

[Service Date March 20, 2009]

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND)	DOCKET TG-080913
TRANSPORTATION COMMISSION,)	<i>(consolidated)</i>
)	
Complainant,)	
v.)	ORDER 08
)	
POINTS RECYCLING AND REFUSE,)	
LLC,)	
Respondent.)	
.....)	
WHATCOM COUNTY,)	DOCKET TG-081089
)	<i>(consolidated)</i>
Complainant,)	
v.)	ORDER 08
)	
POINTS RECYCLING AND REFUSE,)	
LLC,)	
Respondent.)	
.....)	
RENEÉ COE, SHELLEY)	DOCKET TG-082129
DAMEWOOD, and SHANNON)	<i>(consolidated)</i>
TOMSEN,)	
Complainants,)	
v.)	ORDER 06
)	
POINTS RECYCLING AND REFUSE,)	
LLC,)	
Respondents.)	
.....)	

ORDER GRANTING REQUEST TO SUSPEND PROCEDURAL SCHEDULE

NOTICE OF PREHEARING CONFERENCE
(Scheduled for April 6, 2009, at 1:00 p.m.)

1 **NATURE OF PROCEEDING.** Docket TG-080913 involves a tariff filing by Points Recycling and Refuse, LLC (Points or the Company), with the Washington Utilities and Transportation Commission (Commission) to remove curbside recycling from the Company's tariff. Docket TG-081089 involves a complaint filed by Whatcom County against Points to revoke the Company's certification as the designated hauler for Point Roberts, Washington. Docket TG-082129 also involves a complaint against Points filed by Reneé Coe, Shelley Damewood, and Shannon Tomsen (Complainants).

2 **APPEARANCES.** Dan Gibson, Whatcom County Deputy Prosecutor, Bellingham, Washington, represents Whatcom County. James Sells, Ryan Sells and Uptegraft, Inc., Silverdale, Washington, represents Points. Jennifer Cameron-Rulkowski, Assistant Attorney General, Olympia, Washington, represents the Commission's regulatory Staff (Commission Staff or Staff).¹ Complainants, Point Roberts, Washington, are appearing *pro se*.

3 **PROCEDURAL HISTORY.** On December 31, 2008, the Commission entered Order 03 in Dockets TG-080913, TG-080914,² and TG-081089 and Order 01 in Docket TG-082129 consolidating the four dockets.³

4 On January 20, 2009, the Commission convened a prehearing conference at Olympia, Washington, before Administrative Law Judge Marguerite E. Friedlander, at which time the Commission established a procedural schedule.

5 On February 3, 2009, the Commission entered Order 07 in Dockets TG-080913 and TG-081089 and Order 05 in Docket TG-082129. Order 07/05 granted the Parties'

¹ In formal proceedings, such as this, the Commission's regulatory staff functions as an independent party with the same rights, privileges, and responsibilities as other parties to the proceeding. There is an "*ex parte* wall" separating the Commissioners, the presiding Administrative Law Judge, and the Commissioners' policy and accounting advisors from all parties, including regulatory staff. *RCW 34.05.455*.

²On January 15, 2009, the Commission entered Order 05 in Dockets TG-080913, TG-080914, and TG-081089 and Order 03 in Docket TG-082129 granting Points' request to withdraw its tariff revision filing in Docket TG-080914.

³ The procedural history in this matter is described more fully in Orders 03/01 and 06/04 and is not repeated here.

request for mediation and amended the procedural schedule to allow additional time for the mediation. On February 25, 2009, the Parties met with Administrative Law Judge Ann E. Rendahl in Bellingham, Washington, for a mediation session.⁴

6 **REQUEST TO SUSPEND SCHEDULE.** On March 18, 2009, Staff filed an agreed request with the Commission on behalf of all the parties, seeking suspension of the procedural schedule. Staff asserts that the suspension would allow additional time to conduct discovery and suggests that the Commission convene a prehearing conference in late July to set dates for a new procedural schedule

7 WAC 480-07-385(2) provides that the Commission will grant a timely request for continuance to which all parties expressly agree unless the extension is inconsistent with the public interest or the administrative needs of the Commission. The Commission will grant a timely request to which all parties expressly agree unless it is inconsistent with the public interest or the Commission's administrative needs.⁵

8 The Commission finds that the agreed request to suspend the procedural schedule, so that the Parties can conduct additional discovery, is consistent with the public interest and the Commission's administrative needs. However, the Commission finds that the public interest is not served by waiting to set a new procedural schedule until late July. In the interest of administrative efficiency, a prehearing conference will be convened on April 6, 2009, to discuss a new procedural schedule and discovery issues.

9 **NOTICE OF HEARING.** The Commission will hold a prehearing conference in this matter on **Monday, April 6, 2009, at 1:00 p.m., in Room 108, Richard Hemstad Building, 1300 S. Evergreen Park Drive SW, Olympia, Washington.** If you are unable to attend the prehearing conference in person, you may attend via the Commission's teleconference bridge line, **360-664-3846**. Please appear on the teleconference bridge line five minutes before the conference is scheduled to begin.

⁴The Commission scheduled an additional mediation session for March 13, 2009, which was subsequently cancelled at the request of the Parties.

⁵WAC 480-07-385(2).

10 **NOTICE TO PARTIES:** A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.

DATED at Olympia, Washington, and effective March 20, 2009.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARGUERITE E. FRIEDLANDER
Administrative Law Judge