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November 2, 2004

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Honorable Ann E. Rendahl
Administrative Law Judge
Washington Utilities and Transportation Commission
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P.O. Box 47250
Olympia, WA 98504-7250

arendahl@wutc.wa.gov

**Re: *Kleen Environmental Technologies*
*Consolidated Docket Nos. TS-040221, TG-040248, TG-040553***

Dear Judge Rendahl:

Thank you for the opportunity to state my clients' position regarding the latest revelations concerning Allen McCloskey.

Obviously we are greatly concerned about this situation; first because a witness has committed perjury in a blatant attempt to mislead the Commission and, secondly, that by doing so he has placed Protestants in a very difficult and expensive position. Specifically, we must now go back through all of Applicant's testimony and exhibits and try and determine what has been tainted by his false testimony. Once that is done, Protestants will have to determine if it would even be possible to submit this matter for decision, or if motions to dismiss should be entertained by Your Honor.

Another factor is the effect this false testimony had on Protestants' cases. Protestants' cases, Stericycle in particular, were largely prepared in response to Mr. McCloskey's testimony and exhibits obtained and/or sponsored by him. When, and if, it is determined what portions of Applicant's case were based upon fraudulent materials, it may well be that further testimony will be needed.

Regarding further testimony, I think it is incumbent upon Applicant to make all its shareholders available for examination regarding this situation. Certainly the Commission would want to know how an applicant can get itself into a situation like this, and what bearing that may have on fitness.

In order to effectively address all these issues (and whatever else may pop up), I urge you to, at the very least, set the briefing schedule forward one month. This new issue

clearly will be addressed in briefs but, as indicated, the testimony and exhibits must first be re-examined with Mr. McCloskey's situation in mind.

Finally, I would ask everyone's indulgence in adding my home e-mail and telephone number to their lists. They are jamesksells@yahoo.com and (253) 857-4362. I would greatly appreciate e-mails for the next two weeks to be sent to both my home and office. I anticipate being out of the hospital by this Friday at the latest.

Very truly yours,

RYAN SELLS UPTEGRAFT, INC. P.S.

JAMES K. SELLS

JKS:cs

cc: Mr. Stephen B. Johnson - via e-mail
Mr. Greg Trautman - via e-mail
Mr. Greg W. Haffner - via e-mail
WRRRA