

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Application of:

WASTE MANAGEMENT OF WASHINGTON,
INC. D/B/A WM HEALTHCARE SOLUTIONS
OF WASHINGTON

For an Extension of Certificate G-237 for a
Certificate of Public Convenience and Necessity
to Operate Motor Vehicles in Furnishing Solid
Waste Collection Service

Docket No. TG-120033

**DECLARATION OF JESSICA L.
GOLDMAN IN SUPPORT OF WASTE
MANAGEMENT'S RESPONSE TO
RUBATINO, ET AL.'S OBJECTION TO
APPLICANT'S DATA REQUESTS AND
MOTION FOR DISCOVERY
CONFERENCE**

I, Jessica L. Goldman, declare as follows:

1. I am counsel for Waste Management in this matter and I make this declaration based on personal knowledge.

2. Attached hereto as Exhibit 1 is a true and correct copy of Data Requests Propounded to Rubatino by Waste Management dated May 24, 2012.

I declare under penalty of perjury under the laws of the State of Washington and the United States that the foregoing is true and correct.

EXECUTED this 18th day of June, 2012 at Seattle, Washington.



Jessica L. Goldman

CERTIFICATE OF SERVICE

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

<p>Washington Utilities and Transportation Commission 1300 S. Evergreen Park Dr. SW PO Box 47250 Olympia, WA 98504-7250 360-664-1160 records@utc.wa.gov</p>	<p><input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input checked="" type="checkbox"/> Via Federal Express <input checked="" type="checkbox"/> Via Email</p>
<p>Gregory J. Kopta Administrative Law Judge Washington Utilities and Transportation Commission gkopta@utc.wa.gov</p>	<p><input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email</p>
<p>Frona Woods Attorney General's Office of Washington PO Box 40128 Olympia, WA 98504 (360) 664-1225 fwoods@utc.wa.gov bdemarco@utc.wa.gov</p>	<p><input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email</p>
<p>Stephen B. Johnson Jared Van Kirk Garvey Schubert Barer 1191 Second Avenue, Suite 1800 Seattle, WA 98101 (206) 464-3939 sjohnson@gsblaw.com jvankirk@gsblaw.com dbarrientes@gsblaw.com Attorneys for Stericycle of Washington, Inc.</p>	<p><input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email</p>
<p>James K. Sells 3110 Judson Street Gig Harbor, WA 98335 (360) 981-0168 jamesells@comcast.net cheryls@rsulaw.com Attorney for Protestant WRRRA, Rubatino, Consolidated, Murrey's, and Pullman</p>	<p><input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email</p>

DATED at Seattle, Washington, this 18th day of June, 2012.


Deanna L. Schow

Exhibit 1

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Application of:

WASTE MANAGEMENT OF WASHINGTON,
INC. D/B/A WM HEALTHCARE SOLUTIONS
OF WASHINGTON

For an Extension of Certificate G-237 for a
Certificate of Public Convenience and Necessity
to Operate Motor Vehicles in Furnishing Solid
Waste Collection Service

Docket No. TG-120033

**DATA REQUESTS PROPOUNDED
TO RUBATINO BY WASTE
MANAGEMENT**

TO: Protestant Rubatino Refuse Removal, Inc. and its attorney James K. Sells

Pursuant to WAC 480-07-405 and the Prehearing Conference Order, Waste Management of Washington, Inc. requests that you answer fully and in writing each of the following data requests and produce the following-described documents within your possession, custody or control at the offices of Summit Law Group, 315 5th Avenue S, Ste. 1000, Seattle, WA 98104, by June 8, 2012. The terms “you” and “yours” refer to Rubatino Refuse Removal, Inc. and its agents, employees, officers, directors, and owners. The term “document” means writings, drawings, graphs, charts, photographs, and any other data compilation. If you claim a privilege against production of any document, please state the asserted basis of the privilege and describe such document with sufficient specificity to enable Waste Management to frame a motion to compel disclosure. Pursuant to WAC 480-07-405(7)(c), as to each data response, state the name

of the person who prepared the response and the name of any witness who is knowledgeable about and can respond to questions concerning the response.

DATA REQUEST NO. 1: Produce a detailed general ledger for your Washington operations for calendar year 2011.

