

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

MURREY'S DISPOSAL COMPANY, INC.,

Complainant,

v.

WASTE MANAGEMENT OF  
WASHINGTON, INC., WASTE  
MANAGEMENT DISPOSAL SERVICES OF  
OREGON, INC., AND MJ TRUCKING &  
CONTRACTING,

Respondents.

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MURREY'S DISPOSAL COMPANY, INC.,

Complainant,

v.

WASTE MANAGEMENT OF  
WASHINGTON, INC., WASTE  
MANAGEMENT DISPOSAL SERVICES OF  
OREGON, INC., AND DANIEL ANDERSON  
TRUCKING AND EXCAVATION, LLC,

Respondents.

DOCKET TG-200650 and  
TG-200651 (*Consolidated*)

**RESPONDENTS WASTE  
MANAGEMENT OF WASHINGTON,  
INC.'S AND WASTE MANAGEMENT  
DISPOSAL SERVICES OF OREGON,  
INC.'S RESPONSES AND  
OBJECTIONS TO COMPLAINANT  
MURREY'S DISPOSAL CO., INC.'S  
DATA REQUESTS**

Respondents Waste Management of Washington, Inc. and Waste Management Disposal Services of Oregon, Inc. (collectively "Waste Management") provide the following responses and objections to Murrey's Disposal Company, Inc.'s Data Requests:

**GENERAL OBJECTIONS**

1. Waste Management objects that Instruction No. 1 is unduly burdensome, overbroad, not relevant, and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, redacted documents cannot be produced in native format. If Murrey's has

a legitimate basis for requiring native information about any specific document produced by Waste Management, please advise us of the Bates number and the basis for the claimed need.

2. Waste Management objects that General Instruction No. 6 is unduly burdensome, particularly given the overlapping and duplicative nature of the discovery requests. Subject to and without waiving this objection, Waste Management has cited to document Bates numbers as possible.

3. Waste Management objects to General Instruction No. 7 to the degree that it seeks the disclosure of information that is confidential, proprietary or protected by a trade secret.

4. Waste Management objects to the requests for documents to the degree they seek documents protected by the attorney-client privilege or the work product doctrine. Waste Management is not logging those documents.

**DATA REQUEST NO. 56:** Admit that Waste Management of Washington, LLC has not been authorized by the United State Surface Transportation Board to operate as a rail carrier.

**RESPONSE:** Admit.

**RESPONSE DATE:** 2/17/21

**NAME OF PERSON WHO PREPARED THE RESPONSE:** Justin Wheeler

**NAME OF TESTIFYING WITNESS:** Justin Wheeler

**DATA REQUEST NO. 57:** Admit that Waste Management Disposal Services of Oregon, Inc. has not been authorized by the United State Surface Transportation Board to operate as a rail carrier.

**RESPONSE:** Admit.

**RESPONSE DATE:** 2/17/21

**NAME OF PERSON WHO PREPARED THE RESPONSE:** Justin Wheeler

**NAME OF TESTIFYING WITNESS:** Justin Wheeler

**DATA REQUEST NO. 60:** Admit that Waste Management Disposal Services of Oregon, Inc. has not been issued a certificate authorizing it provide solid waste collection service by the Washington Utilities and Transportation Commission.

**RESPONSE:** Admit.

**RESPONSE DATE:** 2/17/21

**NAME OF PERSON WHO PREPARED THE RESPONSE:** Mike Weinstein

**NAME OF TESTIFYING WITNESS:** Mike Weinstein

**DATA REQUEST NO. 61:** Admit that Waste Management of Washington, Inc. has not been issued a certificate authorizing it provide solid waste collection service in Clallam or Jefferson County, Washington by the Washington Utilities and Transportation Commission (excepting biomedical waste).

**RESPONSE:** Admit.

**RESPONSE DATE:** 2/17/21

**NAME OF PERSON WHO PREPARED THE RESPONSE:** Mike Weinstein

**NAME OF TESTIFYING WITNESS:** Mike Weinstein

**DATA REQUEST NO. 62:** Admit that DAT has not been issued a certificate authorizing it provide solid waste collection service by the Washington Utilities and Transportation Commission.

**RESPONSE:** Admit.

**RESPONSE DATE:** 2/17/21

**NAME OF PERSON WHO PREPARED THE RESPONSE:** Mike Weinstein

**NAME OF TESTIFYING WITNESS:** Mike Weinstein

**DATA REQUEST NO. 63:** Admit that MJ Trucking has not been issued a certificate authorizing it provide solid waste collection service by the Washington Utilities and Transportation Commission.

