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BEFORE THE WASHINGTON STATE UTILITIES
AND TRANSPORTATION COMMISSION

In the Matter of the Application of
JAMMIE’S ENVIRONMENTAL, INC.
For Authority to Operate as a Solid Waste
Collection Company in Washington
BASIN DISPOSAL, INC.
Complainant,
v.
JAMMIE’S ENVIRONMENTAL, INC.
Respondent.

DOCKET TG-220243

Docket TG-220215

DECLARATION OF BLAIR FASSBURG
IN SUPPORT OF BASIN DISPOSAL,
INC.’S RESPONSE TO MOTION TO
COMPEL

I, Blair I. Fassburg, declare as follows:

1. My name is Blair I. Fassburg and offer this declaration in support of Basin Disposal, Inc.’s Motion to Compel. This declaration is based upon personal knowledge or belief. As used here, “Jammie’s” refers to Jammie’s Environmental, Inc. and “Basin” refers to “Basin Disposal, Inc.”

- 1 2. Basin served data requests to Jammie’s on June 30, 2022. When Jammie’s responded
2 to those data requests it included objections to Data Requests No. 10 and 11 that these
3 requests were “vague and ambiguous” and failed to fully respond without first
4 contacting me to clarify the requests. On July 21, 2022, I emailed counsel for Jammie’s
5 to note that this practice violated Commission rules and requested a supplemental
6 response. No supplemental response was immediately provided.
- 7 3. On July 22, 2022, counsel for Jammie’s, David Steele, joined by his colleague, Carolyn
8 Gilbert, and I held a virtual conference to meet and confer on discovery objections and
9 responses of both parties. During our conference, I raised Jammie’s failure to fully
10 respond to Data Requests No. 10 and 11. I then clarified for Jammie’s that Basin’s
11 Data Requests No. 10 and 11 sought information regarding the management services it
12 provides to PCA that Jammie’s alluded to in its Answer to the Complaint. I addressed
13 those allegations by reference to specific paragraphs in the Answer, including
14 paragraphs 18 and 29 of Jammie’s Answer, and added that Jammie’s objection as to
15 whether OCC Rejects disposed of in a landfill are solid waste should not inhibit a
16 response because the data requests were intended to seek information regarding the
17 management of OCC Rejects. In response to this clarification, counsel for Jammie’s
18 agreed to reconsider the requests and respond by Friday, July 29, 2022. On July 29,
19 2022 at 5:24 p.m., counsel for Jammie’s emailed me to follow up on our discovery
20 conference and provide Jammie’s responses to a number of issues raised (Exhibit 5). In
21 that response, Jammie’s added to its response to Data Requests No. 10 and 11 and now
22 denied that it provides “solid waste management services” but failed to supply any
23 responsive information regarding the management of OCC Rejects for PCA that
24 Jammie’s expressly acknowledged it provided in its Answer.

- 1 4. I emailed Jammie’s attorney on August 1, 2022 to correct Jammie’s misinterpretation
2 of the data requests once again. Rather than immediately agreeing to supplement its
3 responses, Jammie’s merely offered to answer Data Request No. 10 “if you would like
4 that information.” Jammie’s also represented that no documents responsive to Data
5 Request No. 11 exist with respect to categories of solid waste other than OCC Rejects.
6 However, Jammie’s remained non-committal as to whether it would produce
7 information responsive to Data Request No. 11 as it pertains to OCC Rejects.
- 8 5. Then, on August 2, Jammie’s served what it purported to be Supplemental Responses to
9 Data Requests 10 and 11. These evasive responses, attached as Exhibit 6, provided no
10 additional information and failed to respond to the requests.
- 11 6. The Exhibits identified below and filed contemporaneously with this Declaration are
12 true and correct copies of data requests, responses, and communications between
13 counsel made in connection to these consolidated proceedings.

14 **Exhibits**

15 Exhibit 2: Basin Disposal, Inc.’s Data Requests 10 and 11 and Jammie’s
16 Environmental, Inc.’s objections and responses thereto.

17 Exhibit 3: Emails between counsel for Basin and counsel for Jammie’s on July 21,
18 2022.

19 Exhibit 4: Emails between counsel for Basin and counsel for Jammie’s on July 22,
20 2022.

21 Exhibit 5: Emails between counsel for Basin and counsel for Jammie’s on July 29,
22 2022 and August 1, 2022.

23 Exhibit 6: Jammie’s supplemental responses to Basin’s Data Requests 10 and 11.

24 Signed at Kirkland, WA this 2nd day of August, 2022.

25 s/ Blair I. Fassburg
Blair I. Fassburg