

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

In The Matter of the Application of)	DOCKETS TG-091685 and TG-091686
)	
POINTS RECYCLING AND)	
REFUSE, LLC,)	ORDER 01
)	
Applicant.)	ORDER DENYING APPLICATION
)	FOR EXPEDITED TEMPORARY
To Operate as a Solid Waste Collection)	AUTHORITY AND TEMPORARY
Company Under Expedited Temporary)	AUTHORITY FOR SOLID WASTE
and Temporary Authority)	COLLECTION
.....)	

BACKGROUND

- 1 On October 26, 2009, Points Recycling and Refuse, LLC (Points or Applicant) filed with the Utilities and Transportation Commission (Commission) an application for expedited temporary authority in Docket TG-091685, and in Docket TG-091686 an application for temporary authority, to operate as a solid waste collection company in Point Roberts, Washington.

- 2 Points' applications propose to provide solid waste collection service limited to on-call special cleanup/pickup services and permanent drop box service in Point Roberts.

- 3 Expedited temporary authority may be granted when an applicant shows an immediate and urgent need consistent with the public interest for such service. *WAC 480-70-136.*

- 4 A grant of temporary authority requires the same showing, together with other requirements that are not pertinent to this application because the Commission finds that the Applicant has not shown an immediate and urgent need for service. *WAC 480-70-131.*

- 5 In support of the temporary applications, the Applicant submitted two letters, each of which is discussed below.

- 6 The International Market Place signed a support statement on October 20, 2009, that was filed with the applications for expedited and temporary solid waste collection. On October 28, 2009, The International Market Place filed a letter with the Commission indicating that it has no urgent need for solid waste collection.

7 On October 28, 2009, The Letter Carrier filed a support statement indicating the need for weekly solid waste service. On October 31, 2009, the Commission's Regulatory Staff (Staff) contacted The Letter Carrier to determine the type of service requested. During Staff's conversation, The Letter Carrier stated that it needs a 12-yard container once a week to collect cardboard. Cardboard collection from a business establishment is commercial recycling. Federal law preempts state regulation of commercial recycling. Points could obtain a common carrier certificate under RCW 81.80 to provide the service desired by The Letter Carrier.

8 The Commission, having investigated these applications, finds that the requested issuance of expedited and temporary certificates are not consistent with the public interest because there is no showing of an immediate and urgent need for the requested service.

FINDINGS AND CONCLUSIONS

9 The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the authority to grant a temporary or expedited temporary authority to operate as a solid waste company. *RCW 81.77.040, WAC 480-70-131, WAC 480-70-136.*

10 The Company has not demonstrated an immediate or urgent need consistent with the public interest to support a grant of temporary or expedited temporary authority.

ORDER

THE COMMISSION ORDERS:

11 (1) That the applications in Dockets TG-091685 and TG-091686 for expedited temporary and temporary authority are denied.

12 (2) The Commission further orders that the tariff filed in connection with these applications will not become effective unless the Commission finds the permanent application filed in Docket TG-091687 is in the public interest.

Dated at Olympia, Washington, and effective November 16, 2009.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

JEFFREY D. GOLTZ, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner

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