Docket No. TG-181023 - Vol. II

In the Matter of the Application of: Superior Waste & Recycle LLC

August 5, 2019



COURT REPORTING AND LEGAL VIDEO

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BEFORE THE WASHINGTON	2	1	EVIDENTIARY HEARING	
UTILITIES AND TRANSPORTATION Commission In the Matter of the) Docket No. TG-181023 Application of,) SUPERIOR WASTE & RECYCLE) LLC) Tor Authority to Operate) as a Solid Waste Collection) Company in Washington) EVIDENTIARY HEARING, VOLUME II Pages 18 - 159 ADMINISTRATIVE LAW JUDGE RAYNE PEARSON		- 2 3 4 5 6 7 8 9 - 10 11 12 - 13 14 15 16 17 18 19 20 21 22 23 24	VOLUME II: INDEX WITNESSES: PAGE: DANIEL STEIN Cross-Examination by Mr. Stanovsky 30 Redirect Examination by Mr. Garg 86 Cross-Examination by Mr. Garg 97 MICHAEL WEINSTEIN & ROBERT RUTLEDGE (Simultaneously) Redirect Examination by Mr. Stanovsky 102 Cross-Examination by Mr. Garg 104 Cross-Examination by Mr. Fukano 136 MICHAEL WEINSTEIN (Individually) Examination by Judge Pearson 133 Recross Examination by Mr. Garg 140 Redirect Examination by Mr. Garg 140 Redirect Examination by Mr. Garg 140 Redirect Examination by Mr. Fukano 145 Redirect Examination by Mr. Fukano 145 Redirect Examination by Mr. Stanovsky 153 ************************************	
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 FOR COMMISSION STAFF: HARRY FUKANO Assistant Attorney General 1400 South Evergreen Park Drive SW PO Box 40128 Olympia, Washington 98504 (360) 664-1225 		7 8 9 10	DS-5 Letter from Solida Even (5-15-19) 2 pages DS-6 Kitsap Sun Article dated 10-29-07 113, 114 (5-15-19) 5 pages DS-7 Kitsap Sun Article dated 5-3-19 43, 45, 46 (5-15-19) 113	
Harry.fukano@utc.wa.gov Harry.fukano@utc.wa.gov FOR SUPERIOR WASTE & RECYCLE: JIMMY GARG Seattle Litigation Group, PLLC 500 Union Street, Suite 510 I4 Seattle, Washington 98101 (206) 407-3300		11 12 13 14	6 pages DS-8T Pre-Filed Responsive Testimony of 30, 31, 37 Daniel Stein 41 (6-28-19) 8 pages	
(206) 407-3300 15 Jimmy@seattlelitigation.net 16 FOR WASTE MANAGEMENT: 17 WALKER STANOVSKY 18 920 Fifth Avenue, Suite 3300 Seattle, Washington 98104		15 16 17 18	CROSS-EXAMINATION EXHIBITS WASTE MANAGEMENT DS-9X Superior Waste & Recycle LLC 72, 80 Application for Solid Waste Collection Certificate Dated 12-11-18 5 pages	
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22 T20 Fourth Avenue, Suite 400 22 Kirkland, Washington 98033-8136 (425) 825-2003 23 Akenefick@wm.com 24 ALSO PRESENT: MIKE YOUNG		22 23 24	Service Territory Map 1 page DS-12X Superior Waste & Recycle LLC Proposed tariff dated 12-11-18	
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2	EXHIBIT INDEX Page	2	MR. GARG: This is Jimmy Garg, attorney for
3	No. Description Referenced	3	Superior, the applicant of this proceeding.
4	(Continued) CROSS-EXAMINATION EXHIBITS	4	THE JUDGE: Okay, thank you. And for Waste
5	WASTE MANAGEMENT	5	Management?
6	Michael A. Weinstein,	6	MR. STANOVSKY: Walker Stanovsky from Davis Wright
7	Senior Pricing Manager	7	Tremaine, LLP for Waste Management, and with me at counsel
8	MAW-7CX *** CONFIDENTIAL ***	8	table is Andrew Kenefick.
9	Sponsor: Superior W&R Selections from Waste Management's	9	MR. KENEFICK: Andrew Kenefick, senior legal
10	Customer Complaint Spreadsheet, 6 pages	10	counsel for Waste Management.
11	MAW-8CX *** CONFIDENTIAL ***	11	JUDGE PEARSON: Thank you. And for Commission
12	Sponsor: Superior W&R Complete Superior Customer Location	12	Staff?
13	Notes, 3 pages	13	MR. FUKANO: Harry Fukano present, Commission Staff
	MAW-9X Sponsor: Superior W&R	14	from the Utilities & Transportation Commission division.
14	Waste Management Responses to Superior First Set of Data Requests, 8 pages	15	JUDGE PEARSON: Okay, thank you. So, according to
15		16	
16	Waste Management First Supplemental	17	the party's agreed order of witnesses, I believe that Mr. Stein will be testifying first
17	Responses to Superior's First Set of Data Requests, 6 pages	18	Mr. Stein will be testifying first. This is the first time we've had witnesses testify in
18	Robert Rutledge, District Manager, Waste Management (Brem-Air Disposal)	19	this hearing room. Would you prefer that he stay seated
19		20	where he is or come sit next to you? What would be
20	RAR-1T Pre-filed Direct Testimony of 102, 124, 128 Robert Rutledge	20	(Discussion off the record.)
	(5-15-19)	21	
21 22	9 pages RAR-2T Pre-filed Responsive Testimony of 102	23	JUDGE PEARSON: All right, let's go back on the record. Mr. Stein, if you could please stand and raise your
23	Robert Rutledge (6/28/19)		
	8 pages	24 25	right hand, I'll swear you in:
24 25			Do you swear or affirm that the testimony that you
	Page 27		Page 29
1	LACEY, WASHINGTON; AUGUST 5, 2019	1	give today will be the whole truth and nothing but the
2	9:06 A.M.	2	truth?
3	000	3	MR. STEIN: I do.
4	PROCEEDINGS	4	JUDGE PEARSON: Go ahead and be seated. And,
5		5	Mr. Garg, if you want to introduce your witness and we'll
6	JUDGE PEARSON: Good morning, today is Monday,	6	make him available for cross-examination.
7	August 5th, 2019, at approximately 9:05 a.m. and we're today	7	MR. GARG: My witness is Daniel Stein, he is the
8	for an Evidentiary Hearing in Docket TG-181023, which is	8	owner of Superior, which is the applicant in this
9	captioned In The Matter of the Application of Superior Waste	9	proceeding.
10	& Recycle, LLC for authority to operate as a solid waste	10	MR. STANOVSKY: One moment, Your Honor. Just so
11	collection company in Washington.	11	we're clear, we're not doing opening statements?
12	We took care of several housekeeping matters off the	12	JUDGE PEARSON: Correct.
13	record this morning. The parties have stipulated to the	13	MR. STANOVSKY: Okay.
14	admission of all of the prefiled testimony and exhibits as	14	JUDGE PEARSON: Okay, is he available now for
15	well as the cross-examination exhibits. And, for the court	15	cross; do you have any corrections to his testimony?
16	reporter's benefit, I will provide you with a copy of the	16	MR. GARG: Mr. Stein, are there anyis there
17		1	-
		17	anything in your direct testimony that you would like to
18	exhibit list at the conclusion of the hearing. Also, Staff's unopposed request for lead to file	17 18	anything in your direct testimony that you would like to correct at this time?
18 19	exhibit list at the conclusion of the hearing. Also, Staff's unopposed request for lead to file		
	exhibit list at the conclusion of the hearing. Also, Staff's unopposed request for lead to file supplemental testimony is granted. So those exhibits are	18	correct at this time? MR. STEIN: Just minor things. I stated that full
19	exhibit list at the conclusion of the hearing. Also, Staff's unopposed request for lead to file supplemental testimony is granted. So those exhibits are admitted in the record as stipulated.	18 19	correct at this time? MR. STEIN: Just minor things. I stated that full size Waste Management vehicles being 52,000 GVW is actually
19 20	exhibit list at the conclusion of the hearing. Also, Staff's unopposed request for lead to file supplemental testimony is granted. So those exhibits are admitted in the record as stipulated. So this morning's proceedings are going to have Superior	18 19 20	correct at this time? MR. STEIN: Just minor things. I stated that full size Waste Management vehicles being 52,000 GVW is actually 58,000 GVW. And also-I also believe that 26,000 GVW for
19 20 21	exhibit list at the conclusion of the hearing. Also, Staff's unopposed request for lead to file supplemental testimony is granted. So those exhibits are admitted in the record as stipulated. So this morning's proceedings are going to have Superior Waste's witness testifying first, followed by witnesses for	18 19 20 21	correct at this time? MR. STEIN: Just minor things. I stated that full size Waste Management vehicles being 52,000 GVW is actually 58,000 GVW. And alsoI also believe that 26,000 GVW for their smaller packtheir smaller trucks was 28,000 GVW. So
19 20 21 22	exhibit list at the conclusion of the hearing. Also, Staff's unopposed request for lead to file supplemental testimony is granted. So those exhibits are admitted in the record as stipulated. So this morning's proceedings are going to have Superior Waste's witness testifying first, followed by witnesses for Waste Management, and then Commission Staff.	18 19 20 21 22	correct at this time? MR. STEIN: Just minor things. I stated that full size Waste Management vehicles being 52,000 GVW is actually 58,000 GVW. And also-I also believe that 26,000 GVW for
19 20 21 22 23	exhibit list at the conclusion of the hearing. Also, Staff's unopposed request for lead to file supplemental testimony is granted. So those exhibits are admitted in the record as stipulated. So this morning's proceedings are going to have Superior Waste's witness testifying first, followed by witnesses for	18 19 20 21 22 23	correct at this time? MR. STEIN: Just minor things. I stated that full size Waste Management vehicles being 52,000 GVW is actually 58,000 GVW. And alsoI also believe that 26,000 GVW for their smaller packtheir smaller trucks was 28,000 GVW. So just minor things such as that. That's the first and only

