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BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

In re Petition of Stericycle of Washington, Inc. for an Order Suspending Tariff Filings and Initiating an Adjudicatory Proceeding Concerning the Proposed Biomedical Waste Collection and Transportation Services of Waste Management of Washington, Inc. dba WM Healthcare Solutions (G-237)

Docket TG-110287

COMMENTS OF INTERESTED PARTY WASHINGTON REFUSE & RECYCLING ASSOCIATION PURSUANT TO NOTICE OF OPPORTUNITY TO COMMENT ISSUED FEBRUARY 16, 2011

COMES NOW Interested Party Washington Refuse and Recycling Association (WRRRA) and submits the following in response to the Notice of Opportunity to Comment issued February 16, 2011 by Gregory J. Kopta, Director, Administrative Law Division.

WRRRA, at this point, is an “interested party” by reason of its interest in the scope and interpretation of the “G Certificate,” and does not take a position regarding the substance of Stericycle’s Petition, or what we expect will be Waste Management’s response. Neither presently is a member of WRRRA, and this comment is solely on behalf of WRRRA and its member companies. WRRRA may or may not seek formal Intervenor or Interested Party status if an adjudicative proceeding eventually is held in relation to this matter.

WRRRA believes the clear status of the law relative to medical waste service is that medical waste is solid waste; therefore, each G-Permit holder

1 has the absolute right to provide such service within its permitted territory,¹
2 assuming a tariff has been filed and approved. This includes Waste
3 Management, again, within its certificated areas. Stericycle's permit is
4 statewide, thus, there are areas within the state where the local hauler
5 providing medical waste service and Stericycle compete. There are other
6 areas where the local hauler does not provide service, but continues to have
7 the authority to do so, subject to tariff approval. To our knowledge, Waste
8 Management does not currently offer medical waste collection, but it seems
9 clear that it intends to do so in the not-too-distant future. WRRRA has no
10 problem with that; like all other G-Certificate holders, Waste Management has
11 the right to provide this service in its various certificated areas once a tariff is
12 filed and approved.

13 In regard to the issue of whether a "case or controversy" currently
14 exists, it appears that, until Waste Management files a tariff, it does not.
15 However, it seems we can expect that to happen, and at that point there
16 clearly will be factual and legal issues the Commission will have to address.
17 This issue is not going away. Whether or not WRRRA will seek to participate
18 will depend on pleadings from the principals yet to be filed, and our continued
19 interest in preserving the "G Certificate," whomever the holders thereof may
20 be.

21 DATED this 4 day of March 2011.



22 JAMES K. SELLS
23 WSBA No. 6040
24 Attorney for Washington Refuse &
25 Recycling Association


26 ¹ see In re Application of Ryder Distribution Resources, Inc/Stericycle of Washington, Inc.,
Order MVG 1761.

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I have this day served this document upon all parties
3 of record in this proceeding, by the method as indicated below, pursuant to WAC
4 480-07-150.

5 Stephen B. Johnson 6 Donald B. Scaramastra 7 Garvey Schubert Barer 8 1191 Second Ave., Suite 1800 9 Seattle, WA 98101 10 (206) 464-3939 11 sjohnson@gsqlaw.com	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input checked="" type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email
12 Washington Utilities and 13 Transportation Commission 14 1300 S. Evergreen Park Dr. SW 15 PO Box 47250 16 Olympia, WA 98504-7250 17 360.664.1160 18 records@utc.wa.gov	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input checked="" type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email
19 Polly McNeill 20 Summit Law Group, PLLC 21 315 Fifth Ave. S., Suite 1000 22 Seattle, WA 98104 23 pollym@summitlaw.com	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input checked="" type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email

24 DATED at Silverdale, Washington, this 4th day of March 2011.

25 
26 Cheryl L. Sinclair