

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

WASTE CONTROL, INC.,

Respondent.

DOCKET TG-140560

DECLARATION OF DAVID W.
WILEY IN SUPPORT OF WASTE
CONTROL, INC.'S MOTION FOR
APPOINTMENT OF A DISCOVERY
MASTER AND/OR,
ALTERNATIVELY, SCHEDULING OF
A DISCOVERY CONFERENCE

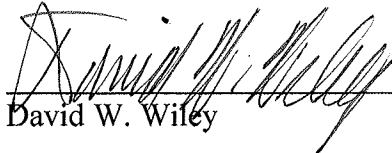
1 David W. Wiley hereby declare as follows:

2 I am one of the attorneys for Waste Control, Inc. in the above-captioned matter and,
in support of Waste Control, Inc.'s Motion for Appointment of a Discovery Master and/or,
Alternatively, Scheduling of a Discovery Conference, allege as follows:

3 I now attach true and correct copies of select email and regular mail correspondence
and messages that all relate to the parties' interchanges and the tenor and nature of the
correspondence to date since mid-April on various discovery issues, particularly that dealing
with "hard codes" and external linked source material.

The foregoing statement is made under penalty of perjury under the laws of the State
of Washington and is true and correct.

Signed at Seattle, Washington, this 9th day of June, 2014.


David W. Wiley

CERTIFICATE OF SERVICE

I hereby certify that on June 9, 2014, I caused to be served the original and five (5) copies of the foregoing document to the following address via first class mail, postage prepaid to:

Steven V. King, Executive Director and Secretary
Washington Utilities and Transportation Commission
Attn.: Records Center
P.O. Box 47250
1300 S. Evergreen Park Dr. SW
Olympia, WA 98504-7250

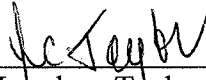
I certify I have also provided to the Washington Utilities and Transportation Commission's Secretary an official electronic file containing the foregoing document via email to: records@utc.wa.gov

and an electronic copy via email and first class mail, postage prepaid, to:

Marguerite Friedlander, Administrative Law Judge
Washington Utilities and Transportation Commission
P.O. Box 47250
1300 S. Evergreen Park Dr. SW
Olympia, WA 98504-7250
Email: mfriedla@utc.wa.gov

Brett Shearer
Office of the Attorney General
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Gig Harbor, WA 98335
E-mail: jamessells@comcast.net



Lyndsay Taylor

INDEX TO EXHIBITS

WUTC v. Waste Control, Inc.

45680.0103

Washington Utilities and Transportation Commission
TG-140560

Pleading: Declaration of David W. Wiley in Support of Waste Control, Inc.'s Motion for Appointment of a Discovery Master and/or Alternatively, Scheduling a Discovery Conference

Tab #	Date	Time	From	To	Subject
1.	04/16/14		David W. Wiley	Steve Smith	Docket No. TC-140560 - <i>Washington Utilities and Transportation Commission v. Waste Control, Inc.</i> , G-101
2.	04/18/14	8:15 am	Steve Smith	Dave Wiley	TG-140560
3.	04/29/14		Steven Smith	Judge Friedlander	<i>Washington Utilities and Transportation Commission v. Waste Control, Inc.</i> Docket TG-140560
4.	04/29/14		David W. Wiley	Judge Friedlander	RE: <i>WUTC v. Waste Control, Inc.</i> – WUTC Docket TG-140560
5.	05/08/14	10:53 am	Dave Wiley	Steve Smith	RE: Staff Data Request 11
6.	05/09/14	11:16 am	Dave Wiley	Steve Smith	WAC 480-07-140's Interpretive Application Swath
7.	05/09/14	12:48 pm	Steven Smith	Dave Wiley	RE: TG-140560 Waste Control – Follow up to Staff DR 11 to Waste Control
8.	05/09/14	3:39 pm	Jackie Davis	Melissa Cheesman	Operations spreadsheet
9.	05/12/14	12:15 pm	Dave Wiley	Steven Smith	FW: DR 11 Additional Information
10.	05/12/14	2:40 pm	Melissa Cheesman	Jackie Davis	TG-140560 Operations spreadsheet WCI Responses to Formal Data Request 11
11.	05/13/14	11:16 am	Jackie Davis	Melissa Cheesman	RE: TG-140560 Formal Data Request No. 11 – Regarding Requests for Externally Linked Excel Files
12.	05/13/14		David W. Wiley	Steven Smith	Docket No. TG-140560 – UTC Staff Data Request No. 11 to Waste Control, Inc. - <i>Washington Utilities and Transportation Commission v. Waste Control, Inc.</i> , G-101; Initial Objection by Waste Control, Inc.
13.	05/14/14	10:52 am	David W. Wiley	Steven Smith	FW: TG-140560 Technical Conference
14.	05/14/14	11:45 am	Jackie Davis	Melissa Cheesman	RE: TG-140560 Technical Conference
15.	05/14/14	12:24 pm	Jackie	Melissa	RE: TG-140560 Technical Conference

			Davis	Cheesman; Mary Spencer	
16.	05/14/14	4:50 pm	Jackie Davis	Melissa Cheesman; Mary Spencer	RE: TG-140560 Technical Conference
17.	05/15/14		David W. Wiley	Steven Smith	Docket No. TG-140560 – UTC Staff Data Request Nos. 3-10 to Waste Control, Inc. - <i>Washington Utilities and Transportation Commission v. Waste Control, Inc.</i> , G-101; Notification of Delay in Responses and Renewed Objections to External Links Restoration and Hard Code Removals
18.	05/15/14	3:42 pm	Jackie Davis	Melissa Cheesman; Mary Spencer	RE: TG-140560 Technical Conference
19.	05/16/14	1:23 pm	Jackie Davis	Melissa Cheesman	Operations and LG Gallagher Comparisons
20.	05/19/14		David W. Wiley	Steven Smith	Docket No. TG-140560 – <i>Washington Utilities and Transportation Commission v. Waste Control, Inc.</i> , G-101; Objections to Identified Staff Data Request Nos. 3-10 under WAC 480-07-405(6)(a)
21.	05/23/14		David W. Wiley	Steven Smith	Docket No. TG-140560 – <i>Washington Utilities and Transportation Commission v. Waste Control, Inc.</i> , G-101; Company Responses to Staff Data Request Nos. 3-10 as Qualified in Previous Letters from the Company dated May 13, 2014, May 15, 2014 and May 19, 2014 to Steven Smith
22.	06/03/14	4:28 pm	Jackie Davis	Melissa Cheesman	Checking on status WCI TG-140560

April 16, 2014

45680.0103

VIA EMAIL AND FIRST CLASS MAIL

Steve W. Smith, Assistant Attorney General
Washington Utilities and Transportation Commission
P.O. Box 40128
1400 S. Evergreen Park Dr. SW
Olympia, WA 98504-7250

Re: Docket No. TG-140560 - *Washington Utilities and Transportation Commission v. Waste Control, Inc.*,
G-101

Dear Steve:

Thanks for getting back to ALD on scheduling and for confirming availability for April 30. In anticipation of the Prehearing Conference and the Notice's request for us to confer in advance in attempt to reconcile any issues perceived by the two successive rate filings, we think it appropriate to schedule a call with client representatives to address any perceived concerns that the Staff has about the associated filings, possibly Monday afternoon April 28 or Tuesday afternoon April 29.

Also, in order to expedite scheduling of the next phases of this case, the Company has authorized me to indicate its willingness to attempt to respond to Data Requests for the new case prior to the Prehearing Conference before the formal triggering of the discovery rule and we hope you would be agreeable to allowing mutual discovery through Data Requests before the Prehearing Conference.

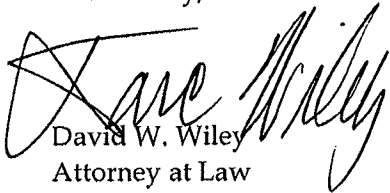
Finally, unlike the previous rate case filing, we are hopeful that we can achieve a stipulation with the Staff on contested accounting issues in order to streamline, facilitate and expedite resolution of this matter. While it might be unrealistic for the Staff to be prepared to address that at the initial Prehearing Conference, we will be requesting an intervening Status or Prehearing Conference to address that prospect.

Williams, Kastner & Gibbs PLLC
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601 Union Street, Suite 4100
Seattle, Washington 98101
main 206.628.6600 fax 206.628.6611
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Steve W. Smith, Assistant Attorney General
Washington Utilities and Transportation Commission
April 16, 2014
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We look forward to cooperation with your side and are willing to answer questions the Staff may have about our case presentation. We trust you agree that neither side nor ratepayers are benefited by any further protraction of this process and we look forward to working with you to achieve that goal. Please let me know if either of those times work for the phone call April 28 or 29.

Yours truly,



David W. Wiley
Attorney at Law
(206) 233-2895
dwiley@williamskastner.com

DAV:lct

cc: Client
James K. Sells, Esq. (encl. electronically only)
Jackie Davis, CPA (encl. electronically only)

Attachment

On April 18, 2014, staff requested the following:

From: Smith, Steve (UTC)

Sent: Friday, **April 18, 2014 8:15 AM**

To: dwiley@williamskastner.com

Subject: TG-140560

Dave,

In advance of any discussion in response to the ALJ's request to collaborate on "inconsistencies between the two filings", staff requires initial clarification on two matters:

1. In your cover letter to Steve King dated April 3, 2014, you state "the Company requests that the record in Docket TG-131794 be incorporated into the new docket..." And in your Notice of Appearance in Docket TG-140560 you "formally request that this record be associated with that of Docket TG-131794." When you request "incorporated into" and "associated with", please clarify what documents you understand to be in the record in Docket TG-131794 and what documents you consider to be in "this record" in Docket TG-140560.

