

**Exh. SS-5T
Docket TG-181023
Witness: Scott Sevall**

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In re Application of

SUPERIOR WASTE & RECYCLE LLC

**For Authority to Operate as a Solid Waste
Collection Company in Washington**

DOCKET TG-181023

RESPONSE TESTIMONY OF

SCOTT SEVALL

**STAFF OF
WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION**

Response Testimony

June 28, 2019

TABLE OF CONTENTS

I. INTRODUCTION 1
II. RESPONSE TO WASTE MANAGEMENT 1
III. CONCLUSION..... 5

1 **I. INTRODUCTION**

2

3 **Q. Please state your name and business address.**

4 A. My name is Scott Sevall. My business address is 621 Woodland Square Loop SE,
5 Lacey, WA 98503, P.O. Box 47250, Olympia, WA 98504.

6

7 **Q. Are you the same Scott Sevall who submitted testimony on behalf of Staff on**
8 **May 15, 2019 in this docket?**

9 A. Yes.

10

11 **Q. What is the purpose of your testimony?**

12 A. The purpose of my testimony is to respond, on behalf of Staff, to the separate
13 testimony of Mike Weinstein and Robert Rutledge, of Waste Management Inc.,
14 which was filed May 15, 2019.

15

16 **II. RESPONSE TO WASTE MANAGEMENT**

17

18 **Q. Have you read the testimony of Mike Weinstein filed on May 15, 2019?**

19 A. Yes.

20

21 **Q. Based on Mr. Weinstein's testimony, do there appear to be any limitations on**
22 **Waste Management d/b/a Brem-Air Disposal's service in the area that Superior**
23 **Waste proposes to serve?**

1 A. Yes.

2

3 **Q. What limitation have you identified?**

4 A. Mr. Weinstein testified that Brem-Air Disposal offers specialized service in Superior
5 Waste's proposed territory through Item 80 of their tariff, which provides for carry-
6 out service and drive-in collection service.¹ He goes on to define carry-out service as
7 moving garbage, recycling, and yard waste carts up to 100 feet, and drive-in service
8 as the collection vehicle driving up to one mile off the public road to collect the
9 customers' waste. Mr. Weinstien's testimony suggests that service is not being
10 provide to customers who live more than one mile off the public road with respect to
11 drive-in service, or whose residence is more than 100 feet from the collection point
12 with respect to carry-out service.

13

14 **Q. Do you know how this limitation was created?**

15 A. Yes. The limitation was part of tariff revisions filed by the company under docket
16 TG-071785. When the tariff revisions became effective so did the limitation.

17

18 **Q. Have you reviewed all of Waste Management's solid waste tariffs on file with
19 the Commission?**

20 A. Yes.

21

¹ Testimony of Michael Weinstein, page 6, lines 11-20.

1 **Q. Does this limitation appear in other Waste Management tariffs?**

2 A. My review of other Waste Management tariffs determined that restrictions limiting
3 the distance of carry-out and drive-in service only appear in the Brem-Air Disposal
4 and Waste Management of Skagit County tariff. There are some Waste Management
5 tariffs that are missing rates for walk-in and drive-in service. I did not consider those
6 as limitations to service.

7
8 **Q. Would you consider this limitation as a gap in service provided by Brem-Air
9 Disposal?**

10 A. Yes. Drive-in and carry-out services are offered in Waste Management's other tariffs
11 without a limitation to a maximum distance (except Skagit County). This suggests to
12 me that Brem-Air, is not providing drive-in and carry-out service beyond the
13 limitations identified in its Brem-Air tariff.

14
15 **Q. Did Mr. Weinstein provide any indication that he was aware of this potential
16 gap in service?**

17 A. Yes. In his testimony, Mr. Weinstein states that Waste Management was attempting
18 to determine whether Superior Waste's application raised a legitimate need for
19 additional services.² He further states that "[b]ased on the anecdotal accounts
20 included with Superior's application, *there may be some customers unable to move*
21 *their own solid waste and recycling to Waste Management's existing collection*
22 *points*" given Waste Management's existing services.³ (emphasis added).

² Id., page 8, lines 13-18.

³ Id., page 8, lines 15-17.

1 **Q. Did you review Mr. Rutledge’s testimony?**

2 A. Yes.

3

4 **Q. Did Mr. Rutledge provide any indication that he was aware of this potential gap**

5 **in service?** A. Yes. In response to the question of whether Superior Waste’s

6 application demonstrated a need for service beyond the terms of Waste

7 Management’s existing tariff, Mr. Rutledge responded “possibly” and stated that

8 there may be a small number of customers whose needs could be better served.⁴

9

10 **Q. Do you have anything else you wish to add concerning the testimony of either**

11 **Mr. Weinstein or Mr. Rutledge?**

12 A. Yes. I agree with Mr. Rutledge’s assessment that Superior Waste did not provide an

13 adequate back up plan for circumstances such as the illness of Mr. Stein, the sole

14 employee, or mechanical breakdowns that would prevent Superior Waste from

15 providing the service it proposes.⁵ Although a written back-up plan is not required

16 by the Commission’s application process, I would recommend Superior Waste

17 identify remedies available to it as a condition of issuing any certificates.

18

19

20

21

22

⁴ Testimony of Robert Rutledge, page 4, lines 12-14.

⁵ Id., page 6, lines 9-14.

1 **III. CONCLUSION**

2

3 **Q. Have you drawn any conclusions based on Waste Management's testimony?**

4 A. Yes. I have concluded that the testimony of Waste Management, by Mr. Weinstein
5 and Mr. Rutledge, suggests that there is a gap in service. I further note that Superior
6 Waste's proposed service does not include the distance limitations associated with
7 Waste Management's service in the same service territory.

8

9 **Q. Does this conclude your testimony?**

10 A. Yes.