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BEFORE THE  
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In re Application of  
FREEDOM 2000, LLC

DOCKET NO. TG-08157  
PROTEST OF POINTS  
RECYCLING AND REFUSE LLC

1) Points Recycling and Refuse LLC hereby protests the above application filed on August 29<sup>th</sup>, 2008 and appearing on the Docket September 17, 2008.

2) Points Recycling and Refuse LLC is the holder of WUTC Certificate of Public Convenience and Necessity No. G-155 which provides for:

Garbage and Refuse Collection Service in that portion  
of Whatcom County described as Point Roberts.

3) The above application seeks solid waste collection service consisting of source-separated recyclable materials collected from single and multifamily residences within the area served by G-155.

4) The previous curbside recycling collection program served only 340 households who are now served by free self-haul recycling. Previous recycling collection customers have had the opportunity to comment upon the program cancellation. No significant need or desire for curbside recycling collection has been demonstrated by the community.

- 5) The Applicant has not demonstrated any potential customer need sufficient to fund a reliable and sustainable recycling collection program.
- 6) Whatcom County is required under RCW 70.95.090(7)(b)(i) and RCW 70.095.092; to designate Point Roberts as a rural service area and to plan a sustainable recycling system which may or may not require curbside recycling collection; The County has failed to properly designate Point Roberts or to determine if curbside recycling collection is desired, needed or economically feasible.
- 7) Whatcom County and Points Recycling and Refuse LLC have unresolved legal issues before the Commission; options for resolution could include the County modifying their Solid Waste Plan and Service Level Ordinance to eliminate required recycling collection and make free self-haul recycling permanent; or to fully enforce the County Universal Service Ordinance; or to contract for recycling. Potential resolutions may make the Freedom 2000 application irrelevant.
- 8) Whatcom County should be allowed to continue the mandated planning and design of the Point Roberts solid waste and recycling system without limits being placed on the County's option and right to modify its Solid Waste Plan and Service Level Ordinance or to contract for recycling collection under RCW 36.58.040 and Whatcom County Code 8.10.050.K.
- 9) The current Whatcom County Plan requires residential recycling collection to be a mandated service for all regular garbage collection customers (WCC 8.10.050) however under WAC 480-70-421; Point Recycling is prohibited from sharing customer information with other companies including Freedom 2000. The only legal way to integrate garbage collection with recycling collection is for the County to contract recycling collection under RCW 36.58.040 and Whatcom County Code 8.10.050.K.
- 10) The granting of a Certificate for residential recycling collection would be the creation of a property right; if Whatcom County then chose to contract for recycling collection the County may be required under the annexation rules of RCW 35.13.280 to award said contract to Freedom 2000 regardless of cost and qualifications, or to pay compensation to Freedom 2000 for the Certificate right.

11) The Applicant has failed to disclose affiliated interests in Light Weight Recyclers and J-Man Trucking; and the fact that these affiliated companies have a history of license, registration and permit violations.

12) The Applicant cannot establish its fitness to conduct the operations requested, nor can it demonstrate compliance with the laws of the State of Washington and/or Whatcom County and/or the United States of America and/or the rules of the Washington Utilities and Transportation Commission.

13) The Applicant has not demonstrated a feasible business model detailing projected expenses and revenues sufficient for program viability, nor rate calculation parameters and details.

14) The Applicant has not demonstrated actual logistical and operational competence to ensure that the proposed work can be performed on a permanent basis.

15) The Applicant and/or their agents and affiliates have taken steps to manipulate the politics of solid waste and recycling in Whatcom County and to exaggerate the community need and desire for curbside recycling collection.

16) The Applicants intention is not to solve a legitimate community recycling problem, however they are using this application to qualify as a potential lease operator of the Whatcom County owned Point Roberts Transfer Station.

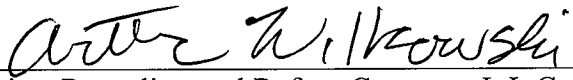
17) The grant of overlapping authority would not provide a solution to the underlying system design problems in Point Roberts; would add un-necessary and ineffective complications; and ignore Whatcom County's obligation, mandate and authority to craft a real and sustainable solution.

18) The grant of overlapping authority is not in the best interests of the consumers in Point Roberts who deserve a professionally planned and sustainable solid waste and recycling system.

19) The grant of overlapping authority would divide an already marginalized Certificate; diminish the value of G-155 and place the Protestant in a detrimental financial situation.

If a hearing is held, Protestant will call approximately 15 witnesses whose testimony will take 10 hours.

DATED this 15<sup>th</sup> day of October, 2008.

  
Points Recycling and Refuse Company L.L.C.

#### CERTIFICATE OF MAILING

I hereby declare that on the 15<sup>th</sup> day of October, 2008, I caused to be deposited in the U.S. Mail, first class postage prepaid, a true copy of the foregoing PROTEST OF POINTS RECYCLING AND REFUSE addressed to:

Freedom 2000, LLC  
David Gellately  
575 Calder Dr.  
Point Roberts, WA 98281

I swear under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.

DATED this 15<sup>th</sup> day of October, 2008, at Point Roberts, Whatcom County, Washington.

  
Points Recycling and Refuse Company L.L.C.