

LIST OF EXHIBITS, ANNOTATED

- Exhibit 1: Whatcom County Council Agenda Bill 2008-287 (Amending WCC 8.10.050 to remove Point Roberts from mandatory residential curbside recycling.)
- Exhibit 2: Emailed document to Councilperson Sam Crawford from Shannon Tomsen (Questions regarding the reasoning behind AG2008-287, Exhibit 1.)
- Exhibit 3: Councilperson Crawford's response to Ms. Tomsen's email (Exhibit 2).
- Exhibit 4: Ms. Tomsen's response to Councilperson Crawford (Exhibit 3).
- Exhibit 5: February 2007 Points Recycling and Refuse (PRR) advertisement in All Point Bulletin (APB, local monthly paper in Point Roberts). (Appeared to be a legal notice. Threats, establishment of rules contrary to county and state law.)
- Exhibit 6: March 2007 PRR advertisement in APB (Appeared to be a legal notice. Threats, establishment of rules contrary to county and state law.)
- Exhibit 7: April 2007 PRR advertisement in APB (Appeared to be a legal notice. Threats, establishment of rules contrary to county and state law.)
- Exhibit 8: May 2007 PRR advertisement in APB (Appeared to be a legal notice. Threats, establishment of rules contrary to county and state law.)
- Exhibit 9: January 2007 PRR mailing to customers (Requiring affidavit and new application for service. Establishing new exemption rules.)
- Exhibit 10: May 26, 2008 PRR mailing to customers (Tariff filings to cancel curbside recycling and redefine recycling in Point Roberts.)
- Exhibit 11: July 2008 PRR mailing to customers (Threat to customers about service being discontinued and no operating transfer station due to County's "hostile attitude".)
- Exhibit 12: July 13, 2008, PRR letter given to transfer station customers (County action could eliminate company and its operation at the facility; charging for self-haul recycling as of July 21, 2008.)
- Exhibit 13: November 13, 2008, PRR letter given to transfer station customers (New station hours, recap of recycling rules.)
- Exhibit 14: Whatcom County transfer station lease.

Exhibit 15: May 27, 2008, PRR letter to County Public Works Director. Quotes directly from hauler.

- i. "I will be very clear, that [resuming curbside recycling] is not going to happen."
- ii. "As I have been telling you for years, the program is not economically viable or necessary."
- iii. "I cannot subsidize the program."
- iv. "I am providing free self-haul recycling to every household, the needs of the community are being met and more households are recycling now than were before."
- v. "The recycling center is open six days per week."
- vi. "This is the direction that the system needs to go and I am going to implement it."
- vii. "One may want to blame staff but the fault rests completely with the County Council."
- viii. "You cannot design and maintain systems successfully when decision are made by part-time committees consisting of mostly ignorant (in solid waste and recycling) and politicians where the most strident voices eliminate practical discussions."
- ix. "And then we have politics; for the most part Councilperson Barbara Brenner who has consistently tried to use solid waste in per personal vendettas...". "Because of politics like where Barbara Brenner...".
- x. "Over the years, you should have listened to me...".
- xi. "I will put a 45 day clock on the process...".

Exhibit 16: August 2008 APB article regarding PRR.

- i. "I will be very clear. That will never happen." Wilkowski said in response to the County's pressure to resume curbside recycling.
- ii. "I'm sending out party invitations," Wilkowski said. It will be an open forum on garbage and recycling issues mediated by Whatcom County Executive Pete Kremen.
- iii. Wilkowski has put in a free self-haul program for all community members that he claims has doubled the amount of recyclable materials collected.
- iv. Wilkowski claimed cutbacks to service were necessary "as required by the County" because the county has taken legal action that could result in the elimination of the company. Free recycling will be canceled and recycling will be accepted at five cents a pound. "The situation is beyond our control."
- v. Pete Kremen, Whatcom County Executive, replied "it's not true" the county has not taken legal action, only reported it for violating county code. "We just want him [Wilkowski] to live up to his agreement."
- vi. Wilkowski also warned customers "sometime in September or October there could be no recycling company and in November there could be no transfer station."
- vii. Wilkowski also asserted that "because of the County's hostile attitude" his lease would not be renewed when it expires in October. Kremen responded "whatever the outcome of the hearing, there will be garbage pickup. It may be the existing or

a new company but one or more authorized franchises would be appointed by the WUTC.”

Exhibit 17: May 2008 APB article regarding PRR.