2. In response to the ALJ's encouragement to "resolve any technical issues resulting from these inconsistencies between the two filings", please itemize and explain all of the differences the Company has made between the two filings.

Staff requires these clarifications to understand the current record, and the differences between the two cases before we can move forward with our analysis and date requests.

Staff can be made available to discuss further if necessary.

On April 18, 2014, the company responded as follows:

From: Wiley, Dave [mailto:dwiley@williamskastner.com]

Sent: Friday, **April 18, 2014** 10:01 AM

To: Smith, Steve (UTC)

Subject: Re: TG-140560

Steve: I appreciate receiving this as I absolutely do not want there to be any assumptions or "strategic omissions" about intent this round that will waste more time or money nor any form over substance process disputes. I will likely be answering this more formally by Monday but let me just say that the original TG-131794 case is the obvious foundation and underpinning to TG-140560 quantitatively and conceptually and our 2-18-14 case in chief filing is the heart of that linkage. If a telephone discussion between the two of us today could aid in articulating the "associational" features of the original and refilled case, I am available anytime at 206-226-6787. Dave.

On April 21, 2014, the company responded with additional information as follows:

From: Taylor, Lyndsay [mailto:LTaylor@williamskastner.com]

Sent: Monday, April 21, 2014 4:30 PM

To: Smith, Steve (UTC)

Cc: Wiley, Dave

Subject: Docket Nos. TG-140560 and TG-131794 – Your Email of April 18, 2014

Dear Steve:

As promised, I wanted to more formally respond via email to your memo of Friday. Since I did not hear anything back from you by telephone Friday, I thus may be reading between the lines in the below to be responsive to the Staff's concerns.

I respond to your clarification request separately as per your itemization of the matters.

1. In response to the overall concern about the use of the verbs "associated" or "incorporated," the intent here is simply to have the records considered together to the extent that obviously the September 23, 2013 rate case, while dismissed, of course does not exist in a vacuum. In other words, as I suggested Friday, TG-131794 is the foundation upon which the refiling of the rate case has occurred. That noted, we believe the following items should principally be considered or will be sought to be included in the record: (a) all of the exhibits, results of operations and other documents supporting the refiled rate case TG-140560 of April 3, 2014. Indeed, those exhibits are critical to a "transparent" overview of the refiled rate case and seek to provide additional linkage and cumulative and quantitative data that we trust will give a coherent and objective picture of the rate filing not only to the Staff but the Commission; (b) the February 18, 2014 case in chief including particularly the testimony of Jackie Davis and Joe Willis on direct examination which serve as the baseline for the accounting adjustment dispute issues in the September filing which may or may not (but are likely to recur) in this refiled rate case; (c) the Supplemental Testimony of Jackie Davis of April 3, 2014 for the refiled rate case and all pertinent attachments. Significantly, and hopefully to remove confusion, Exhibit JD-2 which was the original electronic case filing of the Company on September 23, 2013, will not be sought to be included, as it is wholly superseded by the refiled rate case of April 3, 2014 and as indicated below, in response to your second question, we believe we have now illuminated what the major distinctions are between the two filings in that Supplemental Testimony.

2. While at this preliminary juncture we cannot conclusively articulate all "technical issues resulting from the two rate filings," we can allude to certain documents or references that will highlight those differences. We would first call your attention to page 13 of the Jackie Davis Supplemental Testimony of April 3, 2014 at lines 11-19 which highlight the distinctions in the Lurito analyses between the September, 2013 rate case and the refiled rate case. Secondly, in terms of narrative, we would say that "inconsistencies" arise because of rate case

costs which are ongoing and importantly, labor costs and forecast adjustments which in the prior rate case and Exhibits included in the February 18, 2014 case in chief extended through November 30, 2014 and now the forecast adjustments of course because of the difference in the "rate year" chronology run through May 31, 2015. Again, these are pro forma adjustments based on known and measurable changes in wages, salaries and fringe benefit adjustments through that rate year. The final adjustment which was alluded to again at page 13 of the Jackie Davis Supplemental Testimony is on the construction work in progress account which increased the investment base in the related entity upon which the Company calculated its return for rent expense purposes. As indicated, that was a very minimal adjustment but was included in this filing.

It is our hope that these type of informal communications between Company and Staff in this refiled rate case can avoid any of the lack of clarity or misunderstanding of the Company's case and we thus encourage these types of communications to clarify the Company's position accordingly. Again, there is no intent to "hide the ball" or require the Staff to "hunt and peck" through spreadsheets and other supporting successive data and we again are motivated to attempt to resolve all accounting issues that can be stipulated or agreed to between the parties and proceeding to hearing only on those in which the Company and the Staff disagree.

We appreciate your inquiry regarding clarification of our position and I invite any telephone contacts from you in the interim that may expedite that process.

Thanks,

Dave.

On April 22, 2014 staff requested the following follow-up:

From: Smith, Steve (UTC)

Sent: Tuesday, April 22, 2014 4:22 PM

To: Wiley, Dave

Subject: RE: Docket Nos. TG-140560 and TG-131794 – Your Email of April 18, 2014

Follow up questions to No. 1:

We requested a list of those documents that you understand to be in the record, so that we understand precisely what your case consists of. Your response, however, did not provide the requested list. We again request a list of documents so that all parties are clear as to what the Company's case is. We do not understand why such a list of documents cannot be easily provided. If such a list is difficult to provide, that would simply demonstrate that the list is necessary to ensure all parties understand the scope of the company's case.

The Staff finds the following portions of your initial response to question 1 confusing: When you state "we believe the following items should principally be considered or will be sought to be included in the record" we do not understand what you mean by "principally be considered." If there are no other documents, there is no need to describe documents as "principally". Because you use the term "principally", we interpret that to mean there are other documents that you have not identified.

We do not understand what you mean by "will be sought to be included in the record."

What are the "other documents supporting the refiled rate case"?

Are there any documents in item 1(b) that would not also be included in item 1(a)?

Please explain what you mean by the phrase "including particularly the testimony of Jackie Davis and Joe Willis". If there are other documents, please identify all of them. Is the word "particularly" intended to imply something about other documents in the February 18, 2014, filing?

In item 1(c) where you refer to "pertinent attachments" to the supplemental testimony of Jackie Davis, do you mean to indicate that there are attachments that are not pertinent and therefore would not be included in the record?

Follow up to Question 2:

While we appreciate the narrative explanation, it does not fully respond to our request for clarification. Consequently, we again request the Company to itemize and explain all of the differences the Company has made between the two filings.

On April 25, 2014, the company responded to Informal Data Request 2:

From: Wiley, Dave [mailto:dwiley@williamskastner.com]

Sent: Friday, April 25, 2014 4:53 PM

To: Smith, Steve (UTC)

Cc: Jackie Davis

Subject: Informal Staff Data Request No. 2 Thoughts

Sent from my iPhone

Hi, Steve.

Re: TG140560; Informal Staff Data Request No. 2 and Question From Staff About Reconciling Differences

Steve:

I just had a rather specific discussion with Jackie Davis regarding Informal Staff Data Request No. 2 in our conversation this afternoon. To reiterate, the only differences the company has made between the two filings are highlighted on page 13 of the supplemental testimony of Jackie Davis and deal with the Lurito revenue requirement. As for other "inconsistencies," Staff is aware there was a pro forma issued on or about December 12th to the company which was the last written indication from the Staff as to its position in the prior rate case. From that pro forma, there were a number of disputed adjustments which continue to be the core of this contested rate case and the three adjustments to Lurito which are explained in the Supplemental Jackie Davis testimony that deal with forecast adjustments due to a new rate year, adjustments to labor expense and an adjustment to the calculated investment return on a rented asset. Otherwise, other than the disputed adjustments which remain philosophically contested by the parties as far as we are aware, all other adjustments are explained by the testimony on reclassification, restating and pro forma/forecast adjustments in the Supplemental Jackie Davis testimony. According to Jackie, we have spent months and countless hours between the company and the Staff reviewing the positions of the parties in attempting to reconcile the differences and we appear to be focused on the above disputed adjustments, revised adjustments described in the supplemental testimony and no other differences as reflected in the last pro forma results of operation from Staff in December.

I hope this helps but neither side wants to "reinvent the wheel" or replicate the countless hours of time to date trudging over the same ground which is precisely what we did in explaining all of the adjustments in the supplemental testimony in seeking to "drill down" on those differences and explain them. Please advise with perhaps an example or two as to what more may be "reconcilable differences" as perceived by the Staff in the two cases. Thanks, Dave.

April 29, 2014

Marguerite Friedlander, Administrative Law Judge
Administrative Law Division
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P. O. Box 47250
Olympia, Washington 98504-7250

RE: *Washington Utilities and Transportation Commission v. Waste Control, Inc.*
Docket TG-140560

Dear Judge Friedlander:

I write in advance of the prehearing conference to inform you that Staff is not in a position to propose a hearing schedule in this docket.

Within the Notice of Prehearing Conference, the parties were “strongly encouraged” to collaborate prior to the prehearing conference to resolve any issues resulting from the “inconsistencies between the two filings which make up the company’s case.” To that end, Staff has asked the company to itemize and explain all the differences the company has made between the two filings. This request was made in an e-mail on April 18, a follow-up e-mail on April 22, and finally, at the company’s request, by an informal data request. Copies of these documents and the company’s responses are attached. The company’s responses have been, in Staff’s view, inadequate. At a minimum, the narrative responses we received have not fully “itemized and explained” all the differences between the two filings.

If it is left to Staff to sort out these inconsistencies before auditing the company’s case, we cannot now say how long that will take before Staff can prefile testimony and exhibits.

