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October 30, 2003

Carole J. Washburn  
Office of the Secretary  
Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Drive SW  
Olympia, Washington 98504-7250

**Re: In re Application GA-405 of Gary D. Gifford**  
Order M.V.G. No. 656  
Hearing No. GA-405

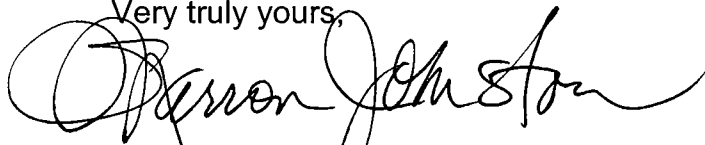
Dear Ms. Washburn:

Enclosed for filing are an original and nineteen (19) copies of the following documents:

- (1) Motion to Amend Order M.V.G. No. 656;
- (2) Blaine-Bay Refuse, Inc.'s Memorandum of Authority in Support of Motion to Amend Order M.V.G. No. 656; and
- (3) Declaration of Gary D. Gifford

Please conform a copy and return it to me in the enclosed self-addressed, stamped envelope. Thank you for your assistance in this matter.

Very truly yours,



Sharron Johnston, Legal Assistant  
to Attorney Philip A. Serka

/sj

Enclosures

cc: Polly McNeill  
Don Trotter  
Jim Sands

blaine-bay/iz WUTC 10-29-03

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**BEFORE THE WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION**

In re Application GA-405 of  
GARY D. GIFFORD

**Order M. V. G. No. 656**

**Hearing No. GA-405**

**MOTION TO AMEND ORDER M.V.G.  
NO. 656**

**I.  
IDENTITY & ADDRESS OF MOVING PARTY**

Blaine-Bay Refuse, Inc. is the moving party. Their address is 4916  
LaBounty Place, Ferndale, WA 98248.

**II.  
RELEVANT STATUTES AND RULES**

This motion is based on the authority set forth in RCW 81.04.200 and  
WAC 480-09-820(1).

**III.  
REQUEST FOR RELIEF**

Blaine-Bay Refuse, Inc. moves for an order on behalf of Blaine-Bay  
Refuse, Inc. and Gary D. Gifford to amend Order M. V. G. No. 656, which order  
was entered January 21, 1974 by changing the legal description of the service  
area to include the following areas:

MOTION TO AMEND ORDER M.V.G. NO. 656  
Page 1 of 3


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- (1) All land between Drayton Harbor Road and Drayton Harbor
- (2) All land between Semiahmoo Drive and Drayton Harbor
- (3) All land between Semiahmoo Drive and Semiahmoo Bay
- (4) All land between Birch Point Road and Birch Bay
- (5) All land between Birch Bay Drive and Birch Bay
- (6) All land on Point Whitehorn between the land located north of Grandview Road extended west to the Strait of Georgia and shoreland of Birch Bay

This amendment would add the property abutting the waters of Birch Bay, Drayton Harbor, Point Whitehorn and Semiahmoo. The map attached as Exhibit "A" defines the additional service area that the amendment would include as part of the applicant's territory. This motion is based upon the attached declaration of Gary D. Gifford, existing hearing record of Hearing No. GA-405, and the attached memorandum of law.

DATED this 28 day of October, 2003.

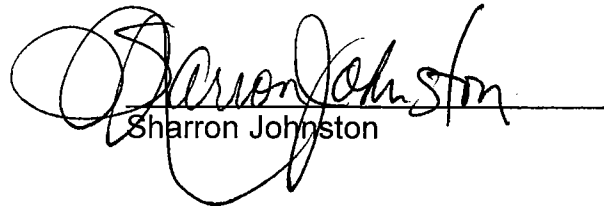
ADELSTEIN, SHARPE & SERKA LLP

By:   
Philip A. Serka, WSBA #6814  
of Attorneys for Blaine-Bay Refuse, Inc.

