

MEMORANDUM

December 23, 2003

TO: Gene Eckhardt, Regulatory Services
Assistant Director, Transportation and Water Section

FROM: Bonnie L. Allen, Regulatory Analyst

SUBJECT: Docket No. TG-032079
Application No. GA79244 application for temporary authority to operate
Certificate No. G-97 pending transfer.

Harold LeMay Enterprises, Inc. G-98
d/b/a Joe's Refuse Service, Lakewood Refuse Service, Pacific Disposal, Pierce
County Refuse, Rural Garbage Service, White Pass Garbage Co. Butlers Cove
Refuse Service
13502 Pacific Avenue
PO Box 44459
Tacoma, WA 98444

Discussion

Harold LeMay Enterprises, Inc., (LeMay) Pacific Disposal, Inc., and Lakewood Refuse Services, Inc., are all entities currently under common ownership. The directors and shareholders have agreed to a merger of the three corporations. Pacific Disposal, Inc., and Lakewood Refuse Services, Inc., will be merged into Harold LeMay Enterprises, Inc., effective January 1, 2004.

LeMay, holder of Certificate No. G-98, filed its Application No. GA-79235 for permanent transfer of Certificate No. G-97, held by Pacific Disposal, Inc. The application was received November 21, 2003, and published on the Commission's December 1, 2003, application docket subject to protest for 30 days.

On December 15, 2003, LeMay filed Application No. GA-79244, in Docket No. TG-032079, for temporary authority to operate Certificate No. G-97, standing in the name of Pacific Disposal, Inc., pending a Commission decision in Application No. GA-79235, its application for permanent transfer of certificate authority.

Granting this application for temporary authority would allow the company to complete its corporate merger and continue providing regular service to its customers pending proper notice and full consideration of LeMay's parallel application for permanent transfer of authority.

Conclusion

Under the provisions of RCW 81.77.110 and WAC 480-70-131, the Commission may, with or without hearing, issue temporary certificates for authority to provide solid waste collection

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I agree.
JEB

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services but only after finding that issuance of the temporary certificate is consistent with the public interest.

When an application for temporary certificate authority is filed in conjunction with a parallel application for permanent authority, the temporary authority remains valid through the last day for seeking judicial review of the order resolving the application for continuing or permanent authority.

Recommendation

Staff believes it is in the public interest for the Commission to grant this application for temporary certificate and to allow LeMay to provide service under Certificate No. G-97 pending a decision in Application No. GA-79235.

1. Application No. GA-79244, for temporary authority to operate Certificate No. G-97 pending transfer should be granted.
2. Temporary certificate should be issued to Harold LeMay Enterprises, Inc., to operate certificate No. G-97 pending a decision on permanent transfer of authority in Application No. GA-79235.
3. Certificate No. G-97 standing in the name of Pacific Disposal, Inc., should be suspended for the term of the temporary certificate.