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BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

In Re Application of Prothrive
Operations, LLC d/b/a Rubbish
Works for Solid Waste Collection
Service

Docket TG-120673

PROTEST OF WASHINGTON
REFUSE & RECYCLING ASSOCIATION;
RUBATINO REFUSE REMOVAL, INC.; AND
SOUND DISPOSAL, INC.

COME NOW PROTESTANTS above named and protest the above-
referenced Application in which the following authority is sought:

Recyclable Collection Service limited to temporary drop boxes to
residential customers in the following territory: Puget Sound to the
west, north of Federal Way and Auburn, and south of Everett. The
eastern boundary is bounded by State Route 18 and Federal Way
through Auburn to Snoqualmie, State Route 202 from Snoqualmie
to Fall City, State Route 203 from Fall City to Monroe, and State
Highway 2 from Monroe to Everett.

In doing so, Protestants allege and pray as follows:

1) Protestant Washington Refuse and Recycling Association (WRRRA) is
a nonprofit Washington corporation, created in accordance with the laws of the
State of Washington. The membership of WRRRA is composed of holders of
Certificates of Public Convenience and Necessity to collect and transport solid
waste, issued by the Washington Utilities and Transportation Commission
(WUTC), commonly called G-certificates. WRRRA is a trade association within the
meaning of the laws of the State of Washington and the rules of the WUTC.

Protest of WRRRA; Rubatino; and Sound
Disposal - 1

JAMES K. SELLS
Attorney at Law
PMB 22, 3110 Judson St., Gig Harbor, WA 98335
360.981.0168 / e-mail: jamesells@comcast.net

1 WRRRA is a "person" as defined by WAC 480-07-340 and WAC 480-70-041, and
2 thus is entitled to protest the above-referenced application on its own behalf, and
3 on behalf of its membership at large including, but not necessarily limited to,
4 those members which are currently providing the service sought in this
5 application.

6 2) Protestant Rubatino Refuse Removal, Inc. (Rubatino) is a
7 Washington corporation. All fees and charges due the State of Washington are
8 paid. Rubatino is the holder of WUTC G-permit No. 58, a true copy of which is
9 attached hereto. Rubatino provides full and complete solid waste collection
10 service, including residential recyclable collection service, within its permitted
11 territory. There is no public need for additional residential recyclable collection
12 service in this area. The granting of additional overlapping authority would be
13 detrimental to the existing permit holder, contrary to the public interest, and not
14 required by public convenience and necessity.

15 3) Protestant Sound Disposal, Inc. (Sound) is a Washington
16 corporation. All fees and charges due the State of Washington are paid. Sound
17 is the holder of WUTC G-permit No. G-82, a true copy of which is attached
18 hereto. Sound provides full and complete solid waste collection service, including
19 residential recyclable collection service, within its permitted territory. There is no
20 public need for additional residential recyclable collection service in this area.
21 The granting of additional overlapping authority would be detrimental to the
22 existing permit holder, contrary to the public interest, and not required by public
23 convenience and necessity.

24 4) Protestants Rubatino and Sound have invested significant funds to
25 provide service to the public within their permitted areas, and a grant of
26 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 public convenience and necessity.

5) Applicant herein cannot establish its regulatory fitness to provide
the requested service.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

1300 S EVERGREEN PARK DRIVE SW, PO BOX 47250

OLYMPIA, WA 98504-7250

(360) 664-1222

This certificate authorizes the following operations under the provisions of RCW Title 81:

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

Cert No.
G-58

CORRECTED

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.

WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION



By _____

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Continuation Page

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 Tye 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.)

01-11-00

SOUND DISPOSAL INC
8421 - 202ND SW
PO BOX 487
EDMONDS, WA 98020-0487

PERMIT NO.
G-82
D-1

GARBAGE AND REFUSE COLLECTION SERVICE from residences and business houses in that portion of the City of Edmonds bounded as follows: Beginning at the intersection of 196th Street S.W. extended and the inner harbor line of Puget Sound; thence east along the south side of 196th Street S. W. extended and 196th Street S.W. to 11th Avenue N. (Olympic Avenue); thence south on the west side of 11th Avenue N. to Walnut Street and Bowdoin Road; thence west on both sides of Walnut Street to 9th Avenue; thence south on both sides of 9th Avenue to Elm Street (220th Street S. W. and Elm Way); thence southwesterly on the north side of Elm Way to 8th Avenue; thence north on the east side of 8th Avenue to Elm Street; thence west on the north side of Elm Street to 6th Avenue; thence north on the east side of 6th Avenue to Pine Street (High Street); thence west on both sides of Pine Street to 5th Avenue; thence continuing west on the north side of Pine to a point 100 ft. east of the Union Oil Company Road; thence northerly and westerly following a line 100 ft. north of the Union Oil Company Road projected to the inner harbor line of Puget Sound; thence easterly and northerly following the inner harbor line to the point where it intersects with 196th Street S.W. extended, the place of beginning.

MVG No. 596

03-02-1973