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**CERTIFICATE OF SERVICE**


I hereby certify that I have this day served the foregoing documents: (1) Motion to Amend Order M.V.G. No. 656; (2) Blaine-Bay Refuse, Inc.'s memorandum of Authority in Support of Motion to Amend Order M.V.G. No. 656; and (3) Declaration of Gary D. Gifford, upon all parties of record in this proceeding, by mailing a true copy of the foregoing to Polly L. McNeill, Summit Law Group, PLLC, attorneys for Protestant, at 315 Fifth Avenue South, Suite 1000, Seattle, WA 98104, dated this 30<sup>th</sup> day of October, 2003 at Bellingham, Washington.

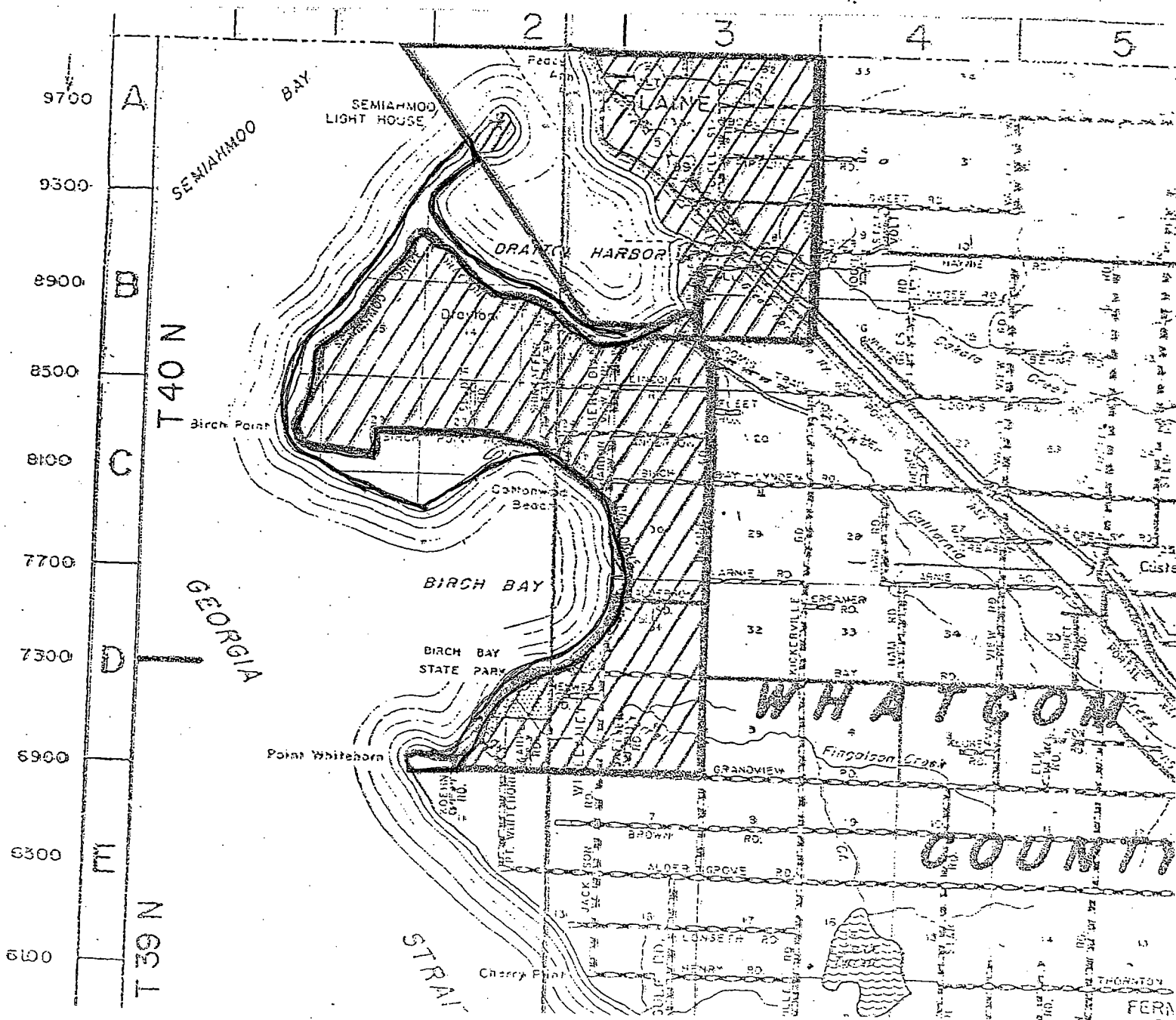
  
Sharron Johnston

Blaine-Bay Refuse, Inc.\amend order 10-27-03

# EXHIBIT "A"

 Blaine-Bay Refuge  
Early Service Area

 The Extended territory is in white  
Between Early territory and shorelands



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STATE OF WASH.  
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COMMISSION

**BEFORE THE WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION**

In re Application GA-405 of  
GARY D. GIFFORD

**Order M. V. G. No. 656**

**Hearing No. GA-405**

**DECLARATION OF GARY D. GIFFORD**

I, Gary D. Gifford, declare as follows:

That I was the original applicant who applied for authority to extend my solid waste disposal service area to the Birch Bay Resort Area in Whatcom County. It was the intent of my application to undertake solid waste disposal service in all of the Birch Bay area. My application to extend the service area was intended to provide refuse collection service on the properties abutting the waters of Birch Bay, Point Whitehorn and Drayton Harbor and Semiahmoo. Unfortunately, my map and description of the service area that accompanied my application described my service area boundaries to be the public roads abutting those water bodies. My intent was to extend my service area to include properties between the water bodies on Birch Bay and the public roads described within my application. It was my understanding that describing the road abutting the water bodies would allow for service of lands located between

DECLARATION OF GARY D. GIFFORD  
Page 1 of 3

ORIGINAL

1 the public road and water. It would have made no sense to be authorized to  
