

December 29, 2009

Mr. David Danner
Executive Director and Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
1300 S. Evergreen Park Dr. SW
Olympia, WA 98504-7250

RE: In the Matter of the Applications of Freedom 2000 and Points Recycling and Refuse, Consolidated Dockets TG-081576 and TG 091687

Dear Mr. Danner:

We are the three complainants in the Docket TG-081089. Shelley Damewood has lived in Point Roberts since 1976. Renee Coe since 1989. Shannon Tomsen since 2003. The initial purpose of our formal complaint is the same reason we are here today - it is about losing public services. When we lost curbside recycling in 2008 and watched how Whatcom County handled the situation, we predicted it would only be a matter of time before we lost curbside garbage pickup. Unfortunately, this May we were proven right.

The decision of whether or not the Commission grants Freedom 2000 a G-Certificate must be based on the law, staff's investigation, and fact based public comment. Outrageous, some defamatory, claims have been made in the comments posted to the WUTC's website. Yet, no one commenting in opposition to Freedom 2000's application has provided any documentation to support his or her claims. Like Mr. Wilkowski's claim that curbside recycling was economically unfeasible the Commission is supposed to accept these submissions and statements at face value. If you don't, or if you ask for proof, you will be accused of not understanding the situation, refusing to accept another point of view, and/or collusion.

As we have stated all along, we would accept anyone willing and able to provide professional, reliable curbside residential services. Mr. Wilkowski not only fails to meet these requirements, he has demonstrated that he is unfit to hold a G-Certificate.

For the majority of time he has owned his closely held private company, he has hounded and then berated Whatcom County and the WUTC for not changing laws that would help make his company more profitable. After those tactics failed, he went to the citizens of Point Roberts for support. Based on some of the comments received and posted on the WUTC website, support was given by people interested more in personality issues than anything else.

After years of trying to change the law to remove mandatory residential curbside recycling, when Mr. Wilkowski's truck broke down in 2008, he unilaterally stopped the service and made it clear it would never resume. The way in which he has handled himself these last three years, in his comments to and public notices in our local paper, in customer mailings, and submissions to the WUTC, show that he is anything but

professional. The fact that he stopped curbside recycling and garbage pickup proves he's unreliable.

Again, all of this is the result of a truck breaking down. Had he resumed curbside recycling, none of this would have happened. Instead, Mr. Wilkowski chose not to replace the truck and chose to violate the law. Whatcom County filed a formal complaint (TG-081089) with the WUTC to force Mr. Wilkowski to resume service. We filed our formal complaint against him six months after that (TG-082129, later consolidated with TG-081089).

In a July community meeting, Jay Scotti, an employee of Mr. Wilkowski, stated that Mr. Wilkowski was forced to surrender his certificate to protect his employees and family. According to Meg Olson, reporter for the local paper: "there have been public allegations that you [the Complainants] also requested drug testing results for his employees and his personal finances, and that judge ordered him to produce these." The Motion to Compel signed by Judge Friedlander on May 5, 2009, does not support these claims and that motion contains the only requests that he was obligated to respond to.

What is certain is that Mr. Wilkowski's industry provided attorney withdrew on May 7, 2009. On May 8, he was telling people in the community that he would be surrendering his license. On May 20, 2009, we made a Motion for Sanctions against Mr. Wilkowski for failure to comply with the Motion to Compel. On May 26, Judge Friedlander issued a Notice of Opportunity to File Comments on issues raised by our May 20 letter. Comments were due by May 29. Instead of having the courage of his convictions, on May 28, Mr. Wilkowski notified the WUTC that he was stopping service.

Prior to coming to Point Roberts in 1999, Mr. Wilkowski worked for Whatcom County Solid Waste and then Nooksack Valley Disposal and San Juan Sanitation Company. Clearly, he knew the laws and conditions in Point Roberts when he bought the G-Certificate from Ms. Matthews. He has not respected Whatcom County, the law, WUTC staff, or a Judge's orders. Mr. Wilkowski's actions show he is either unwilling or unable to take responsibility for his own decisions.

We have all taken different parts of the old adage to heart: When the facts are on your side, argue the facts. When the law is on your side, argue the law. And when you don't have either the law or the facts on your side, pound the table! We provided facts and laws to support our claims. Mr. Wilkowski had neither so he turned to personal attacks and pounding the table.

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