3 (Pages 26 to 29)

	Page 30		Page 32
1	cross-examination.	1 category of UTC solid waste service?	
2	JUDGE PEARSON: Mr. Stanovsky?	2 A. Not based on that vehicle, no.	
3	MR. STANOVSKY: Thank you, Your Honor. So it seems	3 Q. Thank you. So I want to talk a little about the	scope
4	the witness doesn't have a copy of the exhibits, so can we	4 of your certificate, as you understand it, that you	-
5	get him a copy, or? I apologize. The bulk of my practice	5 applied for.	
6		6 If Superior receives—and I apologize if I—I will	
7	has been Alaska so far and they have a copy that's		Places
	designated for the witness, so my apologies for not knowing		
8	the procedure.	8 feel free to correct me if I fail to do that, but I'll d	omy
9	MR. GARG: Here's a list by numbers and then you	 9 best not to use the two interchangeably. 10 So if Comparing provides the contribute it has an 	and the st
10	can just go off that.	10 So if Superior receives the certificate it has an	-
11		11 for, is it your understanding that Waste Manager	
12	CROSS-EXAMINATION	12 longer be allowed to offer drive-in and carry-out	service in
13		13 Superior territory?	
14	BY MR. STANOVSKY:	A. To the best of my understanding that is correct	
15	Q. Good morning, Mr. Stein.	15 Q. So would you turn in DS-8 then, where we ju	
16	A. Good morning.	open, turn it to Page 8. And can you read the qu	
17	Q. Good to see you again.	answer there at the top of the page, the first one	
18	A. You as well.	18 A. Question: Waste Management claims Superio	r does not
19	Q. I would like to start, if you can find your response	19 have the ability to serve the customers in Waste	
20	testimony, it's DS-8T. And if you could turn to Page 7.	20 Management's territory if Superior is granted a cer	tificate.
21	And just let me know when you're there.	21 The answer: Waste Management is again atter	npting to
22	A. DS-18?	22 confuse and muddle the matter. Superior is only a	attempting
23	Q. Eight. I'm sorry, 8. I think I said 8T but it may have	23 to gain a certificate to provide pack-out and specia	lized
24	been only marked as 8 in the exhibit list.	24 services to its customers.	
25	JUDGE PEARSON: I've actually corrected that. The	25 Q. And my understanding is Superior has 53 cu	istomers; is
			Dage 33
1	Page 31 final exhibit list will reflect that it's DS-8T.	1 that correct?	Page 33
2	final exhibit list will reflect that it's DS-8T. MR. STANOVSKY: All right. But DS-8 in that case.	2 A. Correct.	
2 3	final exhibit list will reflect that it's DS-8T. MR. STANOVSKY: All right. But DS-8 in that case. A. Page 7.	 A. Correct. Q. So that's a very different statement from sa 	aying that
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 final exhibit list will reflect that it's DS-8T. MR. STANOVSKY: All right. But DS-8 in that case. A. Page 7. Q. Page 7. A. Okay, we are there. Q. All right, thank you. And up at Line 6 to 8 there, you see the question is: Is it your understanding that a separate category for pack-out service exists; can you please read your answer? A. My understanding is that it does not, however, it is usedhowever, it is used as it is a very unique and specialized type of collection that requires special vehicles; that's correct? A. My proposed service, yeahwell, yes. Q. And your special vehicle is a 2017 three-quarter ton Chevy Silverado pickup truck, correct? A. Correct. Q. Well, would you agree with me that I could probably go buy a similar truck off the lot within Kitsap County today? A. Yes, I do. Q. So your testimony, if I understand it, is that that 	 A. Correct. Q. So that's a very different statement from sa your understanding is that you're seeking a ce would exclude Waste Management from provid service throughout your entire territory, isn't t A. It does seem to go against itself, it does. Q. Thank you. So based on your response that seeking a certificate that would exclude Waste from providing these services throughout the would mean that you would be seeking the exclusion of the provide drive-in or carry-out se those customers this in that territory who are receiving those service from Waste Management correct? A. To the best of my understanding, the way that operates, there is no other way to do it. Q. And that would also be true for the potential those services to Waste Management customed currently receiving curbside service, correct? A. No. Q. Sorry. I'm not sure we understood each ot an adverted to the potential 	aying that ertificate that ding pack-out that? at you are e Management territory, that clusive rvice even to already ent; is that UTC al to serve ers who are her. Do you e you are pom providing

4 (Pages 30 to 33)

	Page 34		Page 36
1	currently providing curbside service to? So a current Waste	1	penalty case in November, do you remember testifying that
2	Management curbside customer decides they want drive-in	2	your goal in picking up people's waste around Seabeck wasn't
3	service, they would have to get it from you if your	3	to have a business, it was to relieve people's suffering?
4	certificated is granted, as you understand it?	4	A. That has been from the very beginning of it. I
5	A. The best of my understanding, the way the territories	5	THE REPORTER: Wait. What was your last word?
6	work through the UTC, that is correct.	6	MR. STEIN: "I."
7	Q. Okay. Mr. Stein, when you were before the Commission at	7	Q. And do you remember testifying that you would do
8	your penalty case in November, do you remember testifying	8	whatever it takes to meet your customers' needs?
9	that your goal in picking up people's waste around Seabeck	9	A. Yes.
10	MR. GARG: Objection. Relevance.	10	Q. Was that true?
11	JUDGE PEARSON: Sorry, go ahead and finish your	11	A. Yes.
12	question, Mr. Stanovsky. And, Mr. Stein, don't answer until	12	Q. Do you still feel that way?
13	you hear the whole question, okay?	13	A. I do.
14	MR. STEIN: Okay.	14	Q. So, Mr. Stein, do you understand that the Commission
15	Mr. Stanovsky Continuing:	15	only has jurisdiction over hauling solid waste over the
16	Q. When you were before the Commission at your penalty case	16	public roads but not on private property?
17	in November, do you remember testifying that your goal in	17	A. I do.
18	picking up people's waste around Seabeck wasn't to have a	18	Q. And that it wouldn't require any certificate at all for
19	business, it was to relieve people's suffering?	19	someone who wanted to move people's solid waste around on
20	JUDGE PEARSON: And you're objecting	20	private property?
21	MR. GARG: Objection. Relevance. This matter	21	A. Yes.
22	before the Court is Superior's application regarding Waste	22	Q. And the customers that you're concerned with, are you
23	Management's lack of providing customer service to its	23	willing to haul their waste to the Waste Management pickup
24	customers. It doesn't have anything to do with Seabeck or	24	points and then return their carts to their houses for them
25	any previous investigation.	25	without hauling their waste on the public highways?
-	Page 35		Page 37
1	MR. STANOVSKY: Your Honor, frankly, Waste	1	A. No.
2	Management is puzzled by Superior's position that this case	2	Q. So you would do anything for your customers except come
3 4	has nothing to do with Superior. The Commission's precedent is pretty clear that there are required elements to grant a	4	back a second time to take the carts back to their houses; do I understand that correct?
5	certificate:	5	A. It's not feasible.
6	The first is whether the incumbent is willing to provide	6	Q. Thank you. So, let's go back to your response
7	service to the satisfaction of the Commission.	7	testimony, Page 7 now. This is Exhibit DS-8T. Page 7,
8	The second is whether the public convenience and	8	Line 7sorry. Page 7, Lines 19 to 21. Could you please
9	necessity require the proposed service.	9	read the sentence starting at 19-Furthermore-the question?
10	And the third is the financial and operational fitness	10	A. Yes. Furthermore, the question of this inquiry is not
11	of the applicant.	11	about Superior but whether Waste Management is meeting the
12	JUDGE PEARSON: Okay.	12	needs of its customers that is satisfactory to the
13	MR. GARG: It still doesn't have anything to do	13	Commission.
14	with Seabeck. It does, as you mentioned, have everything to	14	Q. So your testimony is that Superior doesn't have anything
15	do with Superior but doesn't have anything to do with	15	to prove about its own service; is that correct?
16	Seabeck.	16	A. Could you restate, or repeat? Excuse me, just repeat
17	MR. STANOVSKY: So your position is that the	17	it.
18	testimony given by Superior's sole employee and owner, six	18	Q. So isn't it your testimony that Superior doesn't have
19	months ago, is not relevant to Superior's proposed service?	19	anything to prove about its own service in this case?
20	MR. GARG: Correct.	20	A. If you read the whole thing, it does. I believe that
21	JUDGE PEARSON: I'm going to overrule the	21	that does. I haven't read it but I'm just skimming over it,
22	objection. You can go ahead with your question.	22	um, it does show that Superior does have something to show.
23	MR. STANOVSKY: Thank you, Your Honor.	23	It's like scripture, you can't just take one passage out;
24	Mr. Stanovsky Continuing:	24	you've got to read the whole thing.
25	Q. Mr. Stein, when you were before the Commission at your	25	Q. That's fair. And as a pastor's kid, I appreciate that.

