

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

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|--------------------------------------|---|------------------------------------|
| In the Matter of the Application of |) | DOCKET TG-081576 |
| |) | |
| FREEDOM 2000, LLC d/b/a CANDO |) | ORDER 04 |
| RECYCLING AND DISPOSAL, |) | |
| |) | |
| For a Certificate of Public |) | ORDER OF CONSOLIDATION AND |
| Convenience and Necessity to Operate |) | NOTICE OF HEARING |
| Motor Vehicles in Furnishing Solid |) | (Set for December 29, 2009, |
| Waste Collection Service |) | at 9:30 a.m.) |
| |) | |
| |) | |
| |) | |
| In the Matter of the Application of |) | DOCKET TG-091687 |
| |) | |
| POINTS RECYCLING AND |) | ORDER 01 |
| REFUSE. L.L.C. d/b/a POINT |) | |
| RECYCLING AND REFUSE |) | |
| |) | ORDER OF CONSOLIDATION AND |
| For a Certificate of Public |) | NOTICE OF HEARING |
| Convenience and Necessity to Operate |) | (Set for December 29, 2009, |
| Motor Vehicles in Furnishing Solid |) | at 9:30 a.m.) |
| Waste Collection Service |) | |
| |) | |
| |) | |

- 1 On August 26, 2008, in Docket TG-081576, Freedom 2000, LLC d/b/a Cando Recycling and Disposal (Freedom) filed with the Washington Utilities and Transportation Commission (Commission) an application to provide solid waste collection service within Point Roberts, Washington. Notice of the Application was published in the Commission's weekly Docket of September 24, 2009.¹

- 2 The Commission did not receive any protests to the application in Docket TG-081576.

¹ The Application was published in several Commission Dockets and was heard at various open meetings between the period of August 26, 2008, and September 24, 2009.

3 On October 26, 2009, within thirty days of the notice of the application in Docket TG-081576, Points Recycling and Refuse, L.L.C d/b/a Point Recycling and Refuse (Point Recycling) filed an application in Docket TG-091687 to provide solid waste collection service within Point Roberts. This application overlaps in part the authority requested by Freedom. Notice of the application was published in the Commission's weekly Docket of November 3, 2009.

4 The Commission did not receive any protests in Docket TG-091687.

5 The Commission will jointly consider these applications for certificates of public convenience and necessity for authority to provide solid waste collection service within the Point Roberts area.

6 The Commission consolidates these applications for joint consideration under WAC 480-70-011, which provides:

(1) The commission may consolidate applications for certificated authority for joint consideration if:

(a) The authority requested in the applications overlaps in whole or in part; and

(b) The subsequent application was filed within thirty days of the mailing date of the application docket notice of the original application.

Joint consideration will also address the requirements of *Ashbacker Radio v. FCC*.²

7 The Commission has jurisdiction over this matter under RCW Title 81, and has legal authority to regulate persons seeking to furnish solid waste collection services under RCW 81.77 and WAC 480-70. The issues in the proceedings are whether Freedom 2000, LLC and Points Recycling and Refuse, L.L.C., meet the requirements for solid waste certificates, including whether there is public need for the proposed services, whether any existing Commission-certificated solid waste collection companies serving the territories sought in the two applications of are not providing service to the satisfaction of the Commission and whether granting the applications is otherwise consistent with the public interest.

² 326 U.S. 327, 66 S.Ct. 148 (1945).

- 8 Inasmuch as the foregoing matters involve related principles of law and overlapping authority, it is appropriate that they be consolidated for hearing and determination pursuant to WAC 480-07-320 and WAC 480-70-111.

ORDER OF CONSOLIDATION

- 9 THE COMMISSION ORDERS That these matters are consolidated for purposes of hearing and determination. The Commission reserves the right to enter separate orders in the individual dockets as it deems appropriate.

NOTICE OF HEARING

- 10 The statutes involved include those within RCW 81.04, RCW 81.28 and RCW 81.77, including but not limited to RCW 81.77.040 and RCW 34.05. Rules involved include those within WAC 480-70 and WAC 480-07.
- 11 **THE COMMISSION GIVES NOTICE That a hearing in these two dockets will be held at 9:30 a.m., on Tuesday, December 29, 2009, in Room 206, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**
- 12 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the hearing set by this Notice, or any other stage of this proceeding, may be held in default in accordance with RCW 34.05.440 and WAC 480-07-450.**
- 13 The names and mailing addresses of all parties and their known representatives are as follows:

Applicant: Freedom 2000, LLC
d/b/a Cando Recycling and Disposal
David Gellatly, Owner/Manager
550 Calder Drive
P.O. Box 1314
Point Roberts, WA 98281-1314
(360) 945-1410
david@kordlyn.com

Applicant: Points Recycling and Refuse L.L.C.
d/b/a Point Recycling and Refuse
Arthur Wilkowski, Owner/Operator
P.M.B. 1542
145 Tyee Drive
Point Roberts, WA 98281
(360) 945-1516
arthur@pointroberts.net

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: Jennifer Cameron-Rulkowski
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1186
jcameron@utc.wa.gov

- 14 The Commissioners of the Washington Utilities and Transportation Commission and Administrative Law Judge Ann E. Rendahl, from the Utilities and Transportation Commission's Administrative Law Division, will preside during this proceeding.
- 15 Notice of any other procedural phase will be given in writing or on the record, as the Commission may deem appropriate during the course of this proceeding.

DATED at Olympia, Washington, and effective December 4, 2009.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER
Executive Director and Secretary

Inquiries may be address to:

Executive Director and Secretary
Washington 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

DOCKET TG-091687
ORDER 01 (Consolidated)

NOTICE

PLEASE NOTE: The hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and if limited English-speaking or 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.

The information needed to provide an appropriate interpreter or other assistance should be stated below and returned to Washington 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 No.: _____

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.: () _____