

August 14, 2009

89010.0112

VIA FIRST CLASS MAIL

David Danner, Executive Secretary
Washington Utilities and Transportation Commission
Attn.: Records Center
P.O. Box 47250
1300 S. Evergreen Park Dr. SW
Olympia, WA 98504-7250

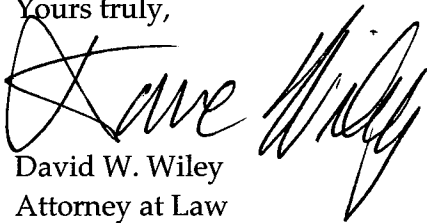
Re: Protest of Murrey's Disposal Company, Inc. dba Olympic Disposal to Solid Waste Certificate
Application of West Waste & Recycling, Inc. – TG-091259

Dear Mr. Danner:

Please find for filing with the Commission the original and 12 copies of the enclosed Protest of Murrey's Disposal Company, Inc. dba Olympic Disposal to Solid Waste Certificate Application of the above applicant.

Please contact me should you have any further questions regarding this matter.

Yours truly,



David W. Wiley
Attorney at Law
(206) 233-2895
dwiley@williamskastner.com

DWW:lct
Encls.

RECEIVED
RECORDS MANAGEMENT
2009 AUG 17 AM 8:06
STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

Williams, Kastner & Gibbs PLLC
Two Union Square
601 Union Street, Suite 4100
Seattle, Washington 98101
main 206.628.6600 fax 206.628.6611
www.williamskastner.com
SEATTLE . TACOMA . PORTLAND

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STATE OF WASH.
UTIL. AND TRANSP.
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BEFORE THE WASHINGTON STATE UTILITIES
AND TRANSPORTATION COMMISSION

In re Application TG-091259)	TG-091259
West Waste & Recycling, Inc.)	PROTEST OF MURREY'S DISPOSAL, INC.
272 La Push Road)	D/B/A OLYMPIC DISPOSAL
Forks, WA 98331)	TO SOLID WASTE CERTIFICATE
)	APPLICATION

COMES NOW, MURREY'S DISPOSAL, INC., d/b/a OLYMPIC DISPOSAL hereinafter ("Olympic" or "Protestant"), holder of Washington Utilities and Transportation Certificate No. G-9, 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, 480-70-111 and 480-07-370 (f), *et seq.* protests the above-entitled solid waste certificate application which seeks authority for:

SOLID WASTE COLLECTION SERVICE in that portion of Section 12, T, 27 N.R. 10 W within Jefferson County.

This protest is submitted on the following grounds:

I.

As noted, Olympic is the holder and/or operator of Solid Waste Certificate No. G-9, attached hereto as Exhibit A. In addition thereto, Protestant currently holds temporary authority in conflict with and which wholly overlaps the applied-for solid waste authority, TCG-63635 ("Exhibit B"). Moreover, pursuant to TG-091019, Protestant is a prior applicant as reflected on the July 6, 2009 docket for identical permanent authority to that sought by the applicant in Jefferson County.

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II.

Protestant, as the holder of a temporary certificate and a prior applicant for the identical authority sought by the applicant, therefore alleges it has a direct, cognizable interest in this proceeding adverse to this application, and further alleges that the applicant is unable to establish, under an "Ashbacker-type" analysis pursuant to WAC 480-70-111 and a WAC 480-07-320 consolidated hearing that it can meet the statutory standards consistent with RCW 81.77.040 in any comparative analysis with the applicant.

III.

Pursuant to its temporary and applied-for permanent authority, Protestant is ready, willing and able to provide all of the solid waste collection, transportation and disposal services to the generating public sought by applicant in the territory herein. Protestant has invested tens of thousands of dollars in serving its regulated solid waste collection customers within the featured portion of Jefferson County. The regulated solid waste collection service proposed by this applicant is not also required by the public convenience and necessity, and would duplicate and/or increase the cost of offering services by Protestant as a solid waste collection company in the area contrary to the public interest in providing redundant plant and facilities and would also materially dilute available revenues available to Protestant.

IV.

Protestant certifies that it will appear at any hearing on this matter and will present evidence through approximately two witnesses, requiring an estimated hearing time of three hours.