**RESPONSE:** Admit.

**RESPONSE DATE:** 2/17/21

**NAME OF PERSON WHO PREPARED THE RESPONSE:** Mike Weinstein

**NAME OF TESTIFYING WITNESS:** Mike Weinstein

**DATA REQUEST NO. 64:** Admit that the only material collected, loaded, transported and disposed of under agreement between a Waste Management Affiliate and McKinley Paper is OCC Rejects.

**RESPONSE:** Waste Management admits that the only material it hauls under agreement between a Waste Management Affiliate and McKinley Paper is OCC Rejects. Waste Management denies that it collects or loads OCC Rejects from McKinley Paper.

**RESPONSE DATE:** 2/17/21

**NAME OF PERSON WHO PREPARED THE RESPONSE:** Eric Evans

**NAME OF TESTIFYING WITNESS:** Eric Evans

**DATA REQUEST NO. 66:** Admit that OCC Rejects collected from McKinley Paper's Port Angeles, Washington facility are disposed of in a landfill.

**RESPONSE:** Admit.

**RESPONSE DATE:** 2/17/21

**NAME OF PERSON WHO PREPARED THE RESPONSE:** Eric Evans

**NAME OF TESTIFYING WITNESS:** Eric Evans

**DATA REQUEST NO. 67:** Admit that there is no positive market value for OCC Rejects (i.e., there is no commercial market for the purchase of OCC Rejects).

**RESPONSE:** Admit.

**RESPONSE DATE:** 2/17/21

**NAME OF PERSON WHO PREPARED THE RESPONSE:** Heidi Zimmerman

**NAME OF TESTIFYING WITNESS:** Heidi Zimmerman

**DATA REQUEST NO. 70:** Admit that no railroad has offered highway TOFC/COFC service jointly with Waste Management Disposal Services of Oregon, Inc.

**RESPONSE:** Waste Management understands “offered highway TOFC/COFC service jointly” to mean that Waste Management and a railroad together contracted with a waste generator to provide highway TOFC/COFC service. Subject to this definition, Waste Management admits.

**RESPONSE DATE:** 2/17/21

**NAME OF PERSON WHO PREPARED THE RESPONSE:** Justin Wheeler

**NAME OF TESTIFYING WITNESS:** Justin Wheeler

**DATA REQUEST NO. 71:** Admit that Waste Management Disposal Services of Oregon, Inc. does not offer joint transportation rates with the UPRR.

**RESPONSE:** Waste Management understands “offer joint transportation rates” to mean that Waste Management Disposal Services of Oregon, Inc. and UPRR together contracted for transportation rates with a waste generator. Subject to this definition, Waste Management admits.

**RESPONSE DATE:** 2/17/21

**NAME OF PERSON WHO PREPARED THE RESPONSE:** Eric Evans

**NAME OF TESTIFYING WITNESS:** Eric Evans

**DATA REQUEST NO. 72:** Admit that DAT does not offer joint transportation rates with the UPRR.

**RESPONSE:** Waste Management understands “offer joint transportation rates” to mean that DAT and UPRR together contracted for transportation rates with a waste generator. Subject to this definition, Waste Management admits.

**RESPONSE DATE:** 2/17/21

**NAME OF PERSON WHO PREPARED THE RESPONSE:** Eric Evans

**NAME OF TESTIFYING WITNESS:** Eric Evans

**DATA REQUEST NO. 73:** Admit that MJ Trucking does not offer joint transportation rates with the UPRR.

**RESPONSE:** Waste Management understands “offer joint transportation rates” to mean that MJ Trucking and UPRR together contracted for transportation rates with a waste generator. Subject to this definition, Waste Management admits.

**RESPONSE DATE:** 2/17/21

**NAME OF PERSON WHO PREPARED THE RESPONSE:** Eric Evans

**NAME OF TESTIFYING WITNESS:** Eric Evans

**DATA REQUEST NO. 74:** Admit that Waste Management Disposal Services of Oregon, Inc. and the UPRR have a previously executed agreement by which the UPRR transports intermodal containers of solid waste from the Olympic View Transfer Station.

**RESPONSE:** Admit.

**RESPONSE DATE:** 2/17/21

**NAME OF PERSON WHO PREPARED THE RESPONSE:** Justin Wheeler

**NAME OF TESTIFYING WITNESS:** Justin Wheeler

**DATA REQUEST NO. 75:** Admit that Waste Management Disposal Services of Oregon, Inc. and the UPRR have a previously executed agreement by which the UPRR transports intermodal containers of solid waste from North Mason Fiber.

**RESPONSE:** Admit.

**RESPONSE DATE:** 2/17/21

**NAME OF PERSON WHO PREPARED THE RESPONSE:** Justin Wheeler

**NAME OF TESTIFYING WITNESS:** Justin Wheeler

**DATA REQUEST NO. 76:** Admit that Waste Management Disposal Services of Oregon, Inc. and the UPRR have a previously executed agreement by which the UPRR transports intermodal containers of solid waste from the Argo Yard in Seattle.

