

**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

**SUPERIOR WASTE & RECYCLE
LLC RESPONSES TO FIRST SET OF
DATA REQUESTS TO SUPERIOR
WASTE & RECYCLE LLC**

Dated: May 8th, 2019

Superior provides responses to these requests subject to the protective order entered in this matter.

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.

DATA REQUESTS

A. Customers

0001 Please provide a complete listing of all current customers of Superior including name, street address, telephone number(s), and e-mail address(es) (if known).

Please see attached Exhibit A.

0002 Please provide a complete listing of all known prospective or potential future customers of Superior including name, street address, telephone number(s) and e-mail address(es) (if known).

There is no current list that exists.

0003 For each customer, please identify their current frequency of service (i.e. weekly, every other week, or monthly).

Please see attached Exhibit A.

0004 For each customer, please identify their current level of service (i.e. 1 can; 2 cans; 3 cans or cart size if they have carts).

Please see attached Exhibit A.

0005 For each customer, if the customer is using a cart, please identify if it is a cart owned by the customer or if it is a cart owned by Waste Management (this is clearly identified on the cart).

There are no customers using Waste Management carts.

0006 For each customer, please identify which customers are receiving recycling collection services.

All customers in Exhibit A are offered recycling service.

0007 For each customer, if they are receiving recycling collection service, what is the frequency that they are collected (i.e. weekly, every other week; monthly)?

All customers receive recycling every other week.

0008 For each customer and potential customer, please estimate the distance from the point of collection to the public street, and describe any access or safety issues that have in the past, currently do, or may in the future affect service at such location.

Each customer has a different and unique driveway ranging in distance from 100 feet up to 3 miles to a waste management collection point. Collection points are directly on highways or very close by where traffic is heavy with little to no shoulder endangering

the customer to a possible injury or fatality. No current or historical safety concerns present for Superiors customer base.

0009 Please indicate how long you have been servicing each of your current customers.

Please see attached Exhibit A.

0010 Please provide the total amount you have billed each customer from the time you began servicing them until the present.

No records exist and payment was not collected from many customers.

0011 Please provide the amount you have billed each customer since you received the cease and desist order from the WUTC (Docket TG-180181, Order 02 (dated Dec. 10, 2018)).

No customers have been billed since the cease and desist order was received.

B. Operations

0012 When did Superior begin offering solid waste collection service?

January 1, 2015.

0013 Please provide transfer station disposal tickets for each load Superior delivered from the time that you began servicing these customers until the present.

Records do not exist in Superior's files.

0014 Please provide all written or electronic communications to or from each customer since you entered your collection business.

Any written communication has been destroyed per WUTC Order O2 in the present docket, dated December 10, 2018. No other written or electronic communication exists.

0015 Do you collect recyclable materials from customers? If yes, please explain whether you are comingling this material with the garbage or segregating it.

Recyclable material is segregated.

0016 If you are segregating recyclable materials please identify where you take it for disposal or processing.

Kitsap County Recycling Collection Center either at Olympic view transfer station or Dickey Road located in Silverdale, WA.

0017 Please provide weight tickets for the recycling material from the time you began collecting this material to the present.

Weight tickets are not given for dumping of recycling materials at these facilities.

- 0018 Please identify all costs you have paid and/or compensation you have received (i.e., commodity credits / payments) for the amount of recyclables you have collected from the time you began collecting these materials to the present.

No compensation has been collected. No records of costs exist.

C. Fitness

- 0019 Your certificate application (page 7) identifies Daniel Stein as the person responsible for Superior's commercial driver's license (CDL) requirements under Title 49, Code of Federal Regulations Part 383. In this regard:

- a. Does Daniel Stein hold a CDL?

Yes

- b. Please describe Daniel Stein's knowledge, skills, and experience relevant to such CDL requirements.

Mr. Stein has passed both skills and knowledge testing prior to getting his CDL licensure. Mr. Stein is additionally familiar with federal law regarding CDL standards.

- c. Please describe the CDL requirements expected to apply to Superior when operating under its requested certificate.

CDL is not required for the vehicle being used by Superior.

- d. Please describe each certification or license, if any, that Mr. Stein holds relevant to maintaining Superior's compliance with the referenced regulations.

Mr. Stein has a CDL, and retains his DOT# and is aware of complying with FMCSA drug and alcohol education/ ongoing testing.

- 0020 Your certificate application (page 7) identifies Daniel Stein as the person responsible for Superior's driver qualification requirements under Title 49, Code of Federal Regulations Part 391. In this regard:

- a. Please describe Daniel Stein's knowledge, skills, and experience relevant to such driver qualification requirements.

