

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

)	
In re Application No. GA-079113 of)	DOCKET NO. TG-021358
EMPIRE DISPOSAL, INC.)	
)	
For Authority to Transfer a Portion)	FINAL ORDER: GRANTING
of Rights Under Certificate No. G-37,)	APPLICATION FOR TRANSFER
Standing in the Name of Carroll-)	AND AMENDING CERTIFICATES
Naslund Disposal Service, Inc., d/b/a)	
Naslund Disposal Service, to Empire)	
Disposal, Inc., Holder of Certificate)	
No. G-75.)	
.....)	

SYNOPSIS

- 1 *The Commission grants an Application for authority to transfer a portion of rights under one certificate of public convenience and necessity to another, and requires that the affected certificates be amended and reissued to reflect the transfer.*

PROCEDURAL BACKGROUND

- 2 On October 16, 2002, Empire Disposal, Inc. ("Empire"), filed an application (No. GA-079113) for authority to transfer a portion of rights under Certificate No. G-37 standing in the name of Carroll-Naslund Disposal Service, Inc., d/b/a Naslund Disposal Service ("Naslund Disposal"), to Empire, holder of Certificate No. G-75 ("Application"). The Application was given number GA-079113 and notice of the Application was published in the Commission's weekly Docket of November 12, 2002.
- 3 The issues in this proceeding include whether the proposed transaction between Naslund Disposal and Empire complies with Washington state statute and rules and is otherwise consistent with the public interest. Pursuant to RCW 81.77.040, certificates, in part or in whole, may be transferred on approval by the

Commission. In the past, the Commission has looked at whether the transferee is fit, willing, and able to conduct operations under the certificate.¹

4 A protest to the application was filed by Waste Management of Washington, Inc., but was withdrawn by letter filed January 31, 2003. On February 4, 2003, Empire filed a waiver of initial order in this proceeding, allowing the matter to proceed directly to a final Commission order based on a paper record. Commission Staff also consents to a waiver of initial order.

5 On February 26, 2003, Commission Staff responded to the application, stating that it had “no information to suggest that the requested transfer should not be granted.” Staff recommended that the application be granted, and the affected certificates be amended and reissued to reflect transfer of the subject portion of authority from Naslund Disposal, G-37, to Empire, G-75.

FINDINGS OF FACT

- 6 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington, vested by statute with authority to regulate rates, rules, regulations, practices, accounts, securities, and transfers of public service companies, including solid waste collection companies.
- 7 (2) Empire Disposal, Inc., has been serving the subject area for a significant period of time, and recently discovered that the area was within Naslund Disposal’s service territory under Certificate G-37.
- 8 (3) Empire has reasonably considered the costs of providing service, those costs appear to be reasonable, and Empire possesses assets sufficient to begin and sustain operations for a reasonable period.
- 9 (4) Empire is fit, willing, and able to conduct operations under the requested transfer of a portion of Certificate G-37.

¹ See Order M.V.G. No. 1562, *In re Application GA-75821 for Authority to Transfer G-89 from Yakima Valley Disposal to Yakima Waste Systems, Inc.*, Commission Decision and Order Approving Transfer (July 7, 1992).

CONCLUSIONS OF LAW

- 10 (1) The Washington Utilities and Transportation Commission has jurisdiction over the subject matter of this proceeding and all parties to this proceeding.
- 11 (2) The Application complies with Washington state statute and rules and is otherwise consistent with the public interest. The Application should be granted and the affected certificates should be amended and reissued to reflect the transfer of the subject portion of authority from Naslund Disposal, G-37, to Empire, G-75.

ORDER

THE COMMISSION ORDERS That:

- 12 (1) The Application for authority to transfer a portion of rights under Certificate No. G-37 standing in the name of Carroll-Naslund Disposal Service, Inc., d/b/a Naslund Disposal Service, to Certificate No. G-75 standing in the name of Empire Disposal, Inc., is granted.
- 13 (2) Certificate No. G-75 standing in the name of Empire Disposal, Inc., is amended and will reissue per Attachment A to this Order.
- 14 (3) Certificate No. G-37 standing in the name of Carroll-Naslund Disposal Service, Inc., d/b/a Naslund Disposal Service, is amended and will reissue per Attachment B to this Order.