5 (Pages 34 to 37)

	Page 38		Page 40
1	A. Sure.	1	JUDGE PEARSON: And then we talked about
2	Q. So at the penalty hearing back in November, didn't you	2	cross-examination exhibits.
3	testify that when the UTC first contacted you about your	3	MR. STANOVSKY: Okay.
4	illegal operations, you had no idea who the UTC was?	4	Mr. Stanovsky Continuing:
5	A. And what was the date?	5	Q. So as we look at this document, just to clarify, Seabeck
б	Q. So at the hearing in November, didn't you testify that	6	Waste in this case, that was just you using a DBA business
7	when the UTC first contacted you about your illegal	7	name, correct?
8	operations, you had no idea who the UTC was?	8	A. Yeah.
9	A. Correct.	9	Q. And if you would go to Page 7 and find Paragraph 25 when
10	Q. And that it all sounded like, quote, make believe and	10	you get there.
11	made up? I can direct you to the transcript	11	A. Okay.
12	A. No	12	Q. Would you please read that paragraph?
13	Qif that would help?	13	A. The evidence establishes that Seabeck Waste has been
14	Ano, ityeah, it was a shock.	14	operating in Washington in violation of applicable laws for
15	Q. And that you thought it was Waste Management, not the	15	many years and acknowledged that it was operating in
16	UTC on the phone, Waste Management misrepresenting itself to	16	violation of Commission rules. Seabeck Waste ignored
17	try and scare you off?	17	staff's previous attempts to contact the company and provide
18	A. Yes. I'm not sure of the timeline that you're referring	18	technical assistance.
19	would be that particular time that I thought that. When I	19	Q. Thank you. And please look down the page to
20	was served papers I knew it to be truewas blown away.	20	Paragraph 29, and would you please read just the first
21	Q. But, the question was about when you were first	21	sentence of that paragraph?
22	contacted.	22	A. Overall, Seabeck Waste has demonstrated very little
23	A. By UTC?	23	ability, or willingness, to comply with Commission
24	Q. By the UTC, yes.	24	regulations.
25	A. I do remember that. Yeah, and that is correct.	25	Q. Thank you. And now let's go back to your response
	Page 39		Page 41
1	Q. And the testimony was that you thought it	1	testimony, the DS-8T. Again, at Page 8.
2	A. Yes, that is correct.	2	So you're there at Page 8?
3	QWaste Management pulling the trigger? Thank you.	3	A. I'm there. Page 8, yes.
4	So if we could turn to exhibit DS-18 nownot 8T. And	4	Q. And do you see the question that begins at Line 7?
5	go to Page 7. Well, actually before we go to Page 7, let's	5	A. I do.
6	go to Page 1 of that exhibits.	6	Q. Would you please read the first sentence of the answer
7	JUDGE PEARSON: And let's just clarify, this is	7	there?
8	DS-18X. It's a cross-examination exhibit.	8	A. Superior is not currently obligated by rules and
9	MR. STANOVSKY: Yes. Thank you, Your Honor.	9	regulations of UTC such as recordkeeping, office address,
10	Mr. Stanovsky Continuing:	10	office hours as it currently does not have a G Certificate.
11	Q. You there?	11	Q. Mr. Stein, is it your understanding that the
12	A. I'm there.	12	Commission's rules don't apply to you if you don't have a
13	Q. Do you recognize this document?	13	G Certificate?
14	A. Yes, I do.	14	A. They do apply, however, if I operate as I do now I'm
15	Q. And do you recognize it as the Commission's Cease and	15	within good standing; I'm within the law. They still apply.
16	Desist Order against you from late last year?	16	I have to be very careful about how I operate.
17	A. Yes, I do.	17	Q. Would you please find Exhibit DS-14X, and when you get
18	MR. STANOVSKY: Your Honor, I'd move to admit	18	there turn to Page 3 and find Request 28A there. And the
19	Exhibit DS-18X.	19	request is: State the name and address of each person and
20	JUDGE PEARSON: We've already stipulated to the	20	residence to which the quoted passage refers. It's

- referring to an earlier quote from earlier in discovery.
- 22 The specifics don't matter but the request was for the name
- and address of some people relevant to a statement. And I
 would just like you to read the response there.
- understood that the stipulation was as to the pre-fileddirect testimony in exhibits.

admission of all of these exhibits, so you don't need move

MR. STANOVSKY: I--I'm sorry, I thought I

JUDGE PEARSON: I'm sorry, can tell me again which

6 (Pages 38 to 41)

to admit them.

21

22

23

25

Page 42

is is Data Request 28A from Waste kay. idea what you just said before e. r. Stein, can you speak closer to ree to ask me to clarify if you on, so I appreciate that. But I larify, the context isn't	 A. I don't see it. Q. So do you see the bold large text heading? Cour from there three paragraphs. A. Yes, I see it. Q. All right. And would you just read from there to the end of the section before the bold text. A. For the past eights months or so, after he was ordered by the State to cease and desist, he says he has continued to serve his customers for free, refusing to accept payments on he isn't breaking the law. Except for one customer, Stein told the Commission he accepts cookies. I did that my only little protest, Stein said. 	t he d ed ent
kay. idea what you just said before e. r. Stein, can you speak closer to ree to ask me to clarify if you on, so I appreciate that. But I	 from there three paragraphs. A. Yes, I see it. Q. All right. And would you just read from there to the end of the section before the bold text. A. For the past eights months or so, after he was ordered by the State to cease and desist, he says he has continued to serve his customers for free, refusing to accept payment so he isn't breaking the law. Except for one customer, Stein told the Commission he accepts cookies. I did that 	t he d ed ent
ree to ask me to clarify if you on, so I appreciate that. But I	 A. Yes, I see it. Q. All right. And would you just read from there to the end of the section before the bold text. A. For the past eights months or so, after he was ordered by the State to cease and desist, he says he has continued to serve his customers for free, refusing to accept payment so he isn't breaking the law. Except for one customer, Stein told the Commission he accepts cookies. I did that 	d ed ent
ree to ask me to clarify if you on, so I appreciate that. But I	 Q. All right. And would you just read from there to the end of the section before the bold text. A. For the past eights months or so, after he was ordered by the State to cease and desist, he says he has continued to serve his customers for free, refusing to accept payment so he isn't breaking the law. Except for one customer, Stein told the Commission he accepts cookies. I did that 	d ed ent
e. r. Stein, can you speak closer to ree to ask me to clarify if you on, so I appreciate that. But I	 end of the section before the bold text. A. For the past eights months or so, after he was ordere by the State to cease and desist, he says he has continue to serve his customers for free, refusing to accept payme so he isn't breaking the law. Except for one customer, Stein told the Commission he accepts cookies. I did that 	d ed ent
r. Stein, can you speak closer to ree to ask me to clarify if you on, so I appreciate that. But I	 A. For the past eights months or so, after he was ordere by the State to cease and desist, he says he has continue to serve his customers for free, refusing to accept payme so he isn't breaking the law. Except for one customer, Stein told the Commission he accepts cookies. I did that 	ed ent
ree to ask me to clarify if you on, so I appreciate that. But I	 by the State to cease and desist, he says he has continue to serve his customers for free, refusing to accept payme so he isn't breaking the law. Except for one customer, Stein told the Commission he accepts cookies. I did that 	ed ent
on, so I appreciate that. But I	 9 to serve his customers for free, refusing to accept paymer 10 so he isn't breaking the law. Except for one customer, 11 Stein told the Commission he accepts cookies. I did that 	ent
on, so I appreciate that. But I	 so he isn't breaking the law. Except for one customer, Stein told the Commission he accepts cookies. I did that 	
on, so I appreciate that. But I	11 Stein told the Commission he accepts cookies. I did that	
on, so I appreciate that. But I	•	~~
	12 my only little protest, Stein said.	as
arify, the context isn't		
	13 Q. All right, thank you. And I'm not wondering about	t some
you to read the response.	14 technical violation of the law by accepting cookies a	IS
r just the response to A?	15 compensation. But what I'd like to know is more abo	out your
	16 attitude. Because it looks like what you're protestin	g is
quest because WAC 480-70-421	17 the Commission's order to cease and desist	
f customer information and	18 MR. GARG: Objection. This is something the write	er
mation to Waste Management is	19 wrote; this is not something Mr. Steinthis is the opinion	
	20 of a writer, not Mr. Stein's personal opinion.	
nen Waste Management is asking	21 MR. STANOVSKY: Your Honor, we ask foundation	nal
stimony, Superior's position is	22 questions for this in discovery; if you give me just a	
lations do apply to Superior so	23 moment, I can find this.	
ight?	24 JUDGE PEARSON: Sure.	
s so we have laws on the	25 MR. STANOVSKY: All right, we can come back to	that
Page 43	Pa	ge 45
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		OK
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nent's discovery. Isn't that what		
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discussed a little earlier,		n
ng question - Lwould sou		
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ISLIWAY; IS ITIAL COTTECT?	••••	5762
and look about helf way down		
• •		
unat: 50 we re looking at Page 4		
	A. I believe the statements that are quoting me are	
	hen Waste Management is asking estimony, Superior's position is illations do apply to Superior so right? s so we have laws on the Page 43 , Mr. Stein. repeat it? e it appears to me that Superior he Commission's rules do apply g customer information in ment's discovery. Isn't that what	16attitude. Because it looks like what you're protestinaquest because WAC 480-70-42117of customer information and18mation to Waste Management isMR. GARG: Objection. This is something the writewrote; this is not something Mr. Steinthis is the opinion.hen Waste Management is asking21settimory, Superior's position isMR. STANOVSKY: Your Honor, we ask foundationlations do apply to Superior so10right?JUDGE PEARSON: Sure.s so we have laws on the25Page 43101question after I ask a couple of others. Can we please toa1question after I ask a couple of others. Can we please toa1question after I ask a couple of others. Can we please toa1question after I ask a couple of others. Can we please toa1question after I ask a couple of others. Can we please toa1question after I ask a couple of others. Can we please toa1question after I ask a couple of others. Can we please toa1g customer information inment's discovery. Isn't that what7A. Yep.8Q. And turn to Page 2, Request No. 50-A.9A. Yep.9Q. And the request says-actually, before we go into A9you look at the first part of the request right after the10Q. And the request is: Please admit that Mr. Stein maticle that we were just looking at; do you see that?<

7 (Pages 42 to 45)

