

Please file the attached email (with attachments) in Docket No. 040248 (Application of Kleen Environmental Technologies, Inc.).

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-----Original Message-----

From: Steve Johnson

Sent: Wednesday, October 20, 2004 9:34 AM

To: 'Ann Rendahl'

Cc: XTG-040221 & TG-040248 - External Mail Group

Subject: Apparent Fraudulent Submission by Kleen Environmental

Dear Judge Rendahl,

Attached is a copy of a letter to the Commission I received yesterday from J. T. Petherick, Executive Director of the National Indian Health Board. Mr. Petherick wrote this letter in response to my inquiry to him concerning a letter offered by Kleen Environmental Technologies, Inc. at the hearing on October 12, 2004 in support of its application for biomedical waste collection authority. The letter offered by Kleen was marked as Exhibit 203 but was not admitted into the record at that time.

Exhibit 203 is a letter apparently on the letterhead of the National Indian Health Board, dated October 12, 2004, and signed by a Mr. Lancing Birdinground. The letter purports to have been issued by "region ten" of the National Indian Health Board and states, among other things, "For the past eleven years our facilities have developed a successful and collegial acquaintance with the owners and staff of Kleen Environmental Technologies, Inc." A copy of Exhibit 203 is also attached.

Mr. Petherick states that the Birdinground letter is "fraudulent" and that the NIHB "has no association with Mr. Lancing Birdinground."

I have also made inquiries to a number of the Washington Indian tribes listed in the attachment to Exhibit 203 and several have confirmed to me (a) that they have no knowledge of the Kleen application proceeding and (b) that they have not authorized Mr. Lancing Birdinground to represent their views to the WUTC with respect to the Kleen application.

Although counsel for Kleen has recently indicated that Kleen would like to withdraw Exhibit 203, Kleen's attempt to withdraw the exhibit came after the validity of Exhibit 203 was challenged by

an individual involved with Indian healthcare issues who contacted Kleen in an effort to follow up on my inquiries to Washington tribes and tribal clinics. In other words, Kleen's attempt to withdraw Exhibit 203 came after Kleen learned that the fraudulent character of the exhibit had been discovered.

I request that you schedule a telephone conference with counsel tomorrow morning, October 21, to explore how this matter should be addressed. I would like to examine all of the owners of Kleen Environmental Technologies, Inc. (Mr. Olson, Mr. Lee and Mr. Perrollaz) and Mr. Allen McCloskey concerning their knowledge of the Birdinground letter, if possible at the hearing scheduled for October 22, 2004. If that is not possible, then I would suggest that the October 22 hearing date be rescheduled to a time when these gentlemen would be available to testify concerning this matter.

The submission by Kleen of what appears to be a fraudulent letter in support of its application raises serious questions concerning Kleen's fitness to receive biomedical waste collection authority and is a matter that should be explored thoroughly.

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