DATA REQUEST NO. 2: Provide a detailed revenue price-out (explaining the basis for your WUTC revenues) for calendar years 2009, 2010, 2011, and 2012 (to date) respectively, including the volume of each size container you collected in each year, the number of customers for each size container in each year, and the rate you charged for each such collection in each year.

DATA REQUEST NO. 3: Produce a detailed depreciation schedule listing all assets used to provide WUTC-regulated biomedical services in Washington.

DATA REQUEST NO. 4: Describe specifically the methodology used to determine any overhead charges to your WUTC-regulated biomedical waste operation. For all overhead allocations, provide calculations in electronic format supporting the methodology.

DATA REQUEST NO. 5: Describe specifically the methodology and allocation factors you use to separate common expenses for WUTC-regulated biomedical waste services and other operations.

DATA REQUEST NO. 6: Identify any persons or entities which have an affiliated interest (as that term is defined in RCW 80.16.010) with your regulated biomedical operations.

DATA REQUEST NO. 7: Produce contracts and any other documents reflecting arrangements or transactions between you and any affiliated interest (as that term is defined in RCW 80.16.010). If no documents are available, state a summary of the services provided and the prices or values paid.

DATA REQUEST NO. 8: Produce your WUTC annual reports for 2009, 2010, and 2011.

DATA REQUEST NO. 9: State the volume of biomedical waste you collected in Washington in 2009, 2010, 2011, and 2012 (to date), respectively.

DATA REQUEST NO. 10: State the volume of biomedical waste you collected, and the number of customers from whom you collected such waste, within each Washington county, respectively, in 2009, 2010, 2011, and 2012 (to date), respectively.

DATA REQUEST NO. 11: Identify by name and address each facility to which you transported or arranged to have transported biomedical waste generated in Washington in 2009, 2010, 2011, and 2012 (to date), respectively, and as to each such year, identify the volume of biomedical waste you tendered to each such facility.

DATA REQUEST NO. 12: State the number of customers you served in Washington in 2009, 2010, 2011, and 2012 (to date), respectively.

DATA REQUEST NO. 13: State the number of customers for whom you provided services at more than one affiliated facility in Washington in 2009, 2010, 2011, and 2012 (to date), respectively.

DATA REQUEST NO. 14: Produce all documents which discuss, refer to or reflect a customer complaint made to you or about your service since January 1, 2009.

DATA REQUEST NO. 15: Produce all documents which discuss, refer to or reflect your violation, alleged violation, or investigation of your possible violation, of any law, regulation, ordinance, or government rule since January 1, 2009 in performing WUTC-regulated collection services.


DATA REQUEST NO. 16: Produce all documents which discuss, refer to or reflect your efforts to make your services known and to attract business in Washington since January 1, 2009 including, without limitation, copies of all yellow pages advertising.

DATA REQUEST NO. 17: Describe the containers you provide to your customers to serve as repositories of biomedical waste including, without limitation, stating the sizes of the containers, the manufacturers of the containers, how long you have been using the containers, and where in Washington you provide each such container to customers.

DATA REQUEST NO. 18: Describe if, and how, you recycled biomedical waste in Washington in 2009, 2010, 2011, and 2012 (to date), respectively.

DATED this 24th day of May, 2012.

SUMMIT LAW GROUP PLLC

By 

Polly L. McNeill, WSBA #17437

Jessica L. Goldman, WSBA #21856

pollym@summitlaw.com

jessicag@summitlaw.com

Attorneys for Waste Management of
Washington, Inc.

CERTIFICATE OF SERVICE

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

Fronda Woods Attorney General's Office of Washington PO Box 40128 Olympia, WA 98504 (360) 664-1225 fwoods@utc.wa.gov bdemarco@utc.wa.gov	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email
Stephen B. Johnson Jared Van Kirk Garvey Schubert Barer 1191 Second Avenue, Suite 1800 Seattle, WA 98101 (206) 464-3939 sjohnson@gsblaw.com jvankirk@gsblaw.com dbarrientes@gsblaw.com <i>Attorneys for Stericycle of Washington, Inc.</i>	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email
James K. Sells 3110 Judson Street Gig Harbor, WA 98335 (360) 981-0168 jamesells@comcast.net cheryls@rsulaw.com <i>Attorney for Protestant WRRRA, Rubatino, Consolidated, Murrey's, and Pullman</i>	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email

DATED at Seattle, Washington, this 24th day of May, 2012.



Deanna L. Schow