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	Page 46	Page 4	8
1	correct, however, the statements being referenced were made	1 looking at I have marked as Page 2. The page number should	d
2	sometime back, to the best of my knowledge.	2 be at the top right corner.	
3	MR. STANOVSKY: All right. Your Honor, I think I'm	3 A. Oh. Yes.	
4	now prepared to ask you to overrule the objection.	4 Q. So Exhibit DS-16X, Page 8 of 11; are you there?	
5	JUDGE PEARSON: Yeah, and I will allow the	5 A. I'm there.	
6	question.	6 Q. All right. And this is a flier you used to advertise	
7	MR. STANOVSKY: Thank you.	7 Superior services; isn't that right? I'm sorry. To	
8	Mr. Stanovsky Continuing:	8 advertise your services as Seabeck.	
9	Q. So, Mr. Stein, if we can go back to Exhibit DS-7 at	9 A. Correct.	
10	Page 4. All right. So to get us back into the flow, would	10 Q. And do you see there's three asterisks there in the	
11	you mindI apologizebut reading the same passage,	11 right column? And the third one says, doesn't it: Monthly	
12	beginning from, for the past eight months.	12 invoice with paid postage?	
13	A. For the past eight months or so, after he was ordered by	13 A. I see that.	
14	the State to cease and desist, he says he has continued to	14 Q. It can't be true that you sent monthly invoices as	
15	serve his customers for free, refusing to accept payments so	advertised in this flier, and also that you had no billing	
16	he isn't breaking the law. Except for one customer, Stein	16 activity towards your customers, can it?	
17	told the Commission he accepts cookies. I did that as my	17 A. To the best of my knowledge, I have no recollection of	
18	own little protest Stein said.	18 billing.	
19	Q. So, as I was asking before, I'm just curious about your	19 Q. So, to restate my question: It cannot be true, both	
20	attitude, because it looks to me your attitude,	20 that you had no billing activity and that you actually	
21	specifically, toward Commission regulation, because it looks	21 provided invoices as you advertised, correct?	
22	to me like you're saying that you're doing that in order to	22 A. No.	
23	protest the Commission's Cease and Desist Order to stop	23 Q. Thank you.	
24	hauling waste for compensation; isn't that right?	A. Or couldso I'm confused. Can we revisit that question	
25	A. That is correct.	25 one more time?	
1 2	Q. Thank you. So, in discovery Waste Management asked about your billing practices and you responded that you	1Q. Sure. So you advertised monthly invoice with paid2postage. But in discovery when we asked about your billing	na
∠ 3			ıg
4	destroyed all records pursuant to the Cease and Desist Order; is that correct?	F	
5	A. That is correct.	 4 practices. So, it can't be true that you actually provided 5 invoices, as you advertised, and also that you had no 	
6	Q. And then later Waste Management asked you, regardless of	 billing practices; isn't that correct? 	
7	the existence of any records, could you please describe how	 A. Yes, it can be true. 	
8	you billed your customers and collected and accounted for	 8 Q. Is sending an invoice a billing practice? 	
9	payment before the Cease and Desist Order. And you	9 A. Yes, it is.	
10	responded, didn't you: To the best of my knowledge no	10 Q. And so if you sent an invoice that would be a record of	
11	activity occurred.	11 a billing practice?	
12	A. I did.	12 A. Yes.	
13	Q. So your answer was that you never had any billing	13 Q. And so a question that said, please describe your	
14	activity toward your customers?	 14 billing practices, would require a response that said, I 	
15	A. To the best of my knowledge.	 sent monthly invoices, would, it not? If you had done that. 	
16	Q. Would you please turn to Exhibit DS-16X and find Page 8.	16 A. No.	
17	A. What page?	17 Q. It would not?	
18	Q. Page 8. Are you there?	18 A. There was no invoices sent, same as it's been since the	
19	A. Yes.	19 Cease and Desist Order. It was the same as before.	
20	Q. And this is a flier you used to advertise your services	20 Q. So you never sent any invoices to any customers?	
21	as Seabeck; isn't that correct?	21 A. To the best of my recollection, no.	
22	A. I'm showing this in my records; is that correct?	22 Q. All right. So, Mr. Stein, how did you receive payment	
23	Q. Sixteen X, Page 8. I'm looking at a different flier.	 from your customers before the Cease and Desist Order? 	
1 1		A. Payment is something There wasn't really a transfer	
24	Some of the numbers in this exhibit are hard to read where		
24 25	Some of the numbers in this exhibit are hard to read where they overlap pictures, but, one moment. The one that you're	25 of money, it was more of friendships. It wasI didn't	

8 (Pages 46 to 49)

	Page 50		Page 52
1	understand how to do this business. I didn't understand why	1	friendships from it, of knowledge. I've gained a lot of
2	it existed. So, by discovering all of this throughout the	2	things from this. Immense.
3	way, maybemaybe boat rides from friends, making friends,	3	Q. But no money?
4	cookies. As silly as it soundsas silly as it sounds.	4	A. No money.
5	Q. So you never received any money from any of your	5	Q. So how do you recover the costs that you incur to
6	customers for your services prior to the Cease and Desist	6	provide the service at the moment?
7	Order?	7	A. I pay for the service.
8	A. I did, but not for hauling garbage. It wasn't about	8	Q. And you don't have any plans to retroactively charge
9	that. It was about trying to discover how in the heck do I	9	your customers if the certificate is granted?
10	do this? How do I fit and fill this need?	10	A. No.
11	MR. STANOVSKY: Just one moment, Your Honor.	11	Q. But you will begin charging them all the tariff rates if
12	Q. All right. So going back to your destruction of all of	12	the certificate were granted?
13	your records of your previous solid waste collection, can	13	A. If it were granted, yes.
14	you explain why you destroyed those records?	14	Q. So, let's look at your direct testimony, just the very
15	A. Cease and desist. It was extremely emotional. It had	15	start, DS-1T at Page 5.
16	been years to build that. My notes, my mapseverything.	16	A. There.
17	It was like I couldn't believe it. I justI didn't knowI	17	Q. And would you read just the first sentence on Line 2?
18	didn't know how to look these people in the face and tell	18	A. I don't show lines, line counts on my page.
19	them no.	19	Q. Your copy of DS-1T doesn't have line numbers on the
20	Q. So, you were emotional about the need to destroy your	20	margin?
21	records; did I understand that right?	21	A. Is this the tariff?
22	A. I was emotional about the need to cease and desist. I	22	Q. No. DS-1T should be your direct testimony, the first
23	justI didn't understand. It took me for blindsight.	23	pre-filed Q and A from you.
24	Q. So if I were to hand you that order, there's nothing in	24	A. Excuse me. I went to the wrong
25	there that tells you to destroy records; is that correct?	25	Q. It may be at the front of the binder, I don't know how
			•
	Page 51		Page 53
1	A. I did look that order over after you made that argument	1	yours is organized, but.
2	and I believe a data request, I believe it was. And it said	2	A. I got it.
3	cease and desist, turn it in. Or get rid of yourget rid	3	Q. This will be the first notated for you.
4	of your e-mail address andthat was on the front page, it	4	A. Page 2?
5	was destroyed. It was	5	Q. Page 5.
6	Q. Well, all right, let's look at that order, which is	6	A. Okay.
7	Exhibit DS-18X.	7	Q. And would you please read the first sentence of Line 2?
8	So if you could just take a minute and look at this	8	A. I'm familiar with the law regarding collection of solid
9	order and please indicate the passages you were just	9	waste. I
10	characterizing.	10	Q. Just the first sentence. So, do you remember in
11	MR. GARG: Objection, argumentative. I believe my	11	discovery that Commission Staff asked you to provide a copy
12	client has already answered this question.	12	of Superior's plans to comply with UTC rules and
13	JUDGE PEARSON: Mr. Stanovsky, I think that your	13	regulations, which you had referred to in your response
14	point has been made, and I get what you're trying to	14	testimony?
15	establish. And I agree that nowhere in this order does it	15	A. Yes.
16	instruct Mr. Stein to destroy any of his records, so you can	16	Q. And you responded that a consultant had prepared
17	move on.	17	administrative and financial procedures in compliance with
18	MR. STANOVSKY: Fair enough, Your Honor. Thank	18	the UTC and Washington State regulations, didn't you?
19	you.	19	A. I have.
20	Mr. Stanovsky Continuing:	20	Q. But you didn't provide those procedures as staff
21	Q. So, Mr. Stein, you're not currently collecting any	21	requested, did you?
22	compensation for your waste hauling; is that correct?	22	A. I reported to UTC staff that it was, in factit has
23	A. Same as always.	23	been completed.
24	Q. Except the cookies?	24	Q. So let's look at DS-21X. You might-if you can find a
25	A. I do get some boat rides out of it. I have some deep	25	way to mark the first exhibit, you know, stick a Post-It or

9 (Pages 50 to 53)

	Page 54		Page 56
1	something in there. I can give you one.	1	Q. Thank you. And in discovery you told Waste Management
2	A. Thank you. Look at that, we're working together.	2	that any Superior employees will be paid in accordance with
3	Q. Yeah.	3	federal and state laws; is that correct?
4	A. What was that again?	4	A. Yes, whenwhen employees are paid.
5	Q. So, DS-21X, Page 3.	5	Q. And would Tammy Stein be an employee?
6	A. Okay.	6	A. At some point.
7	Q. And this is staff's data request to you. I'm looking at	7	Q. And would any other backup driver you might hire be an
8	No. 5, around the middle of the page there.	8	employee?
9	A. Yes.	9	A. At some point.
10	Q. And staff asked: Please provide a copy of Superior's	10	Q. But suppose the certificate were granted today and you
11	plans to comply with UTC rules and regulations. Do you see	11	were unavailable to drive the route on the next scheduled
12	that?	12	service day, would Tammy Stein then be the one to drive it?
13	A. I do.	13	A. Yes, she would.
14	Q. And after it says response, the second sentence in that	14	Q. But not as an employee?
15	paragraph is: A consultant has prepared administrative and	15	A. But not as an employee.
16	financial procedures in compliance with the UTC and	16	Q. Now let's look at DS-20X. And let me know when you're
17	Washington State regulations. But you didn't provide those	17	there.
18	plans, did you?	18	A. I'm there.
19	A. I said looking at this, no.	19	Q. Do you recognize what this is?
20	Q. What consultant are you referring to in this response?A. I would be referring to my mother.	20 21	A. This would be Kitsap CountyKitsap County codes for
21 22	C ,	21	solid waste, recycling, solid waste collection. I am familiar with this but I have not studied this, but it's
22	Q. And would I be right to surmise that her name is Caroline Stein?	22	currently on my read list.
24	A. You are correct.	24	Q. Are you aware that state law requires UTC certificate
25	Q. Did you pay anything for that service?	25	waste companies to comply with local sold waste ordinances?
			······
	Page 55		Page 57
1	A. I did not.	1	A. Yes.
2	Q. Now turn the page to Page 4 of the same exhibit. And do	2	Q. Mr. Stein, Superior's tariff doesn't propose to bill
3	you see there's a bold underlined text that says, backup	3	customers separately for recycling service, does it?
4	action plans?	4	A. It does not.
5	A. Yes.	5	Q. So if you look at Page 3 of this exhibit, and find your
6	Q. So it looks to me like there's a little less than a page	6	way to Section 040, Paragraph 1A, just a little way down the
7	here that makes up Superior's backup action plan in case you	7	page; do you see that?
8	or your usual equipment is unable to provide Superior	8	A. What exhibit?
-	service, correct? A. It continues on to the next page, but I would say it's a	-	Q. The same exhibit, 20X.
10 11	pageit's a full page.	10 11	A. 20X, Page 1. Q. Page 3.
12	Q. I'm not sure it does. You're saying under the heading,	12	A. Page 3.
13	Historical Success, that paragraph is part of the backup	13	Q. Section 040, 1A. It requires single family customers to
14	action plan?	14	receive and be billed for curbside recycling service; isn't
15	A. I am.	15	that correct?
16	Q. All right. Could we agree that it's about a page?	16	A. It does.
17	A. I'd say one page, yes.	17	Q. But your tariff doesn't make provision for that, does
18	Q. Sure. And it says that Tammy Stein is the backup	18	it?
19	driver; I understand she's your sister?	19	A. It doesn't. It was an oversight, when I wrote the
20	A. Yes.	20	tariff.
21	Q. Does she have all the same driver training and	21	Q. And to clarify, if we could look back at the previous
22	experience that you have?	22	page, Page 2, the definition of curbside recycling near the
23	A. She does for this.	23	top.
		1	
24	Q. But not overall?	24	A. Which page?
24 25	Q. But not overall? A. Not overall, no.	24 25	A. Which page? Q. Page 2.

