

**BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of:

SUPERIOR WASTE & RECYCLE LLC

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

DOCKET TG-181023

**UTC STAFF DATA REQUEST NOS.
1-5 TO SUPERIOR WASTE &
RECYCLE LLC AND RESPONSES
THERE TO**

Dated: July 29, 2019

Superior provides responses to these requests subject to the protective order entered in this matter. All applicable responses were provided by Mr. Daniel Stein.

GENERAL OBJECTIONS TO DATA REQUESTS

1. Superior objects to data requests to the extent they seek information or the production of documents protected by the attorney-client privilege or work product doctrine. Such documents or information shall not be produced. Any inadvertent production shall not be deemed a waiver of any privilege with respect to such information or documents, or of any work product doctrine which may attach thereto.

2. These responses to data requests are subject to such additional or different information as may be disclosed through further investigation of discovery. Superior reserves the right to make any use of, or to introduce at any hearing and at trial, any responsive information or documents discovered subsequent to the date of their initial answers and production, including but not limited to, any documents obtained in discovery.

3. Superior reserves the right to decide whether the documents produced for inspection will be produced as they are kept in the usual course of business.

4. Superior reserves all objections to the competency, relevance, materiality, privilege or admissibility as evidence in any subsequent proceeding in or trial of this or any other action.

5. Superior objects to the introductory definitions and instructions to data requests to the extent they purport to enlarge, expand or alter in any way the plain meaning and scope of any specific request, on the ground that such enlargement, expansion or alteration renders the data requests vague, ambiguous, unintelligible, unduly broad and uncertain.

6. Superior objects to data requests to the extent they purport to enlarge, expand or alter the obligation to provide amended or supplemental answers.

I. DATA REQUESTS

1. Please describe the “pack-out service” that Mr. Stein refers to in his Response Testimony, DS-1T-6-28-19, page 3, line 13.

Response: Waste Management (“WM”) does not provide a sufficient pack-out/drive-in service to meet the needs of the people. Drive-in service and pack-out service are two different services that parallel each other closely. Oftentimes both services are required for a customer.

Superior’s pack-out/drive-in service is different from WM’s pack-out/drive-in service in many crucial ways:

- Superior is able to supply service to customers in the proposed tariff area. Specifically, the customers not serviced by WM due to WM’s drive-in/pack-out service restrictions. This includes people that are adversely affected by WM’s prohibitive rate fees for drive-in service which culminates at one mile.
- Conversely to WM, there are no distance limitations on Superior’s drive-in/pack-out service. Once on-site, it is common to pack-out trash and recyclables.
- The set fees are reasonable for services rendered.
- Superior is adaptable to the customer as we willingly listen to the needs of our customer base and provide service accordingly.
- Ability to adapt on short notice. The availability to service a customer on short notice is a quality that Superior strives to fulfill.

Example: Ms. King called, stated that WM failed to service her needs and asked for Superior’s service. Superior was on-site within 15 minutes. Based on our conversation, Superior had four cans on-hand to facilitate her needs. Their residence is 1.8 miles from the WM mandated collection point.

2. Please provide records of the “numerous complaints by customers,” which Mr. Stein refers to in his Response Testimony, DS-1T-6-28-19, page 4, lines 2-4.

Response: Superior Waste & Recycle customers have completed personal “Support Statements” on the UTC forms, in emails, online and published Letters to the Editor in the *Kitsap Sun* newspaper, Facebook posts and in personal conversations.

3. Please provide records supporting Mr. Stein’s statement, “customers that I propose to serve have requested this service from Waste Management and have been denied time and time again,” contained in his Response Testimony, DS-1T-6-28-19, page 5, lines 11-12.

Response: In addition to information provided in Superior’s response to Data Request #2 above, there are direct accounts of potential customers who were directly denied services

from WM. The testimonies given from Sondra Even, Christine Chenevert, and Karen Bovem show first-hand denial of service from WM. There is also another conceivable customer who was brought up as an example by Robert Rutledge of WM (exhibit RAR-2T, page 3, line 6-7). It was stated that, even with a purported plan that WM may or may not implement in the future, this potential customer would still not be serviceable.