2 provide garbage collection in Birch Bay without having the authority to serve the  
3 properties on the water. One of the primary reasons I filed the application was  
4 because of the need in Birch Bay to provide refuse collection for the public and  
5 service public containers located on the waterside of Birch Bay Drive and to  
6 service Birch Bay Village. The intent of any application was to address the  
7 public's health concerns with the accumulation of shells and other waste in  
8 containers located on the waterside of the roads at Birch Bay.  
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11 On January 21, 1974, the Washington Utilities and Transportation  
12 Commission granted my application to extend my service area outlined in Order  
13 No. M.V.G. No. 656. At that time, I believed that I was given authority to service  
14 and provide solid refuse disposal service for all of Birch Bay including lands  
15 abutting the waters of Birch Bay, Semiahmoo and Drayton Harbor.  
16 Subsequently, I provided solid waste disposal service to all properties abutting  
17 the water bodies at Birch Bay, Drayton Harbor and Semiahmoo believing that  
18 said order granted me authority to do so. Subsequently, I sold my solid waste  
19 disposal service to Blaine-Bay Refuse, Inc. It is my understanding that I and  
20 Blaine-Bay Refuse have provided solid waste disposal service for all of Birch Bay  
21 as was my original intent, within the application, and consistent with the evidence  
22 introduced at the hearing on my application. This service has been provided by  
23 me and my successor, Blaine-Bay Refuse, Inc., to Birch Bay Village and all  
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28 DECLARATION OF GARY D. GIFFORD  
Page 2 of 3

1 areas abutting the water bodies of Point Whitehorn, Birch Bay, Semiahmoo and  
2 Drayton Harbor for the last thirty (30) years.

3  
4 Blaine-Bay Refuse, Inc. has advised me that the state has notified them  
5 that the authority granted to me by Order M.V.G. No. 656 ended at the  
6 boundaries of the public roads described in my application and did not include  
7 the property located between the public roads and water. It was always my  
8 intent to provide solid waste disposal service for all those areas of land in Birch  
9 Bay abutting Birch Bay, Drayton Harbor, Point Whitehorn and Semiahmoo.