10 (Pages 54 to 57)

	Page 58		Page 60
1	A. Page 2. OhI haven't requested hearingI am kind of	1	cart, specifically, for recycling, doesn't it? You can take
2	deaf, so I apologize. I don't mean to be rude, why I	2	a minute to look at it.
3	keep	3	A. Yes.
4	Q. By all means, let me know if you're having trouble	4	Q. But your proposed tariff doesn't have such a requirement
5	hearing me.	5	that each customer have one cart specific for recycling,
6	A. Okay, thank you. Page 2?	6	does it?
7	Q. Yes, Page 2, definition 6, near the top, Curbside	7	A. It does not.
8	Recycling. If you could just read that to yourself briefly.	8	Q. And, in fact, a number of your customers have only one
9	I just want to confirm that, in the context of the Kitsap	9	can for service of both recycling and garage; isn't that
10	County code, the use of the word "curbside" is not used to	10	true?
11	distinguish or separate, you know, recycling on the public	11	A. It is true.
12	highway from drive-in or carry-out. It's about single	12	Q. So your tariff doesn't meet this requirement in the
13	family residential. Does that look right? And, actually, I	13	Kitsap code, correct?
14	misspoke, it's not specific to single family but it is about	14	A. I do recycle those cus
15	residential garage without including or excluding drive-in	15	Q. It's a yes or no question. Your tariff doesn't meet the
16	or carry-out.	16	requirement of having a separate recycling can for each
17	A. Yeah So what was the question?	17	customer, does it?
18	Q. I'm just trying to clarify so that we're on the same	18	A. No.
19	page, because some of the other sections talk about the	19	Q. Thank you. Mr. Stein, do you offer compostable organics
20	requirements for curbside recycling or garage service. But	20	collection?
21	there's nothing in the definition of curbside service that	21	A. No.
22	says it doesn't apply to drive-in or carry-out.	22	Q. Would you turn the page to Page 4 and find Section 3A on
23	A. Yes.	23	that page about a third of the way down?
23	Q. Okay. Now let's go back to Page 3 and find our way down	24	A. Okay.
25	to 1C in the middle of the page. And the last sentence of	25	Q. Now, have a look at that paragraph and it says, doesn't
20	to re in the middle of the page. And the last sentence of	20	a. Now, have a look at that paragraph and it says, doesn't
	Page 59		Page 61
1	C, before all the small Roman numerals start, it says:	1	it, that compostable organics collection has to be available
2	Material will be commingled in each collection container.	2	to all single-family customers within a certain area. And
3	This is talking about recyclable material; do you see that?	3	the details aren't here as to what that area is. It cross
4	A. Yes.	4	references an exhibit that would show that area. But there
5	Q. But your customers have to sort their materials, their	5	is an area within which a hauler has to offer a curbside
6	recyclable materials, for you to be able to drop them off at	6	compostable organic collection; isn't that correct?
7	the Dickey Road collection facility; isn't that correct?	7	A. I seeI read it.
8	A. That is correct.	8	Q. And do you agree with me that within an area that's
9	Q. So your service doesn't account for this requirement of	9	defined by cross reference, haulers have to provide
10	the Kitsap code?	10	compostable organic collection? Why don't I just read it.
11	A. I know all you want is just a short answer to this; I'd	11	A. Sure.
12	love to explain it, but.	12	Q. Is it says, doesn't it: Curbside compostable organics
13	Q. Your counsel will have opportunity to flush it out.	13	collection service will be available to all single family
14	A. Okay.	14	and multifamily customers within the curbside collection
15	Q. So, no, your service doesn't conform to this	15	boundaries designated in Exhibit A. Did I read that
16	requirement?	16	accurately?
17	A. It does not.	17	A. You did.
18	Q. Thank you. And you don't, yourself, sort commingled	18	Q. So I didn't include the exhibit in my hearing exhibit
19	materials; isn't that correct?	19	and, frankly, I wish I had. Because that would make this
	A. I do not sort, yeah.	20	simpler. But, would you agree with me that this sys that
20	Q. Thank you. So let's look a littleso let's look down	21	there is an area in Kitsap County within which the hauler
20 21			has to collect compostable organics?
21	-	1 22	
21 22	at 1E a little further down the page where it says,	22	
21 22 23	at 1E a little further down the page where it says, Collection Containers?	23	A. I believe so.
21 22	at 1E a little further down the page where it says,		

11 (Pages 58 to 61)

