



APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE TO OPERATE AS A SOLID WASTE COLLECTION COMPANY UNDER CHAPTER 81.77 RCW

1300 South Evergreen Park Drive SW
 P.O. Box 47250
 Olympia, WA 98504-7250

PHONE 360-664-1222

FAX 360-586-1181

TTY 360-586-8203 TTY TOLL FREE 1-887-210-5963

WEBSITE: www.wutc.wa.gov

The UTC has a policy of providing equal access to its services. If you need special accommodations, please call 360-664-1133.

Type of Solid Waste Authority Requested	Fee Required
<u>Expedited Temporary Authority</u> (to meet an urgent need for up to thirty days) - Complete entire application and Attachment A (WAC 480-70-136)	\$ 25
<input checked="" type="checkbox"/> <u>Temporary Authority</u> (to meet an immediate or urgent need) - Complete entire application and Attachment A	\$ 25
<u>New Permanent Authority</u> (including extension of authority)- (check appropriate box below) Complete entire application and submit a proposed tariff as outlined in the standard tariff form New Certificate Extension of Existing Certificate No. G- _____	\$200
<u>Permanent Authority to Transfer</u> (WAC 480-70-090) (check appropriate box below) - Complete entire application and Attachments B All of Certificate No. G- _____ Portion of Certificate No. G- _____	\$200
<u>Reinstatement of Cancelled Certificate</u> (must be filed within 30 days of cancellation) -Include a statement justifying the reinstatement and complete sections 1, 2 and 8	\$200
<u>Name Change</u> - does not include changes resulting in change in ownership - Complete section 1 and Attachment C	\$ 35
<u>Mortgage of Certificate</u> - Complete section 1 and Attachment D	\$ 35
<u>Lease of Authority</u> - Complete entire application and Attachment B All of Certificate Portion of Certificate No. G - _____	\$200

SECTION 1 - APPLICATION INFORMATION

Name of Applicant: Harold Lemay Enterprises, Inc. dba City Sanitary Co., EGH Disposal, Harbor Disposal Co.		
Trade Name(s) (if applicable): Joe's Refuse Service, Lakewood Refuse Service, Pacific Disposal, Pierce County Refuse, Rural Garbage Service, White Pass Garbage Co., Butlers Cove Refuse.		
Phone Number: (253) 536-4416	Fax Number: (253) 537-8689	E-Mail: johnlloyd@lemayinc.com
Business Address		Mailing address (if different from Business Address)
Street 13502 Pacific Avenue		Street PO Box 44459
City Tacoma		City Tacoma
State/Zip WA 98444		State/Zip WA 98444

FOR OFFICIAL USE ONLY

Date Filed: 12/16/03	Staff Assigned: TS	Motcar: 5246	Permit Issued G- 98
Tariff: TS	Insurance: TS	Contract: -	DOL/SOS: TS
Application: GA-79243	RMS Docket #: TG-	Related App ID: GA 79243	Map: TS
Text approved for docket	Reception #: 4500	227-02:	032-05:

SECTION 2 - BUSINESS INFORMATION

Type of business structure:

Individual Partnership Corporation Other(LP, LLP, LLC) _____ UBI No. _____

List the name, title, and percentage of partner's share or stock distribution for major stockholders:

<u>Name</u>	<u>Title</u>	<u>Stock Distribution or Percentage of Shares</u>
Nancy Lemay	President	46.284%
Harold Lemay Marital Trust		48.155%

Indicate below the commodity to be hauled and the territory in which you wish to operate. PLEASE NOTE Territory must be described using boundaries such as streets, avenues, roads, highways, townships, ranges, city limits, county boundaries or other geographic descriptions. In addition to describing the territory, you must file a map that meets the requirements of WAC 480-70-056 and clearly shows the described territory.

Garbage Collection Service as delineated in current certificate G-18. Maps and descriptions attached.

State below the conditions that justify the granting of this application. If you are applying for temporary certificate authority, be sure your statement addresses and supports the question of "immediate and urgent need."