10  
11 I declare under penalty of perjury under the laws of the State of  
12 Washington that the foregoing is true and correct.

13 DATED this 30 day of Oct, 2003.

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17 GARY D. GIFFORD

18 Blaine-Bay Refuse, Inc. Declaration of gary gifford 10-27-03

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28 DECLARATION OF GARY D. GIFFORD  
Page 3 of 3



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**BEFORE THE WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION**

In re Application GA-405 of  
GARY D. GIFFORD

**Order M. V. G. No. 656**

**Hearing No. GA-405**

**BLAINE-BAY REFUSE, INC.'s  
MEMORANDUM OF  
AUTHORITY IN SUPPORT OF  
MOTION TO AMEND ORDER  
M.V.G. NO. 656**

**I.  
REQUEST FOR RELIEF**

Blaine-Bay Refuse, Inc. moves for an order amending Order No. M. V. G. No. 656 to include all the lands between the public roads of Birch Bay and the water bodies of Birch Bay, Drayton Harbor, Point Whitehorn and Semiahmoo Bay, within Blaine-Bay Refuse, Inc.'s solid waste disposal service area particularly described as follows:

- (1) All land between Drayton Harbor Road and Drayton Harbor
- (2) All land between Semiahmoo Drive and Drayton Harbor
- (3) All land between Semiahmoo Drive and Semiahmoo Bay
- (4) All land between Birch Point Road and Birch Bay
- (5) All land between Birch Bay Drive and Birch Bay
- (6) All land on Point Whitehorn between the land located north of Grandview Road extended west to the Strait of Georgia and shoreland of Birch Bay

(A map is attached hereto as Exhibit "A" which depicts the additional territory).

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**II.  
STATEMENT OF AUTHORITY**

The motion to amend Order M.V.G. No. 656 is authorized pursuant to the RCW 81.04.200 and WAC 480-09-820(1). Furthermore, the Commission may on its own motion, amend a prior order pursuant to WAC 480-09-815.

**III.  
ARGUMENT**

**A. Introduction.**

Blaine-Bay Refuse, Inc., successor in interest to Gary D. Gifford, has initiated a motion for an order to amend Order M.V.G. No. 656, to extend the service area to operate and furnish garbage and refuse collection service for all lands abutting Birch Bay as was originally intended by the applicant in 1973. The Commission has the authority to grant an order to amend a previously entered order pursuant to WAC 480-09-820(1). This particular section allows any person affected by a final order of the Commission to file a petition for rehearing. Furthermore, RCW 81.04.200 allows any company affected by an order of the Commission after expiration of two years from the date of the order to petition the Commission for a rehearing, setting forth grounds and reasons for such rehearing based upon other things "showing a result injuriously affecting the petitioner which was not considered or anticipated at the former hearing or that the affect of such order has been such as was not contemplated by the Commission or petitioner or for any good and sufficient cause which for any reason was not considered and determined in such former hearing." RCW

1 81.04.200. Furthermore, the Commission may, at any time after notice, amend  
2 any order or rule previously made. WAC 480-09-815. Order M.V.G. No. 656  
3 injuriously affects Blaine-Bay Refuse, Inc., successor in interest to Gary D.  
4 Gifford, the original applicant. The order precludes Blaine-Bay Refuse, Inc. from  
5 providing solid waste disposal service to those lands abutting the water bodies of  
6 Birch Bay, from providing the very service deemed necessary when this  
7 application was originally filed and approved by the Commission. It was not  
8 contemplated by the Commission or petitioner that Order M.V.G. No. 656 would  
9 preclude Blaine-Bay Refuse, Inc., for example, from serving Birch Bay State  
10 Park, resorts in Birch Bay that owned property abutting the Birch Bay or any  
11 properties located between Drayton Harbor Road and Drayton Harbor or Birch  
12 Bay Village which abuts Birch Bay. The order created unworkable situations,  
13 i.e., where Blaine-Bay Refuse, Inc. would be allowed to service part of Birch Bay  
14 State Park, located on the east side of Birch Bay Drive, but not provide solid  
15 waste disposal service for the part of Birch Bay State Park located on the west  
16 side of Birch Bay Drive abutting Birch Bay. This order further provides an  
17 unworkable situation where Blaine-Bay Refuse, Inc. could provide solid waste  
18 disposal service for resorts or part of resorts located on the east side of Birch  
19 Bay Road, but would be unable to provide refuse collection service for the same  
20 resort containers located on the beach on the west side of Birch Bay Drive  
21 abutting Birch Bay.

