

[Service Date April 19, 2004]

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

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

1 On February 11, 2004, in Docket No. TG-040221, Harold LeMay Enterprises, Inc., filed an application (No. GA-079251) for extension of authority under Certificate No. G-98, standing in the name of Harold LeMay Enterprises, Inc., d/b/a City

Sanitary Co., EGH Disposal, Harbor Disposal Co., Joe's Refuse Service, Lakewood Refuse Service, Pacific Disposal, Pierce County Refuse, Rural Garbage Service, White Pass Garbage Co., and Butlers Cove Refuse, for authority to provide solid waste collection service consisting of biomedical waste in King, Pacific, Kitsap, Wahkiakum, Cowlitz, Clark, and Skamania Counties. Notice of the Application was published in the Commission's weekly Docket of February 23, 2004.

- 2 On February 13, 2004, in Docket No. TG-040248, Kleen Environmental Technologies, Inc., filed an application (GA-079254) for a certificate of public convenience and necessity to operate motor vehicles in furnishing solid waste collection service consisting of biomedical waste in the state of Washington. Notice of the Application was published in the Commission's weekly Docket of February 23, 2004. On March 31, 2004, Kleen Environmental Technologies, Inc. amended its application to exclude Whatcom and Skagit Counties and those parts of Snohomish County not already served by Rubatino Refuse Removal under Certificate No. G-58.
- 3 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 proceedings include 1) whether the existing solid waste collection companies serving the territories sought in the applications of Harold LeMay Enterprises, Inc. and Kleen Environmental Technologies, Inc. will not provide service to the satisfaction of the Commission, and 2) whether the issuance of an amended certificate to Harold LeMay Enterprises, Inc. and a certificate to Kleen Environmental Technologies, Inc., for the services they propose is necessary and is otherwise consistent with the public interest.

4 In as much as the foregoing matters involve related principles of law and overlapping authority, it is appropriate that they be consolidated for hearing and determination pursuant to WAC 480-07-320 and WAC 480-70-111.

ORDER OF CONSOLIDATION

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

NOTICE OF PREHEARING CONFERENCE

6 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.

7 **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.**

8 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.

9 **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.**

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

Applicant: Harold LeMay Enterprises, Inc.
P.O. Box 44459
Tacoma, WA 98444
(253) 536-4416

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

Intervenor: Kleen Environmental Technologies, Inc.
754 Garfield Street
Seattle, WA 98109
(206) 285-8010

Representative: Greg W. Haffner
Attorney at Law
Curran Mendoza, P.S.
555 West Smith Street
Kent, WA 98035-0140
(253) 852-2345

Applicant Kleen Environmental Technologies, Inc.
754 Garfield Street
Seattle, WA 98109
(206) 285-8010

Representative: Greg W. Haffner
Attorney at Law
Curran Mendoza, P.S.
555 West Smith Street
Kent, WA 98035-0140
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Representative: Stephen B. Johnson
Garvey, Schubert & Barer
1191 2nd Avenue, Floor 18
Seattle, WA 98101-2939
(206) 464-3939

Protestant: Washington Refuse & Recycling Association
4160 6th Avenue SE, Suite 205
Lacey, WA 98503

Consolidated Disposal Services, Inc.
P.O. Box 1154
Ephrata, WA 98823

Harold LeMay Enterprises, Inc.
13502 Pacific Avenue
Tacoma, WA 98444

Rubatino Refuse Removal, Inc.
P.O. Box 1029
Everett, WA 98206-1029

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

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

- 11 Administrative Law Judge Ann E. Rendahl, from the Utilities and Transportation Commission's Administrative Law Division, will preside during this proceeding.
- 12 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 19th day of April 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.: (____) _____