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1 BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION

2 COMMISSION

3 WASHINGTON UTILITIES AND )  
 4 TRANSPORTATION COMMISSION, )  
 5 Complainant, )  
 6 vs. ) DOCKET NO. TG-080913  
 7 POINTS RECYCLING AND REFUSE, ) Volume IV  
 8 LLC, ) Pages 36 - 59  
 Respondent. )

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 9 WHATCOM COUNTY, )  
 10 Complainant, )  
 11 vs. ) DOCKET NO. TG-081089  
 12 POINTS RECYCLING AND REFUSE, ) Volume IV  
 13 LLC, ) Pages 36 - 59  
 14 Respondent. )

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 15 RENEE COE, SHELLEY DAMEWOOD, )  
 16 and SHANNON TOMSEN, )  
 17 Complainants, )  
 18 vs. ) DOCKET NO. TG-082129  
 19 POINTS RECYCLING AND REFUSE, ) Volume IV  
 20 LLC, ) Pages 36 - 59  
 Respondent. )

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 21 A status conference in the above matter  
 22 was held on June 2, 2009, at 11:00 a.m., at 1300  
 23 South Evergreen Park Drive Southwest, Olympia,  
 24 Washington, before Administrative Law Judge MARGUERITE  
 25 E. FRIEDLANDER.

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1                   The parties were present as follows:

2                   WASHINGTON UTILITIES AND TRANSPORTATION  
3                   COMMISSION, by JENNIFER CAMERON-RULKOWSKI (via bridge  
4                   line), Assistant Attorney General, 1400 South Evergreen  
5                   Park Drive Southwest, Post Office Box 40128, Olympia,  
6                   Washington 98504; telephone, (360) 664-1186.

7                   WHATCOM COUNTY, by DAN GIBSON (via bridge  
8                   line), Assistant Chief Civil Deputy, 311 Grand Avenue,  
9                   Suite 201, Bellingham, Washington 98225; telephone,  
10                   (360) 676-6784.

11                   RENEE COE, SHELLEY DAMEWOOD, and SHANNON  
12                   TOMSEN, by SHANNON TOMSEN (via bridge line), pro se,  
13                   2125 Whalen Drive, Point Roberts, Washington 98281;  
14                   telephone, (360) 945-0206.

15                   Also Present:     Gene Eckhardt, Penny Ingram

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1 P R O C E E D I N G S

2 JUDGE FRIEDLANDER: Let's go on the record.

3 I'm Marguerite Friedlander, the administrative law  
4 judge for this proceeding. We are here before the  
5 Washington Utilities and Transportation Commission on  
6 Tuesday morning, June 2nd, 2009, for what was a motion  
7 conference but will now be a status conference in  
8 Docket TG-080913, tariff revisions proposed by Points  
9 Recycling and Refuse, LLC, which would remove curbside  
10 recycling collection from its tariff; Docket TG-081089,  
11 a complaint filed by Whatcom County against Points, and  
12 Docket TG-082129, a complaint filed by Renee Coe,  
13 Shelley Damewood, and Shannon Tomsen against Points  
14 Recycling.

15 The purpose of the status conference is to  
16 address the letter that the Commission received from  
17 Points on May 28th, 2009. In that letter, Points  
18 asserted its desire to surrender its solid waste  
19 certificate and stated that its participation in these  
20 matters was over, and I would like to hear what the  
21 parties' thoughts are on how we go forward from here,  
22 but first let's go ahead and take appearances.  
23 Appearing on behalf of staff today?

24 MS. CAMERON-RULKOWSKI: Jennifer  
25 Cameron-Rulkowski, assistant attorney general.

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1 JUDGE FRIEDLANDER: Go ahead.

