

Commissioners
Washington State Utilities and Transportation Commission
1300 S. Evergreen Park Drive SW
P. O. Box 47250
Olympia, WA 98504-1150
October 28, 2009

Re: TG-091685, Point Recycling and Refuse application for expedited certificate

Commissioners:

In reference to the application filed by Arthur Wilkowski, Point Recycling and Refuse, I would like the Commission to consider the historical documentation of the facts that illuminate the manner in which this company conducts business within the Point Roberts community. This information is found in a formal complaint, TG-089129, filed by Renee Coe, Shannon Tomsen and myself in November of 2008. This document was filed in response to Point Roberts Recycling and Refuse arbitrary cessation of curbside recycling. This action placed the company in violation of the Whatcom County Solid Waste Ordinance and denied the community a convenient method to recycle. Whatcom County also filed a complaint to relieve the company of its G certificate, and these two items were consolidated under the docket number referenced above.

In May of this year, Mr. Wilkowski's behavior resulted in the complainants issuing a motion to compel which the Administrative Law Judge partially granted and then required him to furnish the material requested. Mr. Wilkowski's response was to disobey the order and subsequently relinquished his G-certificate and ceased all commercial and residential solid waste curbside collection as of July 1, 2009. Since that time residents of this community have been required to find other means of getting their materials to the transfer station. We have had four months to work with this inconvenient and expensive system of handling our trash; we were assured that this would be temporary by Whatcom County and were encouraged to all pull together as there were interested companies prepared to file with the commission to restore solid waste management to the level of service we enjoyed prior to January of 2008. Four months later, Points Recycle is claiming there is an emergency and, if so, Points Recycle bears the responsibility of creating it.

It is a great surprise to me that Arthur Wilkowski is now applying for a G-certificate that only four months ago he voluntarily abandoned. Particularly insulting is that the application is only for special services, i.e. the more lucrative aspects of the business, while the rest of the community is left to their own devices. It is difficult to envision how approval of this application is in the best interest of the community when the 99% of the population in Point Roberts will not benefit.

The determination of whether or not this company is fit to conduct business should not be solely judged by possession of the necessary equipment to do the job. Mr. Wilkowski has intimidated this community through written communication, via USPS and advertising and quoted news stories in the Point Roberts publication, The All Point Bulletin. All of these documents are available in the formal complaint, TG 089129.

When Mr. Wilkowski relinquished his G-certificate, Whatcom County and the Complainants docket was dismissed. In light of this current application before you, I would like to request that the commission review the complaint against Points Recycle as requested TG- 089129 to determine the fitness of this company qualify for certification.

We are prepared to request that the formal complaint against this company be revisited. This action will fully ensure that the commission is in possession of documentation that is relevant in determining if this company will operate in the best interests of the public or continue with the same behavior that has created discord and controversy in the community.

Thank you for your consideration of the above remarks,

Respectfully submitted,

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