

76-030673 (F)

Williams, Kastner & Gibbs PLLC
A NORTHWEST LAW FIRM

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May 9, 2003

89010.0112

Carole J. Washburn
Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive SW
P.O. Box 47250
Olympia, WA 98504

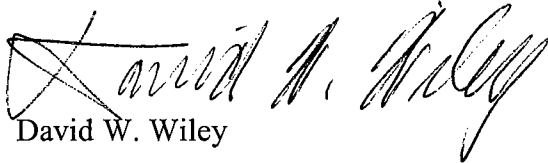
Re: Murrey's Disposal Company, Inc. vs. Waste Management of Washington, Inc.

Dear Ms. Washburn:

Enclosed please find an original and nineteen (19) copies of a Complaint for filing this date in the above-captioned matter. As soon as this has been docketed and accepted for filing by the Commission, please contact me as soon as possible so that I may promptly provide courtesy copies directly to the Respondent's counsel without need to await service by the Commission.

Yours truly,

WILLIAMS, KASTNER & GIBBS PLLC


David W. Wiley

DAV:ks
Enclosures

cc: Eric Merrill
Murrey's Disposal Company, Inc.

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STATE OF WASH.
UTIL. AND TRASP.
COMMISSION

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STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MURREY'S DISPOSAL COMPANY, INC.

Complainant,

v.

WASTE MANAGEMENT OF WASHINGTON,
INC.

Respondent.

NO. TG -

COMPLAINT FOR CANCELLATION
AND/OR REVISION OF A PORTION
OF G-CERTIFICATE NO. 237 FOR
SOLID WASTE COLLECTION
SERVICE IN CLALLAM COUNTY

I PRELIMINARY STATEMENT

Murrey's Disposal Company, Inc., P.O. Box 399, Puyallup, WA 98371, (hereinafter "Murrey's" or "Complainant"), a Washington corporation, holder of Certificate of Public Convenience and Necessity No. G-9, pursuant to RCW 81.04.110, 81.77.030(6), and WAC 480-09-420(5), brings this Complaint against Waste Management of Washington, Inc., 13225 N.E. 126th Place, Kirkland, WA 98034, (hereinafter "Respondent"), asking the Washington Utilities and Transportation Commission (hereinafter "Commission" or "WUTC"), for an Order revising a portion of Certificate of Public Convenience and Necessity No. G-237 held

COMPLAINT FOR CANCELLATION AND/OR REVISION OF A
PORTION OF G-CERTIFICATE NO. 237 - 1

Williams, Kastner & Gibbs PLLC
Two Union Square, Suite 4100 (98101-2380)
Mail Address: P.O. Box 21926
Seattle, Washington 98111-3926
(206) 628-6600

1435928.1

ORIGINAL

1 by Respondent (hereinafter "G-Certificate No. 237") on the grounds that Respondent has failed
2 to operate as a regulated solid waste collection company in the certificated area at issue in
3 Clallam County during the 12 months preceding the filing of this complaint in violation of
4 RCW 81.77.030.

5
6 **II STATEMENT OF FACTS**

7 2.1 Complainant is the holder of WUTC Certificate of Public Convenience and
8 Necessity No. G-9, attached hereto as Exhibit A, which authorizes Complainant to collect solid
9 waste in largely overlapping operating territory within Clallam County.

10 2.2 Respondent is the holder of G-Certificate No. 237, authorizing it to collect solid
11 waste in Clallam County, the pertinent page from which Certificate is attached hereto as
12 Exhibit B in highlighted form.

13 2.3 During the preceding 12 months, to Complainant's knowledge and belief,
14 Respondent has failed to provide solid waste collection service to any residential or
15 commercial customer within its regulated service territory.

16 2.3 During the preceding 12 months, to Complainant's knowledge and belief,
17 Respondent has refused or otherwise been unavailable to serve potential customers within the
18 regulated service territory at issue as shown in Exhibit B.

19 **III BASES FOR COMPLAINT**

20 3.1 Under RCW 81.77.030(6), the Commission may suspend, revoke, alter or
21 amend any Certificate of Public Convenience and Necessity if the holder has failed to operate
22 as a solid waste collection company for a period of at least one year preceding the filing of a
23 complaint.

1 3.2 On information and belief, Complainant alleges that during the 12 month period
2 preceding the filing of this Complaint, Respondent has failed to operate as a solid waste
3 collection company in the subject regulated service territory.

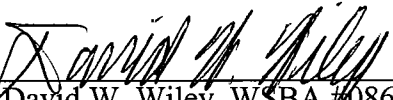
4 3.3 Because Respondent has abandoned its operating authority, the Commission
5 should suspend, revoke, alter and/or amend that portion of Certificate G-237 as described in
6 paragraph 2.2, above.