2 MR. ECKHARDT: This is Gene Eckhardt, member  
3 of the regulatory services staff at the Commission.

4 MS. INGRAM: Penny Ingram, regulatory staff  
5 for the Commission.

6 JUDGE FRIEDLANDER: Appearing on behalf of  
7 Whatcom County?

8 MR. GIBSON: Dan Gibson, assistant chief  
9 civil deputy for the Whatcom County prosecutors office.

10 JUDGE FRIEDLANDER: Appearing on behalf of  
11 complainants?

12 MS. COE: Renee Coe.

13 MS. TOMSEN: And Shannon Tomsen.

14 JUDGE FRIEDLANDER: Just to be sure, is there  
15 anyone on the bridge line appearing on behalf of  
16 Points? Hearing nothing, let's go ahead and discuss  
17 what the parties would suggest is in the public  
18 interest for the Commission to proceed in doing given  
19 Mr. Wilkowski's and Points Recycling's letter of May  
20 28th.

21 We does still have the tariff filing by  
22 Points, but that would appear to be moot. We still  
23 have the two complaints in this docket that have not  
24 been resolved, but also appear to be moot given Points  
25 ceasing operations as of June 30th, and we have Point

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1 Roberts residents who still need garbage collection.  
2 So I'm interested to hear everyone's thoughts on these  
3 developments, and I'll go ahead and start with Staff  
4 first.

5 MS. CAMERON-RULKOWSKI: I will tell you that  
6 I did receive a voice mail from Arthur Wilkowski of  
7 Points this morning, and he indicated in that voice  
8 mail that he will be sending a signed copy of his  
9 filing concerning relinquishing his authority today,  
10 and he also indicated that he did not plan to  
11 participate in the status conference. He also said  
12 that the Commission staff or the County could call him  
13 if they wanted to discuss anything, so I share that  
14 with you and the parties.

15 At this point, things are developing, and  
16 Commission staff does not have a particular position as  
17 to what should happen in this docket. I do agree that  
18 the tariff filing is moot. I won't address at this  
19 time what should happen with the two complaints, and  
20 Commission staff is awaiting developments to see what  
21 might come out of this particular filing.

22 JUDGE FRIEDLANDER: Thank you. Let's go  
23 ahead and hear from Whatcom County next.

24 MR. GIBSON: We have received a copy of the  
25 communication from Mr. Wilkowski indicating that he

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1 intends to surrender his certificate. It seems to me  
2 that until that is finalized, and I leave it with Staff  
3 to determine when that has been effectuated, until that  
4 time, it would seem premature to finalize any other  
5 decisions. I guess what I would suggest is that we  
6 continue the matter for roughly a month until after the  
7 30th of June to finalize a dismissal of this matter.

8           The County in the meantime is going to be  
9 making a number of choices as to how it will proceed,  
10 whether that be by way of encouraging other eligible  
11 parties to participate in garbage collection through  
12 the certificate that they may hold with the UTC already  
13 or whether or not there is a reasonable likelihood of  
14 anyone else obtaining a certificate from the UTC.

15           If there are no certificated haulers  
16 available by choice or by absence of a certificate,  
17 then we will make a determination as to how to manage  
18 the solid waste at Point Roberts. There is a transfer  
19 station there which belongs to the County and thus  
20 would be available for the receipt of garbage.

21           JUDGE FRIEDLANDER: So then the County's  
22 suggestion would be for the continuance of this  
23 proceeding for approximately a month to determine then  
24 if there are other eligible carriers willing to take  
25 on --

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1           MR. GIBSON: No. That discussion is going to  
2 need to occur on a practical basis prior to that time,  
3 but what we are suggesting is that until  
4 Mr. Wilkowski's surrender of his certificate is  
5 finalized, we continue this matter as it pertains to  
6 the two dockets that it involves. I fully expect that  
7 indeed he will surrender the certificate. At this  
8 point, I suspect that has not yet been finalized.

9           JUDGE FRIEDLANDER: Thank you for the  
10 clarification. That was helpful, and I haven't  
11 received or seen anything come my way. With regard to  
12 what Ms. Cameron-Rulkowski was saying, Mr. Wilkowski  
13 filing a signed application to surrender his  
14 certificate, so it's my understanding also that that  
15 has also not been completed and revoked as of this  
16 time.