A corporate merger between Harold Lemay Enterprises, Pacific Disposal and Lakewood Refuse Service will result in more efficient operations. These entities are currently under common ownership.

Do you currently hold, or have you ever held, a solid waste certificate?
 No Yes If yes, please indicate your certificate number: G-____98_____

Have you ever applied for and been denied a certificate to transport solid waste?
 No Yes If yes, please explain: _____

Please tell us about your experience and knowledge of transportation or solid waste, including motor carrier driver and equipment safety requirements. _____

Harold Lemay Enterprises, Inc. has collected refuse and recycling for over 60 years and has adhered to all state mandated safety programs

Have you been cited for violation of state laws or Commission rules?
 No Yes If yes, please explain: _____

Minor traffic infractions.

SECTION 6 – SAFETY AND OPERATIONS

In each of the categories show below, list the person and position responsible for understanding and complying with the Federal Motor Carrier Safety Regulations (FMCSR) and Washington State laws and rules. Please refer to the WAC rules, Fact Sheets, and publication "Your Guide to Achieving a Satisfactory Safety Rating" for assistance with requirements that may apply to your specific operations.

SAFETY RESPONSIBILITIES

COMMERCIAL DRIVERS LICENSE (CDL) REQUIREMENTS (Title 49, Code of Federal Regulations Part 383) Any driver who operates a vehicle that meets the definition of a commercial motor vehicle must have a valid CDL.

Name: Norm Lemay	Position: VP-Operations
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DRIVER QUALIFICATION REQUIREMENTS (Title 49, Code of Federal Regulations Part 391) Driver's must meet minimum qualification requirements and each company must maintain driver qualification files for each driver.

Name: Norm Lemay	Position: VP-Operations
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DRIVERS HOURS OF SERVICE (Title 49, Code of Federal Regulations Part 395) Drivers must maintain logs and each company must maintain true and accurate hours of service records for each driver.

Name: Norm Lemay	Position: VP-Operations
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CONTROLLED SUBSTANCES AND ALCOHOL TESTING (Part 382) All persons who drive commercial vehicles requiring a CDL must be in a Controlled Substance and Alcohol Testing program that complies with the FMCSR in 49 CFR Part 382 and 49 CFR Part 40.

Each company will have in place a system for complying with FMCSR governing alcohol and controlled substances testing requirements (49 CFR Part 382 and 49 CFR Part 40).

Name: Norm Lemay	Position: VP-Operations
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INSPECTION, REPAIR AND MAINTENANCE (Title 49, Code of Federal Regulations Part 396) Every motor carrier shall systematically inspect, repair, and maintain all motor vehicles subject to its control.

Name: Doug Lemay	Position: VP-Equipment
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OPERATIONAL RESPONSIBILITIES

List the person and/or position responsible for understanding and complying with the requirements of each category shown below.

TARIFF RATES AND CHARGES (WAC 480-70-226 through WAC 480-70-351) Companies must file with the Commission a tariff showing all rates and charges it will charge its customers, together with rules that govern how rates and charges will be assessed.

Name: John Lloyd	Position: Controller
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ANNUAL REPORTS and REGULATORY FEES (WAC 480-70-071 & 076) Companies must annually file a report of their financial operations and pay regulatory fees.

Name: John Lloyd	Position: Controller
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BIOMEDICAL WASTE (WAC 480-70-426 through 476) Companies that transport biomedical waste must handle and transport that waste according to the appropriate requirements of the federal hazardous materials regulations (49 CFR Parts 170-189) and the additional requirements in these rules.

Name: Norm Lemay	Position: VP-Operations
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CUSTOMER SERVICE –Person responsible for customer service complaints, customer notice requirements, and compliance with county solid waste plans.

