

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

<p>WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,</p> <p>Complainant,</p> <p>vs.</p>	<p>Docket No. TG-080913 (consolidated)</p>
<p>POINTS RECYCLING AND REFUSE, LLC,</p> <p>Respondent.</p> <p>*****</p>	
<p>WHATCOM COUNTY,</p> <p>Complainant,</p> <p>vs.</p>	<p>Docket No. TG-081089 (consolidated)</p>
<p>POINTS RECYCLING AND REFUSE, LLC,</p> <p>Respondent.</p> <p>*****</p>	
<p>RENEE COE, SHELLEY DAMEWOOD and SHANNON TOMSEN,</p> <p>Complainants,</p> <p>vs.</p>	<p>Docket No. TG-082129 (consolidated)</p>
<p>POINTS RECYCLING AND REFUSE, LLC and WHATCOM COUNTY,</p> <p>Respondents.</p>	<p>WHATCOM COUNTY'S DECLARATION RE: MEDIATION CONFIDENTIALITY AGREEMENT</p>

Pursuant to this Commission's Notice of March 30, 2009, I, Daniel Gibson, submit the following Declaration:

I am over the age of eighteen and otherwise competent to make this Declaration.

I am the Assistant Chief Civil Deputy for Whatcom County. I represent Whatcom County in the above-referenced matter.

To the best of my knowledge, having spoken with particular persons who may have some knowledge of this matter, neither Whatcom County officials nor employees have discussed the substance of the mediation in the above-entitled matter with anyone other than themselves, nor have they provided any documents arising from the mediation process to any party outside of that process. I believe that I am the only person in the County who received the mediation summary prepared and sent by Judge Rendahl. I have not provided that to anyone else, nor have I spoken or written about the substance of the mediation to anyone other than: 1) the several officials and employees of my client Whatcom County who were necessarily informed given their positions with the County, and 2) the other parties to the mediation.

The only discussion by any County official or employee with the media of which I am aware that pertained to the mediation in this matter occurred between Jon Hutchings, our Associate Director of Public Works, and a reporter for the All Points Bulletin, during which Jon simply stated to the reporter that he was not in a position to discuss the mediation due to the confidentiality agreement, and did not discuss the mediation with her any further. The reporter informed him that she had in her possession the judge's written summary of the mediation. She did not tell him from whom she had received the document. Jon related the substance of this conversation to me immediately after it occurred because of his concern about the apparent breach by someone of the confidentiality requirements for the mediation.

I certify under penalty of perjury, under the laws of the State of Washington, that the above is a true and correct statement.

DATED this 3<sup>rd</sup> day of April, 2009.



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DANIEL L. GIBSON, WSBA #11036  
Assistant Chief Civil Deputy  
Whatcom County Prosecuting Attorney

## CERTIFICATE OF SERVICE

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

Dave Danner, WUTC Executive Secretary  
Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Dr. S.W.  
PO Box 47250  
Olympia, WA 98504-7250

I certify that I also provided to the Washington Utilities and Transportation Commission's Secretary an official electronic file containing the foregoing document via email to: [records@wutc.wa.gov](mailto:records@wutc.wa.gov).

I certify that I have electronically sent a PDF version of the foregoing document to:

The Honorable Marguerite E. Friedlander  
Administrative Law Judge  
[mrussell@utc.wa.gov](mailto:mrussell@utc.wa.gov)

and electronic PDF and hard copies to:

James K. Sells  
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I swear under the penalty of perjury under the laws of the State of Washington  
that the foregoing is true and correct.

DATED at Bellingham, WA this 3<sup>rd</sup> day of April, 2009.



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TARA D. ADRIAN

## CERTIFICATE OF SERVICE

I hereby certify that on April 3<sup>rd</sup>, 2009, I caused to be served the original and five (5) copies of the foregoing document to the following address via first class mail to:

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and electronic PDF and hard copies to:

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[Shannon.prwa@gmail.com](mailto:Shannon.prwa@gmail.com)

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

DATED at Bellingham, WA this 3<sup>rd</sup> day of April, 2009.

  
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TARA D. ADRIAN