

January 12, 2011

Honorable Adam Torem
Administrative Law Judge
Washington Utilities and Transportation Commission
1300 S Evergreen Park Drive SW
Olympia, Washington

RE: Notice of Status Conference and Intent to Consider Reopening Docket
Under Docket# TG-072226

Dear Mr. Torem:

I am writing in response to the Notice you posted this morning. Please be advised, due in part to the costly three year process of responding to this matter, **Glacier Recycle LLC terminated operations on November 30, 2010 and sold all of its assets to Waste Management of Washington.** As a small business serving the recycling needs of Washington's Construction Industry, it was exceedingly frustrating to be forced to bear the cost of defending ourselves in a poorly defined policy debate that should clearly include the stakeholder process provided for in rulemaking. I thought this point was recognized in the April 14, 2010 hearing which included all three commissioners and eventually resulted in your Final Order on July 9, 2010.

Now, after driving the largest of three defendants out of business, you are considering placing the burden of this industry debate back in the lap of two small businesses, because as you point out, the UTC Staff FAILED to develop a rule before a moratorium took place nearly six months after your Final Order and nearly three years after commencing the rule making process. Moreover, this entire process was commenced in response to complaints from Intervenor companies which are mostly national landfill companies seeking to expand franchise monopoly rights granted to them in 1961 to provide residential sanitary services into realms of commercial recycling that were never conceived of in 1961.

In your Notice dated January 12, 2011, you state:

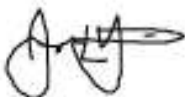
"The Final Order in this matter assumed that the solid waste rulemaking, initially undertaken in April 2008, would eventually be completed and result in adoption of new solid waste rules resolving the temporary exemption granted to Respondent Companies. With the closing of Docket TG-080591, the temporary exemption awarded in Order 08 cannot expire in due course as originally expected."

The fact that rulemaking has been suspended for one year does not prevent the commission from moving forward with such a rule in 2012, as it noted it likely will. Given that parties to Docket TG-07226 have done everything asked of them in a timely manner, while the UTC has failed to tackle the issue on a broader level, I would suggest that the Final Order stands until such time as the agency is able to complete a proper rulemaking process. As Governor Gregoire said in her November 17, 2010 announcement of this action:

"...in these unprecedented economic times, this action will provide businesses with stability and predictability they need to help with our state's recovery," Gregoire said in her statement. "The time and effort small business owners would put into meeting new requirements would be better spent in improving their bottom line, and adding new employees. This action will also allow local governments to focus their limited resources on the most critical issues in their communities."

This sounds like a reasonable approach to me. I do not plan to attend the status conference.

Best regards,



John L. Yeasting