7 III. PRAYER FOR RELIEF

8 WHEREFORE, Complainant prays for an order revoking, altering, and/or amending
9 that portion of Certificate G- 237 and for such other and further relief as the Commission may
10 deem just and proper.

11 RESPECTFULLY SUBMITTED this 9th day of May, 2003.

12 WILLIAMS, KASTNER & GIBBS PLLC

13
14 By 
15 David W. Wiley, WSBA #08614
16 Dana A. Ferestien, WSBA #26460

17 Attorneys for Complainant, Murrey's Disposal
18 Company, Inc.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

MURREY'S DISPOSAL COMPANY, INC.
P.O. Box 399
Puyallup, WA 98371

Cert. No.
G-9

GARBAGE AND REFUSE COLLECTION SERVICE In that portion of Pierce County described as follows: Beginning in Section 30, Township 21 North, Range 4 E.W.M. at the point of intersection of the northeast Tacoma city limits and the Pierce County-King County line; thence south along the Tacoma city limits as they exist on April 1, 1974, to the intersection of the said Tacoma city limits with 72nd Street East; thence east on the centerline of 72nd Street East to Waller Road; thence south on the centerline of Waller Road to 112th Street; thence east along centerline on 112th Street to Meridian; thence south on the centerline of Meridian to the Kapowsin Highway; thence east on the centerline of the Kapowsin Highway to its intersection with Electron County Road; thence east along the centerline of Electron County Road to the southwest corner of Section 33 Township 18 North, Range 5 E.W.M.; thence continuing east along the centerline of the Section line between Township 17 North and 18 North, to its intersection with the East boundary line of Mt. Rainier National Park; thence south along said boundary to its intersection with the Pierce County-Yakima County boundary line; thence north along the Pierce County-Yakima County boundary to the intersection of the Pierce County-Yakima County-Kittitas County-King County line; thence west along said line to its intersection with the northeast boundary of the City of Tacoma, situated in Section 30, Township 21 North, Range 4 E.W.M. the point of beginning.

Also in that portion of Pierce County described as follows: Starting at the point where the N.E. corporate limits of Tacoma intersects with the shoreline of Commencement Bay in Section 21, T.

(Continued)

COPY



Exhibit A

WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

By

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Continuation

21 N., R. 3 E.; thence following said shoreline in a clockwise direction to the point of intersection with the King-Pierce County line; thence southeasterly on said county line to the corporate limits of Tacoma (south line of Section 14, T. 21 N., R. 3 E.); thence following said corporate limits westerly in a counter-clockwise direction to the point of intersection with the shoreline of Commencement Bay in Section 21, T. 21 N., R. 3 E., the place of beginning.

Also that portion of Pierce County beginning with the intersection at the Pierce County-Kitsap County-Mason County line; thence south along the Pierce County-Mason County line to its point of intersection with the shoreline of Rocky Bay; thence generally south along the east shoreline of Rocky Bay and North Bay including Heron Island to the southwest point of Drayton Passage; thence northerly along the shoreline of Drayton Passage and Henderson Bay to the most northern point of Henderson Bay; thence southerly along the east shoreline of Henderson Bay including the islands of Henderson Bay, but excluding McNeil, Anderson and Ketron Islands to the northeast point of Hale Passage; thence easterly along the north shoreline of Hale Passage including Fox Island to the southwest point of the Narrows; thence northerly along the west shoreline of the Narrows to its point of intersection with the west shoreline of West Passage; thence northerly along the west shoreline of West Passage to its point of intersection with the Kitsap County-Pierce County line; thence westerly along the Kitsap County-Pierce County line to the intersection of the Pierce County-Mason County-Kitsap County line to the intersection of the Pierce County-Mason County-Kitsap County line, the point of beginning.

Also all areas within the boundaries of Pierce County occupied by United States Government installations.

The following authority was obtained by transfer of Certificate No. G-112, standing in the name of David James Murrey, d/b/a Points Garbage Service.

GARBAGE AND REFUSE COLLECTION SERVICE In that portion of Pierce County described as follows: Starting at the intersection of the east corporate limits of Tacoma as they exist on April 1, 1974, and the centerline of 72nd St. East; thence east on the centerline of 72nd St. East to Waller Road; thence on the centerline of Waller Road South to 96th St. East; thence east on E. 96th St. to its intersection with the west corporate limits of Puyallup to a line projected from south to north located 1/2 mile west of SSH-5B; thence north on said projected line to the south

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WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Continuation

corporate limits of Milton; thence following the limits of Milton in a clockwise direction to the point of intersection with the north line of Section 6, T. 20 N., R. 4 E.; thence west on the north line of said section projected to the east corporate limits of Tacoma; thence following said corporate limits southerly and westerly to 72nd St. East, the place of beginning.

