

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Docket TG-181023

In the Matter of the Application of Superior Waste & Recycle LLC for Authority to Operate as a Solid Waste Collection Company in Washington

SUPPLEMENTAL RESPONSES TO SUPERIOR WASTE & RECYCLE LLC'S FIRST SET OF DATA REQUESTS TO WASTE MANAGEMENT OF WASHINGTON, INC.

Dated: July 24, 2019

Waste Management of Washington, Inc.'s ("Waste Management") first supplemental responses to Superior Waste & Recycle, LLC's ("Superior") First Set of Data Requests (dated May 1, 2019) are as follows.

I. General Objections to Data Requests

1. Waste Management objects to the Superior's data requests to the extent they seek information protected by the attorney-client privilege, the work product privilege, the privilege accorded settlement materials, or other applicable privileges. Any inadvertent production shall not waive any privilege with respect to such information or documents.
2. Waste Management objects to Superior's data requests to the extent they seek information or documents neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in this proceeding.
3. Waste Management objects to Superior's data requests to the extent they are overly broad and/or would impose an undue burden on Waste Management to review and/or produce requested communications, documents, documentary evidence, or other materials.
4. Waste Management objects to Superior's data requests to the extent they would require Waste Management to prepare new studies or analyses, compile data in a form or manner other than that in which it currently exists, or create any product specifically in response to a discovery request.
5. Waste Management objects to Superior's data requests to the extent they seek information that is publicly available.
6. Waste Management objects to Superior's data requests to the extent they seek information that is already in the possession of or readily available to Superior from sources other than Waste Management, with a reasonable expenditure of effort on the part of Superior.

7. Waste Management reserves the right to supplement its responses, including the right to assert additional objections, as it conducts a good faith effort to respond to discovery requests and any review of potentially responsive documents or information.
8. Waste Management objects to Superior's data requests to the extent they seek the production of communications, documents, documentary evidence, or other materials beyond the possession, custody, or control of Waste Management.
9. Waste Management objects to Superior's data requests insofar as they are vague, ambiguous, overly broad, unduly burdensome, or use terms that are subject to multiple interpretations but are not properly defined or explained for purposes of these discovery requests.
10. Waste Management objects to all of Superior's data requests to the extent that they relate to "the area Superior has applied to conduct business in," because that phrase and the territory to which it refers are not precisely defined or mapped, either in Superior's data requests or in the materials submitted with Superior's certificate application. Subject to this objection, Waste Management's responses to all such data requests reflect Waste Management's good-faith effort to understand Superior's data request.
11. Waste Management objects to Superior's data requests that seek "all documents," "all correspondence," and other similarly worded requests utilizing the terms "all" or "any." Such requests are overly broad and unduly burdensome, and fail to identify with sufficient specificity the information or material sought. Notwithstanding this objection, Waste Management will produce responsive, non-privileged materials sufficient to support its position or response.
12. Waste Management objects to Superior's "Definitions" and "General Instructions" or individual data requests to the extent they are inconsistent with or purport to require Waste Management to do anything not required by the procedures and requirements set forth in the Commission's discovery rules and Order No. 1 in this case, and to the extent that they purport to alter the plain meaning of any data request or render it vague, ambiguous, unintelligible, overbroad, or unduly burdensome.

II. Responses and Objections to Data Requests

A. Customers

0005 For the customers mentioned above, please provide list [sic] of all complaints sent to Waste Management for the past twenty-four (24) months.

May 15, 2019 Initial Response: For the reasons explained in response to Superior's Data Request No. 0001, Waste Management objects to this request because it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, except to the extent that it relates to complaints relevant to Waste Management's options for solid waste collection beyond standard collection points; providing the requested information is not among the allowed uses of customer information under WAC 480-70-421; the request is overly broad and unduly

burdensome; and the request seeks confidential valuable commercial information. Subject to and without waiving the foregoing objections, Waste Management responds as follows:

In the past 24 months, Waste Management's records show only two customer service cases (a database category for complaint-type customer contacts) in Superior's proposed service territory related to Waste Management's carry-out or drive-in service or obviously related to a customer's ability to transport collection containers to Waste Management collection points. Those records reflect the following:

- In one case, with records from September 8 and September 11, 2017, a customer called about her solid waste container not being emptied. She said she was having a hard time getting her solid waste collected and getting her container down to the main road. Waste Management initially advised that carry-out service was unavailable at that location, but later modified its collection point to accommodate carry-out service, which she now receives.
- In the other case, with records from July 6 and 10, 2017, a customer receiving carry-out service called and said that his recycling was not being collected. It appears that a new Waste Management collection driver had been assigned to the customer's route and was not aware of the carry-out service.

Other than those two cases, Waste Management's records show only 110 customer service cases from 95 customers in the past 24 months, out of the approximately 6,000 Waste Management customers in Superior's proposed service territory. None of those 110 cases is associated with any of the Waste Management customers currently receiving carry-out or drive-in service within Superior's proposed service territory. Those cases are not relevant to the proceeding at hand, but Waste Management notes that they fall into the following general categories:

- Pickup issues including disputed reports that a customer container was not placed out for collection (but with no indication of relevance to the issues in this case): 67 cases
- Delivery, removal, swap, or repair of collection containers: 29 cases
- Reports of litter or other mess caused by Waste Management, including collection containers not placed neatly after collection: 10 cases
- Driver issues: 7 cases

These total to greater than 110 because a few cases fall into more than one category. Finally, it is important to note that the existence of a customer service case does not mean that Waste Management committed any error or was otherwise at fault.

