

SUMMIT LAW GROUP®

*a professional limited liability company*

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August 21, 2012

David W. Danner  
Executive Director and Secretary  
Washington Utilities and Transportation Commission  
1300 South Evergreen Park Drive, SW  
P.O. Box 47250  
Olympia, WA 98504-7250

**Re: *Waste Management of Washington, Inc.***  
***TG-120840, 120842, and 120843***

Dear Secretary Danner:

The filings made by Waste Management of Washington, Inc. to request new language in the tariffs applicable to three of the Company's operating divisions are scheduled for consideration at the Commission's Open Meeting on Thursday, August 30. The Company seeks Commission approval to add language to Item 30 that addresses the Company's policy in the event of a missed pickups due to labor disputes, union strikes or other employee actions.

Waste Management is obviously aware of the Commission's sensitivity to the Company's filings. We understand that Staff is going to present at the Open Meeting a request for the Commission to initiate an inquiry and stakeholder process for handling the issue on an industry-wide basis, rather than responding to filings by individual companies. Waste Management supports that undertaking, and is interested in facilitating the Commission's full understanding and analysis regarding potential revisions to the form used for solid waste tariffs for the purpose of addressing circumstances that could potentially interfere with a regulated collection company's ability to perform. Labor-related situations present just one of the many possible scenarios that are not covered by existing language for missed collections due to weather or road conditions.

Thus, in the context of Waste Management's company-specific requests, Staff has informed us of their intention to recommend that the filings be suspended. We understand the reason for that recommendation. Waste Management perceives the need for fully considering consequences of making tariff revisions, and indeed concedes that the language it proposed can and should be improved upon, even if the Commission were willing to approve its request in concept.

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However, we nonetheless write to request that the Commission consider granting relief on a temporary basis, subject to eventual language refinements or, possibly, an ultimate denial. Although we would much prefer tabling the Company's request while the broader industry-wide issues are analyzed and potential tariff language considered, the Company is faced with an immediate and somewhat urgent need for certainty. It has several different bargaining units with which it negotiates collective bargaining agreements, and another one expires in September. Given our recent experience with the strike called by the Teamsters Unit No. 117, and the sympathy strike from Teamsters Unit No. 174, the Company is concerned that it will find itself in the same situation it faced at the end of July.

The Company proposes to handle a missed pickup due to labor disputes, union strikes or other employee actions in a manner similar to the one employed for collection missed due to weather or road conditions. If a customer's pickup is missed, then affected customers with accumulated materials will be collected on the next scheduled or available pickup date. The Company would not extend credits for the missed pickup but customers will also not be charged for overfilled containers, receptacles or extras set out in bags on top of or next to the customers regular receptacle. We believe this is a fair outcome to the customers, and not just the Company. Indeed, if the Company extended credits but then assessed charges for the extras, we believe most customers would end up paying more than they would if the standard missed-collection practice is employed. We ask therefore that the Commission approve, on a temporary basis, the Company's proposed methodology for handling missed collections, while at the same time refraining from an approval about the tariff language itself.

Thank you for your consideration of this request. Company representatives will be in attendance at the Open Meeting to answer questions and further discuss its request.

Sincerely,

SUMMIT LAW GROUP PLLC



Polly L. McNeill

cc: Mike Weinstein  
Rob Sherman  
Mary Evans  
Tim Crosby