

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

WASTE CONTROL, INC.,

Respondent.

DOCKET TG-140560

COMMISSION STAFF'S RESPONSE  
TO WRRRA'S RESPONSE TO AND  
JOINDER IN RESPONDENT'S  
DISCOVERY MOTION

**INTRODUCTION, BACKGROUND, AND DISCUSSION**

1 Washington Utilities and Transportation Commission Staff (Commission Staff or  
Staff) files this response to the Washington Refuse and Recycling Association's (WRRRA's or  
the Association's) recent response to and joinder in Waste Control's discovery motion. The  
WRRRA's response contains several misstatements of fact that beg correction.

2 First, WRRRA makes reference to "a seemingly endless volley of discovery from  
Staff." Quite to the contrary, Staff has propounded but 19 data requests to the Company,  
since the inception of this case.

3 Second, the Association further expresses "surprise" at the adversarial nature of this  
proceeding, without consideration of the fact that the Company has refused to accept that it is  
required by both statute and rule to provide certain information to Staff to aid in Staff's  
investigation of the Company's general rate case filing. There is no need for the Commission

to appoint a “Discovery Master” in this case. Rather, the Commission need only issue a written interpretation of the Commission’s general rate case rule, WAC 480-07-520.

4 Third, the Association appears to be suffering under the misimpression that Staff has refused repeated overtures from the Company to meet to discuss discovery disputes.<sup>1</sup> That is flatly untrue. In fact, Staff engaged in extensive telephone, technical conferences with the Company on May 9, 12, 13, 14, as well as, all day on both May 15 and 16, 2014, the primary focus of which was Staff DR 11, which is the subject of Staff’s motion to compel. Moreover, Staff and the Company have exchanged countless email messages concerning discovery, during the course of this second litigation.

5 Fourth, Commission Staff takes great umbrage at the Association’s insinuation that Staff has acted in bad faith in pursuing its right to legitimate discovery in this contested case.<sup>2</sup>

6 Fifth, as the relevant facts here demonstrate, Waste Control is not a company that WRRRA contemplates as filing for a rate adjustment and expecting to produce documentation and willingly doing so. WRRRA Response, at 3, ll. 6-7.

7 Finally, Commission Staff agrees with the Association that one of the Commission’s most significant roles is to set rates that are fair, just, reasonable, and sufficient. Staff, however, does not agree that its motion to compel reasonable discovery in this case constitutes “unreasonable and unjustified, adversarial bickering over procedural or discovery matters,” compromising the Commission’s important role. *Id.*, at 3, ll. 9-10.

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<sup>1</sup> The WRRRA argues that “The question here is not whether there should have been informal and serious ‘face-to-face’ discovery discussions already, but why not?” WRRRA Response, at 2, ll. 5-6. The irony here is that after facing dismissal of its case, Waste Control requested that this second case head directly to suspension and formal adjudication, effectively side-stepping the typical informal discovery process.

<sup>2</sup> “The more time it takes because of a lack of a good faith effort by either party to informally resolve these issues, the further away that goal [fair rate-setting] recedes.” WRRRA Response, at 2, ll. 22-23.

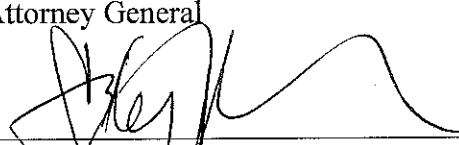
**CONCLUSION**

8 For the above reasons, Waste Control's motion for the appointment of a Discovery Master should be denied.

DATED this 23<sup>rd</sup> day of June 2014.

Respectfully submitted,

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