1 Order M.V.G. No. 656, which omitted parts of Birch Bay from the Blaine Bay  
2 service area, conflicted with the evidence introduced at the hearing that  
3 established that all of Birch Bay was in need of service. Blaine Bay contends  
4 that the intent of the order was to allow the applicant Gifford to provide solid  
5 waste disposal service for all properties abutting the water bodies in Birch Bay.  
6 It would be unworkable for Blaine-Bay Refuse, Inc. to comply with the order as  
7 entered. Many of the resorts in Birch Bay are bisected by the roads with a part  
8 of the property waterfront located on the west side of Birch Bay Drive. Since the  
9 order was entered in 1974, Gifford believed that he had authority to provide solid  
10 waste disposal service for all of Birch Bay, including those properties abutting the  
11 water bodies and Gifford and successors have continued to provide this service  
12 for the last thirty (30) years. (Gifford declaration). Order M.V.G. No. 656 needs  
13 to be amended to cure an unworkable situation and conform the order with the  
14 intent of the applicant, which was to service all of Birch Bay and those properties  
15 abutting the water bodies and to conform with the evidence submitted at the  
16 original hearing No. GA-405.

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21 **B. The Hearing Record in GA-405 Clearly Supports the Applicant's Intent**  
22 **and the Commission's Intent to Allow Gary D. Gifford Authority to**  
23 **Service Properties in Birch Bay Abutting the Water.**

24 The record provides the following:

25 (1) Findings of Fact, Conclusions of Law, and Examiner's Proposed Order  
26 Granting Application – November 30, 1973

27 (a) Memorandum

1 The first paragraph of the memorandum of the Findings of Fact state:  
2

3 "The instant matter concerns an application for authority to provide  
4 garbage service to the Birch Bay Resort Area in Whatcom County.  
5 The territory sought to be served includes a crescent enclosing  
6 Birch Bay, and the types of service are year round residences,  
summer resorts, commercial establishments catering to  
vacationers, summer homes used on weekends all year and a  
state park." (*emphasis mine*)

7 The Administrative Law Judge further described the existing service issues in  
8 Birch Bay as reasons for approving the Gifford application to include:  
9

10 "Since it is a seaside resort area there are problems not common to  
11 more usual areas. Some of the uncommon facets are:

12 When there will be a good clam digging tide the influx is  
13 greater, resulting in vast amounts of clam shells which cause  
noisome odors quickly if not disposed of;...

14 The thousands of feet of beach, except for the park, are  
15 privately owned, the owners must provide containers which  
will not be stolen, and Birch Bay is not a municipality;"

16 (*Page 4 of Findings*)

17 However, the order as entered did not allow Gifford to service properties abutting  
18 the water and Birch Bay State Park.

19 (b) Finding of Fact No. 1: States that the application of Gary D. Gifford  
20 included the request to serve the "area commonly known as Birch  
21 Bay Resort Area, an unincorporated village and includes Birch Bay  
State Park."

