

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In re Joint Application GA-79036	)	ORDER TG-011621
for authority to lease a portion	)	
of rights under Certificate of Public	)	
Convenience and Necessity No. G-98	)	APPROVING LEASE
from Harold LeMay Enterprises, Inc.,	)	AMENDING CERT. NO.
to Mason County Garbage Co., Inc.,	)	G-88
holder of Certificate G-88	)	
	)	AND AMENDING CERT. NO.
	)	G-98
.....)	)	

Certificate of Public Convenience and Necessity No. G-98 stands in the name of Harold LeMay Enterprises, Inc., and authorizes the service therein set forth.

Certificate of Public Convenience and Necessity No. G-88 stands in the name of Mason County Garbage Company, Inc., and authorizes the service therein set forth.

On December 6, 2001, joint application GA-79036 was filed with the Commission for authority to lease a portion of rights under said certificate from Harold LeMay Enterprises, Inc., to Mason County Garbage Company, Inc., in accordance with RCW 81.77 and WAC 480-70. The portion of rights to be leased by Mason County Garbage Company, Inc., under No. G-88 is as follows:

Permission to lease Garbage Collection authority in Mason County, excluding biomedical waste, from Harold LeMay Enterprises, Inc. (G-98) is granted in Docket TG-011621 effective February 27, 2002. The purpose of this long-term lease is to eliminate duplication of garbage collection services by the two certificate holders resulting from the existing overlap of authority to serve Mason County. This lease is not intended to create a duplication of operating rights for the lessee. The lease is for a period of 20 years and will expire February 27, 2022.

It appears that Mason County Garbage Company, Inc., is able and willing to furnish all service necessary under said application and that the lease of such portion of rights as herein applied for will not be detrimental to the interest of the public.

ORDER

IT IS HEREBY ORDERED That the application herein be and the same is hereby

granted conditioned upon compliance by all parties concerned with the laws and rules and regulations governing solid waste collection companies.

IT IS FURTHER ORDERED That Certificate of Public Convenience and Necessity No. G-88 be amended, endorsed, and issued to Mason County Garbage Company, Inc., per the attached Appendix A, attached hereto and incorporated herein, and that Certificate of Public Convenience and Necessity No. G-98 shall be amended, endorsed, and issued to Harold LeMay Enterprises, Inc., as per the attached Appendix B, all subject to the provisions of that certain lease agreement dated February 27, 2002, by and between Mason County Garbage Company, Inc., lessee, and Harold LeMay Enterprises, Inc., lessor, a copy of which is attached to and made a part of Application GA-79036.

IT IS FINALLY ORDERED That pursuant to the terms of the lease that this order shall terminate twenty years from the effective date of this order, or will be terminable pursuant to the terms of the lease agreement.

DATED at Olympia, Washington, and effective this 27th day of February, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chair

RICHARD HEMSTAD, Commissioner

PATRICK OSHIE, Commissioner

APPENDIX A

SOLID WASTE COLLECTION SERVICE in Mason County.

SOLID WASTE COLLECTION SERVICE in Mason County, excluding biomedical waste. Permission to lease Garbage Collection authority in Mason County, excluding biomedical waste, from Harold LeMay Enterprises, Inc. (G-98) is granted in Docket TG-011621 effective February 27, 2002. The purpose of this long-term lease is to eliminate duplication of garbage collection services by the two certificate holders resulting from the existing overlap of authority to serve Mason County. This lease is not intended to create a duplication of operating rights for the lessee. The lease is for a period of 20 years and will expire February 27, 2022.

TO THE EXTENT THAT THE AUTHORITY GRANTED IN THIS ORDER DUPLICATES ANY AUTHORITY PREVIOUSLY GRANTED OR NOW HELD SHALL NOT BE CONSTRUED AS CONFERRING MORE THAN ONE OPERATING RIGHT NOR SHALL ANY DUPLICATING RIGHTS BE AVAILABLE FOR PURPOSES OF TRANSFER.

APPENDIX B

THIS CERTIFICATE SUBJECT TO MORTGAGE IN FAVOR OF THE U.S. BANK NATIONAL ASSOCIATION AS PARTIAL SECURITY FOR A PROMISSORY NOTE IN THE PRINCIPAL AMOUNT OF \$13,860,000 AUTHORIZED BY COMMISSION ORDER TG-990532 DATED APRIL 14, 1999.

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 Ketron 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 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 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.

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.