Name: Norm Lemay	Position: VP-Operations
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STATE OF WASHINGTON – general laws, rules and regulations: Individuals and companies doing business in the state of Washington must comply with the regulations of local, state, and federal agencies. Please state the name and position of the person in your organization who will be responsible for ensuring compliance with the laws of the state of Washington, such as, but not limited to: Department of Labor and Industries (industrial insurance, safety, prevailing wage); Department of Licensing (vehicle and drivers licenses, business licensing, Unified Business Identifier (UBI) number), fuel permits, fuel tax); Secretary of State (corporate registrations); Department of Transportation (over-size or over-weight permits); Department of Revenue and Internal Revenue Service (taxes); and Employment Security.

Name: Norm Lemay	Position: VP-Operations
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SECTION 7 – HEARING INFORMATION

If the Commission assigns this application for formal hearing, estimate the number of witnesses you will present and the amount of time you will need for your presentation.

Number of witnesses: 1	Amount of time: 10 min.
Will an attorney be representing you? If yes, complete the following:	
Attorney's name:	Attorney's phone number:
Attorney's address:	Fax Number:
Street	E-mail:
City, State, Zip	

TYPE OF PAYMENT:

<input type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> AMEX <input type="checkbox"/> Discover <input type="checkbox"/> MasterCard <input type="checkbox"/> Visa																				
Credit Card Information:																				
<table border="1" style="width:100%; height: 20px; border-collapse: collapse;"> <tr> <td style="width:10%;"></td><td style="width:10%;"></td><td style="width:10%;"></td><td style="width:10%;"></td><td style="width:10%;"></td><td style="width:10%;"></td><td style="width:10%;"></td><td style="width:10%;"></td><td style="width:10%;"></td><td style="width:10%;"></td><td style="width:10%;"></td><td style="width:10%;"></td><td style="width:10%;"></td><td style="width:10%;"></td><td style="width:10%;"></td><td style="width:10%;"></td><td style="width:10%;"></td><td style="width:10%;"></td><td style="width:10%;"></td><td style="width:10%;"></td> </tr> </table>																				
Expiration Date: _____																				
Amount: _____																				

SECTION 8 – DECLARATION OF APPLICANT:

I understand that filing this application **does not** in itself constitute authority to operate as a solid waste collection company.

As the applicant for a solid waste collection company certificate, I understand the responsibilities of a solid waste collection company, and I am in compliance with all local, state, and federal regulations governing business in the state of Washington.

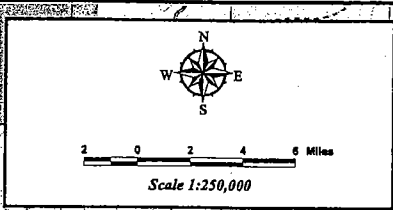
I certify under penalty of perjury under the laws of the State of Washington that the information contained in this application is true and correct.

I certify that I am authorized to execute and file this document.

Printed name of applicant: Nancy Lemay _____

Signature of Applicant: *Nancy Lemay* _____

Date, County, State: 12-15-2003 Pierce Washington _____



Kitsap

**22N
3E**

Muckleshoot

San Island IR

Pierce

Thurston

**17N
4E**

16N

15N

2W

14N

1E

1W

2E

13N

**UTILITIES AND TRANSPORTATION COMMISSION
WASHINGTON STATE SOLID WASTE CERTIFICATE AUTHORITY**
June 2003
Lakewood Refuse Service Inc.
Certificate: C-00018



Legend

Authorized Service Areas

- | | | |
|--------------------|----------------------|------------------------|
| City | Rail Lines | Military Installations |
| County Line | State Highway | National Forest |
| Interstate Highway | Township Line | National Park Service |
| Local Roads | U.S. Highway | Native American Lands |
| | Water (River, Creek) | Water (Ocean, Lake) |

For more information consult
District Revenue
OR Coordinator
2003 06 10 08

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

5117

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

LAKEWOOD REFUSE SERVICE, INC.
P O BOX 44459
TACOMA, WA 98444

PERMIT NO.
G-18

THIS CERTIFICATE SUBJECT TO MORTGAGE IN FAVOR OF THE US BANK NATIONAL ASSOCIATION AS SECURITY FOR A PROMISSORY NOTE IN THE PRINCIPAL AMOUNT OF \$1,628,790 AUTHORIZED BY COMMISSION ORDER TG-980963 DATED AUGUST 26, 1998.

