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BEFORE THE WASHINGTON UTILITIES  
AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

WASTE MANAGEMENT OF  
WASHINGTON, INC. d/b/a WASTE  
MANAGEMENT - NORTHWEST, WASTE  
MANAGEMENT OF SEATTLE & WASTE  
MANAGEMENT - SOUTH SOUND, AND  
WASTE MANAGEMENT SNO-KING, G-237,

Respondent.

Docket Nos. TG-120840, TG-120842 and  
TG-120843

RESPONDENT WASTE  
MANAGEMENT OF WASHINGTON,  
INC.'S RESPONSE TO THE  
WASHINGTON UTILITIES &  
TRANSPORTATION COMMISSION'S  
NOVEMBER 20, 2013 BENCH  
REQUESTS

COMES NOW Polly L. McNeill as attorney for Respondent Waste Management of  
Washington, Inc. d/b/a Waste Management - Northwest, Waste Management of Seattle and  
South Sound, and Waste Management of Sno-King ("WMW") and responds to the Washington  
Utilities and Transportation Commission's November 20, 2013 Bench Requests as follows:

***Bench Request No. 1: In WMW's 2012 Puget Sound Labor Disruption Contingency  
Plan (2012 Contingency Plan), WMW prioritizes its temporary collection services provided by  
the "Green Team" during a labor disruption with "critical" facilities receiving restored service  
first. Please indicate whether the practice of restoring collection services initially to "critical"***

1 facilities will be continued under the Haulers' Proposal. If so, why is such language absent from  
2 the Haulers' Proposal?

3 **WMW Response:** While the Haulers' Proposal does not specifically address prioritizing  
4 "critical" facilities in the event of a labor disruption, WMW intends to continue this practice in  
5 the event of a future service disruption. Whether or not the prioritization of critical facilities is  
6 expressly spelled out, WMW believes that it is important for health and safety reasons that  
7 certain facilities and types of facilities are prioritized for collection.

8 WMW did not include language on critical facilities in the Haulers' Proposal for several  
9 reasons. *First*, WMW understands that Item 30 is intended to address broadly the general  
10 expectations for service recovery as a result of weather or road conditions, disasters, labor  
11 disruptions and other service interruptions. WMW does not understand the intent of Item 30 to  
12 specify exactly how it should undertake its service recovery efforts.

13 *Second*, WMW believes the specific decisions about how best to muster resources must  
14 be left to the discretion of the hauler dealing with the specific situation, and that it would be  
15 imprudent and impractical for Item 30 to specify how companies should implement its service  
16 recovery efforts. Every service disruption situation will be different, and the specific tactics will  
17 depend on innumerable different considerations, such as weather conditions, time of year,  
18 location, type and extent of the disruption, mix of franchises and WUTC territories, tariff and  
19 franchise requirements, the anticipated duration of the service disruption, availability of  
20 substitute drivers and vehicles, and more.

21 *Third*, WMW is concerned that if Item 30 includes specific language about prioritizing  
22 "critical facilities", it will only invite second-guessing later. As WMW has explained previously,  
23 it is very challenging to respond to a strike and implement service recovery efforts. Decisions  
24 need to be made and priorities set based on the hauler's best judgment, the information available  
25 to it, and coordination with the WUTC and our municipal customers.

1           *Fourth*, neither the Commission’s regulations nor the tariffs recognize “critical facilities”  
2 as a class of customers, and WMW does not think that they should. The term is a functional one  
3 that is subject to discretion in the field. WMW strongly urges against undertaking an effort to  
4 define what is a “critical facility” because of the inherently subjective, circumstance-specific  
5 nature of what facilities are “critical”. Is a day care more critical than a nursing home? Should a  
6 hauler prioritize two day cares in close proximity over a pre-school located miles away? Is  
7 collecting from 10 “less critical” facilities better than from one “more critical” facility? Any  
8 hauler trying to recover from a service disruption should be allowed the flexibility and judgment  
9 to deploy its resources as it deems appropriate, subject to the broader service restoration  
10 principles that WMW has set forth in the Haulers’ Proposal.

11           While WMW is willing to accept a revision to Item 30 that generally requires the hauler  
12 to prioritize critical facilities for collection, WMW would not support a prescriptive standard that  
13 would undermine the flexibility needed to respond to the specific circumstances and conditions  
14 of each service disruption situation.

15           ***Bench Request No. 2:*** *Has WMW updated its 2012 Contingency Plan? If so, please*  
16 *provide a copy of the updated plan. How often is this plan updated?*

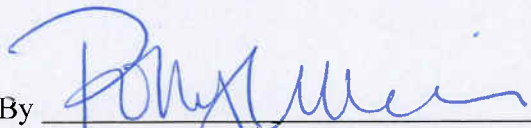
17           **WMW Response:** No. While WMW periodically updates its Contingency Plan, it is not  
18 done on a specific schedule. Rather, WMW updates the plan from time-to-time and when it  
19 perceives a significant risk of a strike occurring. Thankfully, WMW does not believe that there  
20 is a current threat of a serious labor disruption for the foreseeable future.

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DATED this 27<sup>th</sup> day of November, 2013.

SUMMIT LAW GROUP PLLC

By 

Polly L. McNeill, WSBA # 17437  
315 Fifth Avenue South, Suite 1000  
Seattle, WA 98104  
T: (206) 676-7000  
F: (206) 676-7001  
Email: [pollym@summitlaw.com](mailto:pollym@summitlaw.com)

Attorney for Waste Management of  
Washington, Inc. d/b/a Waste Management -  
Northwest, Waste Management of Seattle,  
& Waste Management - South Sound, and  
Waste Management Sno-King


CERTIFICATE OF SERVICE

I hereby certify that I have this day served this document upon all parties of record in this proceeding, by the method as indicated below, pursuant to WAC 480-07-405(7)(d).

Table with 2 columns: Recipient Information and Service Method. Rows include Washington Utilities and Transportation Commission, Sally Brown, Michael A. Fassio, David W. Wiley, and James K. Sells.

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DATED at Seattle, Washington, this 27<sup>th</sup> day of November, 2013.

  
Katie Angelikis, Legal Assistant