

1 territory sought by the Applicant. As is evidenced by this permit, Protestant currently holds authority in
2 conflict with the applied-for authority.

3
4 Protestant owns and operates motor vehicular equipment suitable for the transportation of such
5 materials sought to be transported. Protestant employs personnel and drivers who are thoroughly
6 experienced in the requested transportation. These services have been performed by Protestant for many
7 years to serve the shipping public throughout the Birch Bay area. The service which the Applicant seeks
8 has been rendered by Protestant in the past, and Protestant is constantly expending substantial sums of
9 money for the hiring, training and supervision of its personnel; and for the obtaining of the newest and most
10 efficient motor vehicular equipment.

11
12 For the foregoing reasons, Protestant has an interest in this proceeding.

13 II.

14 Protestant is suitably and adequately equipped and otherwise qualified, ready, willing and able to
15 provide all the relevant transportation service required by the shipping public for the applied-for territory. It
16 therefore alleges that the requested service is not warranted by the public convenience and necessity and is
17 not in the public interest. Protestant remains ready, willing and able to provide the services which its
18 operating permit authorizes to any of the Applicant's supporting shippers, to the satisfaction of the
19 Commission. The Applicant is not qualified to receive a grant of a solid waste certificate of public
20 convenience and necessity because Protestant is fit, willing and able to continue to properly perform the
21 services proposed and to conform to the provisions of Ch. 81.77 RCW and the requirements, rules and
22 regulations of this Commission thereunder.

23
24
25 III.

26 Protestant believes and therefore alleges that the Applicant is not fit, willing and able to provide the
27 requested service. The Applicant is in violation of WAC 480-70-081(6)(a) by providing services in the area
28 at issue, which is outside the Applicant's certificated authority. The Applicant seeks an extension to Order

1 M.V.G. No. 646, which granted the extension of Certificate of Public Convenience and Necessity No.
2 G-145 to the Applicant's predecessor in interest, Gary D. Gifford, hereinafter Gifford, on November 30,
3 1973. The Commission granted Certificate No. G-145 with precisely the same metes and bounds as
4 requested in Gifford's application. Said certificated area overlaps with Protestant's inland certificated area,
5 but omits Birch Bay Village and the seaward perimeter of Protestant's certificated area. The Applicant now
6 asserts that the Commission should have granted the extension of the entire area, including the seaward
7 perimeter and Village portions, and that the certificate erroneously excluded those areas. In fact, the
8 Commission granted precisely the area for which the Applicant's predecessor in interest applied. Said
9 Application and map indicating the requested area are attached hereto as Exhibit B and Exhibit C. Further,
10 under WAC 480-70-081, the boundaries of the Applicant's authority are established by descriptions
11 established in its certificate at the time the commission granted the authority.
12
13

14 IV.

15 Protestant denies each and every material allegation and statement of fact contained in Application
16 No. GA079178 and requests that the Applicant be required to submit strict proof in support thereof and to
17 produce competent witnesses at a hearing for cross-examination on all material and relevant facts bearing
18 on the protested application. If an oral hearing is held, Protestant will appear and present evidence of its
19 own operations and particular interests in the application. Protestant estimates that it will call 5-6 witnesses
20 at the hearing, and that the hearing time for the testimony of the witness will be approximately 4 hours.
21

22 //

23 //

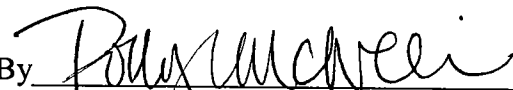
24 //

1 WHEREFORE, Protestant prays that it be afforded an opportunity to participate in the hearing on
2 this application; and that the application thereafter be denied.
3

4 DATED this 19th day of August, 2003.
5

6 Respectfully Submitted,

7 SUMMIT LAW GROUP, PLLC

8
9 By 

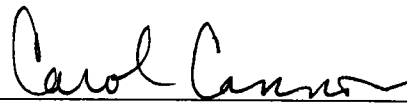
10 Polly L. McNeill
11 Attorneys for Protestant
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing Protest upon all parties of record in this proceeding, by mailing a copy thereof, properly addressed with postage prepaid, to the Applicant through its counsel at 400 N. Commercial, Bellingham WA 98225.