GARBAGE COLLECTION SERVICE In That portion of Pierce County described as follows: Beginning at the intersection of the south city limits of Tacoma (S. 80th St.) and old Highway 99 (South Tacoma Way) for businesses and dwellings fronting and having a Highway 99 address from the south city limits of the City of Tacoma to 112th or Airport Road; thence on the centerline of old Highway 99 from the Airport Road or 112th to the intersection of old Highway 99 extended to the southeast corner of the property line of the Tacoma Country Club; thence north along the Tacoma Country Club's west boundary line to American Lake; thence along the shoreline and including the area northerly bordering on the uplands of American Lake to the intersection of the shoreline of American Lake and the Ft. Lewis military reservation; thence north and westward along the Ft. Lewis military reservation to its intersection with Steilacoom City limits; thence following the Steilacoom city limits northward to the intersection of the Steilacoom city limits as they exist on April 1, 1974, and the intersection of Chambers Creek; thence following Chambers Creek east to its meeting with Leach Creek; thence following Leach Creek to its meeting with Alameda Avenue extended; thence north on Alameda Avenue extended to South 48th Street extended west; thence east on South 48th Street to its meeting with Leach Creek; thence following Leach Creek to its meeting with 40th Street; thence east on 40th Street to the intersection with the Tacoma city limits (Orchard Street) thence north

(CONTINUE)

WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

By

[Signature]



WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Continuation

Orchard Street) and east (19th Street W.) on the Tacoma city limits to the Puget Sound excluding Day Island; thence north following the shoreline of Puget Sound to Point Defiance and Commencement Bay; thence following the shoreline of Commencement Bay to its intersection with the west city limits of Tacoma located in Section 21, Township 21 North, Range 3E W.M.; thence following the city limits of Tacoma in a clockwise direction to its intersection with old Highway 99, also known as South Tacoma Way, the point of beginning.

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

TG-980963

08-26-98



**CONSENT RESOLUTION
OF SHAREHOLDERS AND DIRECTORS OF
HAROLD LEMAY ENTERPRISES, INC.,
PACIFIC DISPOSAL, INC., AND
LAKEWOOD REFUSE SERVICE, INC.**

WHEREAS, the undersigned have been presented with the Plan of Merger (the "Plan") between Lakewood Refuse Service, Inc., a Washington corporation ("Lakewood Refuse"), Pacific Disposal, Inc., a Washington corporation ("Pacific Disposal"), and Harold LeMay Enterprises, Inc., a Washington corporation ("Harold LeMay Enterprises"), pursuant to which it is proposed that Lakewood Refuse and Pacific Disposal merge with and into Harold LeMay Enterprises (the "Merger"), with Harold LeMay Enterprises continuing as the surviving corporation and Lakewood Refuse and Pacific Disposal disappearing in the Merger; and

WHEREAS, Lakewood Refuse has authorized and outstanding 50,000 shares of Common Stock which is currently issued and outstanding as follows: Nancy L. LeMay, 23,136 shares; Harold LeMay Exemption Trust, 1,424 shares; Harold LeMay Marital Trust, 24,076; Hal LeMay, 341 shares; Douglas LeMay, 341 shares; Barbara LeMay, 341 shares; Norman LeMay, 341 shares.

WHEREAS, Pacific Disposal has authorized and outstanding 50,000 shares of Common Stock which is currently issued and outstanding as follows: Nancy L. LeMay, 23,128 shares; Harold LeMay Exemption Trust, 1,424 shares; Harold LeMay Marital Trust, 24,076; Hal LeMay, 343 shares; Douglas LeMay, 343 shares; Barbara LeMay, 343 shares; Norman LeMay, 343 shares.

WHEREAS, Harold LeMay Enterprises has authorized and outstanding 100,000 shares of Common Stock which is currently issued and outstanding as follows: Nancy L. LeMay, 46,284 shares; Harold LeMay Exemption Trust, 2,845 shares; Harold LeMay Marital Trust, 48,155; Hal LeMay, 679 shares; Douglas LeMay, 679 shares; Barbara LeMay, 679 shares; Norman LeMay, 679 shares.

