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STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of:
KING COUNTY DEPARTMENT OF)
PUBLIC WORKS, SOLID WASTE DIVISION,)
Complainant,)
v.)
SEATTLE DISPOSAL COMPANY, RABANCO)
LTD., d/b/a EASTSIDE DISPOSAL AND)
CONTAINER HAULING)
Respondent.)

Docket No. TG-940411

ANSWER OF
RESPONDENT RABANCO
COMPANIES

INTRODUCTION

1. The address of respondent Seattle Disposal Company, Rabanco Ltd., d/b/a Eastside Disposal and Container Hauling ("Rabanco Companies" or the "Company") is:

Rabanco Companies
200 - 112th Ave. NE
Suite 300
Bellevue, WA 98004

2. The following statutes and rules may be brought into issue by this pleading: Title 81 RCW and regulations issued thereunder; chapter 70.95 RCW.

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RESPONSE TO ALLEGATIONS OF THE COMPLAINT

3. The Company answers the allegations contained in the complaint of the King County Department of Public Works, Solid Waste Division ("Complaint" of the "Solid Waste Division") as follows:

4. The Company lacks sufficient information to admit or deny the allegations contained in paragraphs 1 and 2.

5. As to the allegations contained in paragraph 3, the Company denies that the Washington Utilities and Transportation Commission ("Commission") failed to comply with any statutory requirements in approving the Company's recent tariff revision in Docket No. TG-931585.

6. As to the allegations contained in paragraph 4, the Company admits that the County is a political subdivision of the State; and that the Department of Public Works, Solid Waste Division is an administrative agency of the County. The allegation regarding the County's legal obligations with respect to its "Comp. Plan" constitutes a conclusion of law and is denied. The Company lacks sufficient information to admit or deny that the Solid Waste Division is responsible for operating and managing municipal solid waste landfills owned or operated by the County. The Company denies that approval of tariffs in Docket No. TG-931585 will impede the County's ability to reach waste reduction and recycling goals or that the approval will result in increased deposit of waste.

7. The Company admits the allegations in paragraph 5.

8. The Company lacks sufficient information to admit or deny the allegations in paragraph 6.

9. The Company admits the allegations in paragraph 7.

10. The Company denies the allegations in paragraph 8.

11. The allegations of paragraph 9 constitute legal conclusions and are denied.

12. The Company admits that the documents described in paragraph 10 exist and further alleges that those documents speak for themselves.

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13. The Company lacks sufficient information to admit or deny the allegations in paragraph 11.

14. The Company admits the allegations of paragraph 12, except the new tariff is a legal document which speaks for itself.

15. With respect to paragraph 13, the Company denies the allegations of the first sentence; admits the allegations of the second sentence; and denies the remainder of the allegations in this paragraph.

16. The Company denies the allegations and legal conclusions contained in paragraph 14.

17. The Company admits the allegations of paragraph 15.

18. The Company admits the allegations of paragraph 16.

DEFENSES

19. The doctrine of *res judicata* bars the Complaint.

20. The doctrine of collateral estoppel bars the Complaint.

21. The Solid Waste Division lacks standing to maintain this action.

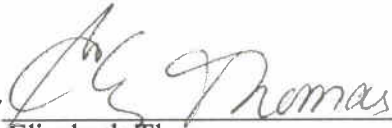
22. The County lacks standing to maintain this action.

23. The Complaint fails to state a claim upon which relief can be granted.

WHEREFORE, respondent Rabanco Companies respectfully requests that the Commission dismiss the Complaint.

DATED this 12th day of April, 1994.

PRESTON GATES & ELLIS

By 
Elizabeth Thomas WSBA # 11544
Attorneys for Respondent
Rabanco Companies

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding, by United States mail, pursuant to WAC 480-09-120(2)(a).

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DATED this 12th day of April, 1994 at Seattle, Washington.


Kristine Immordino