17           MR. GIBSON: That's my understanding as well,  
18 and that's my suggestion, that before we make any final  
19 determination here on how this matter will be disposed  
20 of that we continue it until we have received that  
21 documentation from Mr. Wilkowski.

22           JUDGE FRIEDLANDER: Thank you so much. What  
23 do the Complainants have to say as far as where we go  
24 from here?

25           MS. TOMSEN: We would agree with the County

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1 that it is premature to dismiss until the certificate  
2 is fully surrendered. The only question we had was  
3 regarding the transfer station. In the letter  
4 Mr. Wilkowski sent last week, he stated that he would  
5 be closing his G-certificate business on June 30th and  
6 then opening the transfer station for self-haul on  
7 July 1st, and the lease that the County and  
8 Mr. Wilkowski have, it sort of sounds like the County  
9 could allow him to do that but it's not a sure thing,  
10 and I'm not sure most people in Point Roberts want to  
11 do self-haul garbage.

12 JUDGE FRIEDLANDER: Maybe the attorneys can  
13 correct me if I'm wrong, but I believe the Commission's  
14 jurisdiction is only over the collection of the  
15 garbage, not the transfer station itself.

16 MR. GIBSON: That is correct. That's the  
17 County's understanding.

18 JUDGE FRIEDLANDER: So that would be purely  
19 between the County and Points Recycling and Refuse.

20 MS. TOMSEN: Right.

21 JUDGE FRIEDLANDER: I guess my question would  
22 be then assuming the certificate gets revoked by the  
23 Commission, and that, of course, is assuming that  
24 Mr. Wilkowski files the signed request, will the  
25 parties then notify the Commission if there happens to



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1 be, God forbid, an emergency proceeding that needs to  
2 be undertaken in the event that no substitute can be  
3 found.

4           How will the parties then handle that  
5 situation prior to June 30th? Because I realize that  
6 the transfer station is still open, but I also  
7 understand from the previous filings that there are  
8 some homebound residents who cannot necessarily take  
9 their garbage to the transfer station for self-haul.

10           MR. ECKHARDT: Could I ask a question for  
11 clarification?

12           JUDGE FRIEDLANDER: Sure.

13           MR. ECKHARDT: Your question goes towards  
14 possible service at Point Roberts by a different  
15 carrier and/or a new applicant, and I, at least, didn't  
16 understand that that was an issue within the scope of  
17 the consolidated dockets in that any company that would  
18 choose to apply for authority would need to file an  
19 application under our rules, either for an expedited  
20 temporary authority, temporary authority, or permanent  
21 authority, and is it the interpretation that any  
22 application that would come in to the Commission to  
23 provide service in the Point Roberts area would then  
24 also be consolidated within this docket?

25           JUDGE FRIEDLANDER: I don't know. I don't

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1 know how the Commission would typically handle  
2 something like that. I guess my main concern was given  
3 the complaints that have already been filed regarding  
4 the recycling aspect of things and the fact that Points  
5 was under our jurisdiction because of these complaints  
6 and is now surrendering its garbage certificate, my  
7 main concern was making sure that before this docket  
8 does get resolved that there are certain precautions in  
9 place to, I guess, keep the residents from being left  
10 out of the loop, left out in the cold as far as --  
11 first of all, he's already refused to collect the  
12 recycling. Now he's going to refuse to collect the  
13 garbage.

14 MR. GIBSON: He may be refusing, but what  
15 he's doing is surrendering his certificate, so at this  
16 point it seems to me once he surrenders his  
17 certificate, the jurisdiction of the Utilities and  
18 Transportation Commission as it pertains to  
19 Mr. Wilkowski is finished, and while there is certainly  
20 an understandable human concern, what's going to  
21 happen, it doesn't strike me that lies within the  
22 jurisdiction of the Commission; that that's something  
23 that's going to have to be worked out on the ground.