DATED at Seattle, Washington, this 1st day of August, 2003.



Carol Cannon

Exhibit A

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Appendix A page 1 of 2

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

SANITARY SERVICE CO., INC.
d/b/a SANITARY SERVICE COMPANY
AND RECYCLING SERVICE
1001 ROEDER AVE.
POST OFFICE BOX 1702
BELLINGHAM, WA 98227

Cert. No.
G-14

SOLID WASTE COLLECTION SERVICE IN THE City of Bellingham and in Whatcom County; EXCLUDING the City of Blaine, Washington, and within a radius of one mile of said city limits; EXCLUDING that portion of Whatcom County described as Point Roberts; EXCLUDING that portion of Whatcom County beginning at the N. E. corner of Sec. 32, T. 41 N., R. 1 E.; thence south on Harvey Road projected to I-5 Highway; thence southeasterly on I-5 Highway to Birch-Bay-Lynden Road; thence east on Birch-Bay-Lynden Road projected to the Hannegan Road; thence south on Hannegan Road to Hemmi Road; thence east on Hemmi Road, Fazon Road, Goshen Road and Cedarville Road to SR-542; thence easterly and northerly on SR-542 to Kendall Road; thence northerly and westerly on Kendall Road to Hillview Road; thence easterly and northerly on Hillview Road to Nims Road; thence north on Nims Road projected to the Canadian boundary; thence west on the Canadian boundary to the N. E. corner of Sec. 32, T. 41 N., R. 1 E., the place of beginning.

AND EXCLUDING: That portion of Whatcom County described as follows: Starting at the northwest corner of Section 4, T10E, R40N; thence south on the west line of said section to the northeast corner of Section 20, T10E, R39N; thence west on the north line of said section to the northwest corner of Section 22, T9E, R39N; thence south on the west line of said section to the northeast corner of Section 33, T9E, R39N; thence west on the north line of said section to the northwest corner of Section 36, T8E, R39N; thence south on the west line of said section to the southwest corner of Section 36, T8E, R37N (also the Whatcom-Skagit County line); thence east along the south range line of R37N (also the Whatcom-Skagit County line) to its intersection with the Whatcom-Okanogan County line (near the south line of Section 33, T16E, R37N); thence northerly along said county line to its intersection with the north range line of

(Continued)

WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

By *Carole J. Strickman*



WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Appendix A page 2 of 2
Continuation

R40N (near the north line of Section 2, T15E, R40N); thence west along said range line to the northwest corner of Section 4, T10E, R40N, the point of beginning.

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

TG-011394

02-13-02



(Continued)

Exhibit B

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
Olympia, Washington

10/8/71

In the Matter of the Application of
Gary Gifford
Gifford Refuse
for a Certificate of Public Convenience
and Necessity to operate motor vehicles in
furnishing GARBAGE AND REFUSE COLLECTION)

Date Received OCT 8 1971 GA No. 405
Receipt No. 100 App. Fee
Amount \$ App. Fee \$ ~~Plate Fee~~
Reg. Fee \$ Plate Fee \$ Rates
Ins.

Extension

Application is hereby made to the Washington Utilities and Transportation Commission for a Certificate of Public Convenience and Necessity, as provided in Chapter 295 of the Session Laws of 1961.

E-145

A P P L I C A T I O N E X T E N S I O N

1. Name of applicant Gary Gifford
2. Trade name Gifford Refuse
3. Mailing address Box 443 Blaine Washington 98230
4. Applicant is a (Check one) Individual Partnership Corporation

If a partnership, is a copy of partnership agreement attached?