WHEREAS, this Board of Directors and these shareholders hereby determine that the Plan and the Merger are in the best interests of the corporations and its shareholders.

NOW, THEREFORE, BE IT RESOLVED that the Merger, substantially in accordance with the terms of the Plan (subject to such changes therein as may be approved by the President of the corporation), be hereby approved, and that the officers of the corporation, subject to the direction of the President, be hereby authorized and directed to execute and deliver, and cause the performance of, the Plan on behalf of the corporation, in substantially the form presented by the

directors and shareholders of the corporation or with such changes therein as may be approved by the President.

RESOLVED FURTHER, that the appropriate officers of the corporations are hereby authorized and directed to execute Articles of Merger ("Articles") and cause the Articles to be filed with the Washington Secretary of State and such other filing officers as may be necessary or appropriate in order to carry out and perform the Plan and consummate the Merger.

RESOLVED FURTHER, that the actions heretofore taken by the officers of the corporations in connection with the negotiation of the Plan and the preparation for the closing thereunder be and they hereby are adopted, ratified and approved.

RESOLVED FURTHER, that the shareholders of corporations waive notice of dissenters' rights under RCW 23B.13.200 and do not dissent from the merger or request payment of the fair value of their interests.

RESOLVED FURTHER, that the officers of the corporation be and they hereby are authorized and directed to execute and deliver such additional documents, certificates and instruments and to take such further actions as they deem necessary or appropriate to implement the transactions contemplated by the Plan and these preambles and resolutions.

DATED this 2 day of December, 2003.

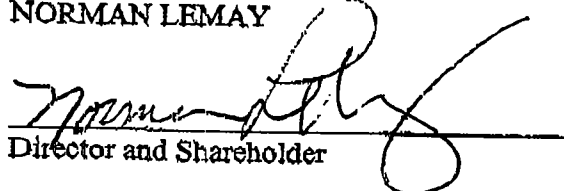
NANCY LEMAY


Director and Shareholder

HAL LEMAY


Director and Shareholder

NORMAN LEMAY


Director and Shareholder

BARBARA LEMAY-QUINN


Director and Shareholder

DOUGLAS LEMAY


Director and Shareholder

ARTICLES OF MERGER
LAKWOOD REFUSE SERVICE, INC.
AND
PACIFIC DISPOSAL, INC.
WITH AND INTO
HAROLD LEMAY ENTERPRISES, INC.

Pursuant to the provisions of the Washington Business Corporation Act, RCW 23B, and effective as of the 1st day of January, 2004, the undersigned corporations hereby submit the following Articles of Merger for filing for the purpose of merging **LAKWOOD REFUSE SERVICE, INC.**, a Washington corporation, and **PACIFIC DISPOSAL, INC.**, a Washington corporation, (the "Merged Corporations"), with and into **HAROLD LEMAY ENTERPRISES, INC.** a Washington corporation (the "Surviving Corporation").

ARTICLE I

The Plan of Merger of the Merged Corporations into the Surviving Corporation is attached as Exhibit A and incorporated by this reference as if fully set forth herein.

ARTICLE II

Lakewood Refuse Service, Inc. has 50,000 shares of common stock issued and outstanding. Pacific Disposal, Inc. has 50,000 shares of common stock issued and outstanding. Harold LeMay Enterprises has 100,000 shares of common stock issued and outstanding. The merger was duly approved by all the shareholders pursuant to RCW 23B.11.030.

DATED this 2 day of December, 2003.

HAROLD LEMAY ENTERPRISES, INC.

PACIFIC DISPOSAL, INC.

By Nancy L. LeMay
Nancy L. LeMay, President

By Nancy L. LeMay
Nancy L. LeMay, President

LAKEWOOD REFUSE, INC.