22 However, the order excluded a large part of Birch Bay State Park and parts of  
23 the Birch Bay Resort Area including the Birch Bay Village property from the  
24 Gifford service area in contradiction to this finding.  
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2 (c) Findings of Fact No. 7: The Administrative Law Judge had stated  
3 that the request for extension included "The area for which the  
4 extension is requested is in large part a summer cottage and tourist  
resort area comprising the Birch Bay shores and south shore of  
Drayton Harbor." Finding of Fact No. 7.

5 However, the order excluded the south shore of Drayton Harbor, the areas  
6 between Drayton Harbor Road and Drayton Harbor, and the shores of Birch Bay  
7 from Gifford's service area in contradiction of this finding.

8  
9 (d) Finding of Fact No. 12:

10 Many of the various Birch Bay resort owners and operators of commercial  
11 establishments, including the owners of the Birch Bay store and trailer park  
12 center, Edgewater Resort, Bay Center Resort, Norm's Cottages, Birch Bay  
13 Swimming Pool, work shop and tavern, Idle Ease Resort and Birch Bay Trailer  
14 Park and sales, testified in support of Gifford's application and the need for solid  
15 waste disposal service.  
16

17  
18 The Administrative Law Judge found "They generally reported that  
19 applicant provided Saturday, Sunday, Monday service and rates  
20 were reasonable, that he was emptying the individual containers by  
21 the respective cottages, trailers or tent spaces and those on the  
beach that, when needed, such as during clam tide times, he would  
22 come daily, and once or twice a week off season." (Finding of Fact  
No. 12).

23 However, the order does not allow the applicant to provide solid waste  
24 disposal service on the beach, although that was the intent of the request,  
25 supported by the testimony, and intent of the Administrative Law Judge.  
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(e) Findings of Fact No. 13:

Furthermore, Fred Yates, representative of Birch Bay Village, a development at that time of 58 units, and many more lots available for development, testified that Gifford's solid waste disposal service was satisfactory until stopped before filing the application. Thus, the representatives at Birch Bay Village testified in support of the application to allow the applicant Gifford to service Birch Bay Village. (Findings of Fact No. 13). However, the order as entered excludes the applicant from servicing Birch Bay Village, inconsistent with the evidence submitted and the Administrative Law Judge Findings of Fact No. 13.

In issuing the decision in favor of Gifford, the Administrative Law Judge stated that the evidence provided that the "only carrier who had been given the service necessary to handle the problem is the applicant for a two year period or less and he was operating without authority." Findings of Fact, Conclusions of Law (Pg. 5). His statement was in reference to failure of other entities to provide solid waste disposal service to the State Park, U.S. Government airfield, existing resort owners in Birch Bay and Birch Bay Village.

Nevertheless, the final order precluded Gifford from effectively handling the Birch Bay "problem" by specifically excluding areas of Birch Bay from being serviced by Blaine-Bay Refuse, Inc. The Administrative Law Judge clearly intended that the decision to approve the request for extension was in large part

1 to service an area comprising the "Birch Bay shores and the south shore of  
2 Drayton Harbor." Finding of Fact No. 7. However, the order precluded the  
3 applicant from servicing the Birch Bay shores and south shore of Drayton  
4 Harbor.  
5

6 **C. Testimony Submitted at the June 12, 1973 Hearing No. GA-405 on the**  
7 **Gifford Request Further Supported the Need for Gifford to Provide Solid**  
8 **Waste Disposal Service to Those Properties in the Birch Bay Area Abutting**  
9 **Birch Bay, Drayton Harbor, and Semiahmoo.**

