

BEFORE THE WASHINGTON UTILITIES
AND TRANSPORTATION COMMISSION

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

2. 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.

3. 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.


4. 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.

5. 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

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 _____

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