By Nancy L. LeMay
Nancy L. LeMay, President

I, Nancy L. LeMay, as President of Harold LeMay Enterprises, Inc. certify under penalty of perjury of law that the information contained in these Articles of Merger is true and accurate.

Dated: 12/2/03

Nancy L. LeMay
Nancy L. LeMay

I, Nancy L. LeMay, as President of Lakewood Refuse, Inc. certify under penalty of perjury of law that the information contained in these Articles of Merger is true and accurate.

Dated: 12/2/03

Nancy L. LeMay
Nancy L. LeMay

I, Nancy L. LeMay, as President of Pacific Disposal, Inc. certify under penalty of perjury of law that the information contained in these Articles of Merger is true and accurate.

Dated: 12/2/03

Nancy L. LeMay
Nancy L. LeMay

PLAN OF MERGER
LAKWOOD REFUSE SERVICE, INC.
AND
PACIFIC DISPOSAL, INC.
WITH AND INTO
HAROLD LEMAY ENTERPRISES, INC.

THIS PLAN OF MERGER, effective as of the 1st day of January, 2004 by and between **LAKWOOD REFUSE SERVICE, INC.**, a Washington corporation, and **PACIFIC DISPOSAL, INC.**, a Washington corporation, (the "Merged Corporations"), and **HAROLD LEMAY ENTERPRISES, INC.**, a Washington corporation (the "Surviving Corporation").

RECITALS:

- A. The Merged Corporations are corporations organized and existing under the laws of the state of Washington.
- B. The Surviving Corporation is a corporation organized and existing under the laws of the state of Washington.
- C. The Board of Directors and the shareholders of the Merged Corporations and the Surviving Corporation, respectively, deem it advisable for the Merged Corporations to merge with and into the Surviving Corporation.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the Merged Corporations and the Surviving Corporation hereby agree to the following Plan of Merger:

1. Names of Constituent Corporations. Lakewood Refuse Service, Inc. and Pacific Disposal, Inc. will be merged with and into Harold LeMay Enterprises, Inc. Harold LeMay Enterprises, Inc. will be the Surviving Corporation.

2. Terms and Conditions of Merger. Upon the effective date of the merger: the separate corporate existence of the Merged Corporations shall cease; title to all property owned by the Merged Corporations or the Surviving Corporation shall be vested in the Surviving Corporation without reversion or impairment; and the Surviving Corporation shall have all rights and liabilities of the Merged Corporations and the Surviving Corporation. Any proceeding pending by or against the Merged Corporations or the Surviving Corporation may be continued as if such merger did not occur, or the Surviving Corporation may be substituted in the proceeding for the Merged Corporations.

3. Governing Law. The laws of the state of Washington shall govern the Surviving Corporation.

4. Name. The name of the Surviving Corporation shall remain as Harold LeMay Enterprises, Inc.

5. Registered Office and Agent. The address of the registered office of the Surviving Corporation shall remain Nancy Lemay. The registered agent at that address shall remain 13502 Pacific Ave. S., Tacoma, WA 98444-0459.

6. Accounting. The assets and liabilities of the Merged Corporations and the Surviving Corporation as of the effective date of the merger shall be taken up on the books of the Surviving Corporation at the amounts at which they are carried at that time on the respective books of the Merged and Surviving Corporations.

7. Articles of Incorporation/Amendment. The Articles of Incorporation of Harold LeMay Enterprises Inc., as of the effective date of the merger, shall constitute the Articles of Incorporation of the Surviving Corporation.

8. Bylaws. The Bylaws of Harold LeMay Enterprises, Inc., as of the effective date of the merger shall be the Bylaws of the Surviving Corporation until the same shall be altered or amended in accordance with the provisions thereof.

9. Directors and Officers. The directors and officers of Harold LeMay Enterprises, Inc., as of the effective date of the merger shall be the directors and officers of the Surviving Corporation until their respective successors are duly elected and qualified.

10. Manner and Basis of Converting Shares. Upon the Effective Date, each of the issued and outstanding shares of common stock of the Merged Corporations shall be converted into the stock of the Surviving Corporation.. The percentage ownership and identity of the shareholders of the Merged Corporations and the Surviving Corporation are identical, and as such all rights in respect to the shareholders stock in the Merged Corporations shall continue in the same percentage in the Surviving Corporation. No new share certificates in the Surviving Corporation are required.

IN WITNESS WHEREOF, this Plan of Merger has been adopted by the undersigned corporations as of this 2 day of December, 2003.

HAROLD LEMAY ENTERPRISES, INC.

PACIFIC DISPOSAL, INC.

By Nancy L. LeMay
Nancy L. LeMay, President

By Nancy L. LeMay
Nancy L. LeMay, President

LAKWOOD REFUSE, INC.

By 
Nancy L. LeMay, President



KARLA S. McLANE

Vice President

Tacoma Corporate Banking

1145 Broadway, Suite 1100
Tacoma, Washington 98402
253-572-1292
800-974-8174 Toll Free
253-572-3259 Fax
karla.mclane@usbank.com

December 10, 2003

Carole Washburn, Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive SW, Mail Stop 47250
P.O. Box 47250
Olympia, WA 98504-7250

Re: Harold LeMay Enterprises, Inc.
Pacific Disposal, Inc., Docket #TG980964
Lakewood Refuse Service Inc., Docket #TG980963

Dear Ms. Washburn:

As we have discussed, Harold LeMay Enterprises, Incorporated is in the process of merging two subsidiaries, Pacific Disposal, Inc. and Lakewood Refuse Service, Inc., into the parent, Harold LeMay Enterprises, Incorporated. U.S. Bank National Association currently has UCC filings on both Pacific Disposal (in Mortgage Docket TG980964) and Lakewood Refuse (in Mortgage Docket TG980963) and understands that the WUTC needs there to be no liens or mortgages outstanding against the two companies in order to allow for the merger to be completed. As the assets of Pacific Disposal and Lakewood Refuse will move to Harold LeMay Enterprises, Inc. with the merger, the bank will amend its existing UCC-3 filings to change the names of Pacific Disposal and Lakewood Refuse to Harold LeMay Enterprises, Inc.

We have had our attorney review this and he believes that this action should eliminate any UCC-3 filings against Pacific Disposal and Lakewood Refuse. This action on the part of the bank will result in the bank releasing all claims against assets owned by Pacific Disposal and Lakewood Refuse.

Thank you for your assistance in this matter. Please do not hesitate to call me at (253) 572-1292 with any questions or concerns.

Most truly,

A handwritten signature in cursive script that reads "Karla S. McLane". The signature is written in dark ink and is positioned above the printed name.
Karla McLane



Bonnie Allen/WUTC

12/12/2003 03:53 PM

To "John Lloyd" <johnlloyd@lemayinc.com>

cc Tami Schultz/WUTC@WUTC, Nancy Paulson/WUTC@WUTC

bcc

Subject Re: Questions on application for temporary authority 

John,

1. You will need to file two applications, one for each certificate you want to operate pending a commission decision on the existing applications for transfer of permanent authority.
2. You do not need to file the Appendix A in the application packet. I believe there is a line at the bottom of the form that says it is not required with an application for temporary authority to operate a certificate pending transfer.
3. Don't forget to include a tariff adoption form with each temporary application. This is to indicate that LeMay will adopt the existing company tariffs for its operations under the temporary authority.

Bonnie L. Allen, Regulatory Analyst
PHONE 360-664-1226 FAX 360-586-1130
ballen@wutc.wa.gov

Washington Utilities & Transportation Commission
PO Box 47250
Olympia, WA 98504-7250
"John Lloyd" <johnlloyd@lemayinc.com>



"John Lloyd"
<johnlloyd@lemayinc.com>

12/12/2003 03:03 PM

To <ballen@wutc.wa.gov>

cc

Subject Questions on application for temporary authority

The instructions say to file Attachment 'A', but I'm not sure it applies in our case. How should I handle that?

Do you need one application for all territories or two applications, one for each territory?