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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

DOCKET NO. TG-080913

Complainant,

vs.

POINTS RECYCLING AND REFUSE,
LLC,

Respondent.

WHATCOM COUNTY,

DOCKET NO. TG-081089

Complainant,

vs.

POINTS RECYCLING AND REFUSE,
LLC,

Respondent.

RENEE COE, SHELLEY DAMEWOOD
and SHANNON TOMSEN,

DOCKET NO. TG-082129

Complainant,

vs.

POINTS RECYCLING AND REFUSE,
LLC and WHATCOM COUNTY,

DECLARATION OF JAMES K.
SELLS IN RESPONSE TO NOTICE
OF REQUIRED DECLARATION

Respondents.

1 DECLARATION

2 JAMES K. SELLS, hereby declares as follows:

3 I am an attorney, licensed to practice law in the State of Washington; and
4 was admitted to the Bar in 1975. I represent Point Recycling and Refuse, and
5 its owner, Arthur Wilkowski, in the above-entitled matters.
6

7 As Point's attorney, I moved to have these actions mediated, which
8 motion was granted. Judge Rendahl was appointed Mediator and an initial
9 mediation session was held in Bellingham on February 25, 2009. I was present
10 throughout that session, as was Mr. Wilkowski, Brad Lovaas who is Executive
11 Director of WRRRA, and others representing the Commission, Whatcom County,
12 and two of the "Citizen Complainants". I signed the Confidentiality Agreement
13 as did Mr. Lovaas and Mr. Wilkowski.

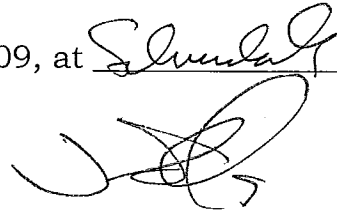
14 In response to Judge Moss' inquiry, I have never had any contact
15 whatever with anyone from the All Point Bulletin, the local newspaper in Point
16 Roberts. I certainly have never spoken or in any other manner communicate
17 with Meg Olson who wrote the article which has led to this situation. I did
18 receive Judge Rendahl's typed summary of the session, and shared it only with
19 my client, Mr. Wilkowski. I have not furnished it to anyone other than Mr.
20 Wilkowski. I did have at least one telephone conversation with the Assistant
21 Attorney General, Ms. Cameron Rulkowski, about the mediation and discussed
22 that conversation with my client. Obviously, I cannot, and will not reveal the
23 nature or content of any privileged discussions with my client, but, in any case,
24 those conversations are not at issue here.
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1 I can say that, from reading the article, it seems clear that someone
2 furnished the reporter with the information contained in Judge Rendahl's
3 Summary, or even provided the Summary itself to her. If that is the case, it
4 clearly is contrary to the letter and the intent of the Mediation Agreement, which
5 is very troubling and may well result in losing the opportunity to resolve this
6 matter short of hearing. I would hope that whomever that person is will come
7 forward, which would allow the parties at least to try and continue efforts to
8 settle these matters, or at the very least, narrow the issues.
9

10 In response to the question which has not been asked, but obviously is
11 on the participants' minds, I have no idea who provided the document (or its
12 content) to the reporter, and am not in a position to make any accusations, thus
13 will not do so.

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

16 SIGNED this 2 day of April, 2009, at Silverdale, Washington
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JAMES K. SELLS

1 CERTIFICATE OF SERVICE

2 I hereby certify that on April 2, 2009, I caused to be served five (5)
3 copies of the foregoing document to the following address via first class mail,
4 postage prepaid to:

5 Dave Danner, WUTC Executive Secretary
6 Washington Utilities and Transportation Commission
7 1300 S. Evergreen Park Dr. S.W.
8 P.O. Box 47250
9 Olympia, WA 98504-7250

10 I certify I have also provided to the Washington Utilities and Transportation
11 Commission's Secretary an official electronic file containing the foregoing
12 document via email to: records@wutc.wa.gov

13 and an electronic PDF copy and paper copy mailed first class mail, postage
14 prepaid to:

15 Dan Gibson
16 Whatcom County Deputy Prosecutor
17 311 Grand Ave., Suite 201
18 Bellingham, WA 98225
19 dgibson@co.whatcom.wa.us

20 Jennifer Cameron-Rulkowski
21 Assistant Attorney General
22 1400 S. Evergreen Park Dr. SW
23 PO Box 40128
24 Olympia, WA 98504-0128
25 jcameron@utc.wa.gov

26 and a paper copy by first class mail, postage prepaid to:

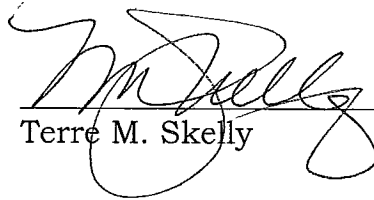
Renee Coe
1986 Cedar Park Drive
Point Roberts, WA 98281

Shelley Damewood
119 Kilarney
Point Roberts, WA 98281

Shannon Tomsen
2125 Whalen Drive
Point Roberts, WA 98281

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

3 DATED and signed at Silverdale, Washington on April 2, 2009.

4 
5 _____
6 Terre M. Skelly

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