BUELL REALTIME REPORTING, LLC

Docket No. TG-181023 - Vol. II - 8/5/2019

1 A. Imcurrently still under review with all of this with 2 b. Kitag County code to see where my shortcomings were wither it one set the service satistized. How 3 C. So gout don't how whether compossible organic collection is required in part of your mritory? 4 L donot. 7 C. Would it surprise you to find out that compossible organic collection being in provided; its that the aller of your mritory? 8 A. It would not. 9 A. It would not. 10 Q. And, moort, just to clarify. The requirement isn't within that area of compossible organic collection being provided; its that the aller is required to offer it, just for the record. 16 M. So, its hare you had any conversations with the county about the style, color, and printing on your collection company has to calers, its hare shale. 17 A. Ure not: Q. Would vou lood down at Paragraph 4. At the very bottom of that page, Page 4. 18 a. Yes. Q. Thank you. So, you haven't down what this paragraph for requires; int that correct? 19 Q. Thank you. So, you haven't down what this paragraph for requires; int that correct? 19 A. Carrently, the proposed rates do that? 11 So idwaste division? 2 A. Carrently, the ans not. 2 A. They don't meet that requirement? <		Page 62		Page 64
2 the Kitage Conjug code to see where my shortcomings were when hyter my raiffs (2) an unaware that territory. 2 rate. Sancies is superior, the service selfs itsuit. How the word? 4 0. So you don't know whether compositable organic collection is required in part of your territory? 3 the rais word? 7 0. Would it surprises you find out that compositable or organic collection is required in at least part of your territory? 6 A. It a good price. 7 0. Would it surprise you find out that compositable or organic collection is required to affer t, just for the record. 0. So if the a customer, wouldn't is the same for garbage and recycling containers properties? 13 provided; it's that the haufer is required to offer it, just for the record. 0. So your rate structure dean't encurage recycling; is that correct? 14 0. Notif you look down at Paragraph 4-A at the very bottom of that page, Page 4. 0. Noru intert structure dean't encurage recycling; is that correct? 15 a. Nee not. 10 a. Nee not. 16 courrely division; isn't that correct? 2 17 a. A then not. 11 a. Thank you. And below that, Paragraph b, with small 18 rease adjustion? a. Nee 19 C. Mod you under the division to mean the Kitstap County <	1	A I'm currently still under review with all of this with	1	A I would call it more as the service rather than the
3 when I wrate my rant, so I am unawate that territry. 4 0. So you don't how whether compositable organic collection is required in part of your territroy? 0. So there's nothing in the rate structure that encourages recycling, is there? 4 1 do not. 0. And it structive you to find out that compositable organic collection is required in at least part of your territroy? 6. It is a good price. 0. So of the rate would? 10 A. It do not. 0. And it structive you to find out that compositable organic collection is required in at least part of your territroy? 7. It is a good price. 11 A. It would not. 10. And, fm sorry, just to clarify: The requirement isn't writing is that area of compositable organic collection being provided; it's hat the hauter is nequired to offer it, just for the record. 10. So our that are company to your collection containers? 0. So your rate structure doesn't encourage recycling; is that page, Page 4. 12 Whith division (smith hat correct? 2. A. No. 10. And do you under the division to mean the Kitsap County 13 0. Your have not? 2. A. They don't meet that requirement? 14 deformine thas fearure of its necycling containers along territry in proceed rates do that? 2. Thank you. So, you proposed tares that tartiff must distribut the current requirement? 15 0. And do you under the division to mean the Kitsap County courrently the page adate mat blo				
4 0. So you don't know whether compositable organic collection 4 0. So there's nothing in the rate structure that encourages 5 is required in part dyour territory? 6 A. It's a good price. 7 0. Would it surprises you to find out that compositable 7 0. The price in your proposed tariff is the same for 7 0. Would it surprises you to find out that compositable 7 0. The price in your proposed tariff is the same for 7 0. And, fm sorry, just to clarify: The requirement isn't 9 A. It's a good price. 11 0. A off fm a customer, wouldn't lib indifferent to whether i throw my aluminum cann in the garbage or the 12 require record. 10 0. So our rate structure deesn't encourage recycling; is that are perspective? 13 provided; it's that the hauler is required to offer it, just 14 0. So our rate structure deesn't encourage recycling; is that are perspective? 14 0. Vood you look own at Paragraph 4.A at the very bottom 16 A. No. 15 that age, Fage 4. 17 0. Thank you. And below that, Paragraph b, with small 16 not that gage, Fage 4. 18 Roman numeral 1, that ages. The requirement ? 17 A. Yes. C. And do you under the division to mean th				
s is required in part of your territory? is required in part of your territory? A Nould it surprise you to find out that compostable organic collection is required in at least part of your territory? A It is a good price. 0 A. It would not. C. The price in your proposed tariff is the same for garbage and recycling collection is net that right? 10 A. It would not. C. So if tha a customer, wouldn't is he infifterent to whether it throw my aluminum cans in the garbage or the recycling, from a rate perspective? 11 Whether it throw my aluminum cans in the garbage or the recycling, from a rate perspective? 12 Within tha area of compostable organic collection offer I, just 13 M free not. 14 County about the style, color, and primting on your 15 Mr. Stein, have you had any conversations with the county about the style, color, and primting on your 16 C. Would you look down at Paragraph 4.A at the vary bottom of that page, Page 4. 17 Collection containers? 18 A. Neo. 19 O. Mould you look down at Paragraph 4.A at the vary bottom of that page, Page 4. 19 A. Indog 10 A. Mo. 11 There division? 2 A. Indog <td< th=""><th></th><th></th><th></th><th></th></td<>				
6 A. I do not A. If a good price. 7 Q. Would it surprise you to find out that compostable organic collection is required in at least part of your strategy? C. The price in your proposed tariff is the same for gampa collection provided its that right? 8 A. If a good price. Q. The price in your proposed tariff is the same for gampa collection provided its that right? 9 A. If a good price. Q. The price in your proposed tariff is the same for gampa collection is required in at least part of your within that area of compositible organic collection being provided; its that the hauler is required to offer it, just for the record. G. So if Th a customer, wouldn't Lie indifferent to whether I throw my aluminum cas in the garbage on the creegoring ran at rate perspective? 9 A. Ne not. Q. So your rate structure doesn't encourage recycling; is that correct? 10 Q. Would you look dow of own at Paragraph 4.A at the very bottom of that page. Page 4. D. Than kyou. And below that, Paragraph b, with small 11 R. Ares. Q. And do you under the division to mean the Kitsap County 2. A. No. 12 A. Yes. Q. The prices of rate daminy garbage collection services rate paysers, doesn't it? 12 A. Yes. Q. So that's a no? A. They don't meet that crequirement? 13 A. They son. M. How on 14 That son. The workin, that				
7 Q. Would is surprise you to find out that compostable organic collection is required in a least part of your territory? 7 Q. The prise in your proposed terrif is the same for garbage and recycling collection is any that right? 10 A. It would not. 10 A. It would not. 11 Whether I throw my aluminum cans in the garbage on the recycling, its that the integrated to offer it, just 11 11 Whether I throw my aluminum cans in the garbage on the recycling, its that the half is required to offer it, just 12 12 M. Stain, have you had any conversations with the context 13 13 M. Fron and the supposed. 14 14 for the record. 15 15 M. Stain, have you had any conversations with the context 14 14 recycling and garbage and recycling rates in the correct? 15 15 A. It wond. 16 16 A. It wond. 16 17 collection containers? 17 18 A. It wond. 18 19 Q. Would you look down at Paragraph 4.A at the very bottom 19 19 A. It does. 10 11 the division to mean the Kitsap County 20 1	-			
s organic collection is required in at least part of your a a y territory? A h would not. 10 Q. And, I'm sorry, just to clarify: The requirement isn't a Correct. 11 Q. And, I'm sorry, just to clarify: The requirement isn't a Correct. 11 Q. And, I'm sorry, just to clarify: The requirement isn't a Correct. 12 whith that area of composible organic collection being provided; it's that the haufer is required to offer it, just a Correct. 13 m. Stein, have you had any conversations with the county about the style, color, and printing on your collection containers? a No. 12 respecting among all single-family carbage collection services rate parseptive. a No. 13 R says a solid waste collection company has to a. Trank you. a. Correnty, the carbon requirement? 14 A. Yes. Cand do you under the division roman the Kitsap County a. Trank you. Correnty, the proposed rates do that? 15 solid waste division? A. Trank you. Correnty, the carbon requirement? Correnty, the proposed rates do that? 14 A Yes. Correnty, the carase black. Coreatry, they don't meet the				
9 Firstory? 10 A. It would not. 10 A. And, I''s sorry, just to clarify: The requirement isn't within that area of compostable organic collection being provided; its that the huadre is required to offer it, just for the record. 11 11 Write it it mow my aluminum cans in the garbage or the recycling, from a rate perspective? 12 A. It would you had any conversitions with the collection containers? 13 A. I've not. 14 C. Would you look down at Paragraph 4-A at the very botom of that page, Page 4. 15 Mr. Stank page, Page 4. 16 A. Wenot. 17 collection containers? 18 a. Yes. 19 Q. Mod by under the division isn't that correct? 10 A. Tree a rated and the division isn't that correct? 11 A. Yes. 12 exercise rate payers, doesn't it? 13 A. Yes. 14 G. And do you under the division to mean the Kitsap County? 15 A. Yes. 16 Q. Thank you. 17 A. They and the current requirement. 18 Carrent? 19 A. Orearret. 20 Tha h				
10 A. It would not. 11 Q. And, I'm sorry, just to carify: The requirement isn't 11 within that are of compostable organic collection being provided; it's that the hauler is required to offer it, just 13 provided; it's that the hauler is required to offer it, just 14 for the record. 15 Mr. Stein, have you had any conversations with the coundy about the style, color, and printing on your 16 C. Would you look down at Paragraph 4-A at the very bottom of that page, Page 4. 17 Q. Would you look down at Paragraph 4-A at the very bottom of that page, Page 4. 18 A. I've not. 19 Q. And do you under the division company has to determine those features of its recycling containers along with the division; isn't that correct? 2 A. I'des. 2 A. M do you under the division to mean the Kitsap County 2 A. Yes. 2 A. Yes. 3 C. Carrently, the cans are black. 3 A. Currently, the cans are black. 4 Yes. 5 A. Thark son. 6 C. Carrently, the cans are black. 7 A. Thark son. 8 C. Contal'Kas a no? 9 <th>_</th> <th></th> <th></th> <th></th>	_			
11 0. And, Im sorry, just to clarify: The requirement isn't 11 whether I throw my aluminum cans in the garbage or the 12 within that area of composible organic collection being 11 whether I throw my aluminum cans in the garbage or the 12 provided; it's that the hauler is requirement isn't 12 recycling, from a rate perspective? 13 Mr. Stein, have you had any conversations with the 13 A. From a rate perspective? 14 Collection containers? 2 A. No. 15 Mr. Stein, have you had any conversations with the 15 A. No. 16 Collection containers? 2 A. No. 17 Collection containers? 2 A. No. 18 page, Page 4. 11 that correct? 2 determine those features of its recycling containers along 2 ercycling aroung all single-family garbage collection 24 A. Yes. Q. And do you under the division to mean the Kitsap County 2 Q. Can you please explain how your proposed rates dont meet. 25 Q. And do you under the division to mean the Kitsap County 2 A. It does. 24 A. Yes. Q. Thank you. MR. GARG: You cleint, my cleint Mi sipu		-		
12 within that are of composible organic collection being 13 provided; it's that the haule is required to offer it, just 14 for the record. 15 Mr. Stein, have you had any conversations with the 16 county about the style, color, and printing on your 17 collection containers? 18 A. I've not. 19 A. Would you look down at Paragraph 4-A at the very bottom 10 of that page, Page 4. 11 that correct? 12 with the division; isn't that correct? 14 A. Yes. 15 Q. Mould you look down at Paragraph 4-A at the very bottom 16 of that page, Page 4. 17 Q. Look down at Paragraph 4-A at the very bottom 18 Roman numeral 1, that says: The recycling rates in the 19 Roman numeral 1, that says: The recycling rates in the 11 A. Yes. 12 A. Yes. 13 Q. Cany ou please explain how your proposed rates don't meet. 14 A. Yes. 15 Q. Thank you. So, you haven't done what this paragraph 16 requrenity, ithe proposed rates don't meet.				
11 provided; ifs that the hauler is required to offer it, just 13 A. From a rate perspective. 14 for the record. 14 G. So your rate structure doesn't encourage recycling; is 14 for the record. 14 G. So your rate structure doesn't encourage recycling; is 15 Mr. Stein, have you had any conversations with the 16 A. No. 15 O. Thank you. And below that, Paragraph b, with small 16 A. No. 0. Thank you. And below that, Paragraph b, with small 17 Mr. Stein, have you had any conversations with the 13 A. From a rate perspective. 18 A. I've not. 0. Thank you. And below that, Paragraph b, with small 16 18 A. I've not. 13 A. Irea you had set division? 2. 19 with the division it that correct? 2. A. I does. 20 And do you under the division to mean the Kitsap County 25 Q. Can you please explain how your proposed rates do that? 2 A. Yes. Q. Thank you. So that's a no? A. They don't meet the current requirement? 2 A. Yes. Jubce PEARSON: I'me sony, can you? Jubce PEARSON: I'me sony, can you? 3				
14 for the record. 14 0. So your rate structure doesn't encourage recycling; is that correct? 15 Mr. Stein, have you had any conversations with the county about the style, color, and printing on your collection containers? A. No 17 collection containers? A. No not. 18 A. Ive not. 19 Q. Would you look down at Paragraph 4-A at the very bottom of that page, Page 4. 19 C. Thank you. And below that, Paragraph b, with small 19 Q. Would you look down at Paragraph 4-A at the very bottom of that page, Page 4. 10 20 Can your rate structure doesn't info 20 of that page, Page 4. 11 Roman numeral 1, that says: The recycling rates in the services rate payers, doesn't inf? 21 A. Yes. Q. Can you please explain how your proposed rates do that? 22 A. I does. Q. To clarify, they don't meet that requirement? 23 with the division? A. They don't meet the current requirement? 24 A. Yes. Q. To that's you. Can that's a no? 3 A. Urrently, the cans are black. Q. Thank you. MR. RAGG: You client, my client will stipulate that he's currently lobbying the Kitsap County Court? 3 A. Inaw you have not? MR. Stanovsk?? MR. Stanovsk??				
15 Mr. Stein, have you had any conversations with the 15 that correct? 16 A. No. 15 that correct? 17 Q. Would you look down at Paragraph 4-A at the very bottom of that page, Page 4. 16 A. No. 18 A. I've not. 17 Q. Thank you. And below that, Paragraph b, with small 18 Roman numeral 1, that says: The recycling rates in the targe, Page 4. 18 19 Q. Would you look down at Paragraph 4-A at the very bottom of that page, Page 4. 18 20 determine those features of its recycling containers along with the division; isn't that correct? A. I does. 24 A. Yes. Q. Tond do you under the division to mean the Kitsap County 28 27 A. Yes. Q. Tonak you. 29 28 Solid waste division? A. They don't meet the current requirement. 29 Q. Tonak you. 20. Can you please explain how your? 20 So that's a no? Q. Thank you. 30. Thank you. 30 Q. Thank you. So, you haven't done what this paragraph requires; isn't that correct? JUGGE PEARSON: Is that acceptable to you, 31 A. They don't meet the current requirement. 4. Thay don't meet the current requirement.			1	
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25 collection? 25 customers have the choice of a 35- or a 64-gallon recycling	8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 Q. You have not? A. I have not. Q. So on Page 5 about halfway down is Section 050, and do you see Paragraph 1A? A. Yes. Q. It requires solid waste companies to file rates that encourage recycling and compostable organics collection, doesn't it? A. Yes. Q. Could you please explain how your proposed tariff encourages those services? A. How my rates? Q. Your tariff. A. Oh, my tariff, encourages through the rate? Q. I don't read this as being specific to the rate. Oh, no, I'm sorry, it is. Yes. How does the rate 	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR. GARG: My client can stipulate that he's currently lobbying the Kitsap County Court, if we can go to move on? JUDGE PEARSON: Is that acceptable to you, Mr. Stanovsky? MR. STANOVSKY: Yes, for the record I hadwell, one moment, let me confer. (Counsel confer briefly.) MR. STANOVSKY: Actually, Your Honor, it's about four or five more questions on this exhibit. I don't think they'll take that long; I'd like to get through them. I do believe it's relevant to fitness for service. and Mr. Stein testified that he's familiar with the laws and regulations governing the service. JUDGE PEARSON: Okay, so maybe you can do it a little bit more quickly, just hit them as bullet points. MR. STANOVSKY: Okay. Mr. Stanovsky Continuing:
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12 (Pages 62 to 65)