In addition, on April 23, 2014, Staff sent to the company Informal Data Request 1 - Regarding Filing Requirement Deficiencies. These deficiencies have yet to be corrected. Of particular importance for Staff’s ability to review the company’s filing is the failure to comply with WAC 480-07-140(6)(b).

Marguerite Friedlander, ALJ
April 29, 2014
Page Two

Finally, in the cover letter to its April 3, 2014, filing, the company requested that “the record in Docket TG-131794 be incorporated into the new docket...” And, in Mr. Wiley’s Notice of Appearance, the company “formally” requested that this record [TG-140560] be associated with that of Docket TG-131794. Although Staff has asked the company for clarification of what it means by “incorporated into” and “associated with,” we are still not clear what the company is asking the Commission to do. Given the procedural history of TG-131794, we think it is critical to understand what the company means by these requests.

Other than finalizing the remainder of the hearing schedule, Staff is prepared to address other items listed in the Notice of Prehearing Conference. Copies of the documents referenced above are attached.

Sincerely,

STEVEN W. SMITH
Assistant Attorney General

SWS/emd
Enclosures

cc: David W. Wiley w/enc.
James K. Sells w/enc.

April 29, 2014

45680.0103

Marguerite E. Friedlander
Administrative Law Judge
Washington Utilities & Transportation Commission
1300 S. Evergreen Park Dr. SW
PO Box 47250
Olympia, WA 98504-7250

RE: *WUTC v. Waste Control, Inc.*
WUTC Docket TG-140560

Dear Judge Freidlander:

I am in receipt this afternoon of a letter at approximately 2:20 p.m. from Mr. Smith in this matter. As I previously informed the Administrative Law Division, I was out of the state from April 17th – April 25th. Nevertheless, last week I was in telephone and email contact with counsel for the Staff, and indeed, encouraged the initiation of informal data requests to expedite the review of the Company's refiled rate case. The company's outside accountants, Booth Davis, are also in receipt of the data requests (particularly Informal Staff Data Request No. 1) attached to Mr. Smith's letter and have begun working on the responses which they hope to complete by Friday. We received Staff Informal Data Request No. 2 on Friday afternoon, April 25, 2014 and the undersigned provided an initial informal response to that inquiry the same day (attached by Mr. Smith).

Due to meetings with the Company's bankers and another Booth Davis client audit deadline April 30th that the lead accountant, Ms. Davis, is involved in, she has not been able to immediately allocate much time for our responses to the data requests which clearly require same due to their sheer volume and detail. It is noteworthy that the technical deficiencies notification came 20 days after the original general rate filing on April 3, 2014 by Booth Davis and that no informal contacts about alleged deficiencies were articulated prior to that time.

Under the Commission's discovery rule WAC 480-07-405(7)(b), moreover, the Company would be entitled to 10 business days to respond. Even under the prior rate case, TG-131794, a data request response interval of five business days was allotted for our responses which time period has not yet occurred. Nevertheless, we are mindful of the unusual reference in the Prehearing Conference Notice to attempt to reconcile "inconsistencies between the two filings" and have verbally provided and via informal email, our understanding of those differences which the Staff now apparently believes are insufficient.

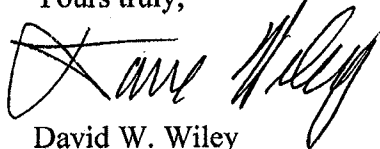
Counsel for the Staff can also confirm our continuing willingness to provide clarification on these issues the Staff and our offer of a telephone call last Friday for Monday or (today) Tuesday, between Staff and the Company representative to that end which Mr. Smith indicated he would check on but had not gotten back to me on before receipt of the referenced letter today.

Marguerite E. Friedlander
April 29, 2014
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Ms. Davis, the lead CPA for the Company, will unfortunately not be available in person at the prehearing conference tomorrow due to a previously scheduled conference call with the Company's lenders at 9:00 a.m. She will, however, participate on the conference bridge line. Further, in order to facilitate any off record discussions between the parties tomorrow, I will plan to appear a half hour before the prehearing conference if that would in any way assist in facilitating resolution of these issues but, as indicated, the company accountant will likely not be available by telephone until the start of the prehearing conference.

Again, I can assure you the Company and counsel have been focused on the informal Staff data requests since their receipt less than a week ago and are prepared to discuss the issues raised at tomorrow's prehearing conference, accordingly. As for the Staff's expressed disinclination to agree to a hearing schedule tomorrow, I obviously would urge them to reconsider or at least await the outcome of any discussions at the prehearing conference.

Yours truly,



David W. Wiley
Attorney at Law
(206) 233-2895
dwiley@williamskastner.com

DWW:rb

cc: Steve Smith, AAG
Jim Sells
Client

Wiley, Dave

From: Wiley, Dave
Sent: Thursday, May 08, 2014 10:53 AM
To: 'Smith, Steve (UTC)'
Cc: jamesells@comcast.net
Subject: RE: Staff Data Request 11

Steve: Upon receipt of DR 11 this morning which I forwarded on to Booth Davis immediately I wanted to underscore my concern that the accountants confer by telephone on the issue of "hardcodes" and "external links" which has never been a subject of any dispute in solid waste rate case audits in my experience until the past two years. Jackie is out until tomorrow as you know, but my understanding of previous "form over substance" hardcode cell and external link allegations is that many involved amalgamated work products of staff and company in the evolution of the audits, including the 2009 case where staff apparently prepared worksheets with their own hardcodes and external links and even the 2013 fall audit where various staff auditors prepared data that was then used by the company to produce worksheets, etc. in other words, the company (Booth Davis) was not uniformly the author/creator of some parts of the spreadsheets in issue and discerning judgment needs to be applied to make those characterizations which up to now have been very broadly applied.

As we also indicated in our response, some of the external link references as "missing" are not sufficiently identified for Booth Davis to grasp and they need more information to attempt to track those down.

I suggest that Melissa Cheesman and Jackie Davis try to schedule a call tomorrow afternoon or Monday at the latest to address this. My understanding of hardcodes and external link issues is that they should not be impeding a substantive analysis of the filing and as you are aware this current filing is substantially similar to that audited over many, many months by the staff beginning in late September. Exasperation is certainly something we are feeling as well with seemingly repetitious data requests and in my view it is time for the people working the nitty-gritty of the numbers to talk at least to agree on the technical issues still apparently remaining.

From: Smith, Steve (UTC) [<mailto:ssmith@utc.wa.gov>]
Sent: Thursday, May 08, 2014 10:32 AM
To: Wiley, Dave
Cc: jamesells@comcast.net
Subject: Staff Data Request 11

Dave,

After your request for Staff to begin sending data requests even before the prehearing conference, Staff sent you Informal Data Request No. 1 on April 23. The Company's May 2, response had a number of deficiencies: Much of the informal request was not answered. Several files, which the Company represented as revised to correct hardcodes, are identical to the original defective excel files. Finally, new files provided by the company contain hardcodes and references to external files that the company did not provide in its response.

Thus, we have now sent to you formal Data Request No. 11 as a follow up to informal Data Request No. 1. In DR 11 we ask the Company to complete its responses and/or correct the deficiencies noted in the request and accompanying spreadsheets. The dilemma now is that we need the responses in enough time for the Staff to prepare for the scheduled technical conference on May 15 and 16. So unless we receive a complete response by noon on May 12, we intend to ask the ALJ to reschedule the technical conference. On the other hand, it is possible that the technical conference can be fairly short if Staff has time to analyze your complete response before the meeting.

After much effort and multiple attempts to get this matter resolved (both in this docket and the previous docket), we are exasperated by the Company's failure to provide the requested information. Consequently, if Staff finds that your response to DR 11, whenever received, is not complete and accurate we intend to move to adjust the hearing schedule (in addition to the rescheduling of the technical conference) and compel discovery.

I hope this step will not be necessary, and we look forward to the Company's response to DR No. 11 so that we can move this matter forward.

Wiley, Dave

From: Wiley, Dave
Sent: Friday, May 09, 2014 11:16 AM
To: Smith, Steve (UTC) (SSmith@utc.wa.gov)
Cc: Jim Sells (jamessells@comcast.net)
Subject: WAC 480-07-140's Interpretive Application Swath

Steve: Here's but one example of WAC 480-07-140 (6)'s present staff interpretation run amuck. Apparently Melissa wants Exhibit JD-8 (which was the 2009 GRC STAFF pro forma results of operations spreadsheet) cleaned up for hardcodes and external links. That exhibit obviously was not created by the company nor was it offered for the entire accuracy of the numbers presented but rather ONLY to establish the testimonial point in JD-1T of the line item for rent allowed previously on affiliated properties. We DID NOT create the exhibit nor were we offering it for its conclusions. We offered it merely to establish where we derived the amount of the 2009 rent allowance from. This is but the tip of the iceberg on how the literal application of that formerly esoteric rule subpart is being used to slow down substantive review of the case. This is exasperating (as you note) and frustratingly unreasonable and we need to inject some reason into this process.

I would think the technical conference would be that ideal sit-down opportunity to address these issues but we need to all have the goal of form not overtaking substance and exert good faith to review the filed case in earnest. If we need to hire an IT expert to peel back this onion we will consider that, but let's focus on the substantive adjustments and avoid a technical rule application from impeding that process which I would think is a goal you would share. Dave.

