

Exhibit No. RAR-1T
Docket No. TG-181023
Witness: Robert Rutledge

**BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of:

DOCKET TG-181023

SUPERIOR WASTE & RECYCLE LLC

**for Authority to Operate as a Solid Waste
Collection Company in Washington**

Direct Testimony of

ROBERT A. RUTLEDGE

On behalf of Waste Management of Washington, Inc.

May 15, 2019

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I. EXPERIENCE AND SUMMARY OF TESTIMONY

Q. Please state your name and business address.

A. My name is Robert A. Rutledge. My business address is 9300 SW Barney White Rd., Bremerton, WA 98312.

Q. By whom are you employed and in what capacity?

A. I am employed by Waste Management of Washington, Inc. (“Waste Management”) d/b/a Brem-Air Disposal as District Manager.

Q. Would you please describe your educational background and professional employment experience?

A. I joined Waste Management in August, 2014, and have served as District Manager for its Brem-Air (Kitsap County) operations for almost five years. Prior to starting with Waste Management, I worked as a Distribution Supervisor for Coca-Cola for almost five years.

Q. What are your primary responsibilities for Waste Management?

A. As District Manager, I oversee all Waste Management’s day-to-day operations in the City of Bremerton and the areas of Kitsap County subject to the jurisdiction of the Washington Utilities and Transportation Commission (“Commission” or “UTC”) over solid waste collection. The Commission-jurisdictional area of Kitsap County that I oversee includes all of the area Superior Waste & Recycle, LLC

1 (“Superior”) proposes to serve in its certificate application in this docket. Within
2 that area, I am ultimately responsible for Waste Management staffing and collection
3 scheduling, making sure we have enough collection vehicles and other equipment in
4 good working order to make our collections, dealing with requests for new or
5 changed service and other safety and collection issues from customers and the
6 general public, and ensuring Waste Management maintains compliance with
7 applicable regulations and other requirements.

8
9 **Q. What are the subjects of the testimony you are offering today?**

10 A. I will testify about new or changed service options Waste Management is
11 considering to meet the potential unmet need identified in Superior’s application,
12 specifically the safety and logistical considerations and the possible equipment that
13 could be used to expand service. I will also testify briefly about how Waste
14 Management plans and schedules to provide continuous service even when staff or
15 equipment is not available as expected, and Superior’s apparent lack of any such
16 backup plans.

17
18 **II. WASTE MANAGEMENT IS CONSIDERING NEW SERVICE OPTIONS**

19
20 **Q. Waste Management’s Senior Pricing Manager, Michael Weinstein, testifies**
21 **that Waste Management is considering new service options for customers**
22 **unable to move their carts to locations accessible under Waste Management’s**
23 **existing service. Please describe the existing options.**

1 A. Currently, in the areas Superior proposes to serve, Waste Management collects
2 customer solid waste and recycling using full-size front-end-load and sideload
3 trucks. Waste Management also provides drive-in and carry-out service with a
4 smaller sideload truck. Under standard service, a customer must move their cart on
5 collection day to within five feet of where the collection trucks drive on their regular
6 routes over public streets. As Mr. Weinstein describes, Waste Management offers
7 add-on services to improve access. First, customers may receive carry-out service,
8 under which the Waste Management collector, on foot, will move carts up to 100
9 feet to where the collection vehicle can reach them.

10 For customers with longer driveways, Waste Management offers drive-in
11 service, in which the entire collection vehicle is driven up to a mile off the public
12 roads to collect the customer's carts. Importantly, under Brem-Air's tariff, if a
13 driveway or private road provides access to more than one residence or account,
14 Waste Management does not charge for drive-ins—the added fee applies only for a
15 drive-in to reach a single residence.

16
17 **Q. What limitations apply to these services?**

18 A. Under Item 30, Limitations of Service, in the Brem-Air tariff, Waste Management
19 may decline service to collection points where operating Waste Management
20 vehicles would threaten the safety of persons or property due to the conditions of
21 streets, alleys, or roads. In addition, Waste Management may refuse drive-in service
22 where a private driveway or road is improperly constructed or maintained, does not
23 have an adequate turn-around, or has other unsafe conditions.

