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Shannon Connor  
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Kathy Walker

April 24, 2009

David W. Danner  
Executive Director and Secretary  
WUTC  
PO Box 47250  
1300 S. Evergreen Park Dr. SW  
Olympia, WA 98504-7250

RE: Comments Regarding Freedom 2000, LLC's Application; Docket No. TG-081576

Dear Mr. Danner:

Enclosed is an original and four (4) copies of Whatcom County's Comments in response to Judge Friedlander's April 17, 2009 Notice of Opportunity to File Comments in the above-referenced matter.

Sincerely,



TARA D. ADRIAN  
Paralegal, Civil Division

tda: Enclosure  
cc: All parties

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April 24, 2009

Honorable Marguerite E. Friedlander  
Administrative Law Judge  
Washington Utilities & Transportation Commission  
1300 S. Evergreen Park Dr. S.W.  
P.O. Box 47250  
Olympia, WA 98504-7250

RE: Comments regarding application of Freedom 2000, LLC for a Certificate of Public Convenience and Necessity; Docket TG-081576

Dear Judge Friedlander:

We have received a notice of opportunity to file comments on the procedural schedule in the above-referenced case involving Freedom 2000's application for a certificate to collect source-separated recyclable materials from single and multi-family residences within Point Roberts. Currently, Points Recycling and Refuse, LLC holds this certificate. Points Recycling has asked the Commission to remove curbside collection of recyclables from its tariff.

Previously the Commission postponed its consideration of Freedom 2000's application apparently in the belief that the matters involving Points Recycling should be addressed first. Whatcom County respectfully disagrees with that perspective, and believes that there is no reason to delay the consideration of Freedom 2000's application. Points Recycling, the current

 ORIGINAL

certificate holder, wants to have the recycling collection obligation lifted from its shoulders. Mr. Gellatly on behalf of Freedom 2000 has applied for the certificate that would enable him to do that which Points Recycling seeks to avoid. The County understands that the resident complainants in the other matter would rather have someone other than Points Recycling providing the curbside recycling collection. If Freedom 2000 does qualify for the certificate under applicable Commission criteria, then what would preclude the Commission from issuing the certificate for that service to Freedom 2000 contemporaneous with removal of that service from Points Recycling's tariff, per its request? Such a course of action would erase the need for the lengthy process in which the County is now involved with Points Recycling and several resident-complainants from Point Roberts over the matter of curbside recycling collection. If both Points Recycling and Freedom 2000 are serious about their respective positions before the WUTC and will maintain them until the commission's decisions are final, then the shortest distance from where we are presently to where they both wish to go is to grant priority to the consideration of Freedom 2000's application. The County thus recommends that the processing of Freedom 2000's application move forward unimpeded by continuances in the other WUTC matters pertaining to Pt. Roberts.

Sincerely,



Daniel L. Gibson  
Assistant Chief Civil Deputy Prosecuting Attorney,  
Whatcom County

dg:tda

cc: All parties of record