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The parties were present as follows:
WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION, by JENNIFER CAMERON-RULKOWSKI (via bridge
line), Assistant Attorney General, 1400 South Evergreen
Park Drive Southwest, Post Office Box 40128, Olympia,
Washington 98504; telephone (360) 664-1186.

WHATCOM COUNTY, by DAN GIBSON (via bridge
line), Deputy Prosecuting Attorney, 311 Grand Avenue,
Suite 201, Bellingham, Washington 98225; telephone (360)
676-6784.

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

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P R O C E E D I N G S

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JUDGE FRIEDLANDER: Okay, Good morning

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everyone, I'm Marguerite Friedlander, the Administrative

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Law Judge presiding over this proceeding. Here with me

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are Chairman Goltz, Commissioner Oshie, and Commissioner

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Jones is participating by conference bridge. We're here

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today before the Washington Utilities and Transportation

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Commission on Friday morning, June 12th, 2009 for a

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status conference in Docket TG-080913, tariff provisions

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proposed by Points Recycling and Refuse, LLC, which has

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removed curb side recycling collections from its tariff;

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Docket TG-081089, a second complaint filed by Whatcom

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County against Points; and Docket TG-082129, a complaint

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filed by Renee Coe, Shelley Damewood, and Shannon Tomsen

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against Points.

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The purpose of this status conference is to

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receive an update from the parties as to whether any

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certificated carriers have expressed an interest in

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serving the Point Roberts area and what actions the

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County has taken to address the possible backup service

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to Point Roberts.

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But let's go ahead and begin by taking

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appearances. I did not hear anyone on the conference

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bridge identify themselves as the representative from

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1 Points, is if there is anyone from Points, I'd like to
2 have them identify themselves.

3 Okay. And appearing on behalf of Whatcom
4 County?

5 MR. GIBSON: Dan Gibson with the Whatcom
6 County's Prosecutor's Office.

7 JUDGE FRIEDLANDER: Thank you, and here on
8 behalf of staff?

9 MS. CAMERON-RULKOWSKI: Jennifer Cameron-
10 Rulkowski, Assistant Attorney General.

11 JUDGE FRIEDLANDER: Okay, thank you, and
12 appearing on behalf of Complainant?

13 MS. COE: Renee Coe, Point Roberts.

14 MS. TOMSEN: Shannon Tomsen, Point Roberts.

15 MS. DAMEWOOD: Shelley Damewood, Point
16 Roberts.

17 JUDGE FRIEDLANDER: Thank you, and is there
18 anyone else on the conference bridge who wishes to state
19 an appearance at this time? Okay.

20 I would just like to start out by asking a few
21 brief questions, and I think this status conference will
22 be fairly short. Of course we have received the request
23 for cancellation of Point's certificate from the
24 Company, and before the Commission makes an action on
25 it, the parties have waived their right to an initial

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1 order, so we will be issuing a final order.

2 Before that order is issued, the Commission
3 does have a few questions as to the status of this
4 case. For example, let me just go ahead and ask the
5 parties, if we have any indication that there is a
6 certificated carrier who is willing to step up and
7 provide curbside garbage service to Point Roberts?

8 MR. GIBSON: Dan Gibson on behalf of Whatcom
9 County. Whatcom County has been in contact with the
10 adjacent service areas, certificated haulers in the
11 adjacent service areas, who have indicated that they are
12 not prepared to step in on a long term basis, and are
13 not prepared to step in immediately on a short basis.
14 SSC, which operates in the western portion of mainland
15 Whatcom County, indicates a general disinterest, they
16 haven't ruled out entirely the possibility of looking at
17 the situation down the road a little ways, but are not
18 prepared because of the cross border concerns, are not
19 prepared to step in immediately.

20 JUDGE FRIEDLANDER: Okay, thank you, and does
21 Staff have any indication to the contrary, or any
22 additional update to add?

23 MS. CAMERON-RULKOWSKI: This is Jennifer
24 Cameron-Rulkowski, and no, that is consistent with the
25 information that Staff has. Staff had also contacted

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1 the adjacent hauler, to see if they had any interest in
2 stepping in on a temporary basis, and they did not
3 express an interest.

4 MS. TOMSEN: This is Shannon --

5 MS. CAMERON-RULKOWSKI: Also, we've been
6 contacted by an individual who may have interest in
7 serving there, but there's no application of dates.

