

1                           BEFORE THE WASHINGTON STATE  
2                           UTILITIES AND TRANSPORTATION COMMISSION  
3                           )                           DOCKET NO. TG-081089  
4                           )                           (Consolidated)  
5                           )                           Volume II  
6                           )                           Pages 15 to 25  
7                           )                             
8                           )                           DOCKET NO. TG-080913  
9                           )                           TG-080914  
10                           )                           (consolidated)  
11                           )                             
12                           )                             
13                           )                             
14                           )                           DOCKET NO. TG-082129  
15                           )                           (Consolidated)  
16                           )                             
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19                           )                           

20                           A prehearing conference in the above matter  
21                           was held on January 20, 2009, from 1:30 p.m to 2:00  
22                           p.m., at 1300 South Evergreen Park Drive Southwest, Room  
23                           206, Olympia, Washington, before Administrative Law  
24                           Judge MARGUERITE E. FRIEDLANDER.  
25                           Joan E. Kinn, CCR, RPR  
                          Court Reporter

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The parties were present as follows:

THE COMMISSION, by JONATHAN THOMPSON,  
Assistant Attorney General, 1400 South Evergreen Park  
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Telephone (360) 664-1225, Fax (360) 586-5522, E-Mail  
jthompso@wutc.wa.gov.

POINTS RECYCLING AND REFUSE, LLC, by JAMES  
SELLS, Attorney at Law, 9657 Levin Road Northwest, Suite  
240, Silverdale, Washington 98383, Telephone (360)  
307-8860, Fax (360) 307-8865, E-mail  
jimsells@rsulaw.com.

WHATCOM COUNTY, via bridge line by DAN  
GIBSON, Attorney at Law, 311 Grand Avenue, Suite 201,  
Bellingham, Washington 98225, Telephone (360) 676-6784,  
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RENEE' COE, 1385 Gulf Road, Suite 201, Point  
Roberts, Washington 98281, Telephone (360) 945-3090,  
E-mail coe@pointroberts.net.

SHANNON TOMSEN, 2125 Whalen Drive, Point  
Roberts, Washington 98281, Telephone (360) 945-0206,  
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SHELLEY DAMEWOOD, via bridge line, 119  
Kilarney Place, Point Roberts, Washington 98281,  
Telephone (360) 945-6966, E-mail cshelled@whidbey.com.

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1 P R O C E E D I N G S

2 JUDGE FRIEDLANDER: Good afternoon, we'll be  
3 on the record. I am Marguerite Friedlander, the  
4 Administrative Law Judge presiding over this proceeding.  
5 We are here today before the Washington Utilities and  
6 Transportation Commission on Tuesday afternoon, January  
7 20th, 2009, for a prehearing conference in Dockets  
8 TG-080913, tariff revisions proposed by Points Recycling  
9 and Refuse, LLC, which would remove curbside recycling  
10 collection from its tariff; Docket TG-081089, a  
11 complaint filed by Whatcom County against Points; and  
12 Docket TG-082129, a complaint filed by Renee' Coe,  
13 Shelley Damewood, and Shannon Tomsen against Points and  
14 Whatcom County.

15 On December 31st, 2008, the Commission issued  
16 Order 03-01, which consolidated Dockets TG-080913,  
17 TG-080914, and TG-081089 with TG-081289. This order  
18 also suspended the procedural schedules in Dockets 913,  
19 914, and 1089 to allow for the inclusion of Docket  
20 TG-082129 in the schedule.

21 The Commission has also issued an initial  
22 order which was Order 05-03, which grants the request of  
23 Points to withdraw its tariff revision request in Docket  
24 TG-080914, and so that matter will not be part of the  
25 prehearing conference today.

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1                   And just so that everybody is clear on which  
2 dockets we are addressing today, it's TG-080913,  
3 TG-081089, and TG-082129. The purpose of the prehearing  
4 this afternoon is to address any preliminary issues,  
5 take appearances, attend to any requests for  
6 intervention, discuss the procedural schedule for the  
7 consolidated dockets, as well as any other procedural  
8 issues that the parties wish to raise.

9                   So before we get any further in the  
10 proceedings, let's go ahead and take appearances.  
11 Please speak slowly, and state your name, spell your  
12 last name, the party that you represent, indicate your  
13 business address, telephone, and fax number, and E-mail  
14 address so that we have the best contact information for  
15 you. And let's go ahead and begin with Points Recycling  
16 and Refuse, LLC.