If a corporation, list names and addresses of officers and directors, showing titles:

RECEIVED
OCT 7 1971
SEATTLE DIST. W.U.T.C.

RECEIVED
OCT 8 1971
CIVIL W. U.T.C.

List the names of the shareholders and the number of shares owned by each:

5. Application is made for: (Check one) Common Carrier Certificate (*) Extension Contract Carrier Certificate ()

6. Operations will be: Intracity () Intrastate (*)

*0001
10-7-71
E-725-31*

7. Have you previously filed application for certificate or permit? Yes
8. Have you previously held or operated under certificate or permit? Yes
- If yes, what certificate or permit number did you hold? G- I45

9. Are you represented by counsel? No If yes, what is his name, address and telephone number? _____

10. Commodity to be hauled Garbage and Refuse

11. Territory to be served In that portion of Whatcom^{cc} described as follows: Starting at intersection of the Blaine Rd & Hall Rd, thence south on t Blaine rd to the Grandview rd; thence west on the Grandvi rd/ Point Whitehorn; thence north on ~~the~~ Birch Bay Dr. to Birch Point rd; thence west on Birch Point rd to Semiahmo Dr; thence north on Semiahmo Dr to Drayton Harbor rd; th east on Drayton Harbor rd to Blaine Rd; thence north along Blaine rd to the point of beginning.

at Blaine Rd. ar

west on Grandvi

west on Birch P

ton HBr. to Bla

bound the area

is the area in

(Describe in detail by sketch showing clearly

12. Three copies of a tari: rules and regulations
13. If application is for a Contract Carrier Certificate, either the original or a duplicate original of each contract is attached.
14. State fully the conditions existing which are relied upon by you as justification for the granting of a Certificate of Public Convenience and Necessity (Attach supplementary material if necessary).
- _____
- _____
- _____

15. Is this an application for an extension of your present service? Yes ()
No ()

If yes, attach the original certificate now held by you.

16. If the Commission assigns this application for formal hearing, applicant will present approximately _____ witnesses at the hearing.
(number)

7. Have you previously filed application for certificate or permit? Yes
8. Have you previously held or operated under certificate or permit? Yes
 If yes, what certificate or permit number did you hold? G- I45
9. Are you represented by counsel? No If yes, what is his name, address and telephone number? _____
10. Commodity to be hauled Garbage and Refuse
11. Territory to be served Attached is Whatcom County map Start at B-3 at Blaine Rd. and Hall Rd. go south on Blaine Rd. to Grandview Rd. west on Grandview Rd. to Point Whitehorn. go North on Birch bay Dr. west on Birch point Rd. North on Semiahmoo Dr. then east on Drayton HBr. to Blaine Rd. The Named Roads are the roads that bound the area Being applied for. The area shadowed on the map is the area in which I would like to be able to serve.
- (Describe in detail by permanent geographical boundary and attach a map or sketch showing clearly the territory sought to be served).
12. Three copies of a tariff naming proposed rates to be assessed for service rules and regulations governing same, are attached
13. If application is for a Contract Car duplicate original of each
14. State fully the condition
 cation for the granting of
 (Attach supplementary materi.

15. Is this an application for an exte
 If yes, attach the original certific
16. If the Commission assigns this applica _____ al hearing, applicant will
 present approximately _____ witnesses at the hearing.
 (number)

17. Complete the following financial data*

ASSETS		LIABILITIES	
Cash on hand and in the bank	\$ 700.00	Salaries and Wages Payable	\$ _____
Notes Receivable	_____	Accounts Payable	_____
Accounts Receivable	_____	Notes Payable	2000.00
Inventories	_____	Contracts Payable	1000.00
Other Current Assets	_____	Mortgages Payable	16000.00
Bonds and Mortgages owned	_____	Bonds Outstanding	_____
Investments in Affiliated Companies	_____	Advance Payments by Others	_____
Other Investments	_____	Reserves	_____
Land	6000.00	Total Liabilities	\$ 19,000.00
Buildings	24000.00	NET WORTH	
Trucks, trailers and cars	20000.00	Preferred Stock	1000.00
Shop Equipment	1500.00	Common Stock	_____
Furniture and Fixtures	10000.00	Surplus	_____
Prepaid Expenses	_____	Proprietorship	43,200.00
Other assets	_____	Total Liabilities and Net Worth. \$	8000.00
Total Assets	\$62,200.00		\$62,200.00

*Enclose balance sheet and profit and loss statement if available.

