

TG-040248

Law Offices of

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ANNE M. MONTGOMERY

March 2, 2004

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

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

RECEIVED
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04 MAR -4 AM 8:13
STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION


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

Dear Ms. Washburn:

Enclosed for filing is an original and three copies of Protest of Consolidated Disposal Services, Inc.

Very truly yours,

RYAN SELLS UPTEGRAFT, INC. P.S.



Cheryl L. Sinclair
Secretary to
JAMES K. SELLS

encs.

cc: Consolidated Disposal Services, Inc.

Posted

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RECORDS MANAGEMENT

04 MAR -4 AM 8:13

STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

In Re Application of

NO. GA 079254

KLEEN ENVIRONMENTAL
TECHNOLOGIES, INC.

PROTEST OF CONSOLIDATED
DISPOSAL SERVICES, INC.

COMES NOW Consolidated Disposal Services, Inc., by and through its attorney JAMES K. SELLS, and protests the above-referenced application in which the following authority is sought:

SOLID WASTE COLLECTION SERVICE consisting of biomedical waste in the state of Washington

In doing so, Protestant alleges and prays as follows:

1) Consolidated Disposal Services, Inc. is the holder of WUTC Certificate G-190. A true copy of that certificate is attached hereto.

2) Consolidated Disposal Services, Inc. provides biomedical waste services within its territory and is willing and able to provide any additional such service which may be needed. Additional service within this area is provided by Stericycle of Washington, Inc. pursuant to Certificate G-244. There is no public need for additional biomedical waste service in this territory.

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

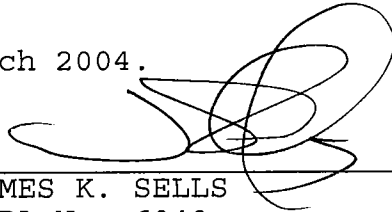
1 4) Applicant herein cannot establish its fitness to
2 conduct operations nor its compliance with the laws and
3 regulations applicable to solid waste collection.

4 5) Protestant will appear at any hearing in this matter
5 and estimates it would present two to three witnesses whose
6 testimony would take approximately two hours.

7 6) An amendment to this application excluding those areas
8 served by Protestant pursuant to Certificate G-190 would satisfy
9 Protestant's interests herein, and if such amendment were offered
10 and approved, this protest would be withdrawn.

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

12 DATED this 2 day of March 2004.

13 
14 _____
15 JAMES K. SELLS
16 WSBA No. 6040
17 Attorney for Protestant
18 RYAN SELLS UPTEGRAFT, INC. P.S.
19 9657 Levin Rd. NW, Suite 240
20 Silverdale, WA 98383
21 (360) 307-8860

CERTIFICATE OF SERVICE

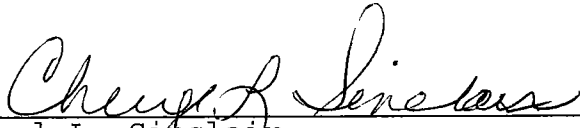
1 I hereby certify that on this day a true copy of the
2 foregoing Protest of Consolidated Disposal Services, Inc. was
3 served by first class mail, postage prepaid, on:

4 Kleen Environmental Technologies, Inc.
5 754 Garfield Street
6 Seattle, WA 97109

7 Mr. Greg W. Haffner
8 Attorney at Law
9 555 West Smith Street
10 PO Box 140
11 Kent, WA 98035-0140

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

14 DATED: March 3rd, 2004.

15 
16 Cheryl L. Sinclair

GARBAGE AND REFUSE COLLECTION SERVICE in that portion of Grant and Adams Counties described as follows: Beginning at the S.E. corner of

Section 24, T. 14 N., R. 27 E.; thence west along the south line of said Section 24 extended to the east bank of the Columbia River; thence following said river bank in a northerly and westerly direction to the point of intersection with the west line of Section 31, T. 14 N., R. 26 E.; thence north along the west line of said Section 31 extended to the S.E. corner of Section 12, T. 16 N., R. 25 E.; thence west along the south line of said Section 12 extended to the S.W. corner of Section 8, T. 16 N., R. 24 E.; thence north along the west line of said Section 8 extended to the S.E. corner of Section 30, T. 18 N., R. 24 E.; thence west along the south line of said Section 30 extended to the S.W. corner of Section 28, T. 18 N., R. 23 E.; thence north along the west line of said Section 28 extended to the N.W. corner of Section 28, T. 19 N., R. 23 E.; thence east along the north line of said Section 28 extended to the S.W. corner of Section 19, T. 19 N., R. 24 E.; thence north along the west line of said Section 19 extended to the S.E. corner of Section 1, T. 19 N., R. 23 E.; thence west along the south line of said Section 1 extended to the S.W. corner of Section 5, T. 19 N., R. 23 E.; thence north along the west line of said Section 5 to the N.W. corner of said Section 5; thence west along the extended north line of Section 5 to the east bank of the Columbia River; thence north along the east bank of the Columbia River to the intersection with the west line of Section 18, T. 20 N., R. 23 E.; thence north along the west line of said Section 18 extended to the N.W. corner of Section 18, T. 21 N., R. 23 E., (also the Douglas-Grant County Line); thence east and north along the county line to the N.W. corner of Section 6, T. 22 N., R. 24 E.; thence east along the north line of said Section 6 extended to the N.E. corner of Section 1, T. 22 N., R. 30 E.; thence south along the east line of said Section 1 extended to the N.W. corner of Section 6, T. 19 N., R. 30 E.; thence east along the north line of said Section 6 extended to the N.E. corner of Section 1, T. 19 N., R. 32 E.; thence south along the east line of said Section 1 extended to the S.E. corner of Section 36, T. 15 N., R. 32 E.; thence west along the south line of said Section 36 extended to the N.E. corner of Section 1, T. 14 N., R. 27 E.; thence south along the east line of said Section 1 extended to the S.E. corner of Section 24, T. 14 N., R. 27 E.; the point of beginning. (excluding Sections 28, 29, 32, 33 of T. 19 N., R. 24 E., and Sections 5 and 6 of T. 18 N., R. 24 E.)

EXCLUSION: Service is not authorized in the City of Moses Lake.

The following authority was obtained by transfer of Certificate No. G-165, standing in the name of Dahl-Smyth, Inc.

GARBAGE AND REFUSE COLLECTION SERVICE in that portion of Grant County described as follows: Commencing at the S.W. corner of Sec. 35 T. 23 N., R. 26 E.; thence Northerly following the Grant County Westerly boundry extended to the N.W. corner of Sec. 6, T. 26 N., R. 28 E.,

thence East along the North line of Township 26 N. extending to the N.E. corner of Sec. 1, T. 26 N., R. 30 E., thence South along the East line of said Section 1 extended to the S.E. Corner of Sec. 36, T. 23 N., R. 30 E.; thence West along the South line of said Section 36 extended to the S.W. Corner of Sec. 35, T. 23 N., R. 26 E. the point of beginning.