WHEREFORE, Murrey's Disposal, Inc., d/b/a Olympic Disposal, Protestant herein, prays that its right to participate in the entirety of Application TG-091259 be fully affirmed, is currently unaware of any restrictive amendment which would or could satisfy its interest herein, and therefore asks that Application No. TG-091259 of West Waste & Recycling, Inc. be denied in its entirety.

1 DATED this 14 day of August, 2009.

2 WILLIAMS, KASTNER & GIBBS PLLC

3
4 By: 

David W. Wiley, WSBA #08614

Attorneys for Protestant

dwiley@williamskastner.com

5
6
7
8 **CERTIFICATE OF SERVICE**

9 I HEREBY CERTIFY that I have this day served the PROTEST OF MURREY'S DISPOSAL,
10 INC. D/B/A OLYMPIC DISPOSAL TO SOLID WASTE CERTIFICATE APPLICATION upon all parties
11 of record in this proceeding, by mailing properly addressed first-class, postage-prepaid copies as follows:
12

13 West Waste & Recycling, Inc.
14 272 La Push Road
Forks, WA 98331

15 George E. Kargianis
16 Law Offices of George Kargianis
701 5th Avenue, Ste. 4760
17 Seattle, WA 98104-7035

18 DATED at Seattle, Washington this 14 day of August, 2009.

19
20 
Lyndsay C. Taylor

Exhibit A

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

For the Operation of Motor Propelled Vehicles

pursuant to the provisions of Chapter 81 RCW

THIS IS TO CERTIFY that authority is granted to operate as a MOTOR CARRIER in the transportation of the commodities and in the territory described herein to

MURREY'S DISPOSAL COMPANY, INC.
d/b/a OLYMPIC DISPOSAL
4622 70TH AVENUE EAST
Puyallup, WA 98371

Cert. No.
G-9

GARBAGE AND REFUSE COLLECTION SERVICE In that portion of Pierce County described as follows: Beginning in Section 30, Township 21 North, Range 4 E.W.M. at the point of intersection of the northeast Tacoma city limits and the Pierce County-King County line; thence south along the Tacoma city limits as they exist on April 1, 1974, to the intersection of the said Tacoma city limits with 72nd Street East; thence east on the centerline of 72nd Street East to Waller Road; thence south on the centerline of Waller Road to 112th Street; thence east along centerline on 112th Street to Meridian; thence south on the centerline of Meridian to the Kapowsin Highway; thence east on the centerline of the Kapowsin Highway to its intersection with Electron County Road; thence east along the centerline of Electron County Road to the southwest corner of Section 33 Township 18 North, Range 5 E.W.M.; thence continuing east along the centerline of the Section line between Township 17 North and 18 North, to its intersection with the East boundary line of Mt. Rainier National Park; thence south along said boundary to its intersection with the Pierce County-Yakima County boundary line; thence north along the Pierce County-Yakima County boundary to the intersection of the Pierce County-Yakima County-Kittitas County-King County line; thence west along said line to its intersection with the northeast boundary of the City of Tacoma, situated in Section 30, Township 21 North, Range 4 E.W.M. the point of beginning.

Also in that portion of Pierce County described as follows: Starting at the point where the N.E. corporate limits of Tacoma intersects with the shoreline of Commencement Bay in Section 21, T. 21 N., R. 3 E.; thence following said shoreline in a clockwise direction to the point of intersection with the King-Pierce County line; thence southeasterly on said county line to the corporate limits of Tacoma (south line of Section 14, T. 21 N., R. 3 E.); thence following said corporate limits westerly in a counter-clockwise direction to the point of intersection with the shoreline of Commencement Bay in Section 21, T. 21 N., R. 3 E., the place of beginning.

