

Agenda Date: September 24, 2009
Item Number: B1

Docket: **TG-081576**
Company Name: Freedom 2000, LLC, d/b/a/ Cando Recycling and Disposal

Staff: Penny Ingram, Regulatory Analyst

Recommendation

Renote the application filed by Freedom 2000, LLC d/b/a Cando Recycling and Disposal on the Commission's Application Docket for 30-days pursuant to WAC 480-70-106 to allow other interested parties opportunity to file completed applications, if desired.

Background

On June 23, 2009, the Commission received an amended application from Freedom 2000, LLC d/b/a Cando Recycling and Disposal in Docket TG-081576 for a certificate of public convenience and necessity to collect and transport solid waste for disposal in Point Roberts, Washington, located in Whatcom County. However, the application was not complete. Staff provided technical assistance and the company completed its application.

On August 14, 2009, the Commission filed notice of the pending application of Freedom 2000, LLC d/b/a Cando Recycling and Disposal pursuant to WAC 480-70-106. The filing date commences the 30-day period during which any other interested parties may file a complete application for a certificate of public convenience and necessity to collect and transport solid waste for disposal in Point Roberts for commission consideration. On September 14, 2009, at 5:00 p.m., the 30-day period expired.

On September 16, 2009, staff was informed by Ms. Diana Wadley, an employee of the Department of Ecology that she spoke to Ms. Penni Lampreys of Whatcom County and Penni indicated that County staff received interested parties inquiring how to apply for a certificate to operate a solid waste collection company in Point Roberts. The County informed those individuals that they were too late to file an application with the Commission because the County was under the impression that interested applicants had to file applications no later than June 26, 2009, based on initial Commission news ad's seeking qualified applicants.

The June 26, 2009, deadline date was an effort by the Commission to find a qualified applicant before the existing carrier, at the time Points Recycling and Refuse, ceased providing service to the public of Point Roberts. However, the 30-day notice period is a different process and interested parties could file competing applications to provide solid waste collection service in Point Roberts, if desired. The County did not fully understand the Commission's application processes or rules.

The Commission is a quasi-judicial agency and it must ensure that all interested parties receive an opportunity to participate, by filing a complete application, if desired during the 30-day process.

Conclusion

Renotify the application filed by Freedom 2000, LLC d/b/a Cando Recycling and Disposal on the Commission's Application Docket for 30-days pursuant to WAC 480-70-106 to allow other interested parties to file completed applications, if desired.