

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Determining the Proper  
Carrier Classification of:

GLACIER RECYCLE, LLC;  
HUNGRY BUZZARD RECOVER, LLC;  
AND T&T RECOVERY, INC.

DOCKET NO. TG-072226

DECLARATION OF JONATHAN  
THOMPSON IN OPPOSITION TO  
HUNGRY BUZZARD'S MOTION  
TO DISMISS

Jonathan Thompson declares:

1. I am the attorney of record for Commission Staff in this proceeding. I am over the age of 18, am competent to testify to the matters set forth below, and I have personal knowledge of those matters.
2. On February 27, 2008, Staff served its data requests nos. 1-18 on all Respondents. Through its attorneys, Hungry Buzzard provided, on March 25, 2008, a written objection to all of Staff's data requests as "overly broad, unduly burdensome and expensive in light of the needs of the case with respect to Hungry Buzzard, LLC, and limitations on its resources," referencing WAC 480-07-400(3) and the company's motion to dismiss filed the same day. It provided no further answer or documents in response to Staff's data requests.
3. On March 3, 2008, I received a letter from Ian M. Bauer, counsel for Hungry Buzzard, LLC, enclosing a letter to Mr. Bauer from Marc Christiansen on Hungry Buzzard letterhead, dated March 3, 2008. True and correct copies of Mr. Bauer's letter and Mr. Christiansen's letter are attached as Exhibit A to this declaration.
4. After receiving Hungry Buzzard's Motion to Dismiss and the attached declaration of Mr. Christiansen, I e-mailed Ian Bauer, asking him to clarify what appeared to me to

be a contradiction between Mr. Christiansen's March 3, 2008, letter and his declaration in support of the motion to dismiss. Mr. Bauer promptly responded by e-mail, apologizing for any confusion and stating:

To clarify, Hungry Buzzard has shut down all operations at its material recovery facility. Hungry Buzzard still operates as a trucking company of recyclable materials; however, all materials that it collects are hauled to the material recovery facilities identified in the March 3, 2008 letter. Hungry Buzzard does not currently send anything to the Weyerhaeuser material recovery facility in Longview, Washington.

5. At my direction, prior to January 2, 2008, Vicki Elliot of Commission Staff inquired of Randy Martin, of the Department of Ecology, regarding reports filed by the Respondent companies with the Department. Mr. Martin provided Staff with two documents. The first was a response by T&T Recovery, Inc. to Ecology's "2006 Washington State Recycling Survey." The second was an "Annual Report- Recycling Facility" for 2006, filed with Ecology by Hungry Buzzard. Both documents listed how much of various types of materials these two entities' sorting facilities took in, as well as how much and where to they sent the materials. The reports indicated that [REDACTED] of Hungry Buzzard's out-going (denoted "tons sold") went to Weyerhaeuser, and [REDACTED] of T&T's "tons sold" went to Weyerhaeuser.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated: April 3, 2008, at Olympia, Washington.

  
JONATHAN C. THOMPSON  
Assistant Attorney General