

T6-040248

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JAMES E. RYAN  
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DARRELL D. UPTEGRAFT, JR.  
ANNE M. MONTGOMERY

February 27, 2004

TODD A. BUSKIRK  
EMILY M. BUTCHER  
GORDON L. WALGREN  
Of Counsel

RECEIVED  
RECORDS MANAGEMENT  
04 MAR - 1 AM 9:13  
STATE OF WASH.  
UTIL. AND TRANSP.  
COMMISSION

Ms. Carole Washburn  
Executive Secretary  
Washington Utilities and  
Transportation Commission  
P. O. Box 47250  
Olympia, WA 98504-7250

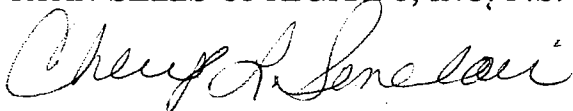
**Re: Application of Kleen Environmental Technologies, Inc.  
GA079254**

Dear Ms. Washburn:

Enclosed for filing is an original and three copies of Protest of Harold LeMay Enterprises, Inc.

Very truly yours,

RYAN SELLS UPTEGRAFT, INC. P.S.



Cheryl L. Sinclair  
Secretary to  
JAMES K. SELLS

encs.

cc: Harold LeMay Enterprises, Inc.

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BEFORE THE WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION

In Re Application of

NO. GA 079254

KLEEN ENVIRONMENTAL  
TECHNOLOGIES, INC.

PROTEST OF HAROLD LeMAY  
ENTERPRISES, INC.

**COMES** now Protestant, HAROLD LeMAY ENTERPRISES, INC., by and through its attorney, JAMES K. SELLS, and protests those portions of the above-referenced application which seek service in areas currently served by Protestant pursuant to WUTC Certificate G-98, and those areas sought to be served by Protestant pursuant to Solid Waste Application TG-040221/GA079251 filed with the Commission February 11, 2004.

Protestant alleges and prays as follows:

1) Harold LeMay Enterprises, Inc., d/b/a City Sanitary Co., EGH Disposal, Harbor Disposal Co., Joe's Refuse Service, Lakewood Refuse Service, Pacific Disposal, Pierce County Refuse, Rural Garbage Service, White Pass Garbage Co., and Butlers Cove Refuse is the holder of WUTC Certificate G-98 which provides for service in Pierce County, Grays Harbor County, Lewis County, Mason County and Thurston County. A true copy of the certificate is attached hereto.

2) Protestant has applied for additional authority, specifically biomedical waste in King, Pacific, Kitsap, Wahkiakum, Cowlitz, Clark and Skamania Counties. That application predates the application of Applicant herein.

1 3) Protestant is fit, willing and able to provide  
2 biomedical waste service within its current territory and is  
3 doing so to the satisfaction of the Commission. Protestant also  
4 is fit, willing and able to provide the service sought in its  
5 Application TG040221/GA079251 to the satisfaction of the  
6 Commission.

7 4) Protestant has invested significant funds to serve  
8 customers in its territory, and a grant of additional overlapping  
9 authority would be detrimental to those investments and contrary  
10 to the public interest. The service sought in this application  
11 is not required by the public convenience and necessity.

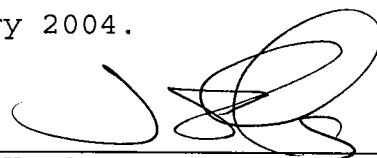
12 5) Applicant herein cannot establish its fitness to  
13 conduct operations nor its compliance with the laws and  
14 regulations applicable to solid waste collection.

15 6) Protestant will appear at any hearing in this matter  
16 and estimates it would present 10 to 15 witnesses at one-half to  
17 one hour each.

18 7) An amendment to the application excluding those areas  
19 served by Protestant pursuant to WUTC certificate G-98, and those  
20 areas sought by Protestant in Application TG-040221/GA079251  
21 would satisfy Protestant's interests herein, and if such  
22 amendment were offered and approved, this Protest would be  
23 withdrawn.

24 **WHEREFORE,** Protestant prays the above application be denied.

