

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

STERICYCLE OF WASHINGTON,)	DOCKET TG-121597
INC.,)	
)	
Complainant,)	
)	NOTICE OF PREHEARING
v.)	CONFERENCE
)	(Set for November 28, 2012,
)	at 10:00 a.m.)
WASTE MANAGEMENT OF)	
WASHINGTON, INC., d/b/a WM)	
HEALTHCARE SOLUTIONS OF)	
WASHINGTON,)	
)	
Respondent.)	
.....)	

1 On October 3, 2012, Stericycle of Washington, Inc. (Stericycle), filed a complaint and petition for declaratory relief (complaint), with the Washington Utilities and Transportation Commission (Commission) against Waste Management of Washington, Inc., d/b/a WM Healthcare Solutions of Washington (Waste Management). The complaint alleges that Waste Management is soliciting biomedical waste collection business from Washington generators by offering them discounts on Waste Management’s recycling or other services, or otherwise rebating any portion of its biomedical waste tariff rates in violation of RCW 81.28.080, RCW 81.28.180, RCW 81.28.190, RCW 81.28.210 and WAC 480-70-236. The complaint is available for inspection at the Commission’s office located at Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington, and on the Commission's web site at www.utc.wa.gov/121597. Waste Management did not file an answer to the complaint as required by WAC 480-07-370(1)(c)(ii). Even so, it is appropriate that the matter raised in the pleading be brought for hearing before the Commission.

2 **STATUTORY AUTHORITY:** The Commission has jurisdiction over this matter under RCW Title 81, and has legal authority to regulate the rates, services, and practices of solid waste collection companies. The statutes that apply to this matter include RCW 80.01, RCW 80.04, and RCW 81.77, including but not limited to RCW

80.01.040 and RCW 80.04.020. The rules that apply to this matter include those within WAC 480-70, relating to solid waste collection companies.

3 The Commission will hear this matter under the Administrative Procedure Act (APA), particularly Part IV of RCW 34.05 relating to adjudications. The provisions of the APA that relate to this proceeding include, but are not limited to RCW 34.05.413, RCW 34.05.431, RCW 34.05.440, RCW 34.05.443, RCW 34.05.449, and RCW 34.05.452. The Commission will also follow its procedural rules in WAC 480-07 in this proceeding.

4 **THE COMMISSION GIVES NOTICE That a prehearing conference in this matter will be held on Wednesday, November 28, 2012, at 10:00 a.m., Second Floor, Room 206, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

5 The purpose of the prehearing conference is to consider requests for intervention, resolve scheduling matters including establishing dates for distributing evidence and workpapers, to identify the issues in the proceeding and determine other matters to assist the Commission in resolving the matter, as listed in WAC 480-07-430.

6 **INTERVENTION:** Persons who wish to intervene should file a petition to intervene in writing at least three business days before the date of the prehearing conference. *See* WAC 480-07-355(a). The Commission will consider oral petitions to intervene during the conference, but strongly prefers written petitions to intervene. Party representatives must file a notice of appearance with the Commission no later than the business day before the conference. *See* WAC 480-07-345(2). If any party or witness needs an interpreter or other assistance, they should fill out the form attached to this notice and return it to the Commission. The Commission will set the time and place for any evidentiary hearings at the prehearing conference, on the record of a later conference or hearing session, or by later written notice.

7 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the prehearing conference set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440. The Commission specifically invokes the sanction provisions of WAC 480-07-450 which allow the Commission to seek penalties for a party in default.**

8 The names and mailing addresses of all known parties and their known representatives are as follows:

Complainant: Stericycle of Washington, Inc.
20320 80th Avenue S.
Kent, WA 98032

Representative: Stephen B. Johnson
Jared Van Kirk
Garvey Schubert Barer
1191 Second Avenue, Suite 1800
Seattle, WA 98101
(206) 464-3939
sjohnson@gsblaw.com
jvankirk@gsblaw.com

Respondent: Waste Management of Washington, Inc.
d/b/a WM Healthcare Solutions of Washington
Mike Weinstein
13225 NE 126th Place
Kirkland, WA 98034

Representative: Polly L. McNeill
Jessica L. Goldman
Summit Law Group PLLC
315 Fifth Avenue S., Suite 1000
Seattle, WA 98104-2682
(206) 676-7000
Pollym@summitlaw.com
jessicag@summitlaw.com

Commission: Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250

Representative: Fronda Woods
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1225
fwoods@utc.wa.gov

- 9 Administrative Law Judge Adam E. Torem from the Commission's Administrative Law Division will preside during this proceeding.
- 10 The Commission will give parties notice of any other procedural phase of the proceeding in writing or on the record, as appropriate during this proceeding.

DATED at Olympia, Washington, and effective November 2, 2012.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER
Executive Director and Secretary

Inquires may be addressed to:

Executive Director and Secretary
Washington Utilities and
Transportation Commission
Richard Hemstad Building
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

NOTICE

PLEASE BE ADVISED that the hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and that if limited English-speaking or hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

The information needed to provide an appropriate interpreter or other assistance should be designated below and returned to Washington Utilities and Transportation Commission, Attention: David W. Danner, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (SUPPLY ALL REQUESTED INFORMATION)

Docket No.: _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.: (____) _____