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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

vs.

POINTS RECYCLING AND REFUSE,
LLC,

Respondent.

WHATCOM COUNTY,

Complainant,

vs.

POINTS RECYCLING AND REFUSE,
LLC,

Respondent.

RENEE COE, SHELLEY DAMEWOOD
and SHANNON TOMSEN,

Complainant,

vs.

POINTS RECYCLING AND REFUSE,
LLC and WHATCOM COUNTY,

Respondents.

DOCKET NO. TG-080913
DOCKET NO. TG-080914

DOCKET NO. TG-081089

DOCKET NO. TG-082129

REQUEST FOR MEDIATION

1 **COMES** now Points Recycling and Refuse, LLC, a Party in the above-
2 referenced matters, by and through its attorney and, pursuant to **WAC**
3 **480-07-700** requests the Commission to assign a qualified Mediator who is a
4 Commission staff member trained in ADR principles and techniques to serve
5 as a Mediator, and/or to assign a settlement judge to conduct a mediation
6 session or sessions regarding Docket Nos. TG-080913, TG-081089 and
7 TG-082129 which are currently set for hearing April 21-22, 2009. Docket
8 No. TG-080914 has been or will be withdrawn. In TG-082129, Whatcom
9 County has been dismissed as a Respondent.
10

11 The Parties in these actions indicated at the Prehearing Conference held
12 January 20, 2009 that they would be interested in ADR. Mr. Gibson,
13 representing Whatcom County, advised that he had to consult with his client.
14 He has now done so and also is in favor of a mediation.
15

16 The issue in these actions concerns the curbside recycling in the area
17 known as Pt. Roberts. The parties are Commission Staff, Whatcom County,
18 Points Recycling and Refuse, LLC, and three individual residents of Pt.
19 Roberts. The names and addresses of the parties and attorneys are as
20 follows:

21 The Honorable Marguerite E. Friedlander
22 Administrative Law Judge
23 mrusell@utc.wa.gov

24 Points Recycling and Refuse, LLC:
25 James K. Sells
26 Ryan Sells Uptegraft, Inc. P.S.
 9657 Levin Rd. NW, Suite 240
 Silverdale, WA 98383
 jimsells@rsulaw.com

1 Whatcom County:
2 Dan Gibson
3 Whatcom County Deputy Prosecutor
4 311 Grand Ave., Suite 201
5 Bellingham, WA 98225
6 dgibson@co.whatcom.wa.us

7 Jennifer Cameron-Rulkowski
8 Assistant Attorney General
9 1400 S. Evergreen Park Dr. SW
10 PO Box 40128
11 Olympia, WA 98504-0128
12 jcameron@utc.wa.gov

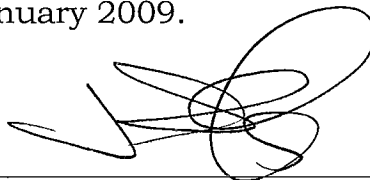
13 Renee Coe
14 1986 Cedar Park Drive
15 Point Roberts, WA 98281

16 Shelley Damewood
17 119 Kilarney
18 Point Roberts, WA 98281

19 Shannon Tomsen
20 2125 Whalen Drive
21 Point Roberts, WA 98281

22 The undersigned, as attorney for Points Recycling and Refuse, LLC,
23 believes mediation by an experienced staff member or settlement judge could
24 very well result in the resolution of some, if not all, of the issues here, and
25 avoid a long and expensive hearing process that, even with the entry of an
26 Order, may not solve the core problem in these actions.

DATED this 28 day of January 2009.



JAMES K. SELLS
WSBA No. 6040
Ryan Sells Uptegrft, Inc. P.S.
9657 Levin Rd. NW, Suite 240
Silverdale, WA 98383
Attorneys for Points Recycling
and Refuse, LLC

1 CERTIFICATE OF SERVICE

2 I hereby certify that on January 28th, 2009, I caused to be served the
3 original and five (5) copies of the foregoing document to the following address
4 via first class mail, postage prepaid to:

5 Dave Danner, WUTC Executive Secretary
6 Washington Utilities and Transportation Commission
7 1300 S. Evergreen Park Dr. S.W.
8 P.O. Box 47250
9 Olympia, WA 98504-7250

10 I certify I have also provided to the Washington Utilities and Transportation
11 Commission's Secretary an official electronic file containing the foregoing
12 document via email to: records@wutc.wa.gov

13 I certify I have electronically sent a PDF version of the foregoing document to:

14 The Honorable Marguerite E. Friedlander
15 Administrative Law Judge
16 mrussell@utc.wa.gov

17 and an electronic PDF copy and paper copy mailed first class mail, postage
18 prepaid to:

19 Dan Gibson
20 Whatcom County Deputy Prosecutor
21 311 Grand Ave., Suite 201
22 Bellingham, WA 98225
23 dgibson@co.whatcom.wa.us

24 Jennifer Cameron-Rulkowski
25 Assistant Attorney General
26 1400 S. Evergreen Park Dr. SW
PO Box 40128
Olympia, WA 98504-0128
jcameron@utc.wa.gov

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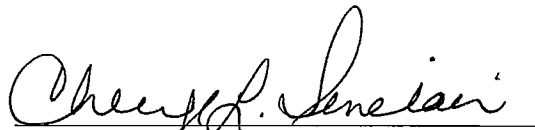
Renee Coe
1986 Cedar Park Drive
Point Roberts, WA 98281

1 Shelley Damewood
2 119 Kilarney
3 Point Roberts, WA 98281

4 Shannon Tomsen
5 2125 Whalen Drive
6 Point Roberts, WA 98281

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

9 DATED and signed at Silverdale, Washington on January 28th, 2009.

10 
11 Cheryl L. Sinclair