	Page 66		Page 68
1	cart for the same price. Do you see that?	1	Ms. Stanovsky Continuing:
2	A. Yes.	2	Q. And if, in fact, you're required to offer compostable
3	Q. And your tariff doesn't meet that requirement, does it?	3	organics that would require purchase of some additional
4	A. It does not.	4	carts
5	Q. And, Paragraph D, which starts at the bottom of the	5	A. Two.
6	page, it rolls over to the next page and there's several	6	Qwouldn't it?
7	paragraphs of requirements for compostable organics. But we		A. It would.
8	established that you don't offer that service, correct?	8	Q. And those cost also are not reflected in your
9	A. Correct.	9	-
-		10	A. Current tariff, correct. Qor financial
10	Q. So you don't meet any of those requirements if, in fact,		
11 12	that service is required as an offering in your territory,	11 12	A. Or financial, correct.
	correct?	1	Q. Thank you. Okay. So that's Kitsap County. In
13	A. Under the correct tariff, that is correct.	13	discovery you identified that Superior has secured an office
14	Q. Your proposed tariff defines a can as no more than 45	14	space at the Seabeck general store, correct?
15	gallons; isn't that correct?	15	A. Correct.
16	A. Yes.	16	Q. Who will be staffing that office?
17	Q. And you offer service only in cans, correct?	17	A. That would be staffed by Seabeck General Store
18	A. Correct.	18	employees.
19	Q. And all your customers are receiving recycling service;	19	Q. And the hours that you gave for that business office are
20	is that correct?	20	Monday through Friday, 8:00 a.m. to 5:00 p.m. with only
21	A. Correct.	21	three holidays; on Christmas Eve, Christmas Day, and New
22	Q. Will you be buying recycling carts for each of your	22	Year's Day, correct?
23	customers that meet the requirements of the Kitsap code if	23	A. Correct.
24	you're granted a certificate?	24	Q. So if I come in at 4:00 p.m. on Thanksgiving Day,
25	A. With that, would you mean that to be color, size, all of	25	Superior's office will be open and staffed by an employee at
1 2	which? Q. Volume?	1 2	Seabeck Landing General Store; is that correct? A. Thank you for pointing that out, it will not be.
3	A. Volume. Yes.	3	Q. It will not be open on Thanksgiving?
4	Q. That cost wouldn't be reflected in the cost information	4	A. It will not be.
5	you submitted with your application, would it?	5	Q. Are there any other holidays you'd like to add to the
6	A. Under the current tariff that I submitted, no, it does	6	list?
7	not reflect.	7	A, No.
8	Q. Well, and not just the tariff but also the supporting	8	Q. So if I come in the day after Thanksgiving at 4:00 p.m.?
9	financial information?	9	A. Yes.
10	A. That would be correct.	10	Q. And Labor Day?
11	Q. Do you know how much it will cost to provide a compliant	11	A. Yes.
12	cart for each of your customers?	12	Q. And the staffing at all times will be by the employees
13	A. They're pretty expensive.	13	of the Seabeck Landing General Store?
14	Q. About how much per cart?	14	A. Correct.
15	A. I believe the carts I believe that they were \$50.00,	15	Q. And what is those individuals' training and complying
16	or somewhere in there, a piece. Somewhere in there.	16	with a Commission's customer service requirements?
17	Q. And roughly 50 customers, correct?	17	A. When they come in and they ask about Superior Waste &
18	A. Uh-huh.	18	Recycle, they're pointed to a bulletin board where all the
19	Q. So you'd be talking about, if I'm doing my math right,	19	information that is required pursuant to, either it's a WAC
20	around \$2,500.00?	20	or an RCWI can't state it off the top of my headthat
21	A. Without doing the math myself, good enough.	21	requires me to.
22	MR. STANOVSKY: You can clarify, but I think it's	22	Q. And is there a physical space that will be set apart as
23	fair for the witness to say subject to check and then	23	the
24	JUDGE PEARSON: I can do the math, it's \$2,500.	24	A. Yes.
25	MR. STANOVSKY: Fair enough.	25	QSuperior office in that building?
		1 27	

13 (Pages 66 to 69)

	Page 70		Page 72
1	A. Yes.	1	Q. How much is Superior paying for the office space?
2	Q. But it won't be staffed as Superior office during all	2	A. Zero.
3	those times?	3	Q. Is there any expectation it will ever have to pay for
4	A. It will be.	4	office space there?
5	Q. So an employee of the Seabeck Landing General Store will	5	A. At some point I imagine it would, the store owner.
6	be in that space?	6	Q. But there's no indication of any of that in your
7	A. Correct.	7	financial information submitted with your application,
8	Q. Can you describe that space?	8	correct?
9	A. Warm, friendly, good people.	9	A. It's been provided. I have a office location.
10	Q. Does it have walls and a door that separate it from the	10	Q. But there's no costs associated with that in your
11	rest of the store?	11	financial information?
12	A. It can.	12	A. Nor is there a cost for having it.
13	Q. But it doesn't at the moment?	13	Q. At the moment. So, in your applicationI'm going to
14	A. It has both abilities.	14	talk about your projectyour proposed territory boundary
15	THE REPORTER: Both of those, you said?	15	now. In your application it says at one point that the
16	THE WITNESS: Correct.	16	boundary line runs from the intersection of Nolita and
17	MR. STANOVSKY: I'm sorry, I thought in your	17	Teague Roads, quote, eastward as the crow flies to the dead
18	correction you said, both of those. But I understood	18	end of Lewis Road West; from that point, as the crow flies
19	Mr. Stein to say, it can have both abilities.	19	to the Chico Way Highway 3 cross point. Does that sound
20	A. Yes.	20	right? We can look at it, if you prefer.
21	THE REPORTER: When we get to a good stopping	21	A. That's not what's on record for my tariff.
22	point, could we take a break, please?	22	Q. Well, okay, let's look at it then. This is exhibit
23	JUDGE PEARSON: Absolutely. Mr. Stanovsky, how	23	DS-9X, Page 2. And let me if know when you're there.
24	muchmany more questions do you have?	24	JUDGE PEARSON: I'm sorry, did you say 9X?
25	MR. STANOVSKY: Enough more that we could take a	25	MR. STANOVSKY: 9X. Yes.
	Page 71		Page 73
1	break now. I'm through most of them but there is another	1	A. Yes.
1 2	2	2	 A. Yes. Q. And at the bottom of the page, the very last sentence
2 3	break now. I'm through most of them but there is another chunk. JUDGE PEARSON: All right. Well, let's go ahead	2 3	 A. Yes. Q. And at the bottom of the page, the very last sentence says, please refer to map. But just before that, it says
2 3 4	break now. I'm through most of them but there is another chunk. JUDGE PEARSON: All right. Well, let's go ahead and be in recess. Let's take 10 minutes	2 3 4	 A. Yes. Q. And at the bottom of the page, the very last sentence says, please refer to map. But just before that, it says
2 3 4 5	break now. I'm through most of them but there is another chunk. JUDGE PEARSON: All right. Well, let's go ahead and be in recess. Let's take 10 minutes MR. STANOVSKY: Sure.	2 3 4 5	 A. Yes. Q. And at the bottom of the page, the very last sentence says, please refer to map. But just before that, it saysto be clear this is only a part of the boundary as defined in your proposed tariff, but, the second to last sentence
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14 (Pages 70 to 73)

