BEFORE THE WASHINGTON UTILITIES

AND TRANSPORTATION COMMISSION

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| In re Application of:  Topsoils, Inc.  d/b/a United Recycling & Container  18827 Yew Way  Snohomish WA 98296 | )  )  )  )  )  )  )  ) | APPLICATION NO. TG-150771  PROTEST OF RUBATINO REFUSE REMOVAL, INC. |

1. COMES NOW Rubatino Refuse Removal, Inc. (“Rubatino”) holder of Certificate No. G‑58 (“Protestant” herein), by and through its attorneys, Polly L. McNeill and Sara A. Kelly of Summit Law Group, and respectfully protests the granting of authority for the territory requested in the above-numbered application as set forth below:

RESIDENTIAL RECYCLING COLLECTION SERVICE ONLY using 10-40 yard drop boxes, as requested by a homeowner from remodel/clean-up projects. Recyclable materials collected will include, but not limited to, wood, non-food plastics, metal, brush, gypsum, cardboard, and aggregates in King and Snohomish Counties.

1. The grounds and basis of this protest are as follows:

Protestant operates solid waste collection services pursuant to Certificate No. G-58, attached hereto as Exhibit A. As is evidenced by this certificate, Protestant currently holds authority in conflict with the applied-for authority in a significant portion of Snohomish County, and therefore has a direct interest in this proceeding.

1. Protestant believes and therefore alleges that the applicant is not qualified to receive a grant of a solid waste certificate of public convenience and necessity; that the applicant is not fit, willing and able to properly perform the services proposed and unable to conform to the provisions of Ch. 81.77 RCW and the requirements, rules and regulations of this Commission thereunder.
2. Protestant owns and operates motor vehicular equipment suitable for the transportation of such materials sought to be transported. Protestant employs personnel and drivers who are thoroughly experienced in the requested transportation. Protestant is suitably and adequately equipped and otherwise qualified, ready, willing and able to provide all the relevant transportation service required by the shipping public in the applied-for territory. It therefore alleges that the requested service is not warranted by the public convenience and necessity and is not in the public interest. Protestant remains ready, willing and able to provide the services which its operating certificate authorizes to any of applicant’s supporting shippers, to the satisfaction of the Commission.
3. Protestant requests that the applicant be required to submit strict proof in support of its application and to produce competent witnesses at a hearing for cross-examination on all material and relevant facts bearing on the protested application. If an oral hearing is held, Protestant will appear and present evidence of its own operations and particular interests in the application. Protestant estimates that it will call two witnesses at the hearing, and that the hearing time for the testimony of the witness will be approximately two hours.

WHEREFORE, Protestant prays that it be afforded an opportunity to participate in the hearing on this application; and that the application thereafter be denied.

DATED this 28th day of July, 2015.

Respectfully Submitted,

SUMMIT LAW GROUP, PLLC

By\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Polly L. McNeill, WSBA #17437

Sara A. Kelly, WSBA #42409

Attorneys for Protestant

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing Protest upon all parties of record in this proceeding, by mailing a copy thereof, properly addressed with postage prepaid, to:

Don McAuliffe

Topsoils, Inc.

d/b/a United Recycling & Container

18827 Yew Way

Snohomish, WA 98296

DATED at Seattle, Washington, this 28th day of July, 2015.

Katie Angelikis, Legal Assistant