Also in that portion of Pierce County described as follows: Starting at the point where the N.E. corporate limits of Tacoma intersects with the shoreline of Commencement Bay in Section 21, T. 21 N., R. 3 E.; thence following said shoreline in a clockwise direction to the point of intersection with the King-Pierce County line; thence southeasterly on said county line to the corporate limits of Tacoma (south line of Section 14, T. 21 N., R. 3 E.); thence following said corporate limits westerly in a counter-clockwise direction to the point of intersection with the shoreline of Commencement Bay in Section 21, T. 21 N., R. 3 E., the place of beginning.

GARBAGE COLLECTION SERVICE in Pierce County described as follows: Beginning at the point where Stewart Rd. in Pierce County projected west intersects SR-99 (PSH-1); thence north along the centerline of SR-99 to the intersection of the Pierce County line projected west; thence east along the King/Pierce County line to the N.E. corner of Section 3, T. 20 N., R. 5 E.; thence south along the east line of said line of said Section 3 extended to the N.E. corner of Section 8, T. 20 N., Section 3 to the S.E. corner of said Section 3; thence west along the south 1 R. 5 E.; thence south along the east line of said Section 8, to the S.E. corner of said Section 8; thence west along the south line of said Section 8 extended to SR-167 (PSH-5); thence north on SR-167 (PSH-5) to the intersection of Stewart Road extended east; thence west along Stewart Road extended to the intersection with SR-99 (PSH-1), the point of beginning.

REFUSE AND DEBRIS COLLECTION SERVICE In those portions of King and Pierce Counties described as follows: Starting at the S.E. corner of Sec. 20, T. 20 N., R. 6 E.; thence west on the south line of said section projected to the east limits of the City of Tacoma (as of Sept. 6, 1960); thence north on a line projected from this point to the shoreline of Puget Sound; thence following said shoreline easterly and northerly to the point of intersection with the north line of Sec. 6, T. 22 N., R. 4 E.; thence east on the north line of said section projected to the N.E. corner of Sec. 5, T. 22 N., R. 6 E.; thence south on the east line of said section projected to the S.E. corner of Sec. 20, T. 20 N., R. 6 E., the place of beginning: EXCLUDING the City of Tacoma as the point of origin and destination of the same shipment, and EXCLUDING the City of Puyallup as the point of origin and destination for the same shipment, and excluding the King County portion.

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WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Continuation

The following authority was obtained by transfer of Certificate No. G-28, standing in the name of Olympic Disposal, Inc.

GARBAGE COLLECTION SERVICE in that portion of Clallam and Jefferson Counties described as follows: Starting at the intersection of the west shoreline of the Hood Canal and the south line of Section 31, T. 25 N., R. 2 W., (the Jefferson-Mason County line); thence west on the south line of said Section 31, and the Jefferson-Mason County line to the Olympic National Park boundary (as of September 6, 1960) approximately the S.E. corner of Section 32, T. 25 N., R. 4 W.; thence following the Olympic National Park boundary in a northerly and westerly direction to the north-south centerline of Section 17, T. 29 N., R. 5 W.; thence south on said centerline projected to the Clallam-Jefferson County line; thence west on said county line to the S.W. corner of Section 31, T. 28 N., R. 9 W.; thence north along the west line of said Section 31 extended to the S.E. corner of Section 36, T. 31 N., R. 10 W.; thence west along the south line of said Section 36, extended to the N.E. corner of Section 1, T. 30 N., R. 15 W.; thence south along the east line of said Section 1 extended to the S.E. corner of Section 36, T. 30 N., R. 15 W.; thence west along the south line of said Section 36, extended to the Pacific Ocean; thence north along the shoreline of the Pacific Ocean, around the point of Cape Flattery, easterly along the shoreline of the Strait of Juan De Fuca, along the shorelines of Sequim Bay, Port Discovery Bay, Port Townsend Bay and including Indian and Marrowstone Islands; thence southerly along the west shoreline of Hood Canal, around Oak Head, along the shorelines of Dabob Bay and Quilcene Bay; thence southerly again along the shoreline of Hood Canal to the intersection of the west shoreline of Hood Canal and the south line of Section 31, T. 25 N., R. 2 W., (the Jefferson-Mason County line); the point of beginning.