David W. Wiley
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Main: 206.628.6600
Direct: 206.233.2895
Fax: 206.628.6611
dwiley@williamskastner.com
www.williamskastner.com

WILLIAMS KASTNER™


Wiley, Dave

From: Smith, Steve (UTC) <ssmith@utc.wa.gov>
Sent: Friday, May 09, 2014 12:48 PM
To: Wiley, Dave
Cc: Jim Sells (jamesells@comcast.net)
Subject: RE: TG-140560 Waste Control - Follow-up to Staff DR 11 to Waste Control

Dave, Your suggestion to bring in a third party to resolve our difference on the rule, is something I agree is worth exploring. I think WAC 480-07-425(1) is the vehicle to jointly ask the ALJ to resolve the matter. I have set up a meeting with my client to discuss, although the meeting cannot occur until Monday. I will get back with you then.

From: Wiley, Dave [<mailto:dwiley@williamskastner.com>]
Sent: Friday, May 09, 2014 11:24 AM
To: Smith, Steve (UTC)
Cc: Jim Sells (jamesells@comcast.net)
Subject: FW: TG-140560 Waste Control - Follow-up to Staff DR 11 to Waste Control

I received this after my just-transmitted email. My point precisely on Exhibit JD-8. How are we to remove hardcodes and restore external links on an exhibit we did not create nor offer for the accuracy of the overall calculations but in fact was created by staff without reference to WAC 480-07-140 (6)? We will formally object to this under separate cover if that is necessary. It may be time for the appointment of a discovery master equivalent if this is the consistent staff position on the rule interpretation in question.

From: DeMarco, Betsy (UTC) [<mailto:bdeMarco@utc.wa.gov>]
Sent: Friday, May 09, 2014 11:12 AM
To: Wiley, Dave
Cc: jamesells@comcast.net; Smith, Steve (UTC); Cheesman, Melissa (UTC)
Subject: TG-140560 Waste Control - Follow-up to Staff DR 11 to Waste Control

I have attached an electronic copy of Staff's follow-up to DR 11 to Waste Control. Paper copies have been sent by U.S. mail. Please contact me should you have problems opening these attachments.

Betsy DeMarco
Legal Assistant 2
AGO/UTC
360-664-1191

Print only when necessary, please.

Wiley, Dave

From: Jackie Davis <JDavis@boothdavis.com>
Sent: Friday, May 09, 2014 3:39 PM
To: Cheesman, Melissa (UTC) (mcheesma@utc.wa.gov)
Cc: Wiley, Dave; Mary Spencer; Smith, Steve (UTC) (ssmith@utc.wa.gov); Joe Willis (jwillis@wcrecycling.com); Jim Sells (jamesells@comcast.net) (jamesells@comcast.net)
Subject: Operations spreadsheet
Attachments: TG-140560 WCI Operations 050114 050914.xls; hardcode summary WCI Operations 050114 response.xlsx

Hi Melissa,

Here is the operations spreadsheet with revisions for your review. I am also including your original list with our remedy for the stated hardcodes. I'll send them all together Monday as we discussed but know this is the main one you wanted to look over. I'm still waiting for your follow up on the two spreadsheets I sent this morning. Otherwise, we have corrected the stated hardcodes (with the exception of the 2009 case spreadsheet that we discussed on the phone). We also have all the answers to your other questions ready for Monday's submission.

Let me know if you have any questions regarding this revised spreadsheet so we can be sure to be on track for Monday.

Jackie

Jacqueline G. Davis, CPA

GL Booth JG Davis & Associates, PLLC

1516 Hudson Street, Suite 201

Longview, WA 98632

Phone: (360) 425-8000 Fax: (360) 425-8005

www.boothdavis.com

TAX ADVICE: To ensure compliance with requirements imposed by the Internal Revenue Service in IRS Circular 230, we are required to inform you that any tax advice relating to federal taxes included in this written or electronic communication (including any attachments) was not intended to be used, and it cannot be used by the taxpayer, for the purpose of (I) avoiding penalties that may be imposed under federal tax law or (II) promoting, marketing or recommending to another party any tax-related matters addressed in this communication. Any tax advice that is expressed in this message is limited to the tax issues addressed in this message.

Wiley, Dave

From: Wiley, Dave
Sent: Monday, May 12, 2014 12:15 PM
To: Smith, Steve (UTC) (SSmith@utc.wa.gov)
Cc: Jackie Davis (JDavis@boothdavis.com)
Subject: FW: DR 11 Additional information
Attachments: TG - 140560 Formal DR 11 follow-up to DR 1 response 051214.xlsx; TG-140560 JD 5 050214 051214.xlsx; TG-140560 JD 6 050214 051214.xlsx; TG-140560 JD 10 050214 051214.xlsx

Steve: Please remember the issue raised by telephone today on JD-8 and the original source data v. external link provision if Melissa can relay the cell numbers on the spreadsheets that she still believes need external link source reconciliation. As I indicated, I will formalize these concerns in a letter on Staff Data Request No. 11 in objection, but Jackie continues to be available to work through these technicalities with Melissa to attempt to move this forward as we trust the attached reflect. Dave.

From: Jackie Davis [<mailto:JDavis@boothdavis.com>]
Sent: Monday, May 12, 2014 12:02 PM
To: Cheesman, Melissa (UTC) (mcheesma@utc.wa.gov)
Cc: Wiley, Dave; Joe Willis (jwillis@wcrecycling.com); Jim Sells (jamesells@comcast.net) (jamesells@comcast.net); Mary Spencer; Smith, Steve (UTC) (ssmith@utc.wa.gov)
Subject: DR 11 Additional information

Good morning Melissa,

I am attaching more documents for your review. I was hoping to have heard back from you on the emails sent on Friday asking for you to make sure the spreadsheets we were sending were sufficient. Just to confirm, on Friday we sent the first three spreadsheets listed on your first revision listing on the Data Request 11. Since I haven't heard yet I am enclosing the balance of the ones we have prepared for your review. We have also answered your questions in the attached spreadsheet with response in the title. Call me if you have any questions.

Thanks,
Jackie

Wiley, Dave

From: Cheesman, Melissa (UTC) <mcheesma@utc.wa.gov>
Sent: Monday, May 12, 2014 2:40 PM
To: Jackie Davis
Cc: Eckhardt, Gene (UTC); Smith, Steve (UTC); Wiley, Dave; Joe Willis; Jim Sells; jamessells@comcast.net
Subject: TG-140560 Operations spreadsheet WCI Responses to Formal Data Request 11

Jackie,

Thank you for your emails. I was out of the office Friday after 3 pm (I did inform you of the possibility). Today I have been attending meetings and reviewing WCI files sent 5/9/2014:
hardcode summary WCI Operations 050114 response.xlsx
TG - 140560 staff WCI Pro forma 10-11-2013 cos from melissa 050914.xls
TG -140560 DR 7 JD 7 Real Property Rentals 032114 with links submitted 050914.xls
TG-140560 WCI Operations 050114 050914.xls

Staff has reviewed and found hardcodes and external links to files not provided to staff in the following spreadsheets:
TG - 140560 staff WCI Pro forma 10-11-2013 cos from melissa 050914.xls
TG -140560 DR 7 JD 7 Real Property Rentals 032114 with links submitted 050914.xls

In file "TG-140560 WCI Operations 050114 050914.xls", I got to the price out and there is an issue with the company's reconciliation. I have not reviewed nothing else in this file. I am still reviewing and will contact you a little later to discuss.

Your email from 5/9/2014 below states that "I'll send them all together Monday as we discussed..." To confirm, we discussed that the company would submit the corrected files as they become available.

Additionally, your email from 5/9/2014 below states that "Otherwise, we have corrected the stated hardcodes (with the exception of the 2009 case spreadsheet that we discussed on the phone)." Please tell staff to which files the company believes it has corrected **all** hardcodes.

Sincerely,

This e-mail states the informal opinions of commission staff, offered as technical assistance, and are not intended as legal advice. We reserve the right to amend these opinions should circumstances change or additional information be brought to our attention. Staff's opinions are not binding on the commission.

Melissa Cheesman, MPAC
Regulatory Analyst 2
Washington Utilities and Transportation Commission
360-664-1251

The unexamined life is not worth living.
- Plato

From: Jackie Davis [<mailto:JDavis@boothdavis.com>]
Sent: Friday, May 9, 2014 3:39 PM
To: Cheesman, Melissa (UTC)
Cc: Wiley, Dave; Mary Spencer; Smith, Steve (UTC); Joe Willis (jwillis@wcrecycling.com); Jim Sells (jamesells@comcast.net) (jamesells@comcast.net)
Subject: Operations spreadsheet

Hi Melissa,

Here is the operations spreadsheet with revisions for your review. I am also including your original list with our remedy for the stated hardcodes. I'll send them all together Monday as we discussed but know this is the main one you wanted to look over. I'm still waiting for your follow up on the two spreadsheets I sent this morning. Otherwise, we have corrected the stated hardcodes (with the exception of the 2009 case spreadsheet that we discussed on the phone). We also have all the answers to your other questions ready for Monday's submission.

Let me know if you have any questions regarding this revised spreadsheet so we can be sure to be on track for Monday. Jackie

Jacqueline G. Davis, CPA
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1516 Hudson Street, Suite 201
Longview, WA 98632
Phone: (360) 425-8000 Fax: (360) 425-8005 www.boothdavis.com

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Wiley, Dave

From: Jackie Davis <JDavis@boothdavis.com>
Sent: Tuesday, May 13, 2014 11:16 AM
To: Cheesman, Melissa (UTC)
Cc: Wiley, Dave; Joe Willis (jwillis@wcrecycling.com); Jim Sells (jamesells@comcast.net) (jamesells@comcast.net); Mary Spencer; Smith, Steve (UTC); Eckhardt, Gene (UTC)
Subject: RE: TG-140560 Formal Data Request No. 11 - Regarding Requests for Externally Linked Excel Files

Good morning Melissa,

I am confused/concerned by your number 1 comment and don't recall that at all. I indicated we don't have any files we are not willing to provide on a basis of content but we cannot see a way out of the never ending cycle of complying with hard codes and external links if we continue to provide them. The external links arose during the first case filing at your request that files be linked up and as they were all part of that case, it worked fine for us as well. We now believe it would be more efficient to remove external links and replace with source data as a more expeditious solution than providing 21 additional spreadsheets which will then undergo analysis for external links and hardcodes resulting in further data requests. Any additional information you need for analysis purposes will be available of course. Thanks again for your time and assistance on the phone.

