



TO Utilities and Transportation Commission
FROM Patrick Remfrey, Licensing Services Manager
DATE July 26, 2023
SUBJECT TG-101354 Petition to Amend or Correct Order 01

Background and Summary

On June 15, 2023, Sanitary Service Company, Inc. (Sanitary Service or the Company), submitted a petition asking the Commission to correct or otherwise amend Order 01 in this docket served September 21, 2010, to restore authority transferred from its then affiliate Blaine Bay Refuse, Inc. (Blaine Bay) for solid waste collection service “in the city of Blaine, Washington, and within a radius of one mile of said city limits in Whatcom County.”

This order is in docket TG-101354, which is a joint application for authority to transfer all rights under certificate of public convenience and necessity G-145 from Blaine Bay to Sanitary Service. This transfer was completed on September 21, 2010. In the petition, the Company contends that in 2010, staff may have inadvertently concluded that the territory encompassed in their certificate, G-14 wholly duplicated or otherwise encompassed Blaine Bay’s certificate, G-145.

Prior to this transfer application, Sanitary Service’s certificate included a large portion of western Whatcom County that appeared to geographically include the entire city of Blaine. The company was prohibited from serving Blaine by the following exclusionary text on G-14: EXCLUDING the City of Blaine, Washington and within a radius of one mile of said city limits. See attachment A.

Prior to this transfer application, Blaine Bay’s solid waste collection authority – which is the authority that the Commission granted transfer of in 2010 was: GARBAGE AND REFUSE COLLECTION SERVICE In the city of Blaine and within a radius of one mile of said city limits in Whatcom County, etc.... See attachment B.

It appears that in 2010, staff incorrectly removed the exclusionary text on G-14, perhaps incorrectly assuming that the remaining text would then include the entirety of Blaine as well as the one-mile radius. However, after detailed examination of the geographical text left on G-14 after the transfer application was completed, and with reference to geographic information systems (GIS) mapping tools, it is clear that the post-transfer remaining text did not include the entirety of the City of Blaine. A significant portion of land east of the text in G-14 is in fact within the city limits of Blaine and therefore should have been included in the transfer. This is graphically illustrated in attachment C, which shows the current (now, as in 2010) geographical boundary of G-14 and the city limits of Blaine, a large percentage of which lies outside G-14.

Recommendation

It is my conclusion, after thoroughly reviewing the original application, the text on G-145 and G-14 prior to the application, and GIS-mapping that Staff did indeed erroneously fail to include the entirety of the territory held by Blaine Bay Refuse, Inc. I can only speculate as to how this occurred, but in my opinion, in 2010 Staff concluded that by simply removing the exclusionary text on G-14, they would be able to effectively complete the transfer, however as explained, this was not the case.

Therefore, it is my recommendation that the Commission correct TG-101354 Order 01 by amending certificate G-14 by adding the following text as follows:

(PID 483) SOLID WASTE COLLECTION SERVICE in the city of Blaine, Washington, and within a radius of one mile of said city limits in Whatcom County.

This has been reviewed by the company and deemed to be an acceptable solution to fully complete the original transfer application. A visual representation of my recommended amended – but as of the date of this memo – unsigned certificate G-14 is included as attachment D, with the text to be added highlighted.

Attached for reference

1. Attachment A: Sanitary Service Co. Inc. Certificate G-14 prior to the transfer application.
2. Attachment B: Blaine Bay Refuse Inc. Certificate G-145 prior to the transfer application.
3. Attachment C: GIS mapping of G-14 and the boundaries of the City of Blaine.
4. Attachment 4: Recommended amendment to Certificate G-14.

If you have any questions, please let me know. I can be reached at (360) 664-1223 and patrick.remfrey@utc.wa.gov.

Thank you for your consideration of my input in this matter.

Patrick Remfrey
Licensing Services Manager
Washington Utilities and Transportation Commission