10 Herman Gischer, owner of Birch Bay Trailer Park, testified in support of  
11 the application to allow Gifford to provide solid waste disposal service for those  
12 areas owned by Birch Bay Trailer Park between Birch Bay Drive and Birch Bay.  
13 He testified as to the need to remove clams from the garbage cans on the beach  
14 on a regular basis to eliminate the smells. (Ex. 7, Pg. 16). Robert Vogt, owner  
15 of Edgewater Resort, testified that the request needed to be approved to allow  
16 the applicant to service the 100 cans or more located on the beach. (Ex. 7, Pg.  
17 27 and 29). William Vogt, owner of Bay Center Resort, testified that the  
18 application needed to be approved in order to allow the applicant to service his  
19 eight 55-gallon disposal drums that were on the beach, to service the residents  
20 of Bay Center Resort. (Ex. 7, Pg. 40, Line 10-16, Line 20). Norman C. Rauch,  
21 owner of eight cottages, at the north end of Birch Bay testified that he has eight  
22 cans on the beach and if they don't have solid waste disposal service to service  
23 these cans at low tides, there will be flies and smells. Thus, he testified as to a  
24 need to service garbage cans abutting the waterfront between Birch Bay Drive  
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26



1 and Birch Bay. (Ex. 7, Pgs. 50, 51 & 55). Gordon Sullivan, owner of Birch Bay  
2 Swimming Pool, tavern and beauty salon and of twelve cottages, further testified  
3 that most of the solid waste disposal cans in Birch Bay are on the beach and  
4 need to be serviced. (Ex. 7, Pg. 58, Line 20). Mrs. A. M. Richmond, owner of  
5 Idle Ease Resort testified that they have twelve 50-gallon drums on the beach  
6 that need to be serviced. She testified that the applicant should be given this  
7 opportunity to service this. (Ex. 7, Pg. 63). Fred Yates, resident of Birch Bay  
8 Village, stated that the village had been serviced by the applicant for two years  
9 until he was ordered to cease before his application was approved.  
10 Subsequently, Birch Bay Village was being serviced by Sanitary Service. He  
11 testified in support of the need for the applicant to be given the authority to  
12 provide solid waste disposal service to Birch Bay Village and the existing 56 or  
13 58 housing units available at that time and the various lots that would be  
14 developed in the future. (Ex. 7, Pgs. 78-82). (However, the order as entered  
15 would preclude the applicant from servicing Birch Bay Village although he  
16 serviced the Village two years prior to his filing the application and for the last  
17 thirty (30) years after the order was approved.) Earl W. Vogt, owner of Birch Bay  
18 Trailer Park and Sales, testified that facilities and garbage disposal should be  
19 available on the beach, and that he is increasingly concerned with observing  
20 garbage cans filled to capacity on the beach with no service (Ex. 7, Pgs. 87,88).  
21 Gary D. Gifford, the applicant, testified that he wanted the opportunity to service  
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1 Birch Bay State Park. Part of the Park is located on the west side of Birch Bay  
2 Drive abutting the water of Birch Bay. He stated that one of the reasons for his  
3 filing the application was to be able to service the State Park (Ex. 7, Pgs. 93-  
4 106). However, the order precludes him from serving the part of Birch Bay State  
5 Park located between Birch Bay Drive and Birch Bay.  
6

7 The findings of fact and conclusions of law, and record of the prior  
8 proceeding clearly shows that it was Gary D. Gifford's intent to service all of  
9 Birch Bay, including those parts of the properties located between the public  
10 road, and the waters of Birch Bay, Drayton Harbor, and Semiahmoo. It was not  
11 the applicant's intent to leave without disposal service the property between the  
12 public road and abutting the waters of Birch Bay. A primary reason for allowing  
13 the applicant, Gary D. Gifford, at that time to provide solid waste disposal service  
14 on the waters of Birch Bay was to eliminate public health concerns associated  
15 with leaving refuse containers unattended on the beaches loaded with various  
16 crab shells and other marine shells. Although the testimony clearly established  
17 the need to service these areas, Order M.V.G. No. 656 would have precluded  
18 the applicant from providing the much needed solid waste disposal service in  
19 those areas. I do not believe it was the intent of the applicant nor the intent of  
20 the Commission to preclude the applicant from providing solid waste disposal  
21 service for those areas where it was established there was a need of the service,  
22 which areas included between the public roads in Birch Bay and water bodies of  
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1 Birch Bay. The applicant, Gifford, did not intend to be precluded from servicing  
2 the areas of Birch Bay located on the waterside of the public roads but intended  
3 to service properties on both sides of the road abutting the water bodies.  
4