GARBAGE AND REFUSE COLLECTION SERVICE in that portion of Jefferson and Grays Harbor Counties described as follows: Starting at the point where the Clallam-Jefferson County line intersects the shoreline of the Pacific Ocean; thence following said county line east to the point of intersection with the Olympic National Park boundary; thence following said boundary south to the intersection with the east boundary of R. 12 W., in T. 24 N.; thence south on said boundary line to the point of intersection with State Route 101; thence northwesterly along said highway 101 to the intersection with the Jefferson-Grays Harbor County line; thence following the said county line westerly to its intersection again with State Route 101; thence southerly, westerly, then northerly along said State Route 101 to the intersection once again with the Jefferson-Grays Harbor County line; thence west along said county line to the shoreline of the

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WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Continuation

Pacific Ocean; thence northerly along said shoreline to the intersection of the Clallam-Jefferson County line; the point of beginning.

GARBAGE AND REFUSE COLLECTION SERVICE at the Makah Air Force Base, Neah Bay, under contract with THE U.S. GOVERNMENT and in the Olympic National Park, Port Angeles under contract with THE U.S. NATIONAL PARK SERVICE.

GARBAGE, REFUSE AND RUBBISH COLLECTION SERVICE in that portion of Clallam County described as follows: Beginning at the S.E. corner of Section 36, T. 28 N., R. 10 W., (Clallam-Jefferson County line); thence west along the south line of said Section 36 (and county line) extended to the shoreline of the Pacific Ocean; thence northerly along said shoreline to the intersection of the north line of Section 6, T. 29 N., R. 15 W.; thence east along said north line of Section 6 extended to the S.W. corner of Section 31, T. 30 N., R. 14 W.; thence north along the west line of said Section 31 extended to the N.W. corner of Section 6, T. 30 N., R. 14 W.; thence east along the north line of said Section 6 extended to the N.E. corner of Section 1, T. 30 N., R. 10 W.; thence south along the east line of said Section 1 extended to the S.E. corner of Section 36, T. 28 N., R. 10 W.; the point of beginning.

TG-971652

01-16-03



WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Continuation

THE FOLLOWING AUTHORITY HAS BEEN REVISED TO REFLECT A PORTION TRANSFER TO G-14 AND TO DELETE DUPLICATION IN THE REMAINING AUTHORITY.

SOLID WASTE COLLECTION SERVICE in that portion of Whatcom County described as follows: Starting at the northwest corner of Section 4, T40N, R10EWM; thence south on the west line of said section to the northeast corner of Section 20, T39N, R10EWM; thence west on the north line of said section to the northwest corner of Section 22, T39N, R9EWM; thence south on the west line of said section to the northeast corner of Section 33, T39N, R9EWM; thence west on the north line of said section to the northwest corner of Section 36, T39N, R8EWM; thence south on the west line of said section to the southwest corner of Section 36, T37N, R8EWM (also the Whatcom-Skagit County line); thence east along the south township line of T37N (also the Whatcom-Skagit County line) to its intersection with the Whatcom-Okanogan County line (near the south line of Section 33, T37N, R17EWM); thence northerly along said county line to its intersection with the north township line of T40N (near the north line of Section 2, T40N, R16EWM); thence west along said township line to the northwest corner of Section 4, T40N, R10EWM, the point of beginning.

THE FOLLOWING AUTHORITY HAS BEEN REVISED TO REMOVE DUPLICATION RESULTING FROM THE TRANSFER OF AUTHORITY FROM G-38 BREM-AIR DISPOSAL, INC.

SOLID WASTE COLLECTION SERVICE in Clallam County EXCLUDING the following described territory: Starting at the intersection of the south line of T. 30 N., R. 15 W., and the shore line of the Pacific Ocean, thence northerly along said shore line to Cape Flattery, thence easterly along the shore line of the Strait of Juan de Fuca to the east line of T. 31 N., R. 10 W., thence south on said line projected to the south line of said township, thence west on the south line of said township projected to the east line of T. 30 N., R. 15 W., thence south on said line projected to the south line of said township, thence west on the south line of said township projected to the shore line of the Pacific Ocean, the place of beginning.

SOLID WASTE COLLECTION SERVICE in Kitsap County EXCLUDING the following areas: Blake Island; the City of Bainbridge Island as of February 1, 2002; and the City of Poulsbo as of September 12, 1961; EXCLUDING: The City of Bremerton as the point of origin and destination for the same shipment using as a boundary the corporate limits as of September 6, 1960.

TO THE EXTENT THAT THE AUTHORITY GRANTED IN THIS ORDER DUPLICATES ANY AUTHORITY PREVIOUSLY GRANTED OR NOW HELD SHALL NOT BE CONSTRUED AS CONFERRING MORE THAN ONE OPERATING RIGHT NOR SHALL ANY DUPLICATING RIGHTS BE AVAILABLE FOR PURPOSES OF TRANSFER.

TG-011633

05-08-02



Exhibit B