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WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

By *Carolyn Shuller*

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Continuation

Also that portion of Pierce County beginning with the intersection at the Pierce County-Kitsap County-Mason County line; thence south along the Pierce County-Mason County line to its point of intersection with the shoreline of Rocky Bay; thence generally south along the east shoreline of Rocky Bay and North Bay including Heron Island to the southwest point of Drayton Passage; thence northerly along the shoreline of Drayton Passage and Henderson Bay to the most northern point of Henderson Bay; thence southerly along the east shoreline of Henderson Bay including the islands of Henderson Bay, but excluding McNeil, Anderson and Ketron Islands to the northeast point of Hale Passage; thence easterly along the north shoreline of Hale Passage including Fox Island to the southwest point of the Narrows; thence northerly along the west shoreline of the Narrows to its point of intersection with the west shoreline of West Passage; thence northerly along the west shoreline of West Passage to its point of intersection with the Kitsap County-Pierce County line; thence westerly along the Kitsap County-Pierce County line to the intersection of the Pierce County-Mason County-Kitsap County line to the intersection of the Pierce County-Mason County-Kitsap County line, the point of beginning.

Also all areas within the boundaries of Pierce County occupied by United States Government installations.

The following authority was obtained by transfer of Certificate No. G-112, standing in the name of David James Murrey, d/b/a Points Garbage Service.

GARBAGE AND REFUSE COLLECTION SERVICE In that portion of Pierce County described as follows: Starting at the intersection of the east corporate limits of Tacoma as they exist on April 1, 1974, and the centerline of 72nd St. East; thence east on the centerline of 72nd St. East to Waller Road; thence on the centerline of Waller Road South to 96th St. East; thence east on E. 96th St. to its intersection with the west corporate limits of Puyallup to a line projected from south to north located 1/2 mile west of SSH-5B; thence north on said projected line to the south corporate limits of Milton; thence following the limits of Milton in a clockwise direction to the point of intersection with the north line of Section 6, T. 20 N., R. 4 E.; thence west on the north line of said section projected to the east corporate limits of Tacoma; thence following said corporate limits southerly and westerly to 72nd St. East, the place of beginning.

Also in that portion of Pierce County described as follows: Starting at the point where the N.E. corporate limits of Tacoma intersects with the shoreline of Commencement Bay in Section 21, T. 21 N., R. 3 E.; thence following said shoreline in a clockwise direction to the point of intersection with the King-Pierce County line; thence southeasterly on said county line to the corporate limits of Tacoma (south line of Section 14, T. 21 N., R. 3 E.); thence following said corporate limits westerly in a counter-clockwise direction to the point of intersection with the shoreline of Commencement Bay in Section 21, T. 21 N., R. 3 E., the place of beginning.

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WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Continuation

GARBAGE COLLECTION SERVICE in Pierce County described as follows: Beginning at the point where Stewart Rd. in Pierce County projected west intersects SR-99 (PSH-1); thence north along the centerline of SR-99 to the intersection of the Pierce County line projected west; thence east along the King/Pierce County line to the N.E. corner of Section 3, T. 20 N., R. 5 E.; thence south along the east line of said line of said Section 3 extended to the N.E. corner of Section 8, T. 20 N., Section 3 to the S.E. corner of said Section 3; thence west along the south 1 R. 5 E.; thence south along the east line of said Section 8, to the S.E. corner of said Section 8; thence west along the south line of said Section 8 extended to SR-167 (PSH-5); thence north on SR-167 (PSH-5) to the intersection of Stewart Road extended east; thence west along Stewart Road extended to the intersection with SR-99 (PSH-1), the point of beginning.

REFUSE AND DEBRIS COLLECTION SERVICE In those portions of King and Pierce Counties described as follows: Starting at the S.E. corner of Sec. 20, T. 20 N., R. 6 E.; thence west on the south line of said section projected to the east limits of the City of Tacoma (as of Sept. 6, 1960); thence north on a line projected from this point to the shoreline of Puget Sound; thence following said shoreline easterly and northerly to the point of intersection with the north line of Sec. 6, T. 22 N., R. 4 E.; thence east on the north line of said section projected to the N.E. corner of Sec. 5, T. 22 N., R. 6 E.; thence south on the east line of said section projected to the S.E. corner of Sec. 20, T. 20 N., R. 6 E., the place of beginning: EXCLUDING the City of Tacoma as the point of origin and destination of the same shipment, and EXCLUDING the City of Puyallup as the point of origin and destination for the same shipment, and excluding the King County portion.

The following authority was obtained by transfer of Certificate No. G-28, standing in the name of Olympic Disposal, Inc.