Jackie

Jacqueline G. Davis, CPA
GL Booth JG Davis & Associates, PLLC
1516 Hudson Street, Suite 201
Longview, WA 98632
Phone: (360) 425-8000 Fax: (360) 425-8005 www.boothdavis.com

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From: Cheesman, Melissa (UTC) [<mailto:mcheesma@utc.wa.gov>]
Sent: Tuesday, May 13, 2014 10:51 AM
To: Jackie Davis
Cc: Wiley, Dave; Joe Willis (jwillis@wcrecycling.com); Jim Sells (jamesells@comcast.net) (jamesells@comcast.net); Mary Spencer; Smith, Steve (UTC); Eckhardt, Gene (UTC)
Subject: TG-140560 Formal Data Request No. 11 - Regarding Requests for Externally Linked Excel Files
Importance: High

Jackie,

Yesterday afternoon's clarifying discussion regarding Formal Data Request No. 11 was very helpful in understanding where the company is with regard to completing its filing. Thank you.

The following is my understanding of our discussions on issues regarding externally linked Excel files: At this time, WCI will not provide the externally linked Excel file requested in Informal Data Request 1 and Formal Data Request 11 for two reasons:

1. There are files that WCI does not want staff to have. For example, the Cost of Service that supports the company's rate design.
2. The company is trying to find a way to provide externally linked Excel files that themselves comply with the rule [WAC 480-07-140 (6)(b)] and do not contain external links to other Excel files. For example, the company is trying to figure out a way to provide the affiliate property rents calculation (which contains the support for the company's affiliate property rents adjustment in JD-11) that complies with the rule [WAC 480-07-140 (6)(b)] and does not externally link to other Excel files.

If I have misunderstood, please advise me on your understanding.

Sincerely,

This e-mail states the informal opinions of commission staff, offered as technical assistance, and are not intended as legal advice. We reserve the right to amend these opinions should circumstances change or additional information be brought to our attention. Staff's opinions are not binding on the commission.

Melissa Cheesman, MPAC
Regulatory Analyst 2
Washington Utilities and Transportation Commission
360-664-1251

The unexamined life is not worth living.
- Plato

From: Jackie Davis [<mailto:JDavis@boothdavis.com>]
Sent: Monday, May 12, 2014 12:02 PM
To: Cheesman, Melissa (UTC)
Cc: Wiley, Dave; Joe Willis (jwillis@wcrecycling.com); Jim Sells (jamesells@comcast.net) (jamesells@comcast.net); Mary Spencer; Smith, Steve (UTC)
Subject: DR 11 Additional information

Good morning Melissa,

I am attaching more documents for your review. I was hoping to have heard back from you on the emails sent on Friday asking for you to make sure the spreadsheets we were sending were sufficient. Just to confirm, on Friday we sent the first three spreadsheets listed on your first revision listing on the Data Request 11. Since I haven't heard yet I am enclosing the balance of the ones we have prepared for your review. We have also answered your questions in the attached spreadsheet with response in the title. Call me if you have any questions.

Thanks,
Jackie

May 13, 2014

45680.0103

VIA EMAIL AND FIRST CLASS MAIL

Steve W. Smith, Assistant Attorney General
Washington Utilities and Transportation Commission
P.O. Box 40128
1400 S. Evergreen Park Dr. SW
Olympia, WA 98504-7250

Re: Docket No. TG-140560 – UTC Staff Data Request No. 11 to Waste Control, Inc. - *Washington Utilities and Transportation Commission v. Waste Control, Inc.*, G-101; Initial Objection by Waste Control, Inc.

Dear Mr. Smith:

Pursuant to WAC 480-07-405(6)(a), we are objecting to the continuing overbroad interpretation of WAC 480-07-140(6) we perceive by the Staff in conjunction with the general rate proceeding solid waste collection company rules at 480-07-520 and the Company's filed rate case. For the purposes of this objection initially, we are objecting to the continuing hard code and external link references to Exhibit JD-8. Exhibit JD-8 was clearly submitted to supplant the direct examination testimony of Jackie Davis and, as previously indicated, Exhibit JD-8 is formally described at Exhibit JD-1T, page 12, lines 8-16, in the Direct Examination Testimony of Jackie Davis, simply to support the previous Staff allowance of \$80,250 in affiliate rents (before removal of Kalama revenues) noting that previous adjustment. The Company was not the sole creator nor author of that pro forma and, indeed, that pro forma is not being offered for the accuracy of the calculations but solely to establish the amount of affiliated rents allowed in the 2008/2009 general rate case.

Apparently the Staff now believes that because Exhibit JD-8 includes some hard codes or unlinked sources, that is unacceptable. However, under WAC 480-07-140(6)(b)(i)(A), an exemption would appear applicable here as this was not a document "created by, for, or on behalf of that party to or witness in the proceeding for which no version in the required formatting is available." [Emphasis added.] In other words, this was an amalgam document not from this proceeding but the prior one in which many of the hidden cells and unlinked external sources were derived from Staff computations and spreadsheets which again are not being offered for the truth of the calculations reflected, but merely as the source of the testimony on the previous rent allowance line item in the 2009 rate case.

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Steve W. Smith, Assistant Attorney General
Washington Utilities and Transportation Commission
May 13, 2014
Page 2

Because the Company will never be able to satisfy such a pristine interpretation of WAC 480-07-160's applicability in the circumstance, (i.e. an Exhibit from a previous rate case that it was not solely responsible for creating), that Exhibit would never appear to qualify under the current Staff interpretation of the application of the rule.

The Company also generally objects under WAC 480-07-140(6)(b)(i)(B) to production of "voluminous material not originally prepared in the required format" which would include cost studies and other lengthy spreadsheets that are simply not available "in the required format." Insistence upon their provision, as with others, will only delay and materially impact the eroding financial circumstance of the regulated Company which the Staff needs to consider carefully here.

Importantly, we also fail to grasp the Staff's steadfast insistence that WAC 480-07-140(6)(b) mandates that all exhibits and spreadsheets in solid waste general rate cases provide external linked sources. We do not see that requirement anywhere in the other applicable rule, WAC 480-07-520. Ironically, we do see that WAC 480-07-510(3)(c) for electric, natural gas pipeline and telecom general rate cases has a requirement for "... all formulas and *linked spreadsheet files*" [Emphasis added]. Unless we've missed something, that appears conspicuously absent from WAC 480-07-520 and, the only reference to formulas being shown reflected in calculations is contained in WAC 480-07-140(6)(b), under the "acceptable format" subparagraph.

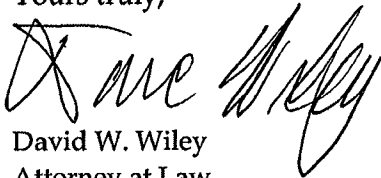
I hope Staff is not seeking to engraft that precise language by way of some "rule of general applicability" here in insisting upon a requirement that the rule Staff repeatedly cites lacks. In other words, I trust that further progress on this case will not be held in limbo or otherwise sacrificed on a literal rule interpretation altar that does not appear to reflect what the Staff is insisting upon here.

I understand that Staff and the Company's accountants may be trying a compromise which substitutes unlinked external link references with source data. While that is duly acknowledged, we still think it important to raise our formal objections above on the basis of the cited rule provisions in light of Staff's continuing rule interpretations in the context of Exhibit JD-8 and other spreadsheets noted by Staff in Data Requests.

Steve W. Smith, Assistant Attorney General
Washington Utilities and Transportation Commission
May 13, 2014
Page 3

Finally, we continue to anticipate good faith efforts by both sides in movement toward completion of Staff's review of the refiled rate case and substantive resolution of the underlying case.

Yours truly,

A handwritten signature in black ink, appearing to read "David W. Wiley". The signature is written in a cursive style with a large initial "D" and "W".

David W. Wiley
Attorney at Law
(206) 233-2895
dwiley@williamskastner.com

DAV:lct

cc: Client
James K. Sells, Esq.
Jackie Davis, CPA

Wiley, Dave

Subject: FW: TG-140560 Technical Conference

From: Wiley, Dave
Sent: Wednesday, May 14, 2014 10:52 AM
To: Smith, Steve (UTC) (SSmith@utc.wa.gov)
Cc: Jackie Davis (JDavis@boothdavis.com)
Subject: FW: TG-140560 Technical Conference

Steve: Do you know what the story is here? Jackie still hasn't heard from Melissa I gather.

Could you also please point me to the language in the rule about "hardcodes" being removed? I just looked at WAC 480-07-140 (6) again and see the reference to "...locked, password protected or hidden cells" but no reference to hardcode removal and I understand from Jackie that hardcodes are different animals. Even WAC 480-07-510 (utility rate general rate case workpaper rule) does not include any reference to "hard codes" that I see. Again, what am I missing and I honestly may just not be finding that phrase even though it may be used somewhere in the rule? Dave.

