

DATE PREPARED: July 21, 2022	WITNESS: N/A
DOCKET: TG-220215 and 220243	RESPONDER: N/A
REQUESTER: Jammie's Environmental, Inc.	

DATA REQUEST NO. 006:

Produce all documents relating to BDI's customer service quality or performance for the last five (5) years.

RESPONSE:

Objection. This request seeks information that is irrelevant in the discovery sense to the issues raised in Basin Disposal's formal complaint against Jammie's, which proceeding involves only the question of whether Jammie's is authorized to provide solid waste collection service to PCA to transport OCC Rejects for disposal.

The Commission has not specifically authorized discovery in Docket TG-220243, Jammie's Application for Solid Waste Authority. *See* WAC 480-07-400(2). Thus, this data request is inappropriate and the exceeds the scope of permissible discovery. To the extent such discovery, were authorized this request exceeds the scope of information relevant to an application proceeding. Specifically, Jammie's has not applied for authority to provide solid waste collection service beyond the facility operated by PCA near Wallula, WA. Thus, the information sought by this request cannot establish any fact in controversy. Additionally, the fitness of the protestant is not an issue in application proceedings. *See In Re: Application E-18894 of Carl Oscar Lundell, d/b/a Lundell Trucking, for Extension of Auth. Under Common Carrier Permit No. 36044.*, Order M.V. No. 129479 (Apr. 6, 1984). Moreover, this request also exceeds the reasonable test period typically relied upon by the Commission. *See In re Application of Sharyn Pearson*, Order M.V.C. No. 2041 (Mar. 9, 1994).

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DATA REQUEST NO. 008:

Produce all documents relating to any Commission investigation or enforcement action against BDI for the last five (5) years and all documents relating to the disposition of the investigation or enforcement action.

RESPONSE:

Objection. This request seeks information that is irrelevant in the discovery sense to the issues raised in Basin Disposal's formal complaint against Jammie's, which proceeding involves only the question of whether Jammie's is authorized to provide solid waste collection service to PCA to transport OCC Rejects for disposal.

The Commission has not specifically authorized discovery in Docket TG-220243, Jammie's Application for Solid Waste Authority. *See* WAC 480-07-400(2). Thus, this data request is inappropriate and exceeds the scope of permissible discovery. To the extent such discovery, were authorized this request exceeds the scope of information relevant to an application proceeding. Specifically, Jammie's has not applied for authority to provide solid waste collection service beyond the facility operated by PCA near Wallula, WA. Thus, the information sought by this request cannot establish any fact in controversy. Additionally, the fitness of the protestant is not an issue in application proceedings. *See In Re: Application E-18894 of Carl Oscar Lundell, d/b/a Lundell Trucking, for Extension of Auth. Under Common Carrier Permit No. 36044.*, Order M.V. No. 129479 (Apr. 6, 1984). Moreover, this request also exceeds the reasonable test period typically relied upon by the Commission. *See In re Application of Sharyn Pearson*, Order M.V.C. No. 2041 (Mar. 9, 1994). Finally, this request seeks information that is publicly available from the Commission and is therefore equally available to Jammie's from a more convenient source.

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DATA REQUEST NO. 014:

Produce BDI's daily staffing headcount by total count and itemized by position from January 1, 2021, to present.

RESPONSE:

Objection. This request seeks information that is irrelevant in the discovery sense to the issues raised in Basin Disposal's formal complaint against Jammie's, which proceeding involves only the question of whether Jammie's is authorized to provide solid waste collection service to PCA to transport OCC Rejects for disposal.

The Commission has not specifically authorized discovery in Docket TG-220243, Jammie's Application for Solid Waste Authority. *See* WAC 480-07-400(2). Thus, this data request is inappropriate and the exceeds the scope of permissible discovery. To the extent such discovery, were authorized this request exceeds the scope of information relevant to an application proceeding. Specifically, Jammie's has not applied for authority to provide solid waste collection service beyond the facility operated by PCA near Wallula, WA. Thus, the information sought by this request cannot establish any fact in controversy. Additionally, the fitness of the protestant is not an issue in application proceedings. *See In Re: Application E-18894 of Carl Oscar Lundell, d/b/a Lundell Trucking, for Extension of Auth. Under Common Carrier Permit No. 36044.*, Order M.V. No. 129479 (Apr. 6, 1984). Finally, this request seeks information that is publicly available from the Commission and is therefore equally available to Jammie's from a more convenient source.

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DATA REQUEST NO. 017:

Produce all Commission reports filed by BDI for the past five (5) years.

RESPONSE:

Objection. This request seeks information that is irrelevant in the discovery sense to the issues raised in Basin Disposal's formal complaint against Jammie's, which proceeding involves only the question of whether Jammie's is authorized to provide solid waste collection service to PCA to transport OCC Rejects for disposal.

The Commission has not specifically authorized discovery in Docket TG-220243, Jammie's Application for Solid Waste Authority. *See* WAC 480-07-400(2). Thus, this data request is inappropriate and exceeds the scope of permissible discovery. To the extent such discovery, were authorized this request exceeds the scope of information relevant to an application proceeding. Specifically, Jammie's has not applied for authority to provide solid waste collection service beyond the facility operated by PCA near Wallula, WA. Thus, the information sought by this request cannot establish any fact in controversy. Additionally, the fitness of the protestant is not an issue in application proceedings. *See In Re: Application E-18894 of Carl Oscar Lundell, d/b/a Lundell Trucking, for Extension of Auth. Under Common Carrier Permit No. 36044.*, Order M.V. No. 129479 (Apr. 6, 1984). Finally, this request seeks information that is publicly available from the Commission and is therefore equally available to Jammie's from a more convenient source.