DATED at Olympia, Washington, and effective this ____ day of March, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner

NOTICE TO PARTIES: This is a final order of the Commission. In addition to judicial review, administrative relief may be available through a petition for reconsideration, filed within 10 days of the service of this order pursuant to RCW 34.05.470 and WAC 480-09-810, or a petition for rehearing pursuant to RCW 80.04.200 or RCW 81.04.200 and WAC 480-09-820(1).

ATTACHMENT A

EMPIRE DISPOSAL, INC.
North 905 Sumner
PO Box 649
Colfax, WA 99111-0649

G-75

SOLID WASTE COLLECTION SERVICE In that portion of Spokane County described as follows: Commencing at the Washington-Idaho State line at the northeast corner of Section 6, T24N, R46E; thence west to the northwest corner of Section 6, T24N, R45E; thence south to the southwest corner of Section 7, T24N, R45E; thence west to the northwest corner of Section 15, T24N, R44E; thence south to the southwest corner of Section 15, T24N, R44E; thence west to the northwest corner of Section 19, T24N, R 44E; thence south to the northwest corner of Section 6, T23N, R44E; thence west to the northwest corner of Section 4, T23NR43E; thence south to the southwest corner of Section 33, T21N, R43E, also the Spokane-Whitman County line; thence east on the Spokane-Whitman County line to the Washington-Idaho State line on the 5th Standard Parallel to the southeast corner of Section 31, T21N, R46E; thence north along the Washington-Idaho State line to the northeast corner of Section 6, T24N, R46E, the point of beginning.

SOLID WASTE COLLECTION SERVICE in all of Whitman County EXCLUDING the following portions:

In that portion of Whitman County described as follows: T20N, R39E; Also, beginning at the northeast corner of Section 24, T15N, R45E; thence west along the north line of said Section 24 extended to the northwest corner of Section 22, T15N, R44 E; thence south along the west line of said Section 22 extended to the southwest corner of Section 22, T14N, R44E; thence east along the south line of said Section to the southeast corner of said Section 22; thence south along the east line of said Section 22 extended to the southwest corner of Section 35, T14N, R44E; thence east along the south line of said Section 35 extended to the southeast corner of Section 33, T14N, R45E; thence north along the east line of said Section 33 extended to the southwest corner of Section 22, T14N, R45E; thence east on the south line of said Section 22 extended to the southeast corner of Section 24, T14N, R45E; thence north along the east line of said Section 24

extended to the northeast corner of Section 24, T15N, R45E, the point of beginning.

SOLID WASTE COLLECTION SERVICE In that portion of Columbia County, State of Washington, described as follows:

Beginning at the southwest corner of Section 31, T12N, R37E; thence north along the west line of said township to the northwest corner of Section 6, T12N, R37E; thence east along the north line of said Section 6 to the southwest corner of Section 31, T13N, R37E; thence north along the west line of said T13 N, R37E, to the Whitman-Columbia County line; thence easterly along said county line to the east line of Section 12, T13N, R39E; thence south along the east line of said section extended to the southeast corner of Section 36, T13N, R39E; thence west along the south line of said Section 36 to the northeast corner of Section 1, T12N, R39E; thence south to the southeast corner of Section 36, T12N, R 39E; thence west along the south line of T12N, R39E; T12N, R38E; and T12N, R37E; to the point of beginning.