18. Complete the following statement of equipment to be used in connection with proposed service*

YEAR and MAKE	Type-Describe (Packer, dump, etc.)	Motor or Id. No.	Gross Licensed Weight
1963 Reo	Leach Packer		28,000 lbs.
1952 Ford	Pac Mor packer		20,000 "

*If additional space required, show same information on additional sheet attached.

19. Give short statement of your experience, if any, in the motor carrier industry.

Four years hauling garbage and refuse in this area.

11.8 100

20. The application fee is \$25.00 for a Common or Contract Certificate and must be remitted with the application.
21. What Field Agent or employee, if any, of the Washington Utilities and Transportation Commission assisted in completing this form? Mr Harry Peters
22. The applicant understands that the filing of this application does not in itself constitute authority to operate; that he is familiar with the law and the rules and regulations of the Washington Utilities and Transportation Commission governing Garbage and Refuse Collection Companies and promises strict compliance therewith.

Dated at Blaine, Washington, this 28th day of Sept. ^{1971.} ~~XXXX~~.

Gary Gifford

(Name of Applicant)

By Gary Gifford
(Signature)

STATE OF WASHINGTON)
(ss
COUNTY OF Whatcom)

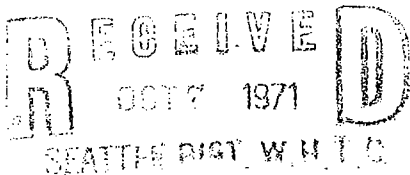
Gary Gifford, being first duly sworn, deposes and says that he is the applicant in the proceeding entitled above, that he has read the foregoing application and knows the contents thereof; that the same is true of his own knowledge, except as to matters which are therein stated on information of belief, and as to those matters he believes it to be true.

Gary Gifford
(Applicant)

Subscribed and sworn to before me this 28 day of Sept. 1971 ~~XXXX~~.

Douglas M. Nelson
(Notary Public in and for the
State of Washington

residing at Blaine.





Certificate No. G 145

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Certificate of Public Convenience and Necessity
for the Operation of a
Garbage and Refuse Collection Company

Order M. V. G. No. 412

THIS IS TO CERTIFY: That

Gifford, Gary D.	G-145
Gifford Refuse	
Box 443	
Blaine Wash 98230	D-1

is authorized to operate motor vehicles as a GARBAGE AND REFUSE COLLECTION COMPANY in the transportation of commodities and in the territory described herein. This certificate is issued pursuant to and subject to the restrictions of Chapter 295 of the Laws of 1961 and acts amendatory thereof and supplemental thereto and the rules and regulations of the Washington Utilities and Transportation Commission adopted thereunder.

GARBAGE AND REFUSE COLLECTION SERVICE
In the City of Blaine, Washington
and within a radius of one mile of
said city limits in Whatcom County.
M.V.G. No. 410 9-23-69

Dated at Olympia, Washington, _____, 19_____

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

By _____



WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Certificate of Public Convenience and Necessity
for the Operation of a
Garbage and Refuse Collection Company

Order M. V. G. No. 559

THIS IS TO CERTIFY: That

Razore, Josie & Agostino Cert.G-14
Sanitary Service Company
219 Prospect Street D-1
Bellingham Wash 98225

is authorized to operate motor vehicles as a GARBAGE AND REFUSE COLLECTION COMPANY
in the transportation of commodities and in the territory described herein. This certificate is issued
pursuant to and subject to the restrictions of Chapter 295 of the Laws of 1961 and acts amendatory
thereof and supplemental thereto and the rules and regulations of the Washington Utilities and
Transportation Commission adopted thereunder.

