

**BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

WASTE MANAGEMENT OF
WASHINGTON, INC.

Respondent.

DOCKET TG-240189

WASTE MANAGEMENT OF
WASHINGTON, INC.'S ANSWER TO
COMPLAINT

1 Respondent Waste Management of Washington, Inc. (“WMW”), by and through its counsel,
Walker Stanovsky and Davis Wright Tremaine LLP, provides the following Answer to the
Complaint and Notice of Prehearing Conference (“Complaint”) issued by the Washington
Utilities and Transportation Commission (“Commission”) dated May 20, 2024:

I. OVERVIEW

2 WMW admits to violations of state law and administrative rule for providing solid waste service
inconsistent with its Tariff No. 14 in Douglas County generally as described in the Complaint.
However, after receiving Staff’s initial data request letter on April 20, 2023 in the formal
investigation in this matter, WMW promptly corrected the identified errors. By May 12, 2023—
less than one monthly billing cycle after the data request—WMW resumed every-other-week
collection for all affected customers in Douglas County. As to the Commission’s summary in
Paragraph 2 of the Complaint, the Complaint speaks for itself and WMW answers the underlying
factual allegations as laid out more specifically below. WMW has not independently verified
Commission Staff’s (“Staff”) accounting and therefore lacks sufficient knowledge or information

to form a belief about the specific number of affected customers, and therefore denies the allegations in Paragraph 2 except to the extent expressly admitted above. If an exact accounting is necessary to resolution of this proceeding, WMW understands that Staff's allegations are based on WMW's own records, and therefore believes it is unlikely there will be any material factual dispute as to how many violations occurred, or when.

II. PARTIES

WMW admits the allegations in Paragraph 3.

WMW admits the allegations in Paragraph 4.

III. JURISDICTION

The statutes and rules cited in Paragraph 5 speak for themselves and require no response from WMW.

IV. FACTUAL ALLEGATIONS

WMW admits the allegations in Paragraph 6.

WMW admits the allegations in Paragraph 7.

WMW admits the allegations in Paragraph 8.

WMW lacks sufficient knowledge or information to form a belief about the impetus, scope, or breadth of the Commission's investigation, and therefore denies the allegations in Paragraph 9.

WMW denies the allegations in Paragraph 10. Staff's data request shown in Attachment C to the Investigative Report requested a list of ***all*** customers receiving service under Item 240 of Tariff 14 during the referenced timeframe, with indication of the service frequency for each customer. WMW's response, shown in Attachment D to the Investigative Report, identifies

651 **total** customers receiving service under Item 240 of Tariff 14. As indicated in the column “Service Description,” many received service on other than an every-other-week schedule.

11 WMW has not independently verified Staff’s accounting and therefore lacks sufficient knowledge or information to form a belief about the specific number of affected customers. WMW therefore denies the allegations in Paragraph 11.

12 WMW has not independently verified Staff’s accounting and therefore lacks sufficient knowledge or information to form a belief about the specific number of affected customers. WMW therefore denies the allegations in Paragraph 12.

13 WMW has not independently verified Staff’s accounting and therefore lacks sufficient knowledge or information to form a belief about the specific number of affected customers. WMW therefore denies the allegations in Paragraph 13.

14 WMW has not independently verified Staff’s accounting and therefore lacks sufficient knowledge or information to form a belief about the specific number of affected customers. WMW therefore denies the allegations in Paragraph 14.

15 WMW has not independently verified Staff’s accounting and therefore lacks sufficient knowledge or information to form a belief about the specific number of affected customers. WMW therefore denies the allegations in Paragraph 15.

V. APPLICABLE LAW

16 The statutes cited in Paragraph 16 speak for themselves and require no response from WMW.

17 The statute cited in Paragraph 17 speaks for itself and requires no response from WMW.

18 The statute cited in Paragraph 18 speaks for itself and requires no response from WMW.

19 The rule cited in Paragraph 19 speaks for itself and requires no response from WMW.

20 The statute and rule cited in Paragraph 20 speak for themselves and require no response from
WMW.

21 The statute cited in Paragraph 21 speaks for itself and requires no response from WMW.

22 The statute cited in Paragraph 22 speaks for itself and requires no response from WMW.

23 The statute cited in Paragraph 23 speaks for itself and requires no response from WMW.

VI. CAUSE OF ACTION (WAC 480-70-236)

24 WMW restates its prior denials, admissions, and responses. To any extent that Paragraph 24 is
construed to contain additional allegations requiring a response, WMW denies in their entirety
the remaining allegations in Paragraph 24.