ATTACHMENT A

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

Certificate No.
G-14

(PID 482) SOLID WASTE COLLECTION SERVICE In that portion of Whatcom County described as follows: beginning at the northeast corner of Section 32, T. 41 N., R. 1 E.; thence south on Harvey Road projected to Interstate 5; thence southeasterly on Interstate 5 to Birch-Bay-Lynden Road; thence east on Birch-Bay-Lynden Road to Bay-Lyn Drive; thence south and east on Bay-Lyn Drive to Guide Meridian; thence north on Guide Meridian to the Birch-Bay-Lynden Road/Kok Road intersection; thence east on Kok Road projected to the Hannegan Road/Polinder Road intersection; 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 Reese Hill Road, thence westerly and northerly on Reese Hill 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 east on the Canadian boundary to the Whatcom/Okanogan county line; thence south on said county line to the south line of Section 3, T. 40 N., R. 16 E.; thence west along said south line extended to the northeast corner of Section 5, T. 40 N., R. 10 E.; thence south along the east line of said section extended to the southeast corner of Section 17, T. 39 N., R. 10 E.; thence west along the south line of said section extended to the northeast corner of Section 21, T. 39 N., R. 9 E.; thence south along the east line of said section extended to the southeast corner of Sec. 28, T. 39 N., R. 9 E.; thence west along the south line of said section extended to the northeast corner of Section 35, T. 39 N., R. 8 E.; thence south along the east line of said section extended to the Whatcom-Skagit County line (also the southeast corner of Section 35, T. 37 N., R. 8 E.); thence west along said county line to its intersection with the Whatcom-San Juan County line; thence northerly along said county line to its intersection with the US/Canada boundary (also with the west line of T. 39 N., R. 2 W.); thence northerly along said boundary line to the north line of T. 41 N.; thence east on said township line to the northwest corner of T. 41 N., R.

3 W.; thence south on the west line of said township to the southwest corner of the north half of T. 40 N., R. 3 W.; thence east on the south line of the north half of said township to the east line of said township; thence north on the east line of said township extended to the US/Canada boundary (also the north line of T. 41 N., R. 3 W.); thence east along said boundary to N. E. corner of Section 32, T. 41 N., R. 1 E., the point of beginning..

(PID 483) EXCLUDING the City of Blaine, Washington, and within a radius of one mile of said city limits (dated January 31, 1968, MVG 340).

NOTE: PID reference numbers are for Washington Utilities and Transportation Commission internal GIS mapping purposes only.

TG-060922

06/05/06

ATTACHMENT B

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

Blaine-Bay Refuse, Inc.
Box 66
Blaine, WA 98230

CERT. NO.
G-145

D-1

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. In that portion of Whatcom County described as follows: Starting at the intersection of the Blaine Road and Hall Road; thence south on the Blaine Road to the Grandview Road; thence west on the Grandview Road extended to Point Whitehorn; thence north on Birch Bay Drive to Birch Point Road; thence west on Birch Point Road to Semiahmoo Drive; thence north on Semiahmoo Drive to Drayton Harbor Road; thence east on Drayton Harbor Road to Blaine Road; thence north along Blaine Road to the point of beginning.