GARBAGE AND REFUSE COLLECTION SERVICE in the City of Bellingham and in Whatcom
County (EXCLUDING the City of Blaine, Washington and within a radius of one
mile of said city limits; EXCLUDING that portion of Whatcom County described
as Point Roberts; EXCLUDING that portion of Whatcom County beginning at the
N. E. corner of Sec. 32, T. 41 N., R. 1 E.; thence south on Harvey Road pro-
jected to I-5 Highway; thence southeasterly on I-5 Highway to Birch-Bay-
Lynden Road; thence east on Birch-Bay-Lynden Road projected to the Hannegan
Road; thence south on Hannegan Road to Hemmi Road; thence east on Hemmi Road,
Fazon Road, Goshen Road and Cedarville Road to SR-542; thence easterly and
northerly on SR-542 to Kendall Road; thence northerly and westerly on Kendall
Road to Hillview Road; thence easterly and northerly on Hillview Road to Nims
Road; thence north on Nims Road projected to the Canadian boundary; thence
west on the Canadian boundary to the N. E. corner of Sec. 32, T. 41 N., R. 1
E., the place of beginning; and EXCLUDING that portion of Whatcom County de-
scribed as follows: starting at the point where Wiser Lake Road intersects
with the east line of Section 32, T. 40 N., R. 3 E. (Hannegan Road); thence
south on Hannegan Road to Axton Road; thence west on the center line of Axton
Road to a point 100 feet east of Guide Meridian Road; thence north on a line
100 feet east of Guide Meridian Road to the point of intersection with Wiser
Lake Road; thence east on Wiser Lake Road to the east line of Section 32, T.
40 N., R. 3 E. (Hannegan Road), the place of beginning.

M. V. G. No. 559 9-14-72

SEP 29 1972

Dated at Olympia, Washington,, 19.....

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

By [Signature]

Permit for the Operation of

Motor Propelled Vehicles



It is to CERTIFY: That

Triangle Transfer, Inc.
6063 Portal Way
Ferndale Wash 93248

CC-7742 2

D-1

ORDER No. M. V. 77788

is authorized to operate motor vehicles
as a COMMON CARRIER in the transportation of commodities and in the territory described herein.

Intrastate, irregular route, non-radial service as a carrier of Agricultural Commodities consisting of hay, grain and potatoes only; Building Materials consisting of lumber and shingles only; as an operator of Dump Trucks in the transportation of dirt, sand and gravel only; and Livestock in Whatcom and Skagit Counties and inter-county; Garbage, refuse and rubbish in Whatcom County (excluding garbage in the City of Bellingham and within a radius of 12 miles thereof); Scrap iron or steel for melting purposes only, from points in Whatcom County to points in King and Pierce Counties; Trichloroethylene in steel drums, and cryolite in bags in Whatcom County. Interstate, irregular route, non-radial service as a carrier of such commodities as may be exempt from regulation by the Interstate Commerce Commission, under the Federal Motor Carrier Act between points in the State of Washington on the one hand and points in Canada on the other hand. Waiver of Rule 16 is granted to permit this carrier to transport its own Agricultural Commodities and farm equipment in Whatcom and Skagit Counties; and its own scrap iron or steel from Whatcom County to points in King and Pierce Counties.

K-D-7-8-17-19 M.V. 77788 11-5-62

WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

Dated at Olympia, Washington, Nov. 7, 1962

By.....

Exhibit C

Official Road Map

*Exhibit
No. 1*



MOUNT BAKER

western WHATCOM COUNTY

*Application for extension
to Cert # 145 - Dufford*

Whatcom County Engineering Department
Courthouse, Bellingham, Washington 98225

40c

GA-405