25 DATED this 27 day of February 2004.

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\_\_\_\_\_  
JAMES K. SELLS  
WSBA No. 6040  
Attorney for Protestant

CERTIFICATE OF SERVICE

1 I hereby certify that on this day a true copy of the  
2 foregoing Protest of Harold LeMay Enterprises, Inc. was served by  
3 first class mail, postage prepaid, on:

4 Kleen Environmental Technologies, Inc.  
754 Garfield Street  
Seattle, WA 97109

5 Mr. Greg W. Haffner  
6 Attorney at Law  
555 West Smith Street  
7 PO Box 140  
8 Kent, WA 98035-0140

9 I swear under the penalty of perjury of the laws of the  
State of Washington that the foregoing is true and correct.

10 DATED: February 27<sup>th</sup>, 2004.

11   
12 Cheryl L. Sinclair

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

# For the Operation of Motor Propelled Vehicles

pursuant to the provisions of Chapter 81 RCW

THIS IS TO CERTIFY that authority is granted to operate as a MOTOR CARRIER in the transportation of the commodities and in the territory described herein to

Harold LeMay Enterprises, Inc.  
d/b/a Pierce County Refuse Co., et al  
13502 Pacific Avenue  
P. O. Box 44459,  
Tacoma, WA 98444

CERT. NO.  
G-98

D-5

GARBAGE COLLECTION SERVICE In That portion of Pierce County beginning in Section 30, Township 21 North, Range 4 E.W.M. at the point of intersection of the northeast boundary of the Tacoma city limits and the Pierce County-King County line; thence southerly along the Tacoma city limits as of April 1, 1974, to its point of intersection with 72nd Street East known herein as the point of beginning; thence east on the centerline of 72nd Street East to Waller Road; thence south on the centerline of Waller Road to 112th Street; thence east on the centerline of 112th Street to Meridian Street; thence south on the centerline of Meridian Street to the Kapowsin Highway; thence east on the centerline of Kapowsin Highway to its point of intersection with Electron County Road; thence east along the centerline of Electron County Road to the Southwest corner of Section 33, Township 18 North, Range 5 E.W.M.; thence continuing east along the centerline of the Section line between Township 17 North and 18 North, to its intersection with the East boundary line of Mt. Rainier National Park; thence south along said boundary to its intersection with the Pierce County-Yakima County boundary line; thence south along the Pierce County-Yakima County line to the intersection of said line with the Pierce County-Lewis County line; thence west along the Pierce County-Lewis County line to the intersection of the Thurston County-Pierce County-Lewis County line; thence northerly along the Thurston County-Pierce County line to Puget Sound; thence northerly along the east shoreline of Puget Sound including Anderson Island, McNeil Island and Ketrion Island to the intersection with the south shoreline of Chambers Bay; thence east along the south shoreline of Chambers Bay, including the property of West Tacoma Newsprint Co. as of April 1, 1974, to the intersection with the projected west property line of Western State Hospital; thence south along the west property line projected to the intersection of Steilacoom Boulevard (State Historical Road No. 1); thence east along centerline of Steilacoom Boulevard to the northerly

WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION

By Kathy Bartle  
Paul Curl, Secretary



projected centerline of Water Street (99th Avenue S.W.); thence south along projected centerline of Water Street to the intersection of Clara Boulevard; thence southerly and easterly along Clara Boulevard including easterly and southerly side to the rear property line of those addresses fronting on Clara Boulevard and Lake Louise Drive to intersection with centerline of Lake Louise Drive; thence southerly and westerly along said centerline to the intersection with centerline of Holden Road; thence south along Holden Road including those addresses fronting on east side of said road from Lake Louise Drive to 112th Street S.W., to the intersection with centerline of Military Road; thence southeasterly along said centerline to the intersection with Washington Boulevard S.W. (120th Street); thence west along centerline of Washington Boulevard to the intersection with Nottingham Avenue; thence south along centerline of Nottingham Avenue to the intersection with Fort Lewis military reservation boundary; thence along said boundary to the shoreline of American Lake; thence easterly and southerly along American Lake shoreline to southwesterly property line to Tacoma Country Club; thence south and east along said property line to the intersection of old Highway 99 extended; thence north along the centerline of old Highway 99 to the intersection of 112th Street S.W. (Airport Road); thence north along the centerline of old Highway 99 (South Tacoma Way) excluding the east side of the highway for business and dwellings fronting on and having a Highway 99 address, to the south city limits of the City of Tacoma as of April 1, 1974; thence west along southerly boundary of City of Tacoma (80th Street extended) to the intersection with Orchard Street extended; thence north along centerline of Orchard Street extended to the intersection with South 19th Street; thence west along centerline of South 19th Street to the intersection with Day Island Waterway (east side of The Narrows); thence following the shoreline of Puget sound in a northerly direction to Point Defiance and Commencement Bay; thence following the shoreline of Commencement Bay to its intersection with the west city limits of Tacoma located in Section 21, Township 21 North, Range 3 E.W.M.; thence following the city limits of Tacoma in a clockwise direction to its intersection with 72nd Street East, the point of beginning.

Also, all areas within the boundaries of Pierce County occupied by United States Government Installations.

