICYCLE OF WASHINGTON, INC.  
258 SW 43RD STREET SUITE M-B  
RENTON, WASHINGTON 98055

Cert No.  
G-244

CORRECTED

Solid Waste consisting of biohazardous or biomedical wastes in the state of Washington.

Solid Waste from the facilities of Stericycle, Inc., for disposal

M. V. G. NO. 1876

12-07-99



WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION

By *Carole J. Washburn*

1 **CERTIFICATE OF SERVICE**

2 I, Rondi Susort, certify under penalty of perjury under the laws of the State of  
3 Washington that, on March 5, 2004, I caused to be served on the person listed below in the  
4 manner shown:

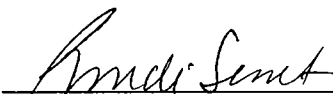
5 **Protest of Stericycle of Washington, Inc. to Application**  
6 **for Permanent Solid Waste Collection Authority**

7 Harold LeMay Enterprises, Inc.  
13502 Pacific Avenue  
8 P.O. Box 44459  
Tacoma, WA 98444

James K. Sells  
Ryan Sells Uptegraft, Inc.  
9657 Levin Road N.W., Suite 240  
Silverdale, WA 98383  
Attorney for Applicant

- 9
- 10  United States Mail, First Class, Postage Prepaid  
11  By Legal Messenger  
12  By Facsimile

13 Dated at Seattle, Washington this 5th day of March, 2004.

14   
15 \_\_\_\_\_  
16 Rondi Susort