Person Who Prepared the Response:

Mike Weinstein

Witness Knowledgeable About the Response:

Mike Weinstein

July 24, 2019 Supplemental Response: Subject to and without waiving its original objections except to the extent that the Commission has waived the limitations of WAC 480-70-421 on use of customer information “to the extent required for confidential discovery and usage consistent with Order 02” (the protective order in this proceeding), Waste Management supplements its response as follows:

Please see the Excel spreadsheet produced as “WM0001 selected customer cases (C).xlsx”. This spreadsheet includes Waste Management customer service cases in the “complaint” category (including all subcategories) for the relevant time period for residential customers located within Superior’s proposed territory. It also includes residential customer service cases from several other database categories and subcategories, per discussions between counsel for Waste Management and Superior. Because the spreadsheet was developed by including entire categories and subcategories, the spreadsheet is overinclusive in the interest of efficiency. The mere inclusion of a particular customer service case in the spreadsheet does not by itself indicate that such case could be characterized as a complaint or that the relevant customer was dissatisfied with any aspect of Waste Management’s service.

This spreadsheet includes confidential customer information covered by WAC 480-70-421(1) and produced subject to the protection of Order Nos. 02 and 03 in this docket. Such confidential information includes, without limitation:

- customer name information in column “CSNAME”;
- customer address information in column “SERVICE_ZIP_CD”;
- customer level of service, credit and deposit information, and billing history in columns “DATECREATE” and “CSDESC”; and
- customer information from any of the categories in WAC 480-70-421(1) in column “WLLINE”, which contains varying levels of individualized detail on each case.

In addition, Waste Management corrects its initial response as follows: “customer service cases” in Waste Management’s database include not only complaints (as indicated in the initial response), but many other types of customer interactions, including all of those in “WM0001 selected customer cases (C).xlsx” and others that are not relevant to this proceeding, such as routine requests to begin, change, or end service. The analysis in the initial response describing “110 customer service cases from 95 customers in the past 24 months” in fact applies only to customer service cases in the “COMPLAINT” category. To the extent that database categories other than “COMPLAINT” record interactions that might be regarded as complaints, they were not addressed in Waste Management’s initial response. In addition, Waste Management’s initial response applies only to customers receiving residential collection service.

Person Who Prepared the Supplemental Response:

Cory Caldwell and counsel

Witness Knowledgeable About the Supplemental Response:

Mike Weinstein

0006 For the customers mentioned above, please provide all list [sic] of all instances Waste Management has refused to provide service for the past twenty-four (24) months.

May 15, 2019 Initial Response: For the reasons explained in response to Superior’s Data Request No. 0001, Waste Management objects to this request because it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, except to the extent that it relates to Waste Management’s options for solid waste collection beyond standard collection points; providing the requested information is not among the allowed uses of customer information under WAC 480-70-421; the request is overly broad and unduly burdensome; and the request seeks confidential valuable commercial information. Subject to and without waiving the foregoing objections, Waste Management responds as follows:

Waste Management has received only three *total* requests for carry-out or drive-in service in the proposed Superior service territory in the last two years. In one case, Waste Management is now providing the requested drive-in service, and in another case we were able to change a customer’s pickup location as requested without adding any additional service or charges. In just one case, Waste Management was unable to provide requested drive-in service due to lack of turnaround room for the collection truck.

Person Who Prepared the Response:

Mike Weinstein

Witness Knowledgeable About the Response:

Mike Weinstein

July 24, 2019 Supplemental Response: Subject to and without waiving its original objections except to the extent that the Commission has waived the limitations of WAC 480-70-421 on use of customer information “to the extent required for confidential discovery and usage consistent with Order 02” (the protective order in this proceeding), Waste Management supplements its response as follows:

Please see the document produced as “WM0001 selected customer cases (C).xlsx.” The three requests discussed in Waste Management’s initial response are listed in that document under the customer service category “SITE SURVEY”, listed in column “CSCAT DESC”. Note that the SITE SURVEY category includes a fourth case, customer service case #9937544 (as listed in column “CSCASE#”), that does not relate to carry-out or drive-in service.

In the course of preparing the spreadsheet, Waste Management identified a small number of additional customer requests for drive-in or carry-out service in Superior’s proposed

territory since the beginning of 2017, which were not originally included because they were not properly recorded in the "SITE SURVEY" category in the database. These cases are described generally as follows, and the spreadsheet contains further information associated with the stated case number:

- Case #7489872 represents a second case since the beginning of 2017 in which a customer requested drive-in or carry-out service and Waste Management declined due to the length of the customer's driveway and lack of adequate turnaround.
- Case #7631350 represents a customer inquiry regarding the availability of packout service. Further investigation determined that the customer is now receiving drive-in service.
- Case #8781300 represents a request for packout service. Waste Management determined the customer was eligible for drive-in service. Further investigation determined that the customer is now receiving drive-in service.

Thus, in total, Waste Management has identified six customer requests for drive-in or carry-out service within Superior's proposed territory (subject to General Objection 10 above) since the beginning of 2017. In only two cases did Waste Management decline to provide the requested service, both due to inadequate turnaround space on long driveways.

Person Who Prepared the Response:

Mike Weinstein

Witness Knowledgeable About the Response:

Mike Weinstein