SOLID WASTE COLLECTION SERVICE in that portion of Garfield County described as follows:

Beginning at the southwest corner of Section 31, T12N, R40E; thence east along the south line of said section to the southeast corner of Section 35, T12N, R40E; thence north along the east line of said section to the northeast corner of Section 2, T12 N, R40E; thence east along the south line of Section 35, T13N, R40 E; to the southeast corner of said section; thence north along the east line of said section to the southwest corner of Section 12, T13N, R40E; thence east along the south line of said section to the southeast corner of Section 7, T13N, R41E; thence north along the east line of said section to the southwest corner of Section 32, T14N, R41E; thence east along the south line of said section extended to the northwest corner of Section 5, T13N, R43E; thence south on the west line of said section to the southwest corner of said section; thence east on the south line of said Section 5, T13N, R43E, extended to its intersection with the Garfield-Whitman County line (near Section 3, T13N, R43E); thence northwesterly along said county line to its intersection with the west line of Section 7, T13N, R40E; thence south along the west line of said section extended to the southwest corner of Section 31, T13N, R40E; thence west to the northwest corner of Section 6, T12N, R40E; thence south to the point of beginning.

ATTACHMENT B

CARROLL-NASLUND DISPOSAL SERVICE, INC.

G-37

d/b/a Naslund Disposal Service

PO Box 418

Lewiston, ID 83501-0418

SOLID WASTE COLLECTION SERVICE in that portion of Asotin County described as follows: Starting at the southwest corner of Sec. 3, T9N, R43E (also the Asotin-Garfield County line); thence northeasterly along the Asotin-Garfield County line to its intersection with the Asotin-Whitman County line (also the centerline of the Snake River); thence easterly along said county line to its intersection with the Idaho-Washington State line (also the centerline of the Snake River); thence southerly along said state line to its intersection with the south line of Sec. 20, T7N, R47E; thence west along the south line of said section extended to the southwest corner of Sec. 24, T7N, R44E; thence north along the west line of said section to the northwest corner of Sec. 25, T8N, R44E (also the northeastern boundary of the Umatilla National Forest); thence northwesterly along the northeastern Umatilla National Forest boundary to the southwest corner of Sec. 3, T9N, R43E (also the Asotin-Garfield County line), the point of beginning.

SOLID WASTE COLLECTION SERVICE in that portion of Garfield County described as follows: Starting at the southwest corner of Sec. 31, T10N, R42E; thence northerly along the Columbia-Garfield County line (also the west line of said section) to its intersection with the southwest corner of Sec. 36, T12N, R40E; thence north along the west line of said section to the northwest corner of Sec. 1, T12N, R40E; thence east along the north line of said section to the southwest corner of Sec. 36, T13N, R40E; thence north along the west line of said section to the northwest corner of Sec. 13, T13N, R40E; thence east along the north line of said section to the northeast corner of Sec. 18, T13N, R41E; thence north along the east line of said section extended to the northwest corner of Section 5, T13N, R41E; thence east along the north line of said section to the northeast corner of Sec. 6, T13N, R43E; thence south along the east line of said section to the southeast corner of said section; thence east along the south line of said section extended to its intersection with the Garfield-Whitman County line (near Sec. 10, T13N, R43E, also the centerline of the Snake River); thence southeasterly along

said county line to its intersection with the Asotin-Garfield County line (also the east line of Sec. 1, T11N, R44E); thence southwesterly along the Asotin-Garfield County line to its intersection with the north line of the Umatilla National Forest (also the south line of Sec. 4, T9N, R43E); thence west along the north line of the Umatilla National Forest to its intersection with the Columbia-Garfield County line (also the southwest corner of Sec. 31, T10N, R42E), the point of beginning. **Also**, that portion of Garfield County described as follows: Starting at the southwest corner of Sec. 35, T13N, R40E; thence north along the west line of said section extended to the Garfield-Whitman County line (also the centerline of the Snake River); thence northeasterly along said county line to its intersection with the extended west line of Sec.13, T14N, R40E; thence south along the east line of said section extended to the southeast corner of Sec. 35, T13N, R40E; thence west along the south line of said section to the southwest corner of said section, the point of beginning.

SOLID WASTE COLLECTION SERVICE in that portion of Whitman County described as follows: Starting at the point where the Asotin-Whitman County Line (Snake River Centerline) intersects the Idaho-Washington State Line; thence westerly along said county line to its intersection with the extended north line of Sec. 18, T11N, R45E; thence east along the north line of said section to its intersection with the Idaho-Washington State Line; thence south along said state line to its intersection with the Asotin-Whitman County Line (Snake River Centerline), the point of beginning.