

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In re Joint Application for authority to transfer all rights under certificate of public convenience and necessity G-145 from:

BLAINE BAY REFUSE, INC.,

to:

SANITARY SERVICE COMPANY,
INC.,

holder of certificate G-14

DOCKET TG-101354

ORDER 02

GRANTING PETITION AND
AMENDING ORDER 01

BACKGROUND

- 1 On August 9, 2010, Sanitary Service Company, Inc., (SSC) and Blaine Bay Refuse, Inc., (Blaine Bay) filed a joint application requesting authority to transfer all rights under certificate G-145 from Blaine Bay, to SSC, holder of certificate G-14.
- 2 Certificate of public convenience and necessity G-145 (G-145) was held by Blaine Bay, and authorized the service described in the certificate. Certificate of public convenience and necessity G-14 (G-14) was held by SSC, and authorized the service described in that certificate.
- 3 On September 21, 2010, the Commission entered Order 01, Granting Application Amending Certificate G-14, and Cancelling Certificate G-145 (Order 01).
- 4 On June 15, 2023, SSC filed a Petition for an Amended Order Correcting Order 01 (Petition) to correct Appendix A of Order 01 and restore a portion of its authority originally held by Blaine Bay in certificate G-145 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.”¹

¹ Sanitary Service Company, Inc.’s Petition. ¶ 1-3.

- 5 SSC states in its Petition that the Company recently found that the metes and bounds described in its existing certificate do not include the above description. The Company further explains that the Commission mistakenly excluded this portion of the description based on a misunderstanding that G-145 and G-14 wholly overlapped, thus requiring the removal of “duplicating authority.” However, SSC contends that G-145’s certificate scope was broader than G-14 relative to service in the city of Blaine and resulted in parts of the city being excluded from Order 01, Appendix A’s description.
- 6 Staff has reviewed the Petition and supporting documents and recommends that the Commission grant it. Staff explains that, upon review of G-14’s geographic text referenced with geographic information systems (GIS) mapping tools, the post-transfer description excluded a significant portion of land within the City of Blaine’s eastern limits.² Staff explains that while the exact reasoning is unknown, removal of the language now requested to be reinstated by the Petition was done in error.³
- 7 Staff recommends adding the following text to Order 01 Appendix A: (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.
- 8 Staff submits that it reached out to SSC and the Company found this to be an acceptable solution to fully complete the original transfer application.

DISCUSSION

- 9 We agree with Staff’s recommendation and grant SSC’s Petition for the following reasons.
- 10 In Order 01, the Commission transferred all rights held by Blaine Bay in G-145 to SSC as holder of G-14.⁴ Given Staff’s review and GIS analysis showing that portions of the City of Blaine were not included in the current metes and bounds description, we agree that Staff erred when it concluded that the transfer of rights was complete.⁵

² Staff Letter to the Commission. Pg 1.

³ *Id.* Pg. 2.

⁴ Order 01 ¶ 4-5.

⁵ Staff Letter to the Commission. Pg. 1.

- 11 We therefore find that this language was removed in error and conclude that adding the following language to certificate G-14 will sufficiently complete the transfer: (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.
- 12 Accordingly, we grant the Company's Petition and amend Order 01 Appendix A to include the above language.

ORDER

THE COMMISSION ORDERS:

- 13 (1) The Commission grants Sanitary Service Company, Inc.'s Petition for an Amended Order Granting Application Amending Certificate G-14 and Cancelling Certificate G-145, and corrects Appendix A with the addition of the language in paragraph 11.
- 14 (2) This Order shall not affect the Commission's authority over rates, services, accounts, valuations, estimates, or determination of costs, on any matters that may come before it.
- 15 (3) The Commission retains jurisdiction over the subject matter and Sanitary Service Company, Inc., to effectuate the provisions of this Order.
- 16 The Commission has delegated authority to the Secretary to enter this Order under RCW 80.01.030 and WAC 480-07-905(2).

DATED at Lacey, Washington, and effective August 14, 2023.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AMANDA MAXWELL
Executive Director and Secretary

APPENDIX A

Sanitary Service Company, Inc.
PO Box 1702
Bellingham, WA 98227

Cert. 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.

