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BEFORE THE WASHINGTON STATE UTILITIES
AND TRANSPORTATION COMMISSION

In re Docket No. TG-190653
Westside Waste LLC
1805 249th St. NE
Arlington, WA 98223

TG-190653
PROTEST OF RUBATINO REFUSE TO
SOLID WASTE CERTIFICATE
APPLICATION

COMES NOW, RUBATINO REFUSE REMOVAL, INC., "Rubatino" or "Protestant,"
under Washington Utilities and Transportation Commission Certificate No. G-58, by and
through its counsel, David W. Wiley of Williams, Kastner & Gibbs PLLC, 601 Union Street,
Suite 4100, Seattle, Washington, 98101, (206) 233-2895, and pursuant to WAC 480-70-106(2),
protests the above-entitled solid waste certificate application which seeks authority for:

Solid waste container drop off and collection service consisting of solid waste
from Snohomish County to recycling centers and transfer stations in
Snohomish County.

This protest is submitted on the following grounds:

I.

Rubatino is the holder and operator of Solid Waste Certificate G-58, attached hereto as
Exhibit A. As said exhibit indicates, Protestant currently holds authority in conflict and which
overlaps the applied-for solid waste container authority as noted above.

1 II.

2 Protestant, as the holder of an overlapping solid waste certificate, therefore alleges it
3 has a direct, cognizable interest in this proceeding adverse to this application, and further allege
4 that the applicant is unable to establish it will not provide service to the satisfaction of the
5 Commission, that the applicant is fit, willing and able to provide the proposed service, and/or that
6 the applicant's service is required by the present or future public convenience and necessity, as
7 mandated by RCW 81.77.040.

8 III.

9 Pursuant to the authority under its permanent solid waste certificate, Protestant is ready,
10 willing and able to provide all of the collection and transportation services to the generating public
11 sought by applicant. Protestant has invested millions of dollars in the provision of solid waste
12 service within Snohomish County. The regulated solid waste collection service proposed by
13 applicant is not required by the public convenience and necessity, is not to Protestant's knowledge
14 a recognized component of the local solid waste management plan adopted in Snohomish County,
15 and would duplicate and/or increase the cost of offering a broad range of services to all classes of
16 customers by Protestant, and is therefore contrary to the public interest.

17 IV.

18 Moreover, as alluded to in paragraph II, above, Protestant alleges that this applicant cannot
19 establish its fitness to conduct operations, its past or future compliance with Washington law and
20 rule, and/or that its service would be consistent with the public interest or required by the present
21 or future public convenience and necessity under RCW 81.77.040.

22 Protestant testifies that it will appear at any hearing on this matter and will present
23 evidence through approximately one witness, requiring an estimated hearing time of one hour.
24
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1 CERTIFICATE OF SERVICE

2 Docket TG-190653

3 I HEREBY CERTIFY that on January 24, 2020, I provided to the Washington Utilities
4 and Transportation Commission's Secretary an official electronic file containing the foregoing
5 documents **via the WUTC web portal**; and served a copy **via electronic mail** to the following
6 parties:

7 Westside Waste LLC 8 1805 249 th St. NE 9 Arlington, WA 98223 10 westsidewastellc@gmail.com	Sally Brown Sr. Assistant Attorney General WUTC PO Box 47250 Olympia, WA 98504 sallybrown@utc.wa.gov
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11 Signed at Seattle, Washington this 24th day of January, 2020.

12
13 /s/ Maggi Gruber
14 Maggi Gruber
15 Legal Assistant
16 Williams Kastner & Gibbs PLLC
17 601 Union Street
18 Suite 4100
19 Seattle, WA 98101
20 mgruber@williamskastner.com
21
22
23
24
25

EXHIBIT A

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

1300 S EVERGREEN PARK DRIVE SW, PO BOX 47250

OLYMPIA, WA 98504-7250

(360) 664-1222

This certificate authorizes the following operations under the provisions of RCW Title 81:

RUBATINO REFUSE REMOVAL, INC.
2812 HOYT AVE
PO BOX 1029
EVERETT, WA 98206-1029

Cert No.
G-58

CORRECTED

GARBAGE AND REFUSE COLLECTION SERVICE In the City of Everett and those portions of Snohomish County adjacent thereto, described as follows: (1) South of Everett: Beginning at the point where the Great Northern Railway right-of-way intersects with the south city limits of Everett; thence southerly along said right-of-way to its intersection with 61st Street extended; thence west along 61st Street extended to its intersection with the new Alternate PSH-1 (U.S. 99 by-pass); thence southerly along said U.S. 99 by-pass to its intersection with 84th Street; thence west along 84th Street to the Upper Ridge Road; thence northerly along the Upper Ridge Road, including 78th Place S.W. and 76th Place S.W., to the Beverly Park Maple Heights Road; thence northerly along the Beverly Park-Maple Heights Road to the 7th Standard Parallel North; thence west on said parallel to the east line of Section 3, T. 28 N., R. 4 E.W.M.; thence south on said line to the east-west centerline of said Section 3; thence west on said centerline to the east city limits of Mukilteo; thence northerly and westerly following the city limits of Mukilteo to the shore line of Possession Sound and/or Port Gardner Bay; thence easterly along said shoreline to the west city limits of Everett. Also in that portion of Snohomish County described as follows: Starting at the points where 40th Ave. W. extended intersects with the north boundary of Paine Field; thence east on said north boundary to the east boundary of Paine Field; thence south to a line 100 feet north of 90th Street S.W.; thence east on this line to U.S. Highway 99 (no service to be rendered on Kelly-Corbin Road); thence north on a line one block west of U.S. Highway 99 to its intersection with 84th Street S.W.; thence west on the south side of 84th Street S.W. to Upper Ridge Road; thence north on Upper Ridge Road (with no service to be rendered on Upper Ridge Road) to Beverly Park-Maple Heights Road; thence following the west side of the Beverly Park Maple Heights road to the 7th Standard Parallel North; thence west on said parallel to the east line of Section 3, T. 28 N., R. 4 E.W.M.; thence south on said line to the east-west centerline of said Section 3; thence west on said centerline to the east city limits of Mukilteo; thence southerly and easterly following said city limits to 40th Ave. W. extended; thence south on 40th Ave. W. extended to the north boundary of Paine Field, the place of beginning. (2) East of Everett: Beginning at the point where Hewitt Avenue (PSH-15) intersects with the city limits of Everett; thence east on Hewitt Avenue extended to the southeast corner of Section 21, T. 29 N., R. 6 E.W.M.; thence north on the east line of said Section 21 extended to the northeast corner of Section 4, T. 29 N., R.

WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION



By

A handwritten signature in cursive script, appearing to read "L. J. ...", written over a horizontal line.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Continuation Page

6 E.W.M.; thence west on the north line of said Section 4 extended to the point where it intersects with the southerly shore of Steamboat Slough; thence westerly along said shoreline to Port Gardner Bay; thence southerly along the shoreline of said bay to the north city limits of Everett.

The following authority was obtained by transfer from Basin Disposal, Inc. holder of Certificate No. G-118.

GARBAGE AND WASTE MATERIALS COLLECTION SERVICE From within that portion of Snohomish County described as follows: Bounded on the north by the south city limits line of the City of Everett extended east to its intersection with the New Broadway Cut-off (alternate PSH-1); thence south on the New Broadway Cut-off to its intersection with Pacific Northwest Traction Company Road; thence south on both sides of said road to its intersection with Stockshow Road; thence west along the north side of Stockshow Road to its intersection with 8th Ave. W. extended; thence north on 8th Ave. W. extended to the intersection of 9th Ave. W. and U.S. 99; thence westerly and northerly on 9th Ave. W. to its intersection with 100th St. S.W. and Holly Drive; thence west on 100th St. S.W. (but not including 100th St. S.W.) to 12th Ave. W. extended (West boundary of Sec. 13, TWP 28 N., Range 4 E.); thence north on 12th Ave. W. extended to a point 100 Ft. north of 90th St. S.W.; thence east on a line 100 Ft. north of 90th St. S.W. to U.S. 99 (service is authorized on both sides of the Kelly-Corbin Road for its entire extent); thence northeast along U.S. Highway 99 (both sides) to its intersection with 84th St. S.W.; thence west on the north side of 84th St. S.W. to its intersection with Upper Ridge Road; thence north on both sides of Upper Ridge Road to its intersection with the Beverly Park-Maple Heights Road to its intersection with the south city limits of Everett.

GARBAGE AND REFUSE COLLECTION SERVICE In that portion of Snohomish County described as follows: From the Snohomish County Airport for the account of Tyee Aircraft, Inc., only, to the City of Everett dump.

REFUSE AND DEBRIS COLLECTION SERVICE consisting of lumber brick, tile and other cast-off materials (excluding regular garbage collection service) from premises where construction or repair jobs are being or have been conducted or structures are being or have been razed in Snohomish County (except for starting from Puget Sound at 148th St. S.W. to Highway 99, thence South on 99 to 35th Avenue S.W., thence South on 35 to 164th St. S.W., thence East on 164th St. S.W. including the City of Mill Creek present City Limits to Seattle Hill Road, thence North to Seattle Hill Road to Lowell-Larimer Road, thence Southeast on Lowell-Larimer Road and Connelly Road which runs into Elliott Road which connects with high Bridge Road

to the King County Line, thence West to Puget Sound following the King County Line, thence North along the shoreline of Puget Sound to the point of beginning.)

01-11-00