From: Jackie Davis [<mailto:JDavis@boothdavis.com>]
Sent: Wednesday, May 14, 2014 10:30 AM
To: Cheesman, Melissa (UTC); Mary Spencer
Cc: Eckhardt, Gene (UTC); Smith, Steve (UTC); Wiley, Dave; 'Joe Willis' (jwillis@wcrecycling.com); jamesells@comcast.net
Subject: RE: TG-140560 Technical Conference

Melissa,
I did not hear from you at 10? Are you calling?
Thanks,
Jackie

From: Cheesman, Melissa (UTC) [<mailto:mcheesma@utc.wa.gov>]
Sent: Wednesday, May 14, 2014 8:55 AM
To: Jackie Davis; Mary Spencer
Cc: Eckhardt, Gene (UTC); Smith, Steve (UTC); dwiley@williamskastner.com; 'Joe Willis' (jwillis@wcrecycling.com); jamesells@comcast.net
Subject: RE: TG-140560 Technical Conference
Importance: High

Perfect I will call you at 10 am.

I will also be sending you an email shortly regarding the current status of the company's hardcodes as of 05/13/2014. To confirm last night's hardcode and external link discussions:

1. The company will provide a corrected pro forma today that complies with the rule [WAC 480-07-140 (6)(b)]
2. The company will provide a corrected JD-6 today that complies with the rule [WAC 480-07-140 (6)(b)]

If I have misunderstood, please advise me on your understanding.
Sincerely,

This e-mail states the informal opinions of commission staff, offered as technical assistance, and are not intended as legal advice. We reserve the right to amend these opinions should circumstances

change or additional information be brought to our attention. Staff's opinions are not binding on the commission.

Melissa Cheesman, MPAC
Regulatory Analyst 2
Washington Utilities and Transportation Commission
360-664-1251

The unexamined life is not worth living.
- Plato

From: Jackie Davis [<mailto:JDavis@boothdavis.com>]
Sent: Wednesday, May 14, 2014 8:39 AM
To: Cheesman, Melissa (UTC); Mary Spencer
Cc: Eckhardt, Gene (UTC); Smith, Steve (UTC); dwiley@williamskastner.com; 'Joe Willis' (jwillis@wcrecycling.com); jamesells@comcast.net
Subject: RE: TG-140560 Technical Conference

Good morning Melissa,
I have a staff meeting at 9. How about 10 am?
Thanks,
Jackie

From: Cheesman, Melissa (UTC) [<mailto:mcheesma@utc.wa.gov>]
Sent: Tuesday, May 13, 2014 3:57 PM
To: Jackie Davis; Mary Spencer
Cc: Eckhardt, Gene (UTC); Smith, Steve (UTC); dwiley@williamskastner.com; 'Joe Willis' (jwillis@wcrecycling.com); jamesells@comcast.net
Subject: TG-140560 Technical Conference
Importance: High

Jackie,

In preparation for the May 15 and May 16 technical conference, I have attached a spreadsheet that uses the Results of Operations from WCI's exhibit JD-2 (formally known as JD-3A) and JD-11 as a starting point for identifying and explaining all of the differences between the company's filings.

To be clear the transcripts of the prehearing conference define the purpose of the technical conference is to figure out what the discrepancies are and the reasons for the discrepancies.

All the discrepancies (i.e. differences) will need to be identified and explained in writing.

I will call Wednesday morning to discuss. Please let me know what time is best for you.

Sincerely,

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Washington Utilities and Transportation Commission
360-664-1251

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Wiley, Dave

From: Jackie Davis <JDavis@boothdavis.com>
Sent: Wednesday, May 14, 2014 11:46 AM
To: Cheesman, Melissa (UTC); Mary Spencer
Cc: Eckhardt, Gene (UTC); Smith, Steve (UTC); Wiley, Dave; 'Joe Willis' (jwillis@wcrecycling.com); jamesells@comcast.net
Subject: RE: TG-140560 Technical Conference
Attachments: TG-140560 Rate design 051414.xlsx

Melissa,

Here is our support to our rate design as you requested. The proposed rates agree to those in the price out. Let us know if you have any questions.

Jackie

From: Cheesman, Melissa (UTC) [<mailto:mcheesma@utc.wa.gov>]
Sent: Wednesday, May 14, 2014 8:55 AM
To: Jackie Davis; Mary Spencer
Cc: Eckhardt, Gene (UTC); Smith, Steve (UTC); dwiley@williamskastner.com; 'Joe Willis' (jwillis@wcrecycling.com); jamesells@comcast.net
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Perfect I will call you at 10 am.

I will also be sending you an email shortly regarding the current status of the company's hardcodes as of 05/13/2014. To confirm last night's hardcode and external link discussions:

1. The company will provide a corrected pro forma today that complies with the rule [WAC 480-07-140 (6)(b)]
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Good morning Melissa,
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Thanks,
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Sent: Tuesday, May 13, 2014 3:57 PM
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Regulatory Analyst 2
Washington Utilities and Transportation Commission
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Wiley, Dave

From: Jackie Davis <JDavis@boothdavis.com>
Sent: Wednesday, May 14, 2014 12:24 PM
To: Cheesman, Melissa (UTC); Mary Spencer
Cc: Eckhardt, Gene (UTC); Smith, Steve (UTC); Wiley, Dave; 'Joe Willis'
(jwillis@wcrecycling.com); jamessells@comcast.net
Subject: RE: TG-140560 Technical Conference

Melissa,

Copied below for your review is one item's explanation. We picked rate case costs for the example which should be fairly straightforward:

Waste Control Inc.
Docket TG-140560
Response to Staff Results of Operations Comparison
May 14, 2014

Pro forma Income Statement Column AK, Row 53 Rate Case Expense
The total rate case expense was increased in Docket TG-140560 by \$22,524.90 for rate case costs incurred for legal and accounting professional fees through March 2014. TG-131794 included costs through December 17, 2013. Both were amortized over a four year period.

Please let us know if you need any further clarification.

Jackie

From: Cheesman, Melissa (UTC) [<mailto:mcheesma@utc.wa.gov>]

Sent: Wednesday, May 14, 2014 8:55 AM

To: Jackie Davis; Mary Spencer

Cc: Eckhardt, Gene (UTC); Smith, Steve (UTC); dwiley@williamskastner.com; 'Joe Willis' (jwillis@wcrecycling.com); jamesells@comcast.net

Subject: RE: TG-140560 Technical Conference

Importance: High

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1. The company will provide a corrected pro forma today that complies with the rule [WAC 480-07-140 (6)(b)]
2. The company will provide a corrected JD-6 today that complies with the rule [WAC 480-07-140 (6)(b)]

If I have misunderstood, please advise me on your understanding.

Sincerely,

This e-mail states the informal opinions of commission staff, offered as technical assistance, and are not intended as legal advice. We reserve the right to amend these opinions should circumstances change or additional information be brought to our attention. Staff's opinions are not binding on the commission.

Melissa Cheesman, MPAC
Regulatory Analyst 2
Washington Utilities and Transportation Commission
360-664-1251

The unexamined life is not worth living.
- Plato

From: Jackie Davis [<mailto:JDavis@boothdavis.com>]

Sent: Wednesday, May 14, 2014 8:39 AM

To: Cheesman, Melissa (UTC); Mary Spencer

Cc: Eckhardt, Gene (UTC); Smith, Steve (UTC); dwiley@williamskastner.com; 'Joe Willis' (jwillis@wcrecycling.com); jamesells@comcast.net

Subject: RE: TG-140560 Technical Conference

Good morning Melissa,

I have a staff meeting at 9. How about 10 am?

Thanks,

Jackie

From: Cheesman, Melissa (UTC) [<mailto:mcheesma@utc.wa.gov>]
Sent: Tuesday, May 13, 2014 3:57 PM
To: Jackie Davis; Mary Spencer
Cc: Eckhardt, Gene (UTC); Smith, Steve (UTC); dwiley@williamskastner.com; 'Joe Willis' (jwillis@wcrecycling.com); jamesells@comcast.net
Subject: TG-140560 Technical Conference
Importance: High

Jackie,

In preparation for the May 15 and May 16 technical conference, I have attached a spreadsheet that uses the Results of Operations from WCI's exhibit JD-2 (formally known as JD-3A) and JD-11 as a starting point for identifying and explaining all of the differences between the company's filings.

To be clear the transcripts of the prehearing conference define the purpose of the technical conference is to figure out what the discrepancies are and the reasons for the discrepancies.

All the discrepancies (i.e. differences) will need to be identified and explained in writing.

I will call Wednesday morning to discuss. Please let me know what time is best for you.

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Wiley, Dave

From: Jackie Davis <JDavis@boothdavis.com>
Sent: Wednesday, May 14, 2014 4:50 PM
To: Cheesman, Melissa (UTC); Mary Spencer
Cc: Eckhardt, Gene (UTC); Smith, Steve (UTC); Wiley, Dave; 'Joe Willis' (jwillis@wcrecycling.com); jamessells@comcast.net
Subject: RE: TG-140560 Technical Conference
Attachments: TG-140560 Response to Comparison 051414.docx

Hi Melissa,

Attached are the explanations we have developed for you. We are under some time pressure to get them to you today so are sending without further proofing for your review. Let us know if you have any questions. What is the status of your technical conference with us tomorrow?

Thanks,
Jackie

From: Cheesman, Melissa (UTC) [mailto:mcheesma@utc.wa.gov]
Sent: Wednesday, May 14, 2014 2:26 PM
To: Jackie Davis; Mary Spencer
Cc: Eckhardt, Gene (UTC); Smith, Steve (UTC); dwiley@williamskastner.com; 'Joe Willis' (jwillis@wcrecycling.com); jamessells@comcast.net
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Jackie,

Without stating that staff agrees with your explanation below, the explanation appears to sufficiently identify and explain the change to Rate Case Expense.