- i. The WUTC had a hearing scheduled March 4 to determine whether PRR should lose its certificate for failing to pay regulatory fees and file annual reports.
- ii. Hauler said he was withholding the fees and reports to induce the WUTC to help him solve his problems. “I’m still trying to get them to address enforcement issues and analysis of system design” “I’m trying to get their attention”.
- iii. Points said it “would comply with the commission (in filing the annual report) when the commission found the time to address the company’s problems.”
- iv. WUTC representative stated “It’s our job to analyze what customers pay for services they receive” “It’s not our job to determine what services they receive. That’s the county.”
- v. County stated “The 60 days have come and gone and we haven’t heard a word.” “Everybody’s dug in with their feet in the sand, waiting for what the other guy’s going to do” He’s violating county code” If people have complaint’s they should call the WUTC and file a formal complaint.”

Exhibit 18: WUTC penalty assessment for docket TG-061052 and letter from hauler to Mr. Eckhardt. (“When the commission finds time to address my problems then I will comply with the commission.” Misrepresentation of RCW 70.95.010(3) and (6).)

Exhibit 19: July 1, 2008, PRR letter to Whatcom County Public Works. (Recent unwarranted action by County to cancel G certificate; no longer able to provide charitable community services.)

Exhibit 20: July 14, 2008, PRR letter to Whatcom County Health Department. (Threat to remove all improvements and infrastructure at transfer station if County does not participate in manner required by PRR.)

Exhibit 21: WUTC tariff filing TG-061079 by PRR, and related letters, to remove five properties from its service area.

Exhibit 22: March 2007:

- i. “Now I have their attention” and “People don’t want to pay attention unless there is a crisis,” attempting to “permanently exclude [residents] from all services” the hauler is quoted.
- ii. Acknowledged he could not do a lot of what he said he could do in his late January mailing and newspaper ad. (This issue of the paper would have been prepared the last full week of February but he then continued running the ad in March, April, and May.)
- iii. WUTC: not allowed to deny service unless customer has failed to pay.
- iv. County: transfer station, open to public, cannot deny service; no right to send out own exemption form.

- v. Finances: gross revenue of \$375k, net loss of \$15k, loss absorbed by his \$60k annual salary; “I’ve taken a loss every year” and “The company is surviving on the depreciation of the infrastructure. This is a serious economic crisis and enough to break the system.” How does he know any of this since he did not complete his annual report until April 2008. Do his tax returns match his WUTC annual reports?

Exhibit 23: Whatcom County advertisement in August 2008 APB. (Clarifying and countering many claims made by PRR in its ads and mailings.)

Exhibit 24: PRR letter to Whatcom County Council. (Letter of opposition to possible other provider of curbside recycling; puts County in a position of “tell[ing] hundred[s] of happy self-haulers that they must now pay for their curbside recycling.”)

Exhibit 25: March 1999 APB article. (New hauler being introduced to community. Hauler claimed his intent was to expand recycling.)

Exhibit 26: WUTC order rejecting tariff change, docket TG-010202. (PRR filing to removed curbside recycling.)

Exhibit 27: June 2008 APB article regarding PRR.

- i. “Basically I’m putting the firecracker in the anthill”.
- ii. PRR continues to send regulators letters and filings to get them to support what he feels the community needs.
- iii. Wilkowski is arguing the program is too small and not economically viable. “I have repeatedly asked the county and commission staff to evaluate the cost feasibility and need of this program” “It’s not my job to prove the system doesn’t work” “It’s their job to design and evaluate a cost effective, reasonable plan for this area”

Exhibit 28: Comparison of 2003-2007 PRR annual reports submitted to WUTC.

Exhibit 29: March 2008 APB article regarding PRR.

- i. The breakdown of the recycling truck gave PRR the opportunity to introduce the drop-off system, something it has wanted to do for quite some time.
- ii. Hauler has no desire to return to the previous system.
- iii. Hauler was quoted saying curbside recycling “is not economically feasible given the current rates and customer base. I don’t think it’s what’s best for the customer.”
- iv. Repairs to the recycling truck would cost 60% of the service’s annual revenue and a used recycling truck would cost \$50,000 hauler stated.

Exhibit 30: Comparison of 2005-2007 recycling revenues and commodity sales for all haulers in Whatcom County as submitted in WUTC annual reports.

Exhibit 31: WUTC listing of dockets opened involving PRR.