**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.

The following authority was obtained by transfer from Harbor Disposal Co., Inc., holder of Certificate No. G-78:

GARBAGE AND REFUSE COLLECTION SERVICE In Grays Harbor and Pacific Counties from within the following described area. Starting at a point at the northeast corner of Section 13, T. 15 N., R. 11 W.; thence south along the east line of said Section 13, extended to Tokeland Peninsula (Section 12, T. 14 N., R. 11 W.); thence following the shoreline of Willapa Bay and the Pacific Ocean westerly and northerly to Point Chehalis; thence on a line projected across the mouth of Grays Harbor to Point Damon; thence again following the shoreline of the Pacific Ocean in a northerly direction to the point where the Jefferson-Grays Harbor County line intersects, the north line of Section 4, T. 23 N., R. 13 W.; thence east along the north line of said Section 4, and the Jefferson-Grays Harbor County line extended to the northeast corner of Section 1, T. 23 N., R. 7 W.; thence South along the east line of said Section 1 and the Mason-Grays Harbor County Line extended to the southeast corner of Section 36, T. 19 N., R. 7 W.; thence west along the south line of said Section 36 to the intersection of the centerline of Section 5, T. 18 N., R. 7 W.; thence south along the centerline of said Section 5 extended to the south line of Section 29, T. 18 N., R. 7 W.; thence west along the South line of said Section 29 to the intersection with the centerline of the Wynoochee River. Thence southerly along the centerline of the Wynoochee River to the intersection with the centerline of the Chehalis River, Section 18, T. 17 N., R. 7 W.; thence westerly along the centerline of the Chehalis River to the intersection with the west line of Section 23, T. 17 N., R. 8 W.; thence south along the west line of said Section 23, to the southwest corner of said Section 23; thence east along the south line of said Section 23, T. 17 N., R. 8 W. to the intersection of the centerline of Section 29, T. 17 N., R. 7 W.; thence south along the centerline of said Section 29, extended to the south line of Section 8, T. 15 N., R. 7 W.; thence westerly along the south line of said Section 8, extended to the northeast corner of Section 13, T. 15 N., R. 11 W., and the point of beginning.

EXCLUDING: Garbage and Refuse Collection Service in that portion of Grays Harbor County commencing at the point of intersection of the East Wynoochee Valley Road and the north line of Section 35, T. 18 N., R. 8 W., extending northerly along the east Wynoochee Valley Road, including an area 1/4 mile on either side, to Camp Gridale, and excluding service in the Cities of Montesano and Hoquiam.

The following authority was obtained by transfer of Certificate No. G-15 from EGH Disposal, Inc.:

GARBAGE COLLECTION SERVICE in that portion of Grays Harbor County described as follows: Starting at the point where the east line of Section 10, T. 17 N., R. 7 W. intersects with the Chehalis

River; thence west along the north bank of said river to the north-south center line of Section 8, T. 17 N., R. 7 W.; thence south on said center line to the south line of Section 20, T. 17 N., R. 7 W.; thence west on the south line of said section projected to the southwest corner of Section 23, T. 17 N., R. 8 W.; thence north on the west line of said section to the Chehalis River; thence easterly and northerly along the southerly bank of said river to the Wynoochee River; thence northwesterly along the north bank of the Wynoochee River to the points where said bank intersects with the north line of Section 35, T. 18 N., R. 8 W.; thence east along the north line of said section extended to the northeast corner of Section 34, T. 18 N., R. 7 W.; thence south on the east line of said section extended to the north bank of the Chehalis River, the place of beginning.

GARBAGE AND REFUSE COLLECTION SERVICE commencing at the point of intersection of the East Wynoochee Valley Road and the north line of Sec. 35, T. 18 N., R. 8 W. and extending northerly along the East Wynoochee Valley Road to Camp Griddale, and including an area extending 1/4 mile on either side of said East Wynoochee Valley Road in Grays Harbor County.

In the City of Montesano, under contract with the City of Montesano.

The following authority was obtained by transfer from Certificate G-24 standing in the name of John V. Goodwin, d/b/a Eastern Grays Harbor Disposal:

GARBAGE AND REFUSE COLLECTION SERVICE In that portion of Grays Harbor County described as follows: Starting at the point where the north-south center line of Section 5, T. 17 N., R. 7 W. (which is one and the same with the east city limits of Montesano) intersects with the north line of Section 5, T. 18 N., R. 7 W.; thence east on the north line of said section projected to Mason-Grays Harbor County line; thence east on said county line to the Thurston-Grays Harbor County line; thence south on said line to the Lewis-Grays Harbor County line; thence west on said county line to the point where the center line of Section 5, T. 17 N., R. 7 W. projected south intersects; thence north on said projected line to the place of beginning.

In that portion of Thurston County described as follows: Sections 9, 10, 11, 12, 13, 14, 15 and 16, T. 18 N., R. 4 W.; and Sections 7, 8, 17 and 18, T. 18 N., R. 3 W.

Authority to provide Garbage Collection Service in Mason County, excluding biomedical waste, has been leased to Mason County Garbage Service, Inc. (G-88) under Docket TG-011621 effective February 27, 2002. The lease is for a period of 20 years and will expire February 27, 2022.

**TO THE EXTENT THAT THE AUTHORITY GRANTED IN THIS ORDER DUPLICATES ANY AUTHORITY PREVIOUSLY GRANTED OR NOW HELD SHALL NOT BE CONSTRUED AS CONFERRING MORE THAN ONE OPERATING RIGHT NOR SHALL ANY DUPLICATING RIGHTS BE AVAILABLE FOR PURPOSES OF TRANSFER.**