17                   MR. SELLS: Thank you. Your Honor, please,  
18 James Sells, attorney appearing on behalf of Points  
19 Refuse and Recycling my address is 9657 Levin,  
20 L-E-V-I-N, Road Northwest, Suite 240, Silverdale,  
21 Washington 98383, telephone (360) 307-8860, fax (360)  
22 307-8865, E-mail jimsells@rsulaw.com.

23                   JUDGE FRIEDLANDER: Thank you.  
24                   And appearing on behalf of Whatcom County.

25                   MR. GIBSON: My name is Dan Gibson, that's

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1 GIBSON, our address is 311 Grand Avenue, Suite 201,  
2 Bellingham, Washington 98225, our phone number is area  
3 code (360) 676-6784, fax number (360) 738-4561, my  
4 E-mail address dgibson, that's all lower case,  
5 dgibson@co.whatcom.wa.us.

6 JUDGE FRIEDLANDER: Thank you.

7 And appearing on behalf of Staff.

8 MR. THOMPSON: Jonathan Thompson, Assistant  
9 Attorney General, my street address is 1400 South  
10 Evergreen Park Drive Southwest, it's also P.O. Box  
11 40128, and my telephone number is (360) 664-1225, the  
12 E-mail is jthomps@utc.wa.gov. Oh, and the fax number  
13 is (360) 586-5522.

14 JUDGE FRIEDLANDER: Great, thank you.

15 And appearing on behalf of complainants.

16 MS. COE: Renee' Coe, C-O-E, my work address  
17 is 1385 Gulf Road, and that's G-U-L-F, Road, Suite 201,  
18 Point Roberts, Washington 98281, phone number is (360)  
19 945-3090, and that's a work number, and my E-mail  
20 address is coe@pointroberts.net.

21 JUDGE FRIEDLANDER: Is that point P-T or --

22 MS. COE: P-O-I-N-T.

23 JUDGE FRIEDLANDER: Okay.

24 MS. COE: All spelled out, and then Roberts  
25 with an S, .net.

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1 JUDGE FRIEDLANDER: Thank you.

2 MS. TOMSEN: And my name is Shannon Tomsen,  
3 my last name is spelled T-O-M-S-E-N, my address 2125  
4 Whalen, W-H-A-L-E-N, Drive, Point Roberts 98281, my  
5 phone number is (360) 945-0206, my E-mail is  
6 shannon.prwa@gmail.com.

7 JUDGE FRIEDLANDER: Great, thank you.

8 And Ms. Damewood.

9 MS. DAMEWOOD: Yes, Shelley Damewood,  
10 S-H-E-L-L-E-Y, Damewood, D-A-M-E-W-O-O-D, 119 Kilarney  
11 Place, Point Roberts, Washington 98281, my phone number  
12 is area code (360) 945-6966, and my E-mail address is  
13 cshelled@whidbey.com, and no fax.

14 JUDGE FRIEDLANDER: Okay, great, thank you.

15 Is there anyone else on the conference bridge  
16 who wishes to state an appearance?

17 Okay, fine, let's go into preliminary issues.  
18 The parties have previously invoked the Commission's  
19 discovery rules, so I don't see a need to go over that  
20 again unless somebody feels compelled to revisit the  
21 issue. Additionally Complainants Renee' Coe, Shelley  
22 Damewood, and Shannon Tomsen have requested that the  
23 Commission dismiss Whatcom County as a respondent in  
24 Docket TG-082129, do any of the parties wish to comment  
25 on this request?

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1                   Okay, hearing nothing, I find that the  
2 request is in the public interest, and I will grant the  
3 Complainants' request to dismiss Whatcom County as a  
4 respondent in Docket TG-082129.

5                   As another preliminary matter, just for the  
6 sake of being I guess for clarity and efficiency, we did  
7 not receive any petitions for intervention, but I will  
8 go ahead and open that up for a minute and see if  
9 anybody wants to intervene.

10                   Hearing nothing, we'll move on.

11                   Let's go into the procedural schedule because  
12 we did suspend previously the procedural schedule that  
13 had been established in the consolidated dockets. Have  
14 the parties had a chance to confer on new dates for the  
15 procedural schedule in the consolidated dockets of 913,  
16 1089, and 2129?

