

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

WASHINGTON UTILITIES AND	)	DOCKETS TG-080913
TRANSPORTATION COMMISSION,	)	TG-080914 (<i>consolidated</i>)
)	
Complainant,	)	ORDER 01
)	
v.)	
)	
POINTS RECYCLING AND REFUSE,)	
LLC)	
)	
Respondent.)	
.....)	
)	
WHATCOM COUNTY,	)	DOCKET TG-081089
	)	(<i>consolidated</i>)
)	
Complainant,	)	ORDER 02
)	
v.)	
)	
POINTS RECYCLING AND REFUSE,	)	NOTICE OF PREHEARING
LLC	)	CONFERENCE
	)	(Set for August 18, 2008, at 10:00
Respondent.	)	a.m.)
.....)	

- 1 Whatcom County Public Works Department on April 22, 2008, filed with the Washington Utilities and Transportation Commission (Commission) a letter requesting guidance as to the Commission’s process and procedure to cancel Points Recycling and Refuse, LLC’s (Points Recycling) certificate for failure to provide curbside pickup service of recyclables to its solid waste customers.

- 2 On June 11, 2008, the Whatcom County Executive’s Office (Whatcom County) filed a letter dated June 6, 2008, with the Commission stating Points Recycling is in noncompliance with the County Code and with the Whatcom County Comprehensive Solid Waste Management Plan, Chapter 5, Recycling. Whatcom County requests that the Commission schedule a hearing in this matter.

3 On June 19, 2008, the Commission issued a letter to Whatcom County acknowledging receipt of the letters and stating that the Commission will treat the June 6, 2008, letter as a formal complaint against Points Recycling and Refuse, LLC.

4 On June 20, 2008, the Commission served the formal complaint on Points Recycling.

5 On July 11, 2008, Points Recycling acknowledged the receipt of the complaint. Points Recycling has not filed an answer to the complaint.

6 **STATUTORY AUTHORITY:** The Commission has jurisdiction over this matter under RCW Title 81, and has legal authority to regulate the rates, services, and practices of solid waste collection companies pursuant to RCW 81.77. The statutes that apply to this matter include RCW 81.04, and RCW 81.28 relating to rates, including but not limited to RCW 81.01.010 and RCW 81.04.020. The rules that apply to this matter include those within 480-70 WAC, relating to solid waste collection companies.

7 The Commission will hear this matter under the Administrative Procedure Act (APA), particularly Part IV of RCW 34.05 relating to adjudications. The provisions of the APA that relate to this proceeding include, but are not limited to RCW 34.05.413, RCW 34.05.431, RCW 34.05.440, RCW 34.05.443, RCW 34.05.449, RCW 34.05.452, and RCW 34.05.455. The Commission will also follow its procedural rules in WAC 480-07 in this proceeding.

8 **THE COMMISSION GIVES NOTICE That the Commission will hold a prehearing conference in this matter at 10:00 a.m., on Monday, August 18, 2008, in Room 108, First Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.** If you are unable to attend the prehearing conference in person, you may attend via the Commission's teleconference bridge line, **360-664-3846**. Please appear on the teleconference bridge five minutes before the conference is scheduled to begin.

9 The purpose of the prehearing conference is to consider requests for intervention, resolve scheduling matters including establishing dates for distributing evidence and workpapers, to, identify the issues in the proceeding and determine other matters to assist the Commission in resolving the matter, as listed in WAC 480-07-430.

10 **INTERVENTION:** Persons who wish to intervene should file a petition to intervene in writing at least three business days before the date of the prehearing conference. *See WAC 480-07-355(a)*. The Commission will consider oral petitions to intervene during the conference, but strongly prefers written petitions to intervene. Party representatives must file a notice of appearance with the Commission no later than the business day before the conference. *See WAC 480-07-345(2)*. Any party or witness

in need of an interpreter or other assistance should fill out the form attached to this notice and return it to the Commission. The Commission will set the time and place for any evidentiary hearings at the prehearing conference, on the record of a later conference or hearing session, or by later written notice.

11 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the prehearing conference set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**

12 The names and mailing addresses of all known parties and their known representatives are as follows:

Complainant: Whatcom County Public Works
Jon Hutchings, Ph.D., Assistant Director
322 N. Commercial Street, Suite 210
Bellingham, WA 98225
(360) 676-6692
jhutchin@co.whatcom.wa.us

Whatcom County Executive's Office
Pete Kremen, County Executive
Carl Weimer, Chair, County Council
311 Grand Avenue, Suite 108
Bellingham, WA 98225
(360) 676-6717

Representative: Dan Gibson
Whatcom County Deputy Prosecutor
311 Grand Avenue, Suite 201
Bellingham, WA 98225
(360) 676-6784
dgibson@co.whatcom.wa.us

Respondent: Points Recycling and Refuse, LLC
Arthur Wilkowski
145 Tye Drive
PMB 1542
Point Roberts, WA 98281-9602
(360) 945-1516
arthur@pointroberts.net

Representative: James K. Sells
Attorney at Law
Ryan Sells Uptegraft, Inc., P.S.
9657 Levin Rd. NW, Suite 240
Silverdale, WA 98383
(360) 307-8860
jimsells@rsulaw.com

Commission: Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

Representative: Jonathan Thompson
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1225
jthomпсо@utc.wa.gov

13 Administrative Law Judge Marguerite E. Russell, from the Commission's
Administrative Law Division, will preside during this proceeding.

14 The Commission will give parties notice of any other procedural phase of the
proceeding in writing or on the record, as appropriate during this proceeding.

DATED at Olympia, Washington, and effective July 24, 2008.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER
Executive Director and Secretary

Inquiries may be addressed to:

Executive Director and Secretary
Washington State Utilities and
Transportation Commission
Richard Hemstad Building
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

NOTICE

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

If you need an interpreter, or have other special needs, please fill out this form and return it to Washington State Utilities and Transportation Commission, Attention: David W. Danner, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket : _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.: (____) _____