1 **Q. Why does Waste Management require a safe turnaround on private property**
2 **for drive-in service?**

3 A. Waste Management's policy is to require turn-around space so that Waste
4 Management vehicles never have to back onto public roads. In much of
5 unincorporated Kitsap County, including the area Superior proposes to serve, many
6 roads are rural and winding, with poor visibility, narrow shoulders, and relatively
7 high speed limits. Backing collection vehicles onto such roads poses unacceptable
8 safety risks to the public and Waste Management's collection employees.

9
10 **Q. Does Superior's application demonstrate a need for service beyond the terms of**
11 **Waste Management's existing tariff?**

12 A. Possibly. Much of what Superior claims is anecdotal at this point, but if true,
13 suggests there may be a small number of customers whose needs we could better
14 serve. We only recently received the list of Superior's customers and service
15 locations, and are actively working to ground-truth the accessibility of those
16 locations under Waste Management's existing service terms. That will inform
17 further consideration of possible expanded service to meet any identified need to the
18 Commission's satisfaction.

19
20 **Q. What options are Waste Management considering to meet the potential new**
21 **need?**

22 A. Several options are on the table. We believe the policy against backing onto public
23 roads is well-founded. However, offering service with smaller vehicles in addition

1 to Waste Management's current collection trucks could increase the number of
2 private driveways and roads that we can safely travel and turn around on for drive-in
3 service.

4 As Mr. Weinstein mentions, we are considering smaller collection vehicles
5 that still have compaction equipment, but weigh less and sit on a smaller chassis and
6 are thus able to safely navigate smaller, narrower roads with tighter curves and turn-
7 arounds than our existing collection vehicles. I understand that Waste Management
8 or its out-of-state affiliates may be offering similar service or using similar vehicles
9 elsewhere, but I'm not yet aware of the specifics. We are also considering the
10 possibility of using more standard light-duty vehicles to collect from customers
11 where needed and haul waste and recycling either to standard Waste Management
12 collection points (like the Trash Maidz service in California described by
13 Mr. Weinstein) or directly to the transfer station, much as Mr. Stein proposes.
14 Standard vehicles for this add-on collection service would probably allow access to
15 the greatest possible range of customers, and Waste Management might be able to
16 offer such collection safely by employees with less skill and training than required
17 to operate a full-sized collection truck.

18
19 **Q. Please describe briefly how Waste Management, under your supervision,**
20 **schedules its collection employees and equipment to assure consistent collection**
21 **even if an employee or piece of equipment is unexpectedly unavailable on a**
22 **given day.**

1 A. Waste Management has a spare truck available in the event the primary vehicle is
2 out of service due to any safety or DOT compliance concerns. Similarly, Waste
3 Management will have additional drivers trained to cover the route in the event the
4 regular driver calls in sick or is on vacation. For any new or expanded service we
5 may add (as described above), we will do the same.

6

7 **III. SUPERIOR APPEARS NOT TO HAVE SUFFICIENT BACKUP PLANS**

8

9 **Q. Do you see any evidence that Superior has similar contingency plans to**
10 **maintain consistent service?**

11 A. No, Superior apparently doesn't have any backup plan at all. It has only one truck,
12 so I don't know how Superior will serve its customers when the truck almost
13 inevitable suffers mechanical problems at some point. Similarly, there doesn't seem
14 to be any backup plan for Mr. Stein himself. In fact, I was on a call with Mr. Stein
15 not long after Superior filed its application where Waste Management raised the
16 concern of what would happen to its customers if Mr. Stein were unable to
17 personally carry out every aspect of Superior's service.

18

19 **Q. What was Mr. Stein's response?**

20 A. He didn't seem to take the concern very seriously. He only responded that he had
21 never missed work due to sickness before. Even if that's true, it obviously doesn't
22 guarantee that he'll never get sick or injured in the future and it's certainly not a
23 plan to maintain service.

1

2 **Q. Do you think that's a sufficient plan to meet the public service obligation of a**
3 **certificated waste hauler?**

4 A. No. In the operations I oversee for Waste Management, I would never depend on
5 Plan A always working out. Unexpected things happen. In rare cases, even good
6 backup plans don't guarantee perfect service. But Waste Management certainly
7 always *has* a backup plan. It's not uncommon to have to call up a reserve driver or
8 rotate an extra truck into service to cover a breakdown, and the vast majority of the
9 time we're able to serve our customers with no interruption in those cases. It
10 doesn't sound like Mr. Stein is in a position to do that, which raises serious doubt
11 about Superior's fitness for a certificate.

12

13 **Q. Does this conclude your direct testimony?**

14 A. Yes.