24 If indeed there are other parties who wish to  
25 apply for a certificate, whether it be expedited,

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1 temporary, or permanent, we will have to cross that  
2 bridge when we come to it, but the fact that there may  
3 be people who will have difficulty transporting their  
4 garbage, while it certainly is a source of concern, in  
5 my view, it does not lie within the jurisdiction of the  
6 Commission once Mr. Wilkowski has surrendered that  
7 certificate.

8 MR. ECKHARDT: Not to put too fine a point on  
9 it, but I think it would be should the Commission  
10 approve the surrender and cancel the certificate, which  
11 the Commission must do by order, as I understand it,  
12 and perhaps procedurally since the interpretation is  
13 that this petition to cancel or relinquish the  
14 authority was filed within the context of this docket,  
15 how procedurally would the Commission move forward?

16 It seems the choice would either be to accept  
17 the relinquishment and cancel the Company's  
18 certificate, or I think the other choice would be to  
19 reject the petition, but procedurally, how would that  
20 play out within the context of the docket in terms of  
21 issuing orders and petitions for reconsideration. What  
22 is the process that would move that action forward so  
23 that the Commission could resolve the pending  
24 complaints?

25 MR. GIBSON: A question from the County.

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1 Mr. Eckhardt, are you suggesting that the Commission  
2 could indeed refuse to accept Mr. Wilkowski's  
3 relinquishment and order him to collect garbage?

4 MR. ECKHARDT: Well, I'm not an attorney, but  
5 it seems to me that that would be an option. Really  
6 what I'm asking is for clarification of the process  
7 going forward as to how the judge would deal with this  
8 petition within the context of the litigated cases and  
9 what the process would be moving forward.

10 JUDGE FRIEDLANDER: Right.

11 MS. CAMERON-RULKOWSKI: Your Honor, the  
12 discontinuance of operations is covered in Commission  
13 rule at WAC 480-70-176, and under this rule, a company  
14 must get the Commission's approval to discontinue  
15 operations, and to address compliance with this rule,  
16 that can be done within this docket, which is where  
17 Mr. Wilkowski made his filing, or it's possible that  
18 the filing could be addressed in a separate docket.  
19 That, however, would require the Commission to make  
20 that administrative decision, and under the  
21 Commission's procedural rule WAC 480-07-141, the  
22 Commission does have some latitude in assigning filings  
23 to dockets, and there will need to be a decision made  
24 on this filing and the relinquishment of a certificate  
25 before these consolidated matters can come to a close.

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1                   JUDGE FRIEDLANDER:  And I agree completely,  
2  because that's really what Whatcom County and the  
3  Complainants have stated as their main concern as far  
4  as these complaints being rendered moot before there is  
5  a revocation of the certificate by the Commission, so I  
6  would agree with that, that the revocation by the  
7  Commission, first of all the WAC that you cited to,  
8  480-70-176, does provide that Points cannot discontinue  
9  service without prior approval from the Commission, so  
10 that would be our authority, and second of all, in the  
11 grand scheme of things, I do think the revocation  
12 should come first followed by the complaints.

13                   I guess what I understand Mr. Eckhardt's  
14 question to be is how is the Commission going to  
15 address the complaints in this docket after the  
16 revocation, and I would say that I would feel  
17 comfortable dismissing the complaints after the  
18 revocation has been -- assuming that the Commission  
19 does revoke the certificate, I would feel comfortable  
20 dismissing the complaints at that time since they are  
21 within this docket.

22                   MR. GIBSON:  The County would concur with  
23 that.

24                   JUDGE FRIEDLANDER:  Complainants, since one  
25 of the complaints is yours, what is your take on the

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1 time line?

2 MS. TOMSEN: The end of June? You mean  
3 accepting the revocation?

4 JUDGE FRIEDLANDER: I guess I should say, do  
5 you have any concerns about the Commission going  
6 forward and following the revocation, assuming that it  
7 goes through, simply dismissing the complaints? Do you  
8 have any concerns with that?