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	Page 74		Page 76
1	Q. But you haven't filed a map that meets Commission	1	Q. Would you turn, pleaseyou might need a different
2	requirements, have you?	2	binder for thisbut if you find Mr. Weinstein's testimony
3	A. It was accepted with the UTC with the Commission Staff,	3	for Waste Management and find Exhibit MAW-3. Actually,
4	my map was, along with the explanation.	4	never mind, I don't think we need to do that; I'll just save
5	Q. Is it your understanding that the map you submitted	5	the time.
6	meets the requirements and the Commission's regulations?	6	Do you understand the service territory boundaries and
7	A. It was accepted at the UTC.	7	the Commission's G Certificates to be guidelines or
8	Q. But you don't know if it meets the Commission's	8	suggestions?
9	regulations? The regulation is cited there at the top of	9	A. No.
10	Page 3.	10	Q. But you currently
11	A. I don't believe it conforms to that WAC code.	11	A. Guidelines.
12	Q. Thank you. So what would you do if you received a	12	Q. Say again?
13	service request from someone outside your service territory?	13	A. The territory boundaries?
14	A. I would decline them and tell them to go with whomever	14	Q. Let me say it this way: The territory boundaries and
15	the provider was.	15	the Commission's G Certificates are requirements, they're
16	Q. Mr. Stein, I understand you have a customer on Kings Way	16	not suggestions or recommendations; is that your
17	West; is that right?	17	understanding?
18	A. I do. Hank.	18	A. Yes.
19	Q. And I understand that customer's location is near Tahuya	19	Q. But you currently have a customer that's outside your
20	Lake; is that right?	20	proposed service territory, correct?
21	A. That is correct.	21	A. I do.
22	Q. Would you turn to Exhibit DS-11X? And this is the map	22	Q. Mr. Stein, when you were doing business as Seabeck, did
23	submitted with your application, correct?	23	you have a business license from the State?
24	A. Correct.	24	A. As Seabeck?
25	Q. Could you please indicate on this map where Kings Way is	25	Q. Uh-huh.
	Page 75		Page 77
1	located?	1	A. No.
2	A. (Pointing.) Approximately.	2	Q. Did you register with the State Department of Revenue
3	Q. So could youI don't know that there's a good way to	3	for a tax registration endorsement?
4	A. (Pointing.) Approximately.	4	A. No.
5	Q. And did I see correctly that your fingertip was outside	5	Q. Did you pay any state taxes for your business operation?
6	the area shaded as Superior's proposed territory?	6	A. No.
7	A. You did.	7	Q. Did you collect any solid waste collection taxes from
8	Q. Thank you. Can you indicate Tahuya Lake is on the map?	8	your customers as required by WAC 458.20.250?
9	A. (Pointing.)	9	A. No.
10	Q. Also outside the service territory, correct?	10	Q. Did you pay the Business and Occupation tax, as required
11	A. Correct.	11	from solid waste companies by WAC 458.21.018?
12	Q. But Tahuya Lake doesn't actually show up on the map?	12	A. No.
13	A. I know where it's approximately at.	13	Q. Did you know that solid waste companies are subject to
14	Q. But the mapthis question is now about the map.	14	those taxes?
15	A. Yes.	15	A. For those that collect money, yes.
16	Q. It doesn't show Tahuya Lake, does it?	16	Q. And, again, your testimony is that you've never
17	A. It does not.	17	collected any money for your services?
18	Q. Or Kings Way?	18	A. Correct.
19	A. No.	19	Q. Is it your understanding that no tax would be due on
20	Q. You said previously you would refer to the map if got a	20	valuable compensation other than money?
21	customer request and you weren't sure if the customer was	21	A. Say that again, please?
-	inside or outside the territory; but, it seems like a number	22	Q. Is it your understanding that no tax would be due for
22	a a construction and a construction of the con		
23	of features that might be useful for that determination are	23	valuable compensation received in a form other than money?
	of features that might be useful for that determination are not on this map; isn't that fair? A. Very.	23 24 25	 valuable compensation received in a form other than money? A. To clarify, you mean like the trade of goods or Q. Sure.

15 (Pages 74 to 77)

	Page 78	Page 80
1	Aor tangible goods or something?	1 those two specific instances? There were no other fliers in
2	Q. For example.	2 the records you destroyed?
3	A. I wouldI would imagine that the State of Washington	3 A. No other fliers?
4	would probably put a tax on that.	4 Q. Fliers or advertisements?
5	Q. Mr. Stein, are you aware that tax-paying entities in	5 A. I threw everything away.
6	Washington are generally required to maintain their	6 Q. So you don't know?
7	financial records for five years and keep them open for	7 A. I just, yeah, and I
8	inspection by the Department of Revenue?	8 Q. So if you don't know isn't it possible that the records
9	A. Yes.	9 you destroyed contained evidence of other violations that
10	Q. And would it surprise you if unregistered businesses are	10 the Commission didn't cite you for?
11	also liable for state business taxes?	11 A. I don't believe so.
12	A. Yes.	12 Q. But you don't know?
13	Q. It would surprise you if an	13 A. I don't know.
14	A. Oh.	14 Q. So you can't rule it out?
15	Q. Just to clarify.	15 A. I can't rule it out.
16	A. Yeah.	16 Q. Thank you. Okay, Mr. Stein, we talked through some
17	Q. I may have worded it confusingly. Let me start over.	17 county requirements, State requirements. Can we please turn
18	Would you expect that an unregistered business would be	18 to pageExhibit DS-9X. This is your application again, and
19	liable for state business taxes?	19 go to Page 5. And let me know when you're there.
20	A. If somebody was operating for compensation and not	20 A. Okay.
21	paying tax and not registered and things like that, yeah, I	21 Q. Do you see Section 8 at the bottom, Declaration of
22	would. I would expect them	22 Applicant?
23	Q. You would expect that they would be required to pay tax	23 A. Yes.
24	even though they hadn't registered?	24 Q. And could you please read the second sentence beginning,
25	A. Yes.	25 as the applicant?
	Page 79	Page 81
1	Page 79 Q. You have no records of how much you billed, or collected	Page 81 A. As the applicant for a solid waste collections company
1 2		
	Q. You have no records of how much you billed, or collected	1 A. As the applicant for a solid waste collections company
2	Q. You have no records of how much you billed, or collected for your services, prior to the Cease and Desist Order,	 A. As the applicant for a solid waste collections company certificate, I understand the responsibilities of a solid
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16 (Pages 78 to 81)

	Page 82	Page 84
1	Q. So not for any professional services by anyone other	1 dispose of recyclables?
2	than yourself?	2 A. Correct.
3	A. Professional services as well.	3 Q. Could you please look at DS-10X, Page 5. This is your
4	Q. As well?	4 business plan. Are you there?
5	A. Yeah.	5 A. Iam.
6	Q. So how much of the \$300.00 would you expect would go	6 Q. Do you see halfway down it says, dump fees?
7	toward professional services?	7 A. Yes.
8	A. Zero.	8 Q. And just for the record at the top it says Business
9	Q. And in the financial information that you submitted with	9 Expenses Annually. Can you say the number that you estimate
10	your application and in your follow-up conversation with	10 annually for solid waste dump fees? About halfway down.
11	staff, did you include any estimate or provision for legal	11 A. Dump feesyes, got it. Yes, that would be under
12	costs?	12 these are projections is what these are. So I'm waiting to
13	A. I did not.	13 see that final number, but I believe that myso the total
14	Q. Thank you. So going back briefly to the recycling	14 dump fees of \$3,900.00. There was recyclables cost that was
15	service, you drop-off your customers' recyclable materials	15 built into that. I don't know exactly what that would be.
16	primarily at the Dickey Road facility, correct?	16 It's kind of
17	A. I do.	17 Q. So the blank line next to recyclables doesn't indicate
18	Q. And that facility doesn't charge for recycling drop-off,	18 no cost to dispose of recyclables?
19	does it?	19 A. No. It's yet to be seen.
20	A. Correct, it does not.	20 Q. So, can you tell us how you work the cost ofthe
21	Q. So your rates and your financial model don't include any	21 anticipated cost of disposing of recyclables into your
22	costs of hauling and processing recyclables from the time	22 rates?
23	you drop them off, correct?	A. My understanding is that recyclables are charged by
24	A. No, it's not	24 weight. They're the same as solid waste. So I took what I
25	Q. Sorry?	25 projected to be the weight of the recyclables and then I
	Page 83	Page 85
1	Atrue. It's not true.	1 added it to the cost of the solid waste dump fee. Does that
2	Q. So could you please tell us how your rates and	2 make sense?
3	yourwell, let's start with your rates. How do your rates	3 Q. Assuming the same cost per ton?
4	include the cost of hauling and processing recyclables after	4 A. No. I figured it would probably be a reduced rate, so.
5	you drop them off at the Dickey Road facility?	5 I had figured that recyclables probably didn't cost as much.
6	A. So the idea around this is, currently the way that I	6 And that's part of
7	operate is, I have to utilize the Dickey Road or Olympic	7 Q. Okay. And how do those dump fees translate into your
8	View transfer station as my recyclable drop off point. With	8 proposed tariff rates?
9	the certificate then, hopefully, I would be allowed to	9 A. So the proposed tariff rates go with the cost, also all
10	drop-off the recyclables in commingled, like Waste	10 the costs associated. Andokay, so your question was: Is
11	Management does, or Waste Connections, or any other company	11 how does my recyclables come into play; is that correct?
12	out there. And those weights were taken into account when	12 Q. Well, I understand your estimate for garbage and
13	the rates were made.	13 recyclