

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,
Complainant,

v.
POINTS RECYCLING AND REFUSE,
LLC

Respondent.

.....

WHATCOM COUNTY,

Complainant,

v.
POINTS RECYCLING AND REFUSE,
LLC

Respondent.

.....

RENEÉ COE, SHELLEY DAMEWOOD,
and SHANNON TOMSEN,

Complainants,

v.
POINTS RECYCLING AND REFUSE,
LLC, and WHATCOM COUNTY,

Respondents.

DOCKETS TG-080913
TG-080914 (consolidated)

DOCKET TG-081089
(consolidated)

DOCKET TG-082129
(consolidated)

COMMISSION STAFF'S
COMMENTS

I Pursuant to the Commission's May 26, 2009, Notice of Opportunity to File
Comments, Commission Staff submits the following comments.

2 Commission Staff is a party to the consolidated proceeding captioned above. In this
proceeding the Attorney General's Office represents Commission Staff.

3 According to Ms. Tomsen's letter of May 20, 2009, to Mr. Danner, Mr. Wilkowski
of Points Recycling and Refuse, LLC (PRR) sent the following email to Ms. Tomsen in
response to her discovery status request: "Please do not communicate directly with me. You
should send everything through the AG office." Neither Commission Staff nor Staff's
counsel knows why Mr. Wilkowski would make such a statement.

4 Compliance with Commission orders is vital in order for the Commission to
effectively regulate. Discovery is a central part of litigation and well-supported outcomes at
the Commission. Accordingly, Commission Staff supports complete compliance with
Commission discovery orders.

5 At this point, the discovery process appears to be at an end. Yesterday PRR filed
with the Commission notification of the company's intent to discontinue regulated service.
Staff also was awaiting discovery responses from PRR. In light of PRR's filing, Staff is
placing its discovery requests on hold pending cancellation of PRR's certificate.

DATED this ____ day of _____, 2009.

Respectfully submitted,

ROBERT M. MCKENNA
Attorney General

JENNIFER CAMERON-RULKOWSKI
Assistant Attorney General
Counsel for Washington Utilities and
Transportation Commission Staff