9 MS. TOMSEN: I guess the only concern is that  
10 then the UTC is -- I guess this is a question. This is  
11 a UTC area, and Arthur currently holds the certificate  
12 for this area. If he relinquish his certificate, that  
13 doesn't abolish the fact that this is still a UTC area,  
14 but because he would be operating out of the transfer  
15 station, basically, the UTC wouldn't have any control  
16 over anything on Point Roberts then, so we would have  
17 people who couldn't get to the transfer station to take  
18 their garbage in. They would be out in the cold.

19 We would also have a lot of companies, like  
20 the parks department and everyone else who has  
21 dumpsters, who are also being left out in the cold  
22 because he can't use his trucks to pick up that garbage  
23 either. I guess the concern is that if all we have to  
24 work with is the County, we are a little concerned  
25 about oversight issues. Otherwise, it only makes sense

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1 to have the revocation and then proceed with dismissing  
2 the complaints.

3 MS. CAMERON-RULKOWSKI: Your Honor, I  
4 hesitate to say it is premature at this time, but it is  
5 very, very early on in this process. We have just  
6 received this filing, and there may well be  
7 developments that do occur, and Commission staff does  
8 understand the Commission's concern that people in  
9 Point Roberts will be without curbside service,  
10 presumably, after June, but I will stress that it is  
11 moving on at the moment.

12 MR. ECKHARDT: To clarify some of the  
13 comments, if the Commission were to cancel the  
14 authority, then there will be no company with authority  
15 to collect solid waste in the Point Roberts area, and  
16 one of the customers commented that it's still a UTC  
17 area. Well, that's not true. The UTC authorizes  
18 companies to collect solid waste within geographical  
19 areas, and right now, Points Recycling is the company  
20 that holds the certificate to provide service within  
21 that area, and should the Commission cancel that  
22 authority, there is no company with authority to serve  
23 that area, and there is no UTC oversight with respect  
24 to transfer station operations.

25 As Mr. Gibson said, the County would likely

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1 encourage other companies to obtain a certificate to  
2 provide service in that area, and Staff is concerned  
3 that citizens in that area would no longer have access  
4 to weekly or regular solid waste collection.

5           The process for any company to obtain an  
6 authority to serve that area requires the company to  
7 file an application to obtain a certificate, and part  
8 of that application is to describe the available  
9 service in the area, so any new applicant that would  
10 desire to provide service in the area, those  
11 applications are really dependent upon the Commission  
12 taking action to cancel that authority. So until the  
13 authority is canceled, there is a lot of, I think,  
14 waiting or dependent upon that action and when that  
15 action would become effective, and really, that was the  
16 basis of my question in regards to the process going  
17 forward is that should the judge issue an order that  
18 would cancel that authority, what is the process where  
19 that order would become final so that other interested  
20 applicants could move forward and file applications on  
21 a stand-alone basis?

22           MS. COE: I just had a question regarding the  
23 Freedom 2000 application and PRR's protest of that  
24 application. What happens when he surrenders his  
25 G-certificate. Is his protest contingent on that?



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1           JUDGE FRIEDLANDER: I'm hesitant to discuss  
2 the Freedom 2000 case only because we are not noticed  
3 for it. I understand your concern as far as Freedom's  
4 application for authority to operate in the Point  
5 Roberts area, and the protest that was received, I  
6 believe we also received a protest from WRRRA --

7           MS. COE: They are an intervenor.

8           JUDGE FRIEDLANDER: -- in full support of  
9 Points' protest. So I will only say that there are  
10 actually two potential protests out there, and I don't  
11 want to comment right now on how Mr. Wilkowski's letter  
12 to the Commission of May 28th would affect that docket.

13          MS. COE: Can I ask a question of Gene of  
14 what he just said about the application to serve an  
15 area and it's dependent upon the Commission having an  
16 open area to let them serve, basically? Does that mean  
17 that they can't really make an application as long as  
18 the revocation hasn't been accepted?