8 JUDGE FRIEDLANDER: Okay, thank you. And did
9 Ms. Tomsen have something to add?

10 MS. TOMSEN: Yes, I actually spoke to the owner
11 of SSC also, and it seems that some of the cross border
12 issues that he was discussing with the County might not
13 be accurate. So I asked him to keep an open mind while
14 we do some investigations on some of the things that he
15 thought -- he was under the impression that once the
16 truck was full, it was a five to six hour wait across
17 the border, and I don't think that's accurate. So I
18 gave several phone numbers to John Hutchins, the solid
19 waste manager at Whatcom County, the numbers of people
20 that cross frequently, and commercial haulers who cross
21 frequently, and he said he would be in contact with them
22 to get a more accurate read on the border issues, as
23 that was one of Paul's main concerns.

24 JUDGE FRIEDLANDER: Right, right, okay, thank
25 you.

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1 Which does raise a question in my mind as to
2 whether or not -- this is a question I guess mostly for
3 Mr. Gibson, are the county executive and the county
4 counsel on board with the cancellation of Point's
5 certificate, realizing that if there is no certificate
6 forward that this becomes a situation that the County's
7 going to have to deal with?

8 MR. GIBSON: Yes.

9 JUDGE FRIEDLANDER: So the County Executive and
10 the County Counsel are on board with the cancellation?

11 MR. GIBSON: Yes.

12 COMMISSIONER GOLTZ: This is Commissioner
13 Goltz, just a question for Mr. Gibson. So I gather by
14 that that the County has no objection to the Commission
15 issuing an order granting the request for cancellation?

16 MR. GIBSON: That is correct.

17 JUDGE FRIEDLANDER: Okay, thank you. The other
18 question that I had is a side issue that came up over
19 the last few days in doing a little more research here
20 at the Commission, and it's a question for Staff. I
21 noticed that the Commission in late April approved a --
22 it's in docket TG-090380.

23 The Commission granted a temporary tariff
24 revision filed by Points involving a very minimal
25 increase in rates, but it was subject to refund. How is

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1 Staff planning to handle procedurally that docket
2 especially if the Commission grants Points request and
3 does cancel its certificate?

4 MS. CAMERON-RULKOWSKI: This is Jennifer
5 Cameron-Rulkowski, and that filing was for a disposal
6 fee after rate increase, and it will become irrelevant
7 once Points has relinquished its certificate. And at
8 that point Staff would bring it to the open meeting, and
9 we will recommend that the complaint be dismissed.

10 JUDGE FRIEDLANDER: Okay, that answers my
11 question, thank you.

12 Do any of the Commissioners have any additional
13 questions for the parties?

14 COMMISSIONER OSHIE: No questions.

15 COMMISSIONER GOLTZ: This is Commissioner Goltz
16 again, we heard from the County, I was wondering about
17 the Complainants, if they had anything else to say about
18 the request cancellation?

19 JUDGE FRIEDLANDER: Sure.

20 MS. COE: This is Renee Coe talking. I did
21 talk yesterday to Mr. Lydecker, who owns Valley Disposal
22 and San Juan Sani, and just to give them some additional
23 information about our community and about cross border
24 crossings, just to make sure they have all the
25 information they need to make better decisions with

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1 regard to Point Roberts. And so we'll see, he said at
2 the time he said he would talk again, this is
3 Mr. Lydecker, he said he would have another conversation
4 with Paul Revoire, or Resoire, I'm not sure how he
5 pronounces his last name at SSC.

6 JUDGE FRIEDLANDER: And I guess that kind of
7 folds into my question as well because certainly this is
8 a certificate that Points holds, and they can file a
9 request for cancellation, but I would like to get the
10 sentiments of the other parties now that I've asked
11 Whatcom County their opinion on the issue of
12 revocation. How do the complainants feel about that,
13 are you in favor of the Commission revoking the
14 certificate, opposed?

15 MS. TOMSEN: Well, this is Shannon Tomsen, I
16 guess that the only reservation that we have is that the
17 UTC -- once the certificate is revoked, the UTC is out
18 of the picture, and we're left with the County, and I
19 don't think it's, you know, an exaggeration to say we
20 don't feel that the County has adequately represented
21 Point Roberts.

22 And we can only hope that after the meeting
23 we went to on Tuesday night, where no one asked us any
24 questions, of the County we're a little concerned again
25 that we're not going to be heard, but we hope that maybe

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1 things will change, that's all we can do because once
2 the certificate is revoked the UTC isn't involved unless
3 another UTC certificated carrier comes along.

