

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

)	
In the Matter of	)	DOCKET NO. TG -031817
)	
BLAINE-BAY REFUSE, INC.	)	ORDER NO. 03
)	
Motion to amend Commission	)	COMMISSION DECISION AND
Order M.V.G. No. 656	)	ORDER AFFIRMING INITIAL
	)	ORDER; GRANTING MOTION TO
	)	AMEND ORDER M.V.G. NO. 656,
	)	GRANTING MOTION TO
	)	SUPPLEMENT THE RECORD,
	)	AND DENYING MOTION TO
.....	)	STRIKE

1 **Synopsis:** *The Commission affirms and adopts an Initial Order thereby granting Blaine-Bay Refuse, Inc.'s motion to amend its solid waste certificate of authority that was issued in 1974 on the basis of evidence in the record of Hearing No. GA-405.*

2 **NATURE OF PROCEEDING/INITIAL ORDER:** In this Order the Commission reviews an Initial Order entered by Administrative Law Judge Karen M. Caillé on June 15, 2004. The Initial Order proposed to grant a motion by Blaine-Bay Refuse, Inc. (“Blaine-Bay” or “Company”) to amend the Company’s 1974 solid waste certificate of authority to conform with the evidence in the record of Hearing No. GA-405.¹ The Initial Order also would grant the Company's motion to supplement the record in Hearing GA-405 and deny its motion to strike Protestant Sanitary Service Co.'s Declaration of Ed Nikula and accompanying Exhibits A and B.

¹ Hearing No. GA-405, conducted before the Commission in 1973, resulted in the issuance of the certificate at issue in this proceeding.

3 **PETITION FOR REVIEW:** No petition for administrative review was filed
within the 20 days allowed by rule for filing.

4 **COMMISSION:** The Commission has reviewed the proposed Initial Order and
the evidence of record and determines that the findings, conclusions, and Order
are consistent with the record. In accordance with RCW 34.05.464 and WAC 480-
07-825(7), the Commission accepts the findings of fact and conclusions of law,
and adopts the Initial Order as its own, for purposes of this proceeding.

ORDER

THE COMMISSION ORDERS That:

5 The Commission affirms and adopts the Initial Order in this docket for purposes
of this proceeding. In so doing,

THE COMMISSION FURTHER ORDERS That:

- 6 (1) Blaine-Bay's Motion to Supplement the Record in Hearing No. GA-405 is
granted.
- 7 (2) Blaine-Bay's Motion to Strike the Declaration of Ed Nikula and
accompanying Exhibits A and B is denied.
- 8 (3) Blaine-Bay's Motion to Amend Order M.V.G. No. 656 is granted and
certificate No. G-145 is amended to include the following territory:

- All land between Drayton Harbor Road and Drayton Harbor
- All land between Semiahmoo Drive and Drayton Harbor
- All land between Semiahmoo Drive and Semiahmoo Bay
- All land between Birch Point Road and Birch Bay
- All land between Birch Bay Drive and Birch Bay

- 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.
- 9 (4) An amended Certificate of Public Convenience and Necessity shall be issued to read in accordance with Appendix A, which is attached and, by this reference, made a part of this Order.

DATED at Olympia, Washington, and effective this 21st day of July, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner

NOTICE TO PARTIES: This is a final order of the Commission. In addition to judicial review, administrative relief may be available through a petition for reconsideration, filed within 10 days of the service of this order pursuant to RCW 34.05.470 and WAC 480-07-850, or a petition for rehearing pursuant to RCW 80.04.200 or RCW 81.04.200 and WAC 480-07-870.

APPENDIX A

SOLID WASTE COLLECTION SERVICE In the City of Blaine, Washington, and within a radius of one mile of said city limits in Whatcom County and in that portion of Whatcom County described as follows: Starting at the intersection of Blaine Road and Dakota Creek; thence south on Blaine Road to its intersection with Grandview Road; thence west on Grandview Road extended to the shoreline of Georgia Strait; thence northerly following the shoreline of Georgia Strait, Birch Bay, Semiahmoo Bay, and Drayton Harbor to its intersection with the centerline of Dakota Creek; thence easterly along the centerline of said creek to its intersection with Blaine Road, the point of beginning.