



ARTHUR D. CURTIS  
PROSECUTING ATTORNEY

CURT WYRICK  
CHIEF DEPUTY

JAMES R. MILLER  
CHIEF CRIMINAL DEPUTY

RICHARD S. LOWRY  
CHIEF CIVIL DEPUTY

SHARI JENSEN  
ADMINISTRATOR

March 14, 2008

*Via electronic filing*

Ms. Carole J. Washburn  
WUTC Executive Secretary  
Washington Utilities & Transportation Commission  
1300 S Evergreen Park Drive SW  
PO Box 47250  
Olympia WA 98504-7250

RE: *Waste Connections of Washington, Inc., v. Enviro / Con & Trucking, Inc., et. al.*  
*WUTC Case No. TG-071194*  
*Clark County's Response to Respondents' Motion for Summary Determination*

Dear Ms. Washburn:

Attached please find *Clark County's Response to Respondents' Motion for Summary Determination* regarding the above-entitled action. The original and six copies have been placed in the mail for filing by your office.

If you have any questions in this matter, please contact our office.

Sincerely,

Mindy Lambertson  
Legal Secretary to E. Bronson Potter  
Sr. Deputy Prosecuting Attorney

Enclosures

cc w/enclos: David Wiley  
Polly L. McNeill, Jessica Goldman

**CIVIL DIVISION**

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4  
5 BEFORE THE WASHINGTON UTILITIES  
6 AND TRANSPORTATION COMMISSION

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8 WASTE CONNECTIONS OF  
WASHINGTON, INC.,

9 Complainant,

10 v.

11 ENVIRO/CON & TRUCKING, INC., a  
12 Washington corporation; ENVIROCON, INC.,  
13 a corporation; and WASTE MANAGEMENT  
DISPOSAL SERVICES OF OREGON, INC.,

14 Respondents.

Case No. TG-071194

CLARK COUNTY'S RESPONSE TO  
RESPONDENTS' MOTION FOR  
SUMMARY DETERMINATION

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16 Clark County concurs with and hereby adopts the statements and reasoning put forth in  
17 Waste Connections of Washington's answer to the respondents' motion for summary judgment.  
18 The respondents argue that this matter should be dismissed because "Waste Management and  
19 ECTI have ceased collecting and/or transporting ...[the waste]...and the requested order would  
20 serve no purpose."<sup>1</sup> By this logic, the Commission should not consider matters as long as the  
21 offending party completes their action before a hearing on the merits. This clearly is not the  
22 result supported by logic or the law. The respondents' motion for summary judgment should be  
23 denied.

24 Respectfully submitted this 13<sup>th</sup> day of March, 2008.

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27 E. Bronson Potter WSBA 9102  
28 Of attorneys for Clark County, Washington

29 <sup>1</sup> See respondents' motion at page 3.