25 WMW admits to violations of WAC 480-70-236 for providing solid waste service inconsistent
with its Tariff No. 14 in Douglas County generally as described in the Complaint. WMW has
not independently verified Staff's accounting and therefore lacks sufficient knowledge or
information to form a belief about the specific number of affected customers, and therefore
otherwise denies the allegations in Paragraph 25.

VII. REQUEST FOR RELIEF

26 In answer to Paragraph 26, WMW asks the Commission to find that the facts of this case and the
Commission's factors for determining the levels of penalty imposed do not justify the penalties
requested by Staff, up to and including the maximum monetary penalty available to the
Commission. WMW therefore asks that the Commission deny the extreme penalties requested
by Staff. *See* Enforcement Policy of the Washington Utilities and Transportation Commission,
Docket No. A-120061 (January 7, 2013) at 7-9.

27 WMW has not independently verified Staff's accounting and therefore lacks sufficient knowledge or information to form a belief about the specific number of alleged violations.

WMW therefore denies the allegations in Paragraph 27.

28 WMW has not independently verified Staff's accounting and therefore lacks sufficient knowledge or information to form a belief about the specific number of alleged violations.

WMW therefore denies the allegations in Paragraph 28.

29 WMW has not independently verified Staff's accounting and therefore lacks sufficient knowledge or information to form a belief about the specific number of alleged violations.

WMW therefore denies the allegations in Paragraph 29.

30 WMW has not independently verified Staff's accounting and therefore lacks sufficient knowledge or information to form a belief about the specific number of alleged violations.

WMW therefore denies the allegations in Paragraph 30.

VIII. PROBABLE CAUSE

31 WMW denies that the Investigative Report sets forth probable cause for the Commission to seek the severe penalties requested in the Complaint. WMW also lacks specific information about the number and timing of the violations alleged by Staff, and therefore denies the allegations in Paragraph 31 to that extent, but admits that there is probable cause of violations by WMW generally consistent with the Complaint and subject to further factual investigation.

IX. NOTICE OF PREHEARING CONFERENCE

32 The notice of prehearing conference in the Complaint and the cited statutes and rules speak for themselves. Paragraph 32 requires no response from WMW.

- 33 The notice of prehearing conference in the Complaint speaks for itself. Paragraph 33 requires no response from WMW.
- 34 The notice of prehearing conference in the Complaint and the cited rule speak for themselves. Paragraph 34 requires no response from WMW.
- 35 The notice of prehearing conference in the Complaint and the cited rule speak for themselves. Paragraph 35 requires no response from WMW.
- 36 The notice of prehearing conference in the Complaint and the cited rule speak for themselves. Paragraph 36 requires no response from WMW.
- 37 In response to Paragraph 37, on information and belief, WMW admits the name and contact information of the Commission and its representative. As to the name and contact information for WMW and its representative, denied in part. As noted on 1st Revised Title Page to Tariff No. 14, issued January 4, 2024, and effective February 1, 2024, the correct contact name, telephone number, and email address with respect to Tariff No. 14, including for “[o]fficial UTC requests for information regarding consumer questions and/or complaints,” is Evan Burmester, Senior Financial Analyst, telephone (503) 956-8594, email eburmest@wm.com. (In preparing this Answer, WMW noted that the referenced tariff page misstates the ZIP code for WMW in Kirkland, WA; the Complaint correctly identifies that ZIP code as 98033.)
- 38 The notice of prehearing conference in the Complaint, as modified by the Errata Correcting Administrative Law Judge Contact Information on Complaint and Notice of Prehearing Conference served May 21, 2024, speaks for itself. Paragraph 38 requires no response from WMW.

39 The notice of prehearing conference in the Complaint speaks for itself. Paragraph 39 requires no response from WMW.

DATED this 10th day of June, 2024.

Respectfully Submitted,
Attorneys for Waste Management of
Washington, Inc.

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