GARBAGE COLLECTION SERVICE in that portion of Clallam and Jefferson Counties described as follows: Starting at the intersection of the west shoreline of the Hood Canal and the south line of Section 31, T. 25 N., R. 2 W., (the Jefferson-Mason County line); thence west on the south line of said Section 31, and the Jefferson-Mason County line to the Olympic National Park boundary (as of September 6, 1960) approximately the S.E. corner of Section 32, T. 25 N., R. 4 W.; thence following the Olympic National Park boundary in a northerly and westerly direction to the north-south centerline of Section 17, T. 29 N., R. 5 W.; thence south on said centerline projected to the Clallam-Jefferson County line; thence west on said county line to the S.W. corner of Section 31, T. 28 N., R. 9 W.; thence north along the west line of said Section 31 extended to the S.E. corner of Section 36, T. 31 N., R. 10 W.; thence west along the south line of said Section 36, extended to the N.E. corner of Section 1, T. 30 N., R. 15 W.; thence south along the east line of said Section 1 extended to the S.E. corner of Section 36, T. 30 N., R. 15 W.; thence west along the south line of said Section 36, extended to the Pacific Ocean; thence north along the shoreline of the Pacific Ocean, around the point of Cape Flattery, easterly along the shoreline of the Strait of Juan De Fuca, along the shorelines of Sequim Bay, Port Discovery Bay, Port Townsend Bay and including Indian and Marrowstone Islands; thence southerly along the west shoreline of Hood Canal, around Oak Head,

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WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Continuation

along the shorelines of Dabob Bay and Quilcene Bay; thence southerly again along the shoreline of Hood Canal to the intersection of the west shoreline of Hood Canal and the south line of Section 31, T. 25 N., R. 2 W., (the Jefferson-Mason County line); the point of beginning.

GARBAGE AND REFUSE COLLECTION SERVICE in that portion of Jefferson and Grays Harbor Counties described as follows: Starting at the point where the Clallam-Jefferson County line intersects the shoreline of the Pacific Ocean; thence following said county line east to the point of intersection with the Olympic National Park boundary; thence following said boundary south to the intersection with the east boundary of R. 12 W., in T. 24 N.; thence south on said boundary line to the point of intersection with State Route 101; thence northwesterly along said highway 101 to the intersection with the Jefferson-Grays Harbor County line; thence following the said county line westerly to its intersection again with State Route 101; thence southerly, westerly, then northerly along said State Route 101 to the intersection once again with the Jefferson-Grays Harbor County line; thence west along said county line to the shoreline of the Pacific Ocean; thence northerly along said shoreline to the intersection of the Clallam-Jefferson County line; the point of beginning.

GARBAGE AND REFUSE COLLECTION SERVICE at the Makah Air Force Base, Neah Bay, under contract with THE U.S. GOVERNMENT and in the Olympic National Park, Port Angeles under contract with THE U.S. NATIONAL PARK SERVICE.

GARBAGE, REFUSE AND RUBBISH COLLECTION SERVICE in that portion of Clallam County described as follows: Beginning at the S.E. corner of Section 36, T. 28 N., R. 10 W., (Clallam-Jefferson County line); thence west along the south line of said Section 36 (and county line) extended to the shoreline of the Pacific Ocean; thence northerly along said shoreline to the intersection of the north line of Section 6, T. 29 N., R. 15 W.; thence east along said north line of Section 6 extended to the S.W. corner of Section 31, T. 30 N., R. 14 W.; thence north along the west line of said Section 31 extended to the N.W. corner of Section 6, T. 30 N., R. 14 W.; thence east along the north line of said Section 6 extended to the N.E. corner of Section 1, T. 30 N., R. 10 W.; thence south along the east line of said Section 1 extended to the S.E. corner of Section 36, T. 28 N., R. 10 W.; the point of beginning.

TG-030688

05-16-03



Exhibit B

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
MURREY'S DISPOSAL COMPANY, INC. Cert No.
d/b/a OLYMPIC DISPOSAL TCG-63635
PO BOX 399
PUYALLUP, WA 98371

PID19 SOLID WASTE COLLECTION SERVICE in that portion of Section 12, T27 N. R. 10 W., within Jefferson County.

TG-091018

07-06-09

TEMPORARY

WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION



By _____