

TG-040248

Law Offices of

**RYAN SELLS UPTEGRAFT, INC. P.S.**

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JAMES E. RYAN  
JAMES K. SELLS  
DARRELL D. UPTEGRAFT, JR.  
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

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04 MAR -4 AM 8:12  
STATE OF WASH.  
UTIL. AND TRANSP.  
COMMISSION

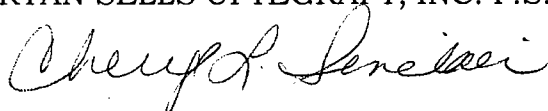
**Re: Application of Kleen Environmental Technologies, Inc.  
GA079254**

Dear Ms. Washburn:

Enclosed for filing is an original and three copies of Protest of Rubatino Refuse Removal, Inc.

Very truly yours,

RYAN SELLS UPTEGRAFT, INC. P.S.



Cheryl L. Sinclair  
Secretary to  
JAMES K. SELLS

encs.

cc: Rubatino Refuse Removal, Inc.

Posted

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RECORDS MANAGEMENT

04 MAR -4 AM 8:12

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 RUBATINO  
REFUSE REMOVAL, INC.

**COMES NOW** Rubatino Refuse Removal, 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) Rubatino Refuse Removal, Inc. is the holder of WUTC Certificate G-58. A true copy of that certificate is attached hereto.

2) Rubatino Refuse Removal, 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.

4) Applicant herein cannot establish its fitness to

Ryan Sells Uptegraft, Inc., P.S.  
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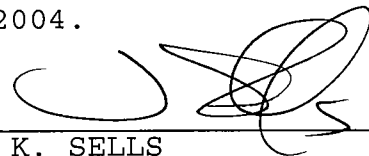
1 conduct operations nor its compliance with the laws and  
2 regulations applicable to solid waste collection.

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

6 6) An amendment to this application excluding those areas  
7 served by Protestant pursuant to Certificate G-58 would satisfy  
8 Protestant's interests herein, and if such amendment were offered  
9 and approved, this protest would be withdrawn.

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

11 DATED this 2 day of March 2004.



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

CERTIFICATE OF SERVICE

1 I hereby certify that on this day a true copy of the  
2 foregoing Protest of Rubatino Refuse Removal, Inc. was served by  
3 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 22<sup>nd</sup>, 2004.

15   
16 Cheryl L. Sinclair

RUBATINO REFUSE REMOVAL INC  
2812 HOYT AVE  
PO BOX 1029  
EVERETT, WA 98206-1029

PERMIT NO.  
G-58

D-

GARBAGE AND REFUSE COLLECTION SERVICE In the City of Everett and those portions of Snohomish County adjacent thereto, described as follows: (1) South of Everett: Beginning at the point where the Great Northern Railway right-of-way intersects with the south city limits of Everett; thence southerly along said right-of-way to its intersection with 61st Street extended; thence west along 61st Street extended to its intersection with the new Alternate PSH-1 (U.S. 99 by-pass); thence southerly along said U.S. 99 by-pass to its intersection with 84th Street; thence west along 84th Street to the Upper Ridge Road; thence northerly along the Upper Ridge Road, including 78th Place S.W. and 76th Place S.W., to the Beverly Park Maple Heights Road; thence northerly along the Beverly Park-Maple Heights Road to the 7th Standard Parallel North; thence west on said parallel to the east line of Section 3, T. 28 N., R. 4 E.W.M.; thence south on said line to the east-west centerline of said Section 3; thence west on said centerline to the east city limits of Mukilteo; thence northerly and westerly following the city limits of Mukilteo to the shore line of Possession Sound and/or Port Gardner Bay; thence easterly along said shoreline to the west city limits of Everett. Also in that portion of Snohomish County described as follows: Starting at the points where 40th Ave. W. extended intersects with the north

