

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,
STATE OF CALIFORNIA,
COMMONWEALTH OF KENTUCKY,
STATE OF MICHIGAN,
STATE OF NORTH CAROLINA,
STATE OF OHIO,
COMMONWEALTH OF PENNSYLVANIA,
and
STATE OF TEXAS,

Plaintiffs,

v.

REPUBLIC SERVICES, INC., and
ALLIED WASTE INDUSTRIES, INC.,

Defendants.

CASE NO.: 1:2008CV02076

JUDGE: Hon. Richard W. Roberts

DECK TYPE: Antitrust

DATE STAMP: July 16, 2009

**CERTIFICATE OF COMPLIANCE WITH PROVISIONS
OF THE ANTITRUST PROCEDURES AND PENALTIES ACT**

Plaintiff, United States of America, by the undersigned attorney, hereby certifies that, in compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h), the following procedures have been followed in preparation for the entry of final judgment in the above-captioned matter herein:

1. Plaintiff and defendants have stipulated to the entry of the proposed Final Judgment in a Hold Separate Stipulation and Order ("Hold Separate Order") filed with the Court on December 3, 2008.

2. The proposed Final Judgment was filed with the Court on December 3, 2008.

3. The Competitive Impact Statement was filed with the Court on December 3, 2008.

4. Pursuant to 15 U.S.C. § 16(b), the proposed Final Judgment and Competitive Impact Statement were published in the *Federal Register* on December 16, 2008. See *United States v. Republic Services, Inc. et al*, 73 Fed. Reg. 76,383 (2008).

5. Pursuant to 15 U.S.C. § 16(b), copies of the proposed Final Judgment and Competitive Impact Statement were furnished to all persons requesting them and made available on the Antitrust Division's Internet site, as were the Complaint and Hold Separate Order.

6. Pursuant to 15 U.S.C. § 16(c), a summary of the terms of the proposed Final Judgment and Competitive Impact Statement were published in *The Washington Post*, a newspaper of general circulation in the District of Columbia, for seven days beginning on December 31, 2008, and ending on January 6, 2009.

7. As noted in the Competitive Impact Statement, there were no determinative materials or documents within the meaning of 15 U.S.C. § 16(b) that were considered by the United States in formulating the proposed Final Judgment, so none were furnished to any person pursuant to 15 U.S.C. § 16(b) or listed pursuant to 15 U.S.C. § 16(c).

8. As required by 15 U.S.C. § 16(g), defendants, on April 24, 2009, filed with the Court descriptions of written or oral communications by or on their behalf with any officer or employee of the United States concerning or relevant to the proposed Final Judgment.

9. The sixty-day comment period for the receipt and consideration of written comments specified in 15 U.S.C. §§ 16(b)–(d) commenced on January 7, 2009, and terminated on March 9, 2009. During that period, the United States received five comments on the proposed Final Judgment and filed its Response to Public Comments on May 14, 2009. The comments and Response were published in the *Federal Register* on June 16, 2009.

10. The parties have satisfied all the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)–(h), that were conditions for entering the proposed Final Judgment. The Court may now enter the Final Judgment if the Court determines pursuant to 15 U.S.C. § 16(e) that entry of the Final Judgment is in the public interest.

Dated: July 16, 2009

Respectfully submitted,

/s/

Stephen A. Harris
United States Department of Justice
Antitrust Division
Litigation II Section
450 Fifth Street, NW, Suite 8700
Washington, DC 20530
(202) 514-4901

CERTIFICATE OF SERVICE

I, Stephen A. Harris, hereby certify that on July 16, 2009, I caused a copy of the foregoing Certificate of Compliance with Provisions of the Antitrust Procedures and Penalties Act to be served by electronic filing on Republic Services, Inc. and Allied Waste Industries, Inc., and plaintiffs the State of California, Commonwealth of Kentucky, State of Michigan, State of North Carolina, State of Ohio, Commonwealth of Pennsylvania, and the State of Texas by mailing the document electronically to the duly authorized legal representatives as follows:

Edward B. Schwartz
Shearman & Sterling LLP
801 Pennsylvania Ave., N.W.
Suite 900
Washington, DC 20004
Tel.: (202) 508-8150
Fax: (202) 508-8100
Email: edward.schwartz@shearman.com
Counsel for Defendant Republic Services, Inc.

Richard J. Favretto
John Roberti
Mayer Brown LLP
1909 K Street, NW
Washington, D.C. 20006-1101
Tel.: (202) 263-3428
Fax: (202) 762-4228
Email: jroberti@mayerbrown.com
Counsel for Defendant Allied Waste Industries, Inc.

Nicole S. Gordon
Deputy Attorney General
455 Golden Gate Avenue
San Francisco, CA 94102
Tel.: (415) 703-5702
Fax: (415) 703-5480
Email: nicole.gordon@doj.ca.gov
Counsel for Plaintiff State of California

C. Terrell Miller
Assistant Attorney General
Consumer Protection Division
1024 Capital Center Drive
Frankfort, KY 40601
Tel.: (502) 696-5389
Fax: (502) 573-8317
Email: Terrell.Miller@ag.ky.gov
Counsel for Plaintiff Commonwealth of Kentucky

M. Elizabeth Lippitt
Assistant Attorney General
Consumer Protection Division
Antitrust Section
Attorneys for the State of Michigan
G. Mennen Williams Building, 6th Floor
525 W. Ottawa Street
Lansing, Michigan 48913
Tel.: (517) 335-0855
Fax: 517-335-1935
Email: Lippitte@michigan.gov
Counsel for Plaintiff State of Michigan

K. D. Sturgis
Assistant Attorney General
North Carolina Department of Justice
9001 Mail Service Center
Raleigh, NC 27699-9001
Tel.: (919) 716.6000
Fax: 919-716-6050
Email: KSturgis@ncdoj.gov
Counsel for Plaintiff State of North Carolina

Jennifer L. Pratt
Chief, Antitrust Section
Office of the Ohio Attorney General
150 East Gay St., 23rd Floor
Columbus, Ohio 43215
Tel: (614) 466-4328
Fax: (614) 995-0266
Email: Jpratt@ag.state.oh.us
Counsel for Plaintiff State of Ohio

James A. Donahue, III
Chief Deputy Attorney General
Antitrust Section
14th Floor, Strawberry Square
Harrisburg, PA 17120
Telephone: (717) 787-4530
Facsimile: (717) 705-7110
E-mail: jdonahue@attorneygeneral.gov
Counsel for Plaintiff Commonwealth of Pennsylvania

Kim Van Winkle
Texas Bar No. 24003104
Antitrust Division
Office of the Attorney General
P.O. Box 12548
Austin, TX 78711-2548
Tel.: (512) 463-1266
Fax: (512) 320-0975
Email: Kim.Vanwinkle@oag.state.tx.us
Counsel for Plaintiff State of Texas

/s/

Stephen A. Harris (NJ Bar No. 020201999)
United States Department of Justice
Antitrust Division, Litigation II Section
450 Fifth Street, NW
Suite 8700
Washington, DC 20530
Tel.: (202) 514-4901
Fax: (202) 307-6583
Email: stephen.harris@usdoj.gov