

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In re. Application TG-081725 of)	
)	DOCKET TG-081725
NORTHWEST INDUSTRIAL SERVICES, LLC)	
d/b/a American On Site Services)	MOTION
)	OF PETITIONER
)	FOR LEAVE
For a Certificate of Public Convenience and)	TO PURSUE
Necessity to Operate Motor Vehicles in)	DISCOVERY
Furnishing Solid Waste Collection Service)	
_____)	

COMES NOW the Petitioner, Northwest Industrial Services, LLC, d/b/a American Onsite Services, and moves the Commission for an order allowing it to pursue discovery initially by a Data Request.

This motion is made pursuant to the PREHEARING CONFERENCE ORDER and is based upon the records and files herein and the declarations of David Alvarado and Paul J. Allison.

Dated this 4th day of March, 2009.

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DECLARATION OF DAVID ALVARADO

David Alvarado makes this declaration under penalties of perjury.

I am the Director of Business Development for Northwest Industrial Services LLC, d/b/a American Onsite Services, hereinafter American Onsite Services, and make this Declaration in support of the foregoing Motion for Leave to Pursue Discovery. Prior to filing the application of American Onsite Services for a Certificate of Convenience and Necessity I had become aware that B & N Sanitary Services, hereinafter B & N, had a certificate to perform certain services in portions of Pend Orielle County, that its certificate did not include the use of rolloff equipment but that it was providing rolloff services. I concluded that there was a need for rolloff services in such portions of Pend Orielle County but that no one had a Certificate of Convenience and Necessity to provide such services.

When I appeared at the Pretrial Conference I did so without the benefit of counsel and did not fully appreciate the issues that were presented in this matter. I was not aware that it might be possible to obtain information from, and about, the protestant, B & N, which might be relevant to the issues raised by the Application that I filed on behalf of American Onsite Services and/or by the protest that had been filed by B & N. It soon became clear to me that I needed assistance in pursuing the interests of American Onsite Services. Only then did I consult with the Company's attorney, Paul J. Allison, who informed me that he was not experienced in, or knowledgeable about, such proceedings but that if I was unable to engage an attorney who was he would do his best to help.

I had read the materials that had been submitted in support of the Protest by B & N but did not fully appreciate the possible significance of B & N having operated at a substantial loss in 2007. I did not know what equipment B & N had or what financial ability it had to obtain the equipment that would be needed to properly serve the "rolloff needs" of persons in Pend Orielle County. I did not know what B & N was charging for the rolloff services that it was providing. I did not know what other information might be significant in the Commission's consideration of the Application which I had filed on behalf of American Onsite Services or that it might be possible to obtain such information by discovery, including by a Data Request.

Dated this 4th day of March, 2009.

David Alvarado

DECLARATION OF PAUL J. ALLISON

Paul J. Allison makes this declaration under penalties of perjury.

I am an attorney licensed to practice law in the State of Washington. I have represented Northwest Industrial Services LLC d/b/a American Onsite Services, hereinafter American Onsite Services, for many years in a variety of matters. I have never before been counsel for any party in any proceeding before the Washington Utilities and Transportation Commission and have never had occasion to become familiar with the rules applicable to such a proceeding. I attempted, without success, to enlist counsel with such experience to represent American Onsite Services on this matter.

When I read the papers that had been filed in this matter I did not initially recognize that in order to pursue discovery it would be necessary to make a motion for leave to do so. It was, however, clear to me, that the issues that were raised by the Application and by the Protest by B & N could not be adequately addressed without obtaining more information about B & N. In particular it appeared significant to me that B & N had operated at a substantial loss in the year 2007 but I did not know why, nor did I know how it had financed that loss, or how it would be able to finance other losses, or whether it had sustained losses in 2008 or other years. I knew that B & N had provided rolloff services without having established a tariff that was approved by the Commission but did not know the extent of such services, what equipment B & N had to provide such services or what it had charged for such services.

I concluded that in order for American Onsite Services to present evidence that would enable the Commission to properly rule on it's Application it would be necessary to conduct

discovery.

Dated this 4th day of March, 2009.

Paul J. Allison