boundary of Paine Field; thence east on said north boundary to the east boundary of Paine Field; thence south to a line 100 feet north of 90th Street S.W.; thence east on this line to U.S. Highway 99 (no service to be rendered on Kelly-Corbin Road); thence north on a line one block west of U.S. Highway 99 to its intersection with 84th Street S.W.; thence west on the south side of 84th Street S.W. to Upper Ridge Road; thence north on Upper Ridge Road (with no service to be rendered on Upper Ridge Road) to Beverly Park-Maple Heights Road; thence following the west side of the Beverly Park Maple Heights road to the 7th Standard Parallel North; thence west on said parallel to the east line of Section 3, T. 28 N., R. 4 E.W.M.; thence south on said line to the east-west centerline of said Section 3; thence west on said centerline to the east city limits of Mukilteo; thence southerly and easterly following said city limits to 40th Ave. W. extended; thence south on 40th Ave. W. extended to the north boundary of Paine Field, the place of beginning. (2) East of Everett: Beginning at the point where Hewitt Avenue (PSH-15) intersects with the city limits of Everett; thence east on Hewitt Avenue extended to the southeast corner of Section 21, T. 29 N., R. 6 E.W.M.; thence north on the east line of said Section 21 extended to the northeast corner of Section 4, T. 29 N., R. 6 E.W.M.; thence west on the north line of said Section 4 extended to the point where it intersects with the southerly shore of Steamboat Slough; thence westerly along said shoreline to Port Gardner Bay; thence southerly along the shoreline of said bay to the north city limits of Everett.

The following authority was obtained by transfer from Basin Disposal, Inc. holder of Certificate No. G-118.

GARBAGE AND WASTE MATERIALS COLLECTION SERVICE From within that portion of Snohomish County described as follows: Bounded on the north by the south city limits line of the City of Everett extended east to its intersection with the New Broadway Cut-off (alternate PSH-1); thence south on the New Broadway Cut-off to its intersection with Pacific Northwest Traction Company Road; thence south on both sides of said road to its intersection with Stockshow Road; thence west along the north side of Stockshow Road to its intersection with 8th Ave. W. extended; thence north on 8th Ave. W. extended to the intersection of 9th Ave. W. and U.S. 99; thence westerly and northerly on 9th Ave. W. to its intersection with 100th St. S.W. and Holly Drive; thence west on 100th St. S.W. (but not including 100th St. S.W.) to 12th Ave. W. extended (West boundary of Sec. 13, TWP 28 N., Range 4 E.); thence north on 12th Ave. W. extended to a point 100 Ft. north of 90th St. S.W.; thence east on a line 100 Ft. north of 90th St. S.W. to U.S. 99 (service is authorized on both sides of the Kelly-Corbin Road for its entire extent); thence northeast along U.S. Highway 99 (both sides) to its intersection with 84th St. S.W.; thence west on the north side of 84th St. S.W. to its intersection with Upper Ridge Road; thence north on both sides of Upper Ridge Road to its intersection with the Beverly Park-Maple Heights Road to its intersection with the south city limits of Everett.

GARBAGE AND REFUSE COLLECTION SERVICE In that portion of

Snohomish County described as follows: From the Snohomish County Airport for the account of Tyee Aircraft, Inc., only, to the City of Everett dump.

REFUSE AND DEBRIS COLLECTION SERVICE consisting of lumber brick, tile and other cast-off materials (excluding regular garbage collection service) from premises where construction or repair jobs are being or have been conducted or structures are being or have been razed in Snohomish County (except for starting from Puget Sound at 148th St. S. W. to Highway 99, thence South on 99 to 35th Avenue S.W., thence South on 35 to 164th St. S. W., thence East on 164th St. S.W. including the City of Mill Creek present City Limits to Seattle Hill Road, thence North to Seattle hill Road to Lowell-Larimer Road, thence Southeast on Lowell-Larimer Road and Connelly Road which runs into Elliott Road which connects with high Bridge Road to the King County Line, thence West to Puget Sound following the King County Line, thence North along the shoreline of Puget Sound to the point of beginning.)

NOTE: Cert. G-58 is presently being operated by Rubatino Refuse Removal, Inc., under lease agreement as authorized by Commission M. V. G. NO. 302.

MVG No. 1754

04-11-1995