19          So the County is trying to find somebody to  
20 do the hauling, and is what you are saying -- how do I  
21 say this. Is what you are saying sort of similar to  
22 that, that you can't put somebody in the wings that has  
23 filed an application until the revocation has been  
24 accepted and completed?

25          MR. ECKHARDT: I don't think there is any

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1 restriction that would prevent anyone from filing an  
2 application at any time.

3 MS. COE: Okay. Another question I have is  
4 if there is a current G-certificate holder within  
5 Whatcom County or Washington State that wants to apply  
6 for this service area, they can do that in either a  
7 temporary -- I don't know the nomenclature for this, if  
8 it's temporary emergency and/or permanent service; is  
9 that right?

10 JUDGE FRIEDLANDER: There is a process  
11 whereby the Commission can issue a temporary  
12 certificate; that's correct.

13 MS. COE: Thank you.

14 MR. ECKHARDT: As I said, anybody can file an  
15 application to provide service at any time, and I'm not  
16 aware of any prohibition that would prevent anyone from  
17 filing an application. As a part of that application,  
18 the applicant needs to state the basis for filing the  
19 application and that there is a need for service, and  
20 that might be difficult to sustain if the company at  
21 Points Refuse and Recycling still has an authority and  
22 is still providing service.

23 So those were the basis of my questions  
24 regarding the process for cancelling the company's  
25 authority, should the judge choose to do so. What is

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1 the process for that? What are the -- I don't know if  
2 there is an appeal under the Administrative Procedure  
3 Act or comments and reconsideration under UTC process?

4 JUDGE FRIEDLANDER: What is the time frame --

5 MR. ECKHARDT: What is the time line for a  
6 decision on that and how does that relate to the  
7 prospect of no one receiving service effective July 1?

8 JUDGE FRIEDLANDER: Well, first of all, I  
9 would agree with the parties who have said, and  
10 especially Ms. Cameron-Rulkowski who has pointed out  
11 that this is very early in the process. We just got  
12 the letter May 28th, so there are many more  
13 developments that can take place before June 30th.

14 My second comment would go towards  
15 Mr. Eckhardt's question regarding a time line for  
16 issuing an order revoking Points' certificate. If the  
17 judge issues the order, it's an initial order, and it's  
18 my understanding that it is subject to appeal. It's  
19 hard to imagine if someone voluntarily surrenders a  
20 certificate how they would come back and appeal that,  
21 but it's a feature of initial orders that for 20 days,  
22 I believe it is, and the attorneys can correct me if  
23 I'm wrong, I believe it's 20 days that parties have to  
24 appeal that.

25 However, I believe if the Commission issues a

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1 final order, there is always appeals processes  
2 available, but that one is the final order from the  
3 Commission. That is a final determination of the  
4 Commission, and certainly, the attorneys are welcome to  
5 correct me if I'm wrong, but that is my understanding  
6 of what the proposed time line would be.

7           As Ms. Cameron-Rulkowski pointed out, the  
8 Commission has a lot of latitude as far as the  
9 administrative processes regarding filings that come in  
10 and how to address them. Whether the Commission  
11 decides to do an initial order or a final order really  
12 would come at a later point, and I would also like to  
13 point out that I certainly understand the Complainants'  
14 concerns with regards to the pickup of solid waste  
15 being halted by Points Recycling, but as Mr. Eckhardt  
16 pointed out, we do not regulate the transfer stations,  
17 and following the revocation, assuming that the  
18 Commission does revoke his certificate, at this point  
19 in time, there is no other certificate holder in that  
20 area, and that is something I would imagine that Staff  
21 and Whatcom County are going to be talking about quite  
22 frequently in the next couple of weeks. So I guess  
23 with that, is there anything else that the parties  
24 would like to add?

25           MR. ECKHARDT: Just a point of clarification.

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1 Is there a process where the parties can waive the  
2 initial order in some respect and go directly to a  
3 final order? I seem to recall that happening in some  
4 water cases, but I just don't know.

5 JUDGE FRIEDLANDER: There is, and I have to  
6 be frank that I have a vague recollection of that, not  
7 having ever written an order where the parties have  
8 waived their appeal rights.

