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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 Response to Jammie’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. After Basin subsequently responded to data requests served by Jammie’s, Jammie’s
2 immediately sought a discovery conference on Basin’s requests, but initially resisted a
3 simultaneous conference on its own deficient requests. After some further discussion,
4 counsel for Jammie’s agreed to confer on all requests.
- 5 3. On July 22, 2022, counsel for Jammie’s, David Steele, joined by his colleague, Carolyn
6 Gilbert, and I held a virtual conference to meet and confer on discovery objections and
7 responses of both parties. During that conference, we discussed the parties’ sharply
8 differing positions on whether discovery had been authorized in the application
9 proceeding. I noted that the Commission does not universally authorize discovery in
10 application proceedings, that applicants for overlapping authority typically seek
11 evidence of service failures from customers, and that an express finding authorizing
12 discovery was necessary under WAC 480-07-400(2)(b)(iii). Although our discussion
13 did not resolve our dispute, I suggested to counsel for Jammie’s that Jammie’s could
14 resolve the issue by filing a motion to authorize discovery or alternatively email the
15 Administrative Law Judge to seek clarification on Order 01 and its lack of findings that
16 discovery should be authorized on Jammie’s application proceeding. Counsel for
17 Jammie’s rejected the idea that discovery had not already been authorized and refused
18 to consider this suggestion. Instead, Jammie’s filed its own Motion to Compel on July
19 26, 2022, just two business days later.
- 20 4. As part of our discussions regarding Basin’s responses to Jammie’s data requests, I
21 noted that a number of Jammie’s data requests were far too broad and that even if
22 discovery had been authorized, the breadth of information sought was unhelpful to the
23 Commission. For example, I noted that Jammie’s Data Request No. 11, which sought a
24 daily staffing headcount of all of Basin’s employees had no bearing on whether Basin
25 provided satisfactory service but created an enormous burden on the protestant. In

1 response, Counsel for Jammie’s argued that it was relevant and necessary information
2 because it could be used to show “that Basin was understaffed.” Jammie’s took similar
3 positions on a number of equally broad requests to which Basin had objected.

4 Although Jammie’s agreed to reconsider the scope of its requests, it has as of today not
5 provided any further clarity or limiting instructions that would tailor its requests to the
6 specific needs of the case.

- 7 5. The Exhibits identified below and filed contemporaneously with this Declaration are
8 true and correct copies of data requests, responses, and communications between
9 counsel made in connection to these consolidated proceedings.

10 **Exhibits**

11 Exhibit 2: Jammie’s Data Requests 6, 7, 8, 11, 14, and 17, and Basin Disposal, Inc.’s
12 objections and responses thereto.

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

14 s/ Blair I. Fassburg
Blair I. Fassburg