GARBAGE COLLECTION SERVICE In Hoquiam and Aberdeen, both city limits as of September 6, 1960, and in that portion of Grays Harbor County east of Aberdeen described as follows: Starting at the S.E. corner of Sec. 13, T. 17 N., R. 9 W.; thence west on the south line of said



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section projected to the east limits of Aberdeen as of September 6, 1960; thence following the east limits of Aberdeen in a northerly direction to the N.W. corner of Sec. 2, T. 17 N., R. 9 W.; thence east on the north line of said section projected to the N.E. corner of Sec. 1, T. 17 N., R. 9 W.; thence south on the east line of said section projected to the S.E. corner of Sec. 13, T. 17 N., R. 9 W., the place of beginning.

In Lewis County.

In Mason County restricted to drop box service only.

In Olympia as of September 6, 1960, and in that portion of Thurston County described as follows: Starting at the point where the south bank of Alder Lake intersects with the south line of Sec. 19, T. 15 N., R. 5 E. (Thurston-Lewis County Line); thence following said county line west to the north south centerline of Section 21, T. 15 N. R. 1 E.; thence north along centerline to the north line of Section 9, T. 16 N., R. 1 E.; thence west along north line of said section to the southwest corner of Section 6, T. 16 N., R. 1 E.; thence north along west line of said section to the N.W. corner of Sec. 6, T. 16 N., R. 1 E.; thence east on the north line of said section projected to the S.W. corner of Sec. 33, T. 17 N., R. 1 E.; thence north on the west line of said section projected to the westerly bank of the Nisqually River (Sec. 9, T. 18 N., R. 1 E.); thence following the westerly bank of said river in a southeasterly direction to Alder Lake; thence following the south bank of Alder Lake easterly to the point of intersection with the south line of Sec. 19, T. 15 N., R. 5 E., the place of beginning.

Also, beginning in the northwest corner of Section 2, T. 16 N., R. 4 W.; thence east along north line of said section projected to the northeast corner of Section 5, T. 16 N., R. 3 W.; thence south along west line of said section to the southeast corner of said Section 5; thence west along south line of said section projected to the southeast corner of Section 2, T. 16 N., R. 4 W.; thence north along west line of said section to the north west corner of Section 2, T. 16 N., R. 4 W.; the point of beginning.

REFUSE AND TRADE WASTE COLLECTION SERVICE From the Puget Sound Navy Yard at Bremerton to dumps in Kitsap County. Garbage and Refuse Collection Service at U.S. Naval Supply Depot, Seattle, Washington, under contract with the DEPARTMENT OF THE NAVY.



WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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GARBAGE AND REFUSE COLLECTION SERVICE in that portion of Thurston and Lewis Counties described as follows: Beginning at the point where the north-south centerline of Section 21, T. 15 N., R. 1 E. intersects the Thurston-Lewis County Line; thence west on said line to the north-south centerline of Section 19, T. 15 N., R. 2 W.; thence south along said centerline to the south line of Section 7, T. 14 N., R. 2 W.; thence west along said south line extended to the southwest corner of Section 9, T. 14 N., R. 3 W.; thence north along the west line of said Section 9 extended to the southeast corner of Section 20, T. 15 N., R. 3 W.; thence west along the south line of said Section 20 extended to the southwest corner of Section 23, T. 15 N., R. 4 W.; thence north along the west line of said Section 23 extended to the northwest corner of Section 14, T. 16 N., R. 4 W.; thence east along the north line of said Section 14 extended to the southwest corner of Section 7, T. 16 N., R. 1 E.; thence north along the west line of said Section 7 to the northwest corner of said Section 7; thence east along the north line of said Section 7 extended to the north-south centerline of Section 9, T. 16 N., R., 1 E.; thence south along said north-south centerline extended to the south line of Section 21, T. 15 N., R. 1 E., the Thurston-Lewis County Line, the point of beginning.

LIMITATION: No service to be rendered to or from the Cedar Creek Youth Camp located in Sections 11 and 12, T. 16 N., R. 4 W., Thurston County, Washington.

The following authority was obtained by transfer from Enar Shoblom, d/b/a Butlers Cove Refuse Service, holder of Certificate No. G-4:

GARBAGE COLLECTION SERVICE In the following described territory within Thurston County: Starting at the southeast corner of the southwest quarter of the southwest quarter of Section 27, T. 18 N., R. 2 W.; thence west on the south line of said section extended to the southwest corner of Section 28, T. 18 N., R. 3 W.; thence north on the west line of said section extended to the shore line of Totten Inlet (Oyster Bay); thence northeasterly along the southeasterly shore of said Inlet to the north end of Steamboat Island; thence easterly and southerly along the west shore of Squaxin Passage and Budd Inlet to the point where it intersects with the north line of Section 10, T. 18 N., R. 2 W.; thence west along said line to the northeast corner of the northwest quarter of the northwest quarter of said Section 10; thence south on said quarter section line extended to the south line of Section 27, T. 18 N., R. 2 W., the place of beginning.

M. V. G. No. 1403

8-16-89

