

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION STAFF
RESPONSE TO DATA REQUEST

DATE PREPARED: 7/29/19

WITNESS: Scott Sevall

DOCKET: TG-181023

RESPONDER: Scott Sevall

REQUESTER: Waste Management

TELEPHONE: 360-664-1230

REQUEST NO. 5:

Please produce all communications since November 29, 2018 between Staff and Mr. Stein or anyone else associated with or representing Superior.

RESPONSE:

Exhibit SS-4 is a copy of Staff's notes from its meeting with Mr. Stein dated January 18, 2019. Attached are copies of Staff's email communication with Mr. Stein. Staff spoke with Mr. Stein once by phone to schedule the January 18th meeting, but does not recall the date.

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REQUEST NO. 8:

- (a) Please identify all facts indicating that Waste Management's solid waste collection in Superior's proposed service territory is not sufficiently regular for the satisfaction of the Commission.
- (b) Based on the facts identified above, has Staff concluded that Waste Management's solid waste collection in Superior's proposed service territory is not sufficiently regular for the satisfaction of the Commission? Please explain.

RESPONSE:

- (a) While the ultimate determination as to satisfactory service is reserved to the Commission, Staff reviewed one complaint produced as part of Staff's response to WM DR 0001 where the company missed a pick-up.
- (b) While the ultimate determination as to satisfactory service is reserved to the Commission, Staff does not believe that the facts mentioned above demonstrate that Waste Management is not providing satisfactory service on the basis of regular service.

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REQUEST NO. 9:

- (a) Please identify all facts indicating that Waste Management is the subject of complaints about its service in Superior's proposed territory of a sufficient nature, seriousness, or pervasiveness to call into question the Commission's satisfaction with Waste Management's service.
- (b) Based on the facts identified above, has Staff concluded that Waste Management is the subject of complaints about its service in Superior's proposed territory of a sufficient nature, seriousness, or pervasiveness to call into question the Commission's satisfaction with Waste Management's service? Please explain.

RESPONSE:

- (a) While the ultimate determination as to satisfactory service is reserved to the Commission, Staff reviewed three consumer upheld complaints against Waste Management produced as part of Staff's response to WM DR 0001.
- (b) While the ultimate determination as to satisfactory service is reserved to the Commission, Staff does not believe that the facts mentioned above demonstrate that Waste Management is not providing satisfactory service based on the nature, seriousness, or pervasiveness of the complaints..

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REQUEST NO. 12:

- (a) Please identify all facts indicating that Waste Management's history of compliance with regulations calls into question the Commission's satisfaction with Waste Management's service.
- (b) Based on the facts identified above, has Staff concluded that Waste Management's history of compliance with regulations calls into question the Commission's satisfaction with Waste Management's service? Please explain.

RESPONSE:

- (a) While the ultimate determination as to satisfactory service is reserved to the Commission, Staff reviewed consumer complaints produced in Staff's response to Waste Management DR 0001, which contained 3 consumer upheld complaints and several violations.
- (b) While the ultimate determination as to satisfactory service is reserved to the Commission, Staff does not believe that the facts mentioned above demonstrate that Waste Management is not providing satisfactory service based on the company's history of compliance with regulation.

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REQUEST NO. 14:

Some Brem-Air customers or potential customers are within the distance limitations for carry-out or drive-in service under Item 80 of its tariff, but are ineligible for those services due to the unsuitability of private roads for access by Brem-Air's collection vehicles. In this regard:

- (a) Please identify all facts indicating that Waste Management's service to such customers is not to the satisfaction of the Commission.
- (b) Based on the facts identified above, has Staff concluded that Waste Management's service to such customers is not to the satisfaction of the Commission?

RESPONSE:

- (a) While the ultimate determination as to satisfactory service is reserved to the Commission, Staff does not believe that the safety exemptions which Waste Management utilizes and are authorized by WAC 480-70-366 result in Waste Management providing unsatisfactory service.
- (b) While the ultimate determination as to satisfactory service is reserved to the Commission, Staff has not concluded that Waste Management's use of safety exemptions establishes that Waste Management's service is unsatisfactory.

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REQUEST NO. 15:

REQUEST FOR ADMISSION: Please admit that all of Superior's proposed service territory is currently within Waste Management's exclusive service territory. If your response is anything other than an unqualified admission, please state what you believe to be the truth of the matter.

RESPONSE:

Superior's proposed service territory is wholly within Waste Management's territory.

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REQUEST NO. 16:

At page 3 of his response testimony, Mr. Sevall testifies, “There are some Waste Management tariffs that are missing rates for walk-in and drive-in service. I did not consider those as limitations to service.” In this regard:

- (a) Which Waste Management tariffs is Mr. Sevall referring to?
- (b) When Mr. Sevall says those tariffs are “missing rates for walk-in and drive-in service,” does he mean that such services are not offered under the referenced tariffs?
- (c) When Mr. Sevall says he “does not consider those as limitations to service,” does he mean that service is *not* limited by the entire absence of walk-in or drive-in service under a tariff, but that service *is* limited by offering such service subject to limitations? Please explain.
- (d) Does Staff believe that a “gap in service” exists any time a customer in the exclusive territory of a certificated hauler desires solid waste collection on terms not available under the hauler’s Commission-approved tariff? If not, why not, and how would Staff determine when a “gap in service” exists?

RESPONSE:

- (a) The tariffs for Waste Management of Kennewick and Waste Management of Greater Wenatchee.
- (b) It means the table showing the rates under item 80 do not have a rate for all walk-out or drive-in increments. Staff does not mean the service is not offered.
- (c) Staff does not consider service to be limited when a rate is missing. Rather Staff interprets it as no customer has requested that service. If a customer did request a service that had no rate the company would be required to file to add the rate per WAC 480-70-261 in order to charge for it.
- (d) No. Staff does not believe a “gap in service” exists any time a customer desires service which does not have a rate in the tariff. In this case a “gap in service” exists when the company changed their tariff limiting what it offered to customers.

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REQUEST NO. 17:

REQUEST FOR ADMISSION: At page 3 of his response testimony, Mr. Sevall indicates that his review of Waste Management’s tariffs “suggests to [him] that Brem-Air, [sic] is not providing drive-in and carry-out service beyond the limitations identified in its Brem-Air tariff.” Please admit that it would be a violation of the Commission’s regulations for Brem-Air to provide service beyond the limitations identified in its tariff. If your response is anything other than an unqualified admission, please state what you believe to be the truth of the matter.

RESPONSE:

Staff agrees that Waste Management would be in violation of its tariff if it charged rates that are different from the rates contained in its tariff. WAC 480-70-236(2). Staff also notes that WAC 480-70-261 allows a company to add a service option or service level that is requested by a customer through a one day filing.