4. Please provide a list of Superior's backup drivers and qualifications, which were referenced by Mr. Stein in his Response Testimony, DS-1T-6-28-19, page 7, line 17.

Response: Superior's backup driver is Tammy Sue Stein who is licensed by Washington State and insured. Her knowledge and capabilities meet the accepted UTC Tariff #1 requirements and the service plan that is currently in effect. Tammy Stein has already successfully performed backup drive duties in the past for collection when Daniel Stein was unable to complete the route.

For further information on the backup plan, please see Superior's response to Data Request #5 below.

5. Please provide a copy of Superior's plans to comply with UTC rules and regulations, which Mr. Stein referred to in his Response Testimony, DS-1T-6-28-19, page 8, lines 9-12.

Response: Superior's plans to comply with the UTC rules and regulations are as outlined in its business plan and original UTC application. A consultant has prepared administrative and financial procedures in compliance with the UTC and Washington State regulations. These are ready for implementation upon the UTC approving Superior and granting the G-certificate license.

As with any newly UTC-authorized entity, there are start-up plans in place. These documents include, but are not limited to: Washington State WAC 480-70; State registrations and licensing requirements; Federal tax requirements; adherence to reporting deadlines; internal governing structures; timelines; benchmark reviews; and financial structures in accordance with UTC's Uniform System of Accounts ("USOA").

General accounting principles and bookkeeping practices will be used to fulfill the UTC's USOA operating under the "Certificates of Public Convenience and Necessity in the State of Washington as Prescribed by the WA UTC, revised January 1992 as authorized in Chapter 295, Session Laws of 1961."

Per the WAC 480-70-181 Public Liability and Property Damage Insurance for each vehicle will be filed with the UTC as certificate holder. The current vehicle (truck) is compliant as registered with the Department of Transportation.

Regarding the WAC 480-70-056, Superior's service area has been geographically defined on a map. The map was submitted in Superior's original application and has been accepted by the UTC.

Superior's rates and tariffs are reasonable, affordable and comply with the provisions of WAC 480-70-226. Superior will annually file and report as directed by WAC 480-70-071. Of note, Superior's rates and tariffs do not operate under a contract and therefore are not subject to WAC 480-70-146.

Safety and operations are paramount for Superior associates and clients. This includes, but is not limited to, vehicle safety pursuant to Title 49 Code of Federal Regulations.

The scope of Superior's back-up plan is as follows:

BACK UP ACTION PLANS

1. Communication occurs between Daniel Stein, primary, and Tammy Stein, back-up, prior to the service date confirming the route will be serviced. Throughout the day communications by way of text messages are conducted to inform the back-up driver that service is being completed.
2. In the event a back-up service driver is required, Tammy Stein fulfills those requirements. She is knowledgeable on the service dates, has specific route knowledge, access to pertinent customer information and to include the keys to the vehicle.
3. In the event mechanical failure or accident should occur rendering the primary equipment unusable, rental equipment will be utilized in place of the primary equipment.

Scenarios with Solutions

- In the event personal injury or unavailability should occur to Daniel Stein and the collection vehicle is not compromised the BACK UP ACTION PLANS are implemented immediately.
- In the event of unexpected mechanical failures (with or without injury) the BACK UP ACTION PLANS are implemented immediately.

Conclusion

To ensure the continuity of service to the customer base this BACK UP ACTION PLAN was developed and has been proven successful.

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Historical Success

Tammy Stein successfully ran the route when Daniel Stein was unable to perform the collection due to an injury Daniel Stein sustained outside of solid waste collection duties. Additionally, Tammy Stein successfully ran the route due to Daniel Stein being unavailable attending a UTC pretrial hearing.

DATED this 29th day of July 2019.

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