

April 8, 2009

David W. Danner, Executive Director and Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P. O. Box 47250
Olympia, Washington 98504-7250

Re: *In the Matter of Determining the Proper Carrier Classification of Glacier Recycle, LLC; Hungry Buzzard Recovery, LLC; and T&T Recovery, Inc.*
Docket TG-072226

Dear Mr. Danner:

Commission Staff hereby submits its individual status report as required by Judge Torem's Notice of Requirement to File Status Report(s) of December 8, 2008.

The procedural schedule in this matter was suspended because of the parties' agreement that the ongoing solid waste rulemaking in docket TG-080591 could resolve the remaining issues in this case. Staff still believes it is likely that the rulemaking will resolve the remaining issues in this case, which concern when a motor carrier may collect mixed recyclable materials and transport them, together with some small amount of incidental solid waste, to a sorting facility for separation into distinct commodities for delivery to recyclers.

On March 11, 2009, the Commission issued a Notice of Opportunity to File Written Comments on a draft rule to replace the current WAC 480-70-016, and to address, among other things, the conditions under which it is permissible for a motor carrier to transport mixed recyclable materials to a sorting facility without a solid waste collection certificate--the chief remaining issue in this case with regard to the operations of the respondent companies. The draft rule also categorizes various end-uses of waste materials as either "disposal" or "reuse/recycling"--another important issue in this case. Comments are due from stakeholders on the draft rule by April 10, 2009.

Staff believes that the procedural schedule in this matter should remain suspended and that the Commission should schedule a further status conference in three to four months to

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determine whether a rule is proceeding to adoption that will resolve the remaining issues in this case.

Sincerely,

JONATHAN C. THOMPSON
Assistant Attorney General

JCT:emd
Enclosures
cc: Parties