

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In re Application No. GA-079133 of)	
)	DOCKET NO. TG -030325
MATTHEWS, TRYSTAN d/b/a)	
RECYCLE WHIDBEY)	ORDER NO. 03
)	
For a Certificate of Public)	
Convenience and Necessity to)	FINAL ORDER DISMISSING
Operate Motor Vehicles in)	APPLICATION
Furnishing Solid Waste Collection)	
Service)	
.....)	

Synopsis: *Final Order dismissing application for certificate of public convenience and necessity to provide solid waste collection service at the request of the applicant.*

- 1 **Nature of Proceeding.** Docket No. TG-030325 is an application filed on February 14, 2003 by Trystan Matthews, d/b/a Recycle Whidbey, for a certificate of public convenience and necessity. Applicant sought to operate motor vehicles in furnishing solid waste collection service consisting of source-separated recyclable materials from residences in portions of Island County, generally the southern part of Whidbey Island

- 2 **Procedural History.** The Commission convened a prehearing conference in this docket at Olympia, Washington on May 30, 2003, before Administrative Law Judge Theodora Mace. At that conference the parties agreed to a schedule that required evidentiary hearings on July 15 and 16, 2003 on Whidbey Island. On July 1, 2003, the applicant, Mr. Matthews, faxed a letter to the Commission requesting a continuance of the scheduled dates.

- 3 On July 10, 2003, the Commission granted a continuance of the hearing to July 24 and 25, 2003.

- 4 On July 22, 2003 the Commission cancelled the hearings scheduled for July 24 and 25, 2003, due to the unavailability of a judge to preside.

5 Simultaneously, on July 22, 2003, Mr. Matthews faxed to the Commission a request to withdraw the application.

6 **Appearances.** Trystan Matthews represents himself. James Sells, Attorney, Silverdale, represents Washington Refuse and Recycling Association. David W. Wiley, attorney, Seattle, represents Island Disposal. Mary Tennyson, Assistant Attorney General, represents Commission Staff.

7 **Decision.** The applicant's request to withdraw the application should be granted. No evidence has been taken and the applicant appears to be unprepared to proceed with the application at this time. Applicant may pursue the application at a later time if he wishes to do so.

ORDER

8 Applicant's request for withdrawal of the application is granted and the application is dismissed.

DATED at Olympia, Washington, and effective this 1st day of August, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner

NOTICE TO PARTIES: This is a final order of the Commission. In addition to judicial review, administrative relief may be available through a petition for reconsideration, filed within 10 days of the service of this order pursuant to RCW 34.05.470 and WAC 480-09-810, or a petition for rehearing pursuant to RCW 80.04.200 or RCW 81.04.200 and WAC 480-09-820(1).