Mr. Stein currently holds a CDL, however, it is not required for the activities of solid waste collection for the size and weight of the vehicle in use.

- b. Please describe the driver qualification requirements expected to apply to Superior when operating under its requested certificate.

Mr. Stein has a valid Washington state driver's license, retains the DOT#, is aware of the drug and alcohol education/testing. Mr. Stein is also aware of carrying \$750,000 combined single limit of public liability and property damage insurance-form E.

- c. Please identify each certification or license, if any, that Mr. Stein holds relevant to maintaining Superior's compliance with the referenced regulations.

Mr. Stein has a valid Washington driver's license STEINDJ192JQ. DOT#3202197. Superior is in compliance with all FMCSA regulations.

0021 Your certificate application (page 7) identifies Daniel Stein as the person responsible for Superior's driver's hours of service requirements under Title 49, Code of Federal Regulations Part 395. In this regard:

- a. Please describe Daniel Stein's knowledge, skills, and experience relevant to such driver's hours of service requirements.

Mr. Stein attended (ATS) All Training Services in Port Orchard, WA for truck driver training school. Part of the training covered hours of service extensively. Mr. Stein also drove for Swift Long Haul for 8 months running logs both digital and paper. Mr. Stein has had to deal with multiple time zones for delivery of freight with an interstate CDL. He also drove side dump, belly dump, pneumatic sand tanker, water tanker, dump and pup, all class A CMV vehicles in North Dakota oil fields. All North Dakota CMV jobs ran on 14-hour log books.

- b. Please describe the driver's hours of service requirements expected to apply to Superior when operating under its requested certificate.

Mr. Stein does not have any current plans to hire any employees as drivers.

- c. Please identify each certification or license, if any, that Mr. Stein holds relevant to maintaining Superior's compliance with the referenced regulations.

Mr. Stein received driver awards at Swift for on time and correct logs both electronic and paper logs. Mr. Stein has held a CDL in good standing since 2010 with no lapses.

0022 Your certificate application (page 7) identifies Daniel Stein as the person responsible for Superior's controlled substances and alcohol testing requirements under Title 49, Code of Federal Regulations Part 382. In this regard:

- a. Please describe Daniel Stein's knowledge, skills, and experience relevant to such controlled substances and alcohol testing requirements.

Mr. Stein has familiarized himself with pertinent Federal law in regard to substance and alcohol testing requirements.

- b. Please describe the controlled substances and alcohol testing requirements expected to apply to Superior when operating under its requested certificate.

Mr. Stein will be entering a pool for random drug testing as required by Federal law.

- c. Please identify each certification or license, if any, that Mr. Stein holds relevant to maintaining Superior's compliance with the referenced regulations.

Mr. Stein holds a CDL license.

0023 Your certificate application (page 7) identifies Daniel Stein as the person responsible for Superior's inspection, repair, and maintenance requirements under Title 49, Code of Federal Regulations Part 396. In this regard:

- a. Please describe Daniel Stein's knowledge, skills, and experience relevant to such inspection, repair, and maintenance requirements.

As part of his training at (ATS) All Training Services Truck driving school in Port Orchard, WA, Mr. Stein trained extensively for pre and post trip inspections. He has taken his knowledge into the real world and put it into practice where he has identified issues early. He is willing to, if warranted, place his vehicle out of service until issues can be fixed by a licensed mechanic.

- b. Please describe the inspection, repair, and maintenance requirements expected to apply to Superior when operating under its requested certificate.

Pre and post trip inspections of a CMV is a vital part of a safe road worthy vehicle. To include but not be limited to inspecting for cuts, cracks, crimps, chafing, among other things. All lights and signaling devices to be checked for proper operation. This would also include all fluids checks and replacement pertaining to the proper operation of the CMV and checking for obstructions of windshield and or mirrors. Additionally, ensuring windshield defrost and mirror heat are operational.

- c. Please identify each certification or license, if any, that Mr. Stein holds relevant to maintaining Superior's compliance with the referenced regulations.

Mr. Stein holds a CDL license.

D. Witnesses

0024 Your certificate application (page 8) indicates your intent to call as many as 16 witnesses at hearing in this matter. In that regard:

- a. Please identify each person you expect to call as a witness (see definitions above as to the meaning of "identify").

Please see attached Exhibit B.

- b. For each person identified, please state the subject matter on which the person is expected to testify.

Please see attached Exhibit B.

- c. For each person identified, please state whether the witness will testify based on personal knowledge or as an expert opinion.

Please see attached Exhibit B.