**RESPONSE:** Admit.

**RESPONSE DATE:** 2/17/21

**NAME OF PERSON WHO PREPARED THE RESPONSE:** Justin Wheeler

**NAME OF TESTIFYING WITNESS:** Justin Wheeler

**DATA REQUEST NO. 76 [sic]:** Admit that transportation by the UPRR of OCC Rejects generated by McKinley Paper or PTP is provided under a previously executed agreement between the UPRR and a Waste Management Affiliate.

**RESPONSE:** Admit.

**RESPONSE DATE:** 2/17/21

**NAME OF PERSON WHO PREPARED THE RESPONSE:** Justin Wheeler

**NAME OF TESTIFYING WITNESS:** Justin Wheeler

**DATA REQUEST NO. 79:** Admit that services provided to McKinley Paper under contract with Waste Management Disposal Services of Oregon, Inc. include transporting loaded intermodal containers from McKinley Paper's Port Angeles, Washington facility over the public roads in Washington.

**RESPONSE:** Admit.

**RESPONSE DATE:** 2/17/21

**NAME OF PERSON WHO PREPARED THE RESPONSE:** Eric Evans

**NAME OF TESTIFYING WITNESS:** Eric Evans

**DATA REQUEST NO. 80:** Admit that services provided to McKinley Paper under contract with Waste Management [Disposal] Services of Oregon, Inc. include the disposal of solid waste at the Columbia Ridge Landfill in Arlington, Oregon.

**RESPONSE:** Admit.

**RESPONSE DATE:** 2/17/21

**NAME OF PERSON WHO PREPARED THE RESPONSE:** Eric Evans

**NAME OF TESTIFYING WITNESS:** Eric Evans

**DATA REQUEST NO. 86:** Admit that a Waste Management Affiliate contracts with MJ Trucking to provide transportation of intermodal containers to and from McKinley Paper's Port Angeles, Washington facility.

**RESPONSE:** Admit.

**RESPONSE DATE:** 2/17/21

**NAME OF PERSON WHO PREPARED THE RESPONSE:** Justin Wheeler

**NAME OF TESTIFYING WITNESS:** Justin Wheeler

**DATA REQUEST NO. 92:** Admit that services provided to PTP under contract with Waste Management Disposal Services of Oregon, Inc. include transporting loaded intermodal containers from PTP's Port Townsend, Washington facility over the public roads in Washington.

**RESPONSE:** Admit.

**RESPONSE DATE:** 2/17/21

**NAME OF PERSON WHO PREPARED THE RESPONSE:** Eric Evans

**NAME OF TESTIFYING WITNESS:** Eric Evans

**DATA REQUEST NO. 93:** Admit that services provided to PTP under contract with Waste Management Disposal Services of Oregon, Inc. include the disposal of solid waste at the Columbia Ridge Landfill in Arlington, Oregon.

**RESPONSE:** Admit.

**RESPONSE DATE:** 2/17/21

**NAME OF PERSON WHO PREPARED THE RESPONSE:** Eric Evans

**NAME OF TESTIFYING WITNESS:** Eric Evans

**DATA REQUEST NO. 97:** Admit that a Waste Management Affiliate contracts with DAT to provide transportation of intermodal containers to and from PTP's Port Angeles, Washington facility.

**RESPONSE:** Admit.

**RESPONSE DATE:** 2/17/21

**NAME OF PERSON WHO PREPARED THE RESPONSE:** Justin Wheeler

**NAME OF TESTIFYING WITNESS:** Justin Wheeler

RESPONSES AND OBJECTIONS SUBMITTED this 17<sup>th</sup> day of February, 2021.

SUMMIT LAW GROUP PLLC

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Waste Management Disposal Services of  
Oregon, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding, by the method as indicated below, pursuant to WAC 480-07-150.

<p><i>Attorneys for Complainant Murrey's Disposal Co., Inc.</i></p> <p>Blair I. Fassburg, WSBA #41207 David W. Wiley, WSBA #08614 Sean D. Leake, WSBA #52658 WILLIAMS, KASTNER &amp; GIBBS PLLC 601 Union Street, Suite 4100 Seattle, WA 98101-2380 Legal Asst: Maggi Gruber <a href="mailto:dwiley@williamskastner.com">dwiley@williamskastner.com</a> <a href="mailto:bfassburg@williamskastner.com">bfassburg@williamskastner.com</a> <a href="mailto:sleake@williamskastner.com">sleake@williamskastner.com</a> <a href="mailto:mgruber@williamskastner.com">mgruber@williamskastner.com</a></p>	<p><input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email</p>
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DATED this 17<sup>th</sup> day of February, 2021.

s/Sharon Hendricks  
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