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From: Jackie Davis [mailto:JDavis@boothdavis.com]
Sent: Wednesday, May 14, 2014 12:24 PM
To: Cheesman, Melissa (UTC); Mary Spencer
Cc: Eckhardt, Gene (UTC); Smith, Steve (UTC); dwiley@williamskastner.com; 'Joe Willis' (jwillis@wcrecycling.com); jamessells@comcast.net
Subject: RE: TG-140560 Technical Conference

Melissa,

Copied below for your review is one item's explanation. We picked rate case costs for the example which should be fairly straightforward:

Waste Control Inc.

Docket TG-140560

Response to Staff Results of Operations Comparison

May 14, 2014

Pro forma Income Statement Column AK, Row 53 Rate Case Expense

The total rate case expense was increased in Docket TG-140560 by \$22,524.90 for rate case costs incurred for legal and accounting professional fees through March 2014. TG-131794 included costs through December 17, 2013. Both were amortized over a four year period.

Please let us know if you need any further clarification.

Jackie

From: Cheesman, Melissa (UTC) [<mailto:mcheesma@utc.wa.gov>]

Sent: Wednesday, May 14, 2014 8:55 AM

To: Jackie Davis; Mary Spencer

Cc: Eckhardt, Gene (UTC); Smith, Steve (UTC); dwiley@williamskastner.com; 'Joe Willis' (jwillis@wcrecycling.com); jamesells@comcast.net

Subject: RE: TG-140560 Technical Conference

Importance: High

Perfect I will call you at 10 am.

I will also be sending you an email shortly regarding the current status of the company's hardcodes as of 05/13/2014. To confirm last night's hardcode and external link discussions:

1. The company will provide a corrected pro forma today that complies with the rule [WAC 480-07-140 (6)(b)]
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To: Jackie Davis; Mary Spencer
Cc: Eckhardt, Gene (UTC); Smith, Steve (UTC); dwiley@williamskastner.com; 'Joe Willis' (jwillis@wcrecycling.com); jamesells@comcast.net
Subject: TG-140560 Technical Conference
Importance: High

Jackie,

In preparation for the May 15 and May 16 technical conference, I have attached a spreadsheet that uses the Results of Operations from WCI's exhibit JD-2 (formally known as JD-3A) and JD-11 as a starting point for identifying and explaining all of the differences between the company's filings.

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Melissa Cheesman, MPAC
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Washington Utilities and Transportation Commission
360-664-1251

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- Plato

May 15, 2014

45680.0103

VIA EMAIL AND FIRST CLASS MAIL

Steve W. Smith, Assistant Attorney General
Washington Utilities and Transportation Commission
P.O. Box 40128
1400 S. Evergreen Park Dr. SW
Olympia, WA 98504-7250

Re: Docket No. TG-140560 – UTC Staff Data Request Nos. 3-10 to Waste Control, Inc. - *Washington Utilities and Transportation Commission v. Waste Control, Inc.*, G-101; Notification of Delay in Responses and Renewed Objections to External Links Restoration and Hard Code Removals

Dear Mr. Smith:

With the total Company focus since the April 30, 2014 prehearing conference on the form of the spreadsheets and supporting workpapers submitted in behalf of the refiled general rate case and attempts to work through the Staff's successive objections to the "surface view" of these data, we have only Tuesday begun to turn to answering Staff Data Request Nos. 3-10. Today, as you know, is also the scheduled "technical conference" between the accountants and we trust resolution of all the recurring concerns on formatting of the workpapers can be resolved at that conference.

Based on our letter of May 13, 2014 and our initial objections to Staff Data Request No. 11, and barring any countervailing authority to consider from the Staff, we will be objecting to any further demands that our filed case is not "technically compliant" due to hard codes and missing external links.¹

Thus, in addition to notifying you now under WAC 480-07-405(7) of a delay in responses until Friday, May 23, 2014, we are objecting to any and all of the outstanding Staff Data Request Nos. 3-11 insofar as they explicitly and implicitly involve further hard code data removal and/or restoration of the external links that exceed the applicable procedural rule requirements in WAC 480-07-140(6) and WAC 480-07-520(4). If Staff intends to pursue this interpretation for all spreadsheets and workpapers seeking

¹ Also, despite the industry's request at the initial general rate rulemaking session of January 15, 2014 for copies of the software program being utilized by Staff to identify alleged spreadsheet violations under WAC 480-07-140(6)(b), we have yet to receive any copy of that program. However, as noted, we would not necessarily agree with its indicated results regarding hard codes and external links since those "formatting deficiencies" are apparently not recognized by rule for solid waste general rate cases. A prospective data request addressed to that software program might well provide further clarification.

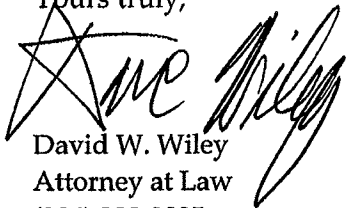
Steve W. Smith, Assistant Attorney General
Washington Utilities and Transportation Commission
May 15, 2014
Page 2

removal of hard codes and linkage of external sources for *previous* rate case exhibits "in the proceeding," (meaning Docket No. TG-140560), perhaps the two of us can prepare a stipulation to address to the administrative law judge or an appointed discovery master on these issues.

As noted, we are now proceeding through the various voluminous numbered subparts of Data Request Nos. 3-10 and we will let you know if we have any further specific objections within the requisite time period.

Thank you for your attention to this matter.

Yours truly,

A handwritten signature in black ink, appearing to read "David W. Wiley", written over a large, stylized star-shaped scribble.

David W. Wiley
Attorney at Law
(206) 233-2895
dwiley@williamskastner.com

DAV:lct

cc: Client
James K. Sells, Esq.
Jackie Davis, CPA

Wiley, Dave

From: Jackie Davis <JDavis@boothdavis.com>
Sent: Thursday, May 15, 2014 3:42 PM
To: Cheesman, Melissa (UTC); Mary Spencer
Cc: Eckhardt, Gene (UTC); Smith, Steve (UTC); Wiley, Dave; 'Joe Willis'
(jwillis@wcrecycling.com); jamesells@comcast.net
Subject: RE: TG-140560 Technical Conference
Attachments: Results of Operation comparison 051514.xlsx; TG-140560 Response to Comparison 051514.docx

Categories: Red Category

Hi Melissa,
Here are revised responses with the additional clarifications requested. Talk to you tomorrow at 11.
Thanks,
Jackie

From: Cheesman, Melissa (UTC) [mailto:mcheesma@utc.wa.gov]
Sent: Wednesday, May 14, 2014 2:26 PM
To: Jackie Davis; Mary Spencer
Cc: Eckhardt, Gene (UTC); Smith, Steve (UTC); dwiley@williamskastner.com; 'Joe Willis' (jwillis@wcrecycling.com); jamesells@comcast.net
Subject: RE: TG-140560 Technical Conference

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Cc: Eckhardt, Gene (UTC); Smith, Steve (UTC); dwiley@williamskastner.com; 'Joe Willis' (jwillis@wcrecycling.com); jamesells@comcast.net

Subject: RE: TG-140560 Technical Conference

Importance: High

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Washington Utilities and Transportation Commission
360-664-1251

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Wiley, Dave

From: Jackie Davis <JDavis@boothdavis.com>
Sent: Friday, May 16, 2014 1:23 PM
To: Cheesman, Melissa (UTC) (mcheesma@utc.wa.gov)
Cc: Mary Spencer; Wiley, Dave; Eckhardt, Gene (UTC) (geckhard@utc.wa.gov); Smith, Steve (UTC) (ssmith@utc.wa.gov); Jim Sells (jamesells@comcast.net) (jamesells@comcast.net); 'Joe Willis' (jwillis@wcrecycling.com)
Subject: Operations and LG Gallagher Comparisons
Attachments: TG-140560 LG comparison 051614.xlsx; TG-140560 Lurito Gallagher comparison 051614.docx; TG-140560 Response to Comparison 051614.docx; Results of Operation comparison 051514.xlsx

Hi Melissa,

Here are the descriptions for differences in the two dockets as well as the spreadsheets outlining the differences between the two filings. Please let me know if there are any further questions regarding this information. I have asked Dave to follow up on the formalities of filing this information but wanted to get it out to you.

Thank you for your assistance.

Jackie

Jacqueline G. Davis, CPA
GL Booth JG Davis & Associates, PLLC
1516 Hudson Street, Suite 201
Longview, WA 98632
Phone: (360) 425-8000 Fax: (360) 425-8005 www.boothdavis.com

TAX ADVICE: To ensure compliance with requirements imposed by the Internal Revenue Service in IRS Circular 230, we are required to inform you that any tax advice relating to federal taxes included in this written or electronic communication (including any attachments) was not intended to be used, and it cannot be used by the taxpayer, for the purpose of (I) avoiding penalties that may be imposed under federal tax law or (II) promoting, marketing or recommending to another party any tax-related matters addressed in this communication. Any tax advice that is expressed in this message is limited to the tax issues addressed in this message.

May 19, 2014

45680.0103

VIA EMAIL AND FIRST CLASS MAIL

Steve W. Smith, Assistant Attorney General
Washington Utilities and Transportation Commission
P.O. Box 40128
1400 S. Evergreen Park Dr. SW
Olympia, WA 98504-7250

Re: Docket No. TG-140560 – *Washington Utilities and Transportation Commission v. Waste Control, Inc.*,
G-101; Objections to Identified Staff Data Request Nos. 3-10 under WAC 480-07-405(6)(a)

Dear Mr. Smith:

While we continue to work on the above Staff Data Request Responses, I wanted to follow up our letter of May 15, 2014 to you to note the following continuing concerns/objections with specific elements of those Data Requests.