9 MS. CAMERON-RULKOWSKI: May I jump in, Your  
10 Honor?

11 JUDGE FRIEDLANDER: Please.

12 MS. CAMERON-RULKOWSKI: The parties can agree  
13 not to challenge the order so that it may become final  
14 immediately. At this point, I could not guarantee  
15 cooperation of all parties, so I don't know that that  
16 would work.

17 JUDGE FRIEDLANDER: And Mr. Wilkowski and  
18 Points would have to sign on to that, I assume.

19 MS. CAMERON-RULKOWSKI: That's correct, Your  
20 Honor. I would simply make one more statement. From  
21 Commission staff's perspective, it would be most  
22 helpful if the Commission could go ahead and finalize  
23 the cancellation as soon as possible so that other  
24 processes may move forward.

25 JUDGE FRIEDLANDER: Understood.

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1 MS. TOMSEN: I can speak for the  
2 Complainants, and we would totally agree with that and  
3 do whatever we could do to get the final decision made.

4 JUDGE FRIEDLANDER: I completely understand,  
5 and I agree that to the extent I am the person writing  
6 the order, it will be done posthaste, recognizing that  
7 there are other procedures that have to go on in a  
8 continuation of resolution of this matter.

9 I guess I would say in summary that from my  
10 perspective, the Commission appears to be in a  
11 wait-and-see game right now. We will wait to see what  
12 happens as far as -- I understand from  
13 Ms. Cameron-Rulkowski that the revocation should be  
14 coming shortly, and once that is received, we will act  
15 upon it as quickly as possible.

16 MR. GIBSON: Your Honor, in terms of  
17 procedure from here on out, would it be wise to  
18 schedule another follow-up to this in about a month, or  
19 can we agree that if, indeed, the Commission does enter  
20 the order accepting the relinquishment that it will  
21 proceed directly to dismiss the complaints upon  
22 agreement of the parties?

23 JUDGE FRIEDLANDER: I would say that the  
24 latter would be the most efficient given the time  
25 constraints we are under. Unless one of the parties

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1 feels the overwhelming need to hold a prehearing  
2 conference a month from now to revisit the issue, I  
3 think the best course of action would be to move  
4 forward and dismiss the complaints and move onto what  
5 the next step will be.

6 MR. GIBSON: I guess what I would suggest is  
7 that we calendar in a time for early July with the  
8 understanding that upon the entry of an order by the  
9 Commission accepting the relinquishment and the  
10 dismissal of the complaints that that tentative time be  
11 canceled, but I can go either way on that. It's not a  
12 big deal. Since we are all on the phone, if anything  
13 does change that would necessitate a further  
14 conference, we would have a time set up.

15 JUDGE FRIEDLANDER: I guess I would be  
16 hesitant to schedule anything for a month out because  
17 so much can happen in that time, and at this point, I  
18 would really like to move this process forward. I  
19 would caveat that with the fact that Whatcom County,  
20 should something arise that presents a problem and you  
21 need to get in touch with the Commission, you can  
22 always feel free to file with the Commission letting us  
23 know that and we can schedule something posthaste.

24 MR. GIBSON: That's fine. Like I say, it's  
25 simply a matter of convenience, and I have no strong

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1 feelings about scheduling a matter, so if the  
2 Commission is not inclined to do that, that's fine.

3 JUDGE FRIEDLANDER: Okay. Do the parties  
4 have anything else to add?

5 MS. TOMSEN: No, Your Honor.

6 JUDGE FRIEDLANDER: Ms. Cameron-Rulkowski,  
7 just to confirm, you mentioned that Points had  
8 contacted you today stating they will be filing a  
9 formal request for revocation; is that correct?  
10 Ms. Cameron-Rulkowski? Well, I will send out an e-mail  
11 to all the parties just clarifying that. If there is  
12 nothing else, then we are adjourned.

13 (Status conference adjourned at 11:39 a.m.)

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