17                   MR. THOMPSON: We haven't, Your Honor.

18                   JUDGE FRIEDLANDER: Okay, then let's go ahead  
19 and take a few moments off the record. Will ten minutes  
20 be okay with everybody?

21                   MR. THOMPSON: I think that should be about  
22 right.

23                   JUDGE FRIEDLANDER: Okay, great. We'll go  
24 off the record, and we'll come back on the record in ten  
25 minutes.

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1 (Recess taken.)

2 JUDGE FRIEDLANDER: I understand that a  
3 procedural schedule has been arrived at. Would anybody  
4 like to volunteer to memorialize that into the record?

5 MR. THOMPSON: I would be happy to do that.

6 JUDGE FRIEDLANDER: Okay, thank you.

7 MR. THOMPSON: So we had a discussion, and  
8 the agreement we came to is to go back to the procedural  
9 schedule that was already issued in the docket, with the  
10 only change being to the dates for the prefiled direct  
11 testimony and the prefiled responsive testimony. And  
12 those dates would now be February 3rd I believe for the  
13 prefiled direct testimony by the parties with the burden  
14 of proof, and then the prefiled responsive testimony  
15 would move to March the 9th.

16 JUDGE FRIEDLANDER: Okay, great.

17 And at this point I would note that the  
18 consolidated dockets are viewable on the Commission's  
19 records management system under the Docket TG-081089.  
20 They've been consolidated under records management under  
21 that docket, so if you're looking for new filings in the  
22 docket, then you would look under 1089.

23 So is there anything further before we  
24 adjourn?

25 MR. SELLS: There is, if I may, Your Honor.



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1 JUDGE FRIEDLANDER: Definitely.

2 MR. SELLS: And I believe I mentioned this at  
3 the last hearing, directed your attention to WAC  
4 480-07-700, the collaborative process which I call  
5 mediation in my other life. I don't know that I'm  
6 prepared to make a motion to move this to mediation at  
7 the time until I discuss it with some of the other  
8 people, but it certainly seems to me that this is a  
9 matter that's ripe for mediation, and there are I  
10 believe experienced people here available to do that.  
11 So I will put that out as a thought again and may well  
12 make a motion to that effect that we at least explore  
13 trying to sit down and get this worked out. I think the  
14 -- and, Mr. Gibson, I don't know how you would feel  
15 about that, but it may well be worth a try.

16 MR. GIBSON: Thanks for reminding me of that,  
17 that's the item last time -- personally I think it's a  
18 great idea, but I do need to check that again with the  
19 County Council given the consolidation of these matters.

20 JUDGE FRIEDLANDER: So noted, and -- oh, I'm  
21 sorry, go ahead, Mr. Gibson.

22 MR. GIBSON: Nothing further.

23 JUDGE FRIEDLANDER: Okay, thank you.

24 I would then ask that if you are going to  
25 file a request to direct it to Ann E. Rendahl, the

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1 Director of the Administrative Law Division, and then  
2 that can be handled appropriately.

3 Is there anything further?

4 MR. GIBSON: How is Ms. Rendahl's last name  
5 spelled?

6 JUDGE FRIEDLANDER: R-E-N-D-A-H-L.

7 MR. GIBSON: R-E-N-D-A-H-L.

8 JUDGE FRIEDLANDER: Perfect.

9 MR. GIBSON: Thank you.

10 MS. TOMSEN: One more thing.

11 JUDGE FRIEDLANDER: Sure.

12 MS. TOMSEN: Are you looking at 480-07-700,  
13 which is ADR, or 710 which is mediation, or either one?

14 MR. SELLS: Either one.

15 MS. TOMSEN: Okay.

16 MR. SELLS: I'm specifically looking at sub  
17 (d) of 700.

18 MS. TOMSEN: So ADR basically?

19 MR. SELLS: Yeah.

20 MS. TOMSEN: Okay.

21 MR. SELLS: But the other one may be better  
22 suited, I'm not sure at this point.

23 MS. TOMSEN: Okay.

24 JUDGE FRIEDLANDER: If there is nothing  
25 further, then we will go ahead and adjourn. I would

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1 also note that obviously I'm going to be entering  
2 another prehearing conference order in the next couple  
3 of days modifying the two dates that were mentioned  
4 earlier on the record, and I will be doing that in the  
5 next couple of days, so thank you.

6 (Hearing adjourned at 2:00 p.m.)

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