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BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In re Application of
Northwest Industrial Services, LLC
d/b/a American on Site Services,
for Solid Waste Collection Services.

DOCKET NO. TG-081725

PROTEST OF ROBERT L. NICHOLS
d/b/a B & N SANITARY SERVICE

COMES NOW Protestant and protests the granting of the above-referenced application for the following Certificate of Public Convenience and Necessity for solid waste service:

Solid Waste Collection Service consisting of construction demolition, industrial manufacturing waste, and recycling material in that portion of Pend Oreille County as described as follows: The West ½ of Township 38 N., R43 East, W.M.; the West ½ of Township 37 N., R43 East W.M.; and the East ½ of Township 37 N. R42 East W.M.; also in that portion of Pend Oreille County described as follows: T 39 N., R 44 E, Section 6, 7 and 18 of T. 38 N., R. 44 E

In doing so, Protestant alleges and prays as follows:

1) Protestant is the holder of WUTC Permit No. 122 which provides for solid waste authority in the territory requested by this application. Protestant stands ready and able to perform the services specified in the application. A true copy of G-122 is attached hereto.

2) Protestant has invested considerable capital in infrastructure and equipment in order to provide the service required by its WUTC Permit. If this

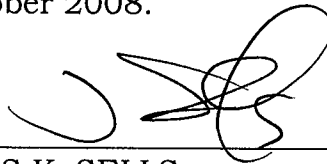
1 application were to be granted and customers were to change to service by
2 applicant, it would create an untenable financial situation for Protestant.
3 There is an insufficient customer base within Protestant's WUTC permit area
4 to support two permitted haulers, and thus the granting of this application
5 would not be in the public interest.

6 3) Applicant is not fit to be granted the relief sought in the
7 application. Applicant has conducted unauthorized and illegal solid waste
8 collection activities within Protestant's WUTC permit area and within other
9 permit holders' areas.

10 4) The granting of this application would serve to promote and
11 legitimize "cream skimming;" that is, serving lucrative commercial accounts
12 without also serving less lucrative residential customers. This is inapposite to
13 WUTC policy and related case law.

14 WHEREFORE, Protestant prays this application be dismissed OR in the
15 alternative a hearing be held, at which hearing Protestant would call three to
16 five witnesses whose testimony would take approximately one day.

17 DATED this 20 day of October 2008.



18 JAMES K. SELLS
19 WSBA No. 6040
20 Ryan Sells Uptegrift, Inc. P.S.
21 9657 Levin Rd. NW, Suite 240
22 Silverdale, WA 98383
23 Attorneys for Protestant
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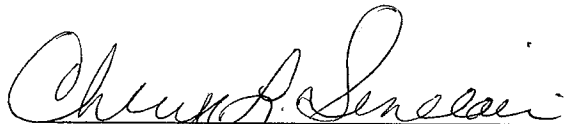
CERTIFICATE OF MAILING

I hereby declare that on the 20th day of October 2008, I caused to be deposited in the U. S. Mail, first class postage prepaid, a true copy of the foregoing PROTEST OF ROBERT L. NICHOLS, d/b/a B & N Sanitary Service addressed to:

Northwest Industrial Services, LLC
American On Site Services
3808 N. Sullivan Rd., #107A
Spokane, WA 99216-1608

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

DATED this 20th day of October 2008 at Silverdale, Kitsap County, Washington.


Cheryl L. Sinclair

MVG No. 1622

05-05-1993

NICHOLS, ROBERT L
d/b/a B & N SANITARY
403641 HWY 20
CUSICK, WA 99119

PERMIT NO.
G-122
D-4

SOLID WASTE COLLECTION SERVICE in that portion of Pend Oreille County described as follows: The west 1/2 of Township 38 North, Range 43 East W.M.; the west 1/2 of Township 37 North, Range 43 East W.M.; and the east 1/2 of Township 37 North, Range 42 East W.M. also in that portion of Pend Oreille County described as follows T. 39 N., R. 43 E.; T. 40 N., R. 43 E.; Sections 19, 29, 30, 31 and 32 of T. 39 N., R. 44 E.; Sections 6, 7 and 18 of T. 38 N., R. 44 E.

MVG No. 1579

09-23-1992