M. V. G. No. 1208

9-26-85

WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

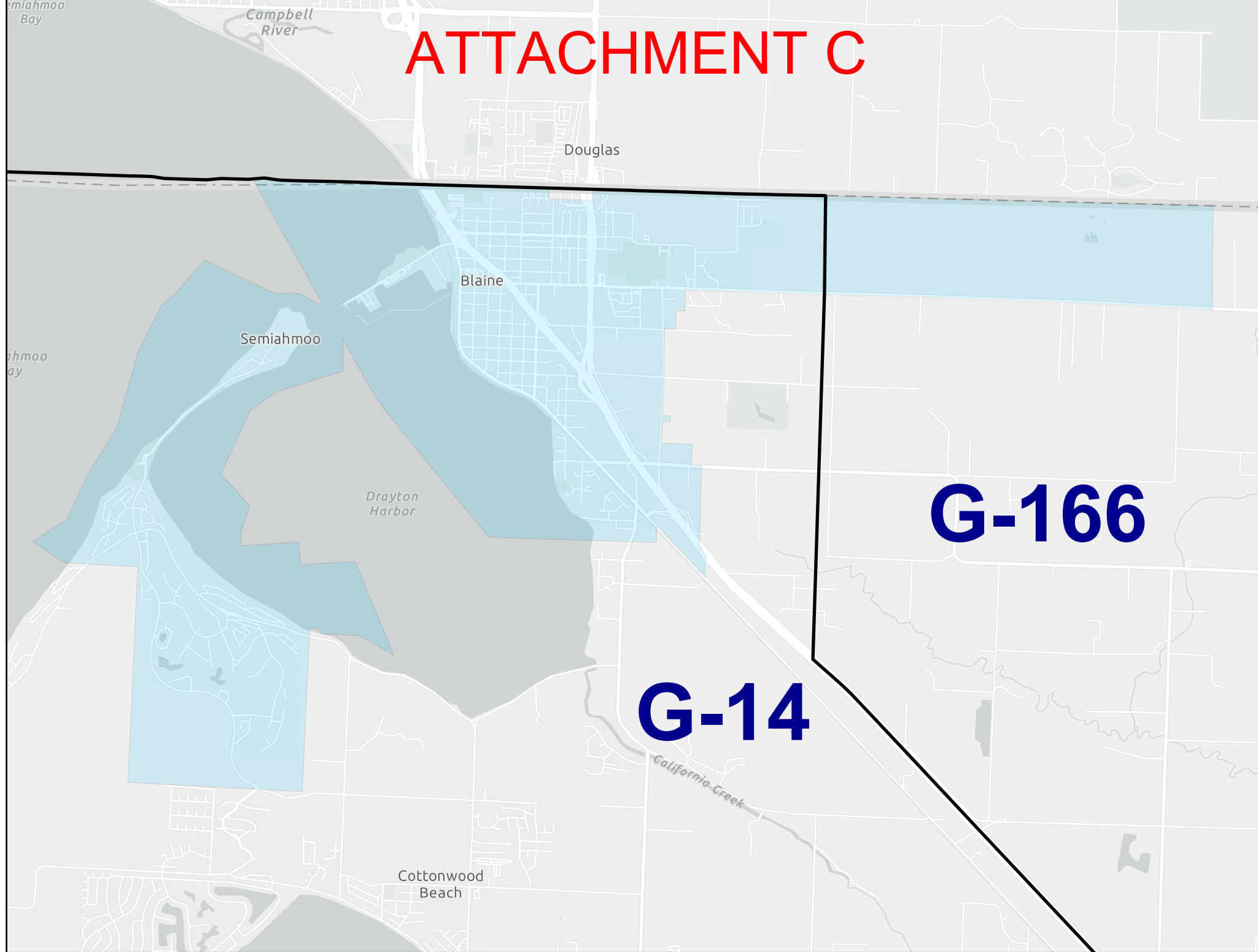
By

Thomas Fischer



Exhibit 1

ATTACHMENT C



G-166

G-14

Semiahmoo Bay

Campbell River

Douglas

Blaine

Semiahmoo

Drayton Harbor

Semiahmoo Bay

Cottonwood Beach

California Creek

ATTACHMENT D

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

621 Woodland Square Loop S.E., Lacey, Washington 98503

PO Box 47250, Olympia, WA 98504-7250

(360) 664-1222

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

Sanitary Service Company, Inc.
P O Box 1702
Bellingham, WA 98227

Certificate No.
G000014

(PID 482) SOLID WASTE COLLECTION SERVICE In that portion of Whatcom County described as follows: beginning at the northeast corner of Section 32, T. 41 N., R. 1 E.; thence south on Harvey Road projected to Interstate 5; thence southeasterly on Interstate 5 to Birch-Bay-Lynden Road; thence east on Birch-Bay-Lynden Road to Bay-Lyn Drive; thence south and east on Bay-Lyn Drive to Guide Meridian; thence north on Guide Meridian to the Birch-Bay-Lynden Road/Kok Road intersection; thence east on Kok Road projected to the Hannegan Road/Polinder Road intersection; 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 Reese Hill Road, thence westerly and northerly on Reese Hill 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 east on the Canadian boundary to the Whatcom/Okanogan county line; thence south on said county line to the south line of Section 3, T. 40 N., R. 16 E.; thence west along said south line extended to the northeast corner of Section 5, T. 40 N., R. 10 E.; thence south along the east line of said section extended to the southeast corner of Section 17, T. 39 N., R. 10 E.; thence west along the south line of said section extended to the northeast corner of Section 21, T. 39 N., R. 9 E.; thence south along the east line of said section extended to the southeast corner of Sec. 28, T. 39 N., R. 9 E.; thence west along the south line of said section extended to the northeast corner of Section 35, T. 39 N., R. 8 E.; thence south along the east line of said section extended to the Whatcom-Skagit County line (also the southeast corner of Section 35, T. 37 N., R. 8 E.); thence west along said county line to its intersection with the Whatcom-San Juan County line; thence northerly along said county line to its intersection with the US/Canada boundary (also with the west line of T. 39 N., R. 2 W.); thence northerly along said boundary line to the north line of T. 41 N.; thence east on said township line to the northwest corner of T. 41 N., R. 3 W.; thence south on the west line of said township to the southwest corner of the north half of T. 40 N., R. 3 W.; thence east on the south line of the north half of said township to the east line of said township; thence north on the east line of said township extended to the US/Canada boundary (also the north line of T. 41 N., R. 3 W.); thence east along said boundary to N. E. corner of Section 32, T. 41 N., R. 1 E., the

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By

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point of beginning.

(PID 483) SOLID WASTE COLLECTION SERVICE in the city of Blaine, Washington, and within a radius of one mile of said city limits in Whatcom County.

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TG-101354

TBD, 2023