4 So we're not sure that accurate information
5 is getting across to everybody, and we're not sure that
6 the needs of the Point are going to be adequately
7 represented, and we just hope that the County will keep
8 a more open ear at this time.

9 JUDGE FRIEDLANDER: Mr. Gibson, did you want to
10 go ahead and address that?

11 MR. GIBSON: The situation is -- the prognosis
12 for curbside collision is obviously very uncertain, the
13 Point is a relatively small geographic area, I think
14 it's about two square miles, the transfer site is
15 located relatively centrally located. But there clearly
16 are some issues that need to be addressed. If indeed
17 there's a transition from curbside to self haul, to a
18 transfer station. And the County is not insensitive to
19 that, at the same time we have been long committed to
20 the model of having private enterprise and address the
21 issue through UTC certification. So we are dealing with
22 the issues, whether the outcome of that process is going
23 to satisfy everyone would be doubtful, but the County is
24 not insensitive to the issues, and will continue to do
25 what it needs to make certain that the health concerns

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1 of the community are adequately addressed.

2 MS. COE: Just to clarify, Mr. Gibson -- this
3 is Renee Coe, it's just under five square miles, not two
4 square miles, so we're a tiny bit larger.

5 MS. TOMSEN: And also, I think it's important
6 that the County -- as we said, when we went on Tuesday,
7 it wasn't an open session executive meeting, but nobody
8 asked us questions, nobody came up and talked to us.
9 The only person that talked to us was John Hutchins, but
10 none of the elected people, and Mr. Gibson didn't even
11 introduce himself. So I am concerned, there's been no
12 discussion about any community meeting, there's no
13 discussion about any communications to the community,
14 and whether or not somebody has full, accurate
15 information where we can say something is for sure, that
16 would be ideal, of course, but some type of
17 communication with the community, whether it be via
18 Emails or preferably a community meeting where all of
19 the elected officials attend since they're the people
20 making the decisions. I think that that would be
21 beneficial, but that's not getting -- that's not coming
22 across to the County well. And I think it's very
23 important too that the County recognize the fact that
24 Point Roberts has changed considerably in the last five
25 even ten years.

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1 As I was telling Paul the other day, you
2 know, we have people who have \$800,000 cabins, they come
3 up four times a year for a couple weeks. I mean, these
4 are people -- like myself, I don't want to self haul, I
5 want curbside garbage and recycling, and if carriers --
6 if the current WUTC certificate holders aren't
7 interested in doing that, I think we need to look
8 outside of that and look at anybody who may be
9 interested.

10 MR. GIBSON: County certainly would like to see
11 the UTC process applied, and if there are parties
12 interested in stepping forward and suppling curbside
13 pickup through the certification process, the County
14 will welcome that. Dan Gibson, by the way, for the
15 County.

16 JUDGE FRIEDLANDER: Certainly, and this is
17 Judge Friedlander, I would also reiterate that -- I
18 should say, I will remind the parties that we do have
19 the other docket which is, I believe, TG-081576 the
20 application for a certificate to operate out of Point
21 Roberts, that is scheduled, if my memory serves, for a
22 status conference in late June or early July, so that
23 will also be moving forward. It's not obviously to the
24 stage where it's going to be very helpful in the short
25 term, but it is something that's going to take place

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1 over the next few months.

2 Did any of the Commissioners have any other
3 questions?

4 COMMISSIONER GOLTZ: No, my question has been
5 answered, thank you.

6 COMMISSIONER OSHIE: No questions.

7 JUDGE FRIEDLANDER: Commissioner Jones, did you
8 have any questions to add?

9 COMMISSIONER JONES: No questions, no
10 questions, Judge, my phone was on mute, so I'm sorry.

11 JUDGE FRIEDLANDER: Oh, okay, that's fine,
12 thank you.

13 Do the parties have administrative or
14 procedural matters that they would like to address at
15 this time?

16 MS. CAMERON-RULKOWSKI: Nothing from Staff,
17 your Honor.

18 JUDGE FRIEDLANDER: Okay, thank you.

19 MR. GIBSON: Nothing from the County, your
20 Honor.

21 JUDGE FRIEDLANDER: Okay, well, hearing nothing
22 then, this status conference is adjourned, and I thank
23 you all for your participation, thank you.

24 (Status conference adjourned at 9:48 a.m.)

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