

[Service Date May 13, 2004]

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

In re Application No. GA-079266 of	)	DOCKET NO. TG-040553
)	
RUBATINO REFUSE REMOVAL,	)	ORDER NO. 01
INC.,)	
)	
For an Extension of Certificate No.	)	ORDER OF CONSOLIDATION FOR
G-58 for a Certificate of Public	)	HEARING AND NOTICE OF
Convenience and Necessity to	)	PREHEARING CONFERENCE
Operate Motor Vehicles in Furnishing	)	(Set for May 20, 2004)
Solid Waste Collection Service)	
)	
.....)	
)	
In re Application No. GA-079251 of	)	DOCKET NO. TG-040221
)	
HAROLD LEMAY ENTERPRISES,	)	ORDER NO. 02
INC., d/b/a CITY SANITARY CO.,)	
EGH DISPOSAL, HARBOR)	
DISPOSAL CO., JOE'S REFUSE	)	ORDER OF CONSOLIDATION FOR
SERVICE, LAKEWOOD REFUSE	)	HEARING
SERVICE, PACIFIC DISPOSAL,	)	(Set for May 20, 2004)
PIERCE COUNTY REFUSE, RURAL)	
GARBAGE SERVICE, WHITE PASS)	
GARBAGE CO., AND BUTLERS)	
COVE REFUSE)	
)	
For an Extension of Certificate No.)	
G-98 for a Certificate of Public)	
Convenience and Necessity to)	
Operate Motor Vehicles in Furnishing)	
Solid Waste Collection Service)	
.....)	

In re Application No. GA-079254 of) DOCKET NO. TG-040248
)
KLEEN ENVIRONMENTAL) ORDER NO. 02
TECHNOLOGIES, INC.)
)
For a Certificate of Public) ORDER OF CONSOLIDATION FOR
Convenience and Necessity to) HEARING
Operate Motor Vehicles in Furnishing) **(Set for May 20, 2004)**
Solid Waste Collection Service)
.....)

- 1 On March 22, 2004, in Docket No. TG-040553, Rubatino Refuse Removal, Inc. (Rubatino), filed an application (No. GA-079266) for extension of authority under Certificate No. G-58, for authority to provide solid waste collection service consisting of biomedical waste in Skagit, Whatcom, and Snohomish Counties. Notice of the Application was published in the Commission's weekly Docket of March 29, 2004.
- 2 On April 19, 2004, the Commission entered Order No. 01, Order of Consolidation and Notice of Prehearing Conference in Docket Nos. TG-040221 and TG-040248, consolidating the applications of Harold LeMay (LeMay) Enterprises, Inc. and Kleen Environmental Technologies (Kleen Environmental) for hearing and determination due to the applicant's requests to serve overlapping territories.
- 3 Application No. GA-079266 was removed from the Commission's weekly Docket on April 29, 2004, after a protest was filed by Stericycle, Inc. On May 3, 2004, the Commission issued a Notice to parties in Docket No. TG-040553, and Docket Nos. TG-040221 and TG-040248 (*consolidated*) for an opportunity to comment on consolidation of the three applications for hearing only. Commission Staff,

Rubatino, LeMay, the Washington Refuse and Recycling Association and Stericycle of Washington, Inc., filed responses in support of consolidation for hearing. Kleen Environmental filed a response opposing the consolidation.

- 4 The Commission has jurisdiction over this matter under Title 81 RCW, which authorizes it to regulate persons seeking to furnish solid waste collection services under chapters 81.77 RCW and 480-70 WAC. The issues in the proceeding include 1) whether the existing solid waste collection company serving the territories sought in the application of Rubatino Refuse Removal, Inc. will not provide service to the satisfaction of the Commission, and 2) whether the issuance of an amended certificate to Rubatino Refuse Removal, Inc., for the services it proposes is necessary and is otherwise consistent with the public interest.
- 5 In as much as the foregoing matters involve related principles of law and hearing the matters together would create a more efficient use of the Commission's and the parties' resources, it is appropriate that they be consolidated for hearing only pursuant to WAC 480-07-320.

ORDER OF CONSOLIDATION

- 6 THE COMMISSION ORDERS That these matters are consolidated for purposes of hearing. The Commission reserves the right to hold separate hearings and to enter separate orders in the individual dockets as it may deem appropriate.

NOTICE OF PREHEARING CONFERENCE

- 7 The statutes involved include those within chapter 81.04 RCW, chapter 81.28 RCW and chapter 81.77 RCW, including but not limited to RCW 81.77.040 and

chapter 34.05 RCW. Rules involved include those within chapters 480-70 WAC and 480-07 WAC.

8 THE COMMISSION GIVES NOTICE That in accordance with WAC 480-07-440(1)(a), the Commission has determined that good cause exists for this matter to be heard on shortened notice.

9 **THE COMMISSION GIVES NOTICE That a prehearing conference in this matter will be held at 9:30 a.m., on Thursday, May 20, 2004, in Room 108, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

10 The purpose of the prehearing conference is to discuss preliminary matters, the hearing process, and to consider formulating the issues in the proceeding and to determine other matters to aid in its disposition, as specified in WAC 480-07-430.

11 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the prehearing conference set by this Notice, or any other stage of this proceeding, may be held in default in accordance with RCW 34.05.440. The parties are further advised that the sanction provisions of WAC 480-07-450 are specifically invoked.**

12 The names and mailing addresses of all parties and their known representatives are as follows:

Applicant: Rubatino Refuse Removal, Inc.
P.O. Box 1029
Everett, WA 98206
(425) 259-0044

Representative: James K. Sells
Ryan Sells Uptegraft, Inc. P.S.
9657 Levin Road NW, Suite 240
Silverdale, WA 98383
(360) 307-8860

Protestant: Stericycle of Washington, Inc.
20320 80th Avenue South
Kent, WA 98032

Representative: Stephen B. Johnson
Garvey, Schubert & Barer
1191 2nd Avenue, Floor 18
Seattle, WA 98101-2939
(206) 464-3939

Commission Staff: Greg Trautman
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1187

13 Administrative Law Judge Ann E. Rendahl, from the Utilities and Transportation Commission's Administrative Law Division, will preside during this proceeding.

- 14 Notice of any other procedural phase will be given in writing or on the record, as the Commission may deem appropriate during the course of this proceeding.

DATED at Olympia, Washington, and effective this 12th day of May, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner

Inquiries may be address to:

Secretary
Washington Utilities and
Transportation Commission
Chandler Plaza Building
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

NOTICE

PLEASE NOTE: The hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and if limited English-speaking or hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

The information needed to provide an appropriate interpreter or other assistance should be stated below and returned to Washington Utilities and Transportation Commission, Attention: Carole J. Washburn, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket No.: _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.: (____) _____