5 **D. Gifford and Blaine-Bay Refuse, Inc. Have Provided Refuse Collection**  
6 **Services Within the Lands Abutting the Waters of Birch Bay, Drayton**  
7 **Harbor Since the Order to Extend Service Was Entered in 1974.**

8 For the last 29 years, Gary D. Gifford and the successor, Blaine-Bay Refuse,  
9 Inc., have provided the required refuse collection service in those areas of land  
10 abutting Birch Bay and Drayton Harbor, including Birch Bay Village since Order  
11 M.V.G. No. 656 was entered. These actions were consistent with the intent of  
12 the original applicant, Gifford, and consistent with many of the findings of the  
13 Administrative Law Judge which granted the original approval to extend service  
14 to Gifford. Although these actions presumably are inconsistent with the area  
15 defined by the original Order M.V.G. No. 656, providing service outside of the  
16 boundaries as set forth in the order was not done to flaunt the order of this  
17 Commission. The parties truly believe Order M.V.G. No. 656 granted them the  
18 permission to service all of Birch Bay, including those lands abutting the waters.  
19 After all, significant part of the testimony at the public hearing on the initial  
20 request clearly emphasized the need to provide refuse collection service on the  
21 beach as there was significant public health concerns resulting from failure to  
22 maintain and attend garbage cans located on the beach. The applicant believed  
23 that Order M.V.G. No. 656 authorized the applicant to eliminate this nuisance by  
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1 granting the authority to undertake the refuse collection service on the shores of  
2 Birch Bay.  
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4 **IV.**  
5 **CONCLUSION**

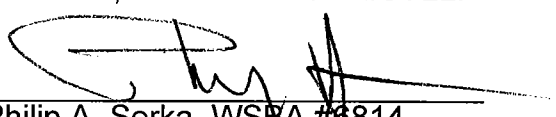
6 Blaine-Bay Refuse, Inc. respectfully request that the Commission amend  
7 Order M.V.G. No. 656 to change the solid waste disposal service area for Gary  
8 D. Gifford and for successor in interest, Blaine-Bay Refuse, Inc., by including  
9 within the service area those lands in Birch Bay abutting the water bodies of  
10 Birch Bay, Drayton Harbor, Point Whitehorn and Semiahmoo as set forth herein.  
11 In accordance with RCW 81.04.200, the order is required to be amended. The  
12 existing order precludes Blaine-Bay Refuse, Inc. from servicing areas in Birch  
13 Bay that were neither contemplated by the Commission or the original petitioner  
14 to be excluded from the service area. Good and sufficient cause exists to  
15 amend the order. Furthermore, this motion may be used as a basis by the  
16 Commission to initiate an amendment to Order M.V.G. No. 656 on its own  
17 motion pursuant to RCW 80.04.210.  
18

19  
20 Based on the aforementioned reasons, Blaine-Bay Refuse, Inc. would  
21 respectfully request that this motion be granted and that the Order M.V.G. No.  
22 656 be amended to change the service area upon which Blaine-Bay Refuse, Inc.  
23 has authority to provide solid waste disposal service to include those properties  
24 in "Birch Bay" abutting water bodies of Birch Bay, Drayton Harbor, Point  
25 Whitehorn and Semiahmoo as set forth in Exhibit "A".  
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DATED this 28 day of October, 2003.

Respectfully submitted,  
ADELSTEIN, SHARPE & SERKA LLP

By:   
Philip A. Serka, WSBA #8814  
of Attorneys for Blaine-Bay Refuse, Inc.

Blaine-Bay Refuse, Inc.\memo of authority in support 10-27-03

# EXHIBIT "A"



Blaine-Bay Refuse  
Empty Service Area



The Extended Territory is in white  
Between Existing territory and shorelands