UTC Staff Data Request No. 3 - Route Study and Separation of Cost Data

As noted in our earlier letter, we are presently compiling material responsive to this and the balance of the Staff Data Request Nos. 3-10. We would note, however, that WAC 480-07-520(4) does not contain a requirement for a cost of service study, comparable to WAC 480-07-510(6), in order to support a solid waste general rate case filing. Thus, to the extent this request causes us to go beyond the requirement of the rule, we would generally object thereto should the Staff have subsequent concerns with the level of detail provided on the cost of service data which has been or will be provided responsive to Staff Data Request No. 3.

UTC Staff Data Request No. 5(d) – Bond Documents/Covenants/Contracts

The Company objects to UTC Staff Data Request No. 5(d) to the extent that it is burdensome and redundant of previous Data Request responses referenced on page 2 of UTC Staff Data Request No. 5. Notwithstanding that objection, we have made inquiry to Union Bank to receive copies of the bond purchase contract, official statement for the bonds or tax exemption and non-arbitrage certificate. We will provide any detail in addition to the voluminous documents previously supplied on or about March 10, 2014, in response in TG-131794, to this new request.

Williams, Kastner & Gibbs PLLC
Two Union Square
601 Union Street, Suite 4100
Seattle, Washington 98101
main 206.628.6600 fax 206.628.6611
www.williamskastner.com
SEATTLE . TACOMA . PORTLAND

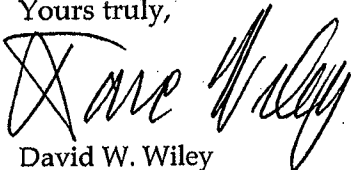
Steve W. Smith, Assistant Attorney General
Washington Utilities and Transportation Commission
May 19, 2014
Page 2

UTC Staff Data Request No. 8 – Land Rent Adjustment

The Company generally objects to this Data Request to the extent that it is redundant of the responses to Staff Data Request Nos. 2 and 8 in TG-131794. As I understand, this adjustment has now also been explained in the reconciliation spreadsheet prepared by the Company and submitted to Staff on May 16, 2014 in connection with the income statement column AK row 73 adjustment description. Particularly with respect to narrative describing the used and usefulness of itemized property and the CWIP account, the Company would point to its responses in March, 2014 both in original and follow-up/clarification response contexts, which attempted at some length to provide more information on the properties at issue. (See, for instance, the description in "Company response" to Staff Data Request No. 2, TG-131794, March 3, 2014). The Company believes that in the context of *narrative*, including reference in the supplemental testimony of Jackie Davis of April 4, 2014 (Exhibit JD-11T), it has fully addressed these adjustments and will only be providing additional computational background thereto.

Again, these objections are submitted in the abundance of caution to avoid any misunderstanding with the Staff as to what the Company believes are appropriate inquiries under applicable WUTC discovery rules. I invite any further clarification/confirmation of the above understandings.

Yours truly,



David W. Wiley
Attorney at Law
(206) 233-2895
dwiley@williamskastner.com

DAV:lct

cc: Client
James K. Sells, Esq.
Jackie Davis, CPA

May 23, 2014

45680.0103

VIA EMAIL AND FIRST CLASS MAIL

Mr. Steven Smith, Assistant Attorney General
Washington Utilities and Transportation Commission
P.O. Box 40128
1400 S. Evergreen Park Dr. SW
Olympia, WA 98504-7250

Re: Docket No. TG-140560 – *Washington Utilities and Transportation Commission v. Waste Control, Inc.*,
G-101; Company Responses to Staff Data Request Nos. 3-10 as Qualified in Previous Letters
from the Company dated May 13, 2014, May 15, 2014 and May 19, 2014 to Steven Smith

Dear Mr. Smith:

Enclosed please find the Responses prepared by the Company to UTC Staff Data Request Nos. 3-10. In now reviewing these Responses, also note, as referenced, that the Company still intends to submit balance sheets pursuant to Data Request No. 5(b), which are only now being prepared, by next week. Some Responses were previously specifically addressed in the lengthy technical conference between Staff and the Company last week where the parties walked through detailed calculations, explanations, and cell locations for the questions posed in interpreting the Company's supporting workpapers in the April 4, 2014 general rate case.

Additionally, as this is the first set of Responses to formal Data Requests in TG-140560, the Company alludes to Civil Rule ("CR") 33(c) on the production of business records. As we know, the Commission looks to the Civil Rules by analogy¹ in interpreting its procedural rules. In that regard, CR 33(c) is instructive as noted below:

(c) Option To Produce Business Records. Where the answer to an interrogatory may be derived or ascertained from the business records of the party upon whom the interrogatory has been served or from an examination, audit or inspection of such business records, or from a compilation, abstract or summary based thereon, and the burden of deriving or ascertaining the answer is substantially the same for the party serving the interrogatory as for the party served, it is sufficient answer to such

¹ See, i.e., Order M.V. No. 140273, *In re Kolean and Stewart db/a Olympic Transport*, App. P-72389 (Sept. 1989).

Mr. Steven Smith, Assistant Attorney General
Washington Utilities and Transportation Commission
May 23, 2014
Page 2

interrogatory to specify the records from which the answer may be derived or ascertained and to afford to the party serving the interrogatory reasonable opportunity to examine, audit or inspect such records and to make copies, compilations, abstracts or summaries. A specification shall be in sufficient detail to permit the interrogating party to locate and to identify, as readily as can the party served, the records from which the answer may be ascertained.

By this reference, we hope to avoid repeat follow up and clarification requests from Staff, particularly where the Company has provided information and records "... sufficient [to] answer ... such interrogatory to specify the records from which the answer may be derived or ascertained and to afford the party serving the interrogatory reasonable opportunity to examine, audit or inspect such records and to make copies, compilations, abstracts or summaries." The previous rate case, TG-131794, upon which this refiled case depends, was subject to an exhaustive audit over many months in Fall, 2013 before suspension. In that filing, the Company also answered approximately 80 or so Data Request subparts and produced voluminous documents totaling into the thousand(s) of pages. We are answering these new Data Requests in good faith but are seeking to avoid replication and redundancy in previously-supplied data or, more particularly, in responding to requests to format or produce business records in additional formats from those that have either been previously supplied or that ask for new, independent or recompiled work product involving data and records that are being or have been submitted in business record format, previously.

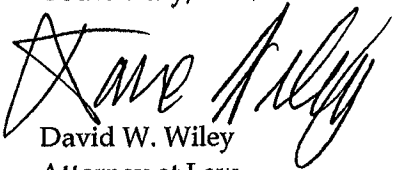
While we obviously hope to avoid discovery disputes, motions to compel etc., we believe that the standards in Civil Rule 33(b) do place finite limits on the requirements for reformatting information previously or contemporaneously supplied to avoid the excessive costs and burdens of recomputing responses in redundant or superfluous fashions potentially sought by Staff. We will thus be consistently objecting to requests we believe are burdensome, costly and/or duplicative of information already supplied in the prior record and/or previous formats.

We also remain available to meet and confer as mandated by CR 26(i) on any of the Data Requests and Responses prior to formal contest of the sufficiency thereof and, as indicated in our May 13 and 15

Mr. Steven Smith, Assistant Attorney General
Washington Utilities and Transportation Commission
May 23, 2014
Page 3

correspondence, invite any clarification from the Staff on its specific positions in expediting exchange of information in this ongoing general rate case review.

Yours truly,



David W. Wiley
Attorney at Law
(206) 233-2895
dwiley@williamskastner.com

DAV:lct
Encls.

cc: Client
James K. Sells, Esq.
Jackie Davis, CPA
Sally Brown, Senior Assistant Attorney General

Wiley, Dave

From: Jackie Davis <JDavis@boothdavis.com>
Sent: Tuesday, June 03, 2014 4:28 PM
To: Cheesman, Melissa (UTC) (mcheesma@utc.wa.gov)
Cc: Wiley, Dave; Joe Willis (jwillis@wcrecycling.com)
Subject: Checking on status WCI TG-140560

Hi Melissa:

I haven't heard anything back from you since our technical conference on May 15 and 16 that wound up being resolved by phone calls over several days at your request rather than in person in Longview which was the plan at the prehearing conference. You've never affirmatively said that the refiled case was in your view technically compliant with the rules but I believe you are satisfied that we have demonstrated the few technical differences between the original case and that refiled in early April. In that regard, I trust you will acknowledge we've provided you revised spreadsheets that contain all formulas and have removed hardcodes from many additional documents and exhibits and provided spreadsheets for which original submissions contained external link references in numerous supporting work papers as well.

As you saw from Dave's correspondence with Steve Smith in May we have objected particularly to DR-11, on the basis of hardcode removal and providing spreadsheets to which our spreadsheets may contain external links because we believe the general rate case work paper rule does not require it. Additionally, as we've said, many of the supporting spreadsheets we provided either came from staff or more typically were a combined staff-company iterative work product from TG - 131794 that had hard codes and external links to other spreadsheets. When we provide those additional documents in response, those new documents often have hard codes and external links and an ever-expanding circle is created spawning more and more requests for cleanup with no end in sight. Ironically, even the Commission's Lurito formula worksheet on the website has hard codes but that clearly does not impact the substance of the calculations and we obviously believe all support for our calculations is demonstrated in the materials you have been provided in the thousands of discovery pages to date.

We have been presently hard at work answering DRs 12 and 13 and, in the abundance of caution for answers to DR -12, determined that the most appropriate way to respond was to simply provide what was previously supplied in TG-131794 again to avoid any confusion and we will be providing those Thursday afternoon in addition to new responses to some of the inquiries.

We invite any further contacts from you that might resolve continuing concerns you have with data request answers and documents we have produced in response to the original audit and discovery during the suspended case. We again hope you share our goal in attempting to finally resolve this case and are available to answer further questions you have on relevant items.

Jackie

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