

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

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| In re Application No. GA-079175 of |) | |
| |) | DOCKET NO. TG-030812 |
| ED'S DISPOSAL, INC. |) | |
| ` |) | ORDER NO. 01 |
| For an Extension of Certificate No. |) | |
| G-110 for a Certificate of Public |) | ORDER GRANTING |
| Convenience and Necessity to |) | APPLICATION |
| Operate Motor Vehicles in |) | |
| Furnishing Solid Waste Collection |) | |
| Service |) | |
| |) | |

1 *Synopsis: The Commission grants an application for extension of authority to provide solid waste collection service.*

2 This is an application for an extension of authority to serve as a solid waste collection company pursuant to chapter 81.77 RCW. The Commission published the application in the Commission's weekly Docket of July 7, 2003. The Commission received no protests within the 20 days required by WAC 480-30-032(1). The existing carrier authorized to perform services in the territory sought in the application asked for interested party status but stated its intention not to protest the application.

3 RCW 81.68.040 requires that the Commission grant authority in a territory already served only after hearing. Therefore, the Commission convened a prehearing conference on November 17, 2003, before Administrative Law Judge C. Robert Wallis.

4 The parties appeared as follows:

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|-----------------|---------------------------------|
| Applicant: | Ed's Disposal, Inc. |
| Representative: | James Sells, Attorney at Law |
| | Ryan Sells Uptegraft, Inc. P.S. |
| | 9657 Levin Road N.W., Suite 240 |
| | Silverdale, WA 98383 |

Interested person: Waste Management of Washington, Inc.
Representative: Polly L. McNeill, Attorney at Law
Summit Law Group
315 Fifth Avenue S., Suite 1000
Seattle, WA 98104

Commission Staff: Washington Utilities and Transportation Commission
Representative: Shannon Smith, Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128

Ms. McNeill advised the bench personally and through the record statement of Mr. Sells that she intended to be present on behalf of Waste Management, Inc. She was unable to do so because of a failure of technology.

- 5 This application is one of several in recent years resulting from the achievements of technology. With expanding availability of the "G.I.S." system, or geographic information system, inadvertent inconsistencies have been discovered between the territorial descriptions in some permits and the actual service provided. In this instance, the applicant is presently serving 22 customers in territory that the carrier previously believed to be authorized within its permit. GIS information, however, shows the territory to be within the boundaries established in Waste Management's existing permit, not Ed's Disposal's permit.
- 6 As indicated by Mr. Sells's statements of record and Ms. McNeill's letter, both carriers believe that the customers can best and most reasonably be served by receiving continuing service from Ed's Disposal. Commission Staff stated for the record that it has no objection to the parties' desired result.
- 7 At the November 17, 2003, prehearing conference, therefore, the applicant presented the information it believed would support the application and the parties waived an oral hearing and waived an initial order pursuant to RCW 34.05.050 asking that the matter be heard on a paper record, submitted directly to the Commissioners for decision. The presiding administrative law judge granted the requests. We decided the matter based on the written information of record.

- 8 The Application requests the authority be revised to include the following language:
1. The parts of the following sections outside of the US DOE Hanford Site:
 - a. Sections 21, 22, 23, and 25 in T11N, R25E;
 - b. Section 31, T11N, R26E;
 - c. Section 5, T10N, R26E
 2. The territory wholly contained within T10N, R27E, and T10N, R28E, and more specifically bounded as follows:
 - a. On the north by the US DOE Hanford Site;
 - b. On the east by the city limits of Richland (also the Horn Rapids Ditch)
 - c. On the west by the west line of R27E; and
 - d. On the south by the Yakima River
- 9 The Commission has jurisdiction over this matter under Title 81 RCW, having legal authority under Chapter 81.77 RCW to regulate entry into the business of transporting Solid Waste for Collection over the public roads of the State.
- 10 The applicant has sufficient funding and is otherwise financially fit to conduct the proposed operations. The applicant possesses equipment suitable for the proposed operations and has in its employ trained personnel able to provide the services.
- 11 The applicant has demonstrated its regulatory fitness to conduct the proposed operations. Operations outside the bounds of its permit were conducted without intention to violate the law, and this application for authority was timely filed upon discovery of the circumstances.
- 12 The 22 residences within the territory of this application require solid waste collection service. A need exists for the applicant's services in the territory requested.
- 13 The applicant has demonstrated its compliance with Chapter 81.68 RCW and with the requirements of the Washington Utilities and Transportation

Commission for carriers of solid waste. The carrier's application should be granted.

ORDER

- 14 The Commission grants Application No. TG-079175 of Ed's Disposal Service, Inc. The Commission will forthwith issue a revised common carrier permit, containing the provisions set out in Appendix A, attached to this order and by this reference made a part hereof.

DATED at Olympia, Washington, and effective this 26th day of November 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner

APPENDIX A

SOLID WASTE COLLECTION SERVICE in that portion of Benton County described as follows: Starting at the southeast corner of Section 13, T8N, R28E; thence west along the south line of said Section 13 extended to the northeast corner of Section 19, T8N, R27E; thence south along the east line of said Section 19 extended to the southeast corner of Section 30, T7N, R27E; thence west along the south line of said Section 30 extended to the southwest corner of Section 30, T7N, R24E; thence north along the west line of said Section 30 extended to the northwest corner of Section 18, T8N, R24E; thence east along the north line of said Section 18 extended to the southeast corner of Section 9, T8N, R26E; thence north along the east line of said Section 9 to the southeast corner of Section 21, T9N, R26E; thence west along the south line of said section 21 extended to the southwest corner of Section 19, T9N, R26E; thence north along the west line of said section 19 extended to the southeast corner of Section 36, T10N, R25E; thence west along the south line of said section 36 extended to the southwest corner of Section 31, T10N, R24E; thence north along the west line of said section 31 extended to the northwest corner of Section 30, T11N, R24E; thence east along the north line of said section 30 extended to the south boundary of U.S. DOE Hanford Site (in Section 19, T11N, R25E); thence easterly and southerly along the southern boundary of said Hanford Site to its intersection with the city limits of Richland (in Section 11, T10N, R27E); thence southeasterly along the west city limits of Richland to its intersection with the centerline of the Yakima River (in Section 32, T10N, R28E); thence southeasterly along the centerline of the Yakima River to the east line of Section 24, T9N, 28E; thence south along the east line of said section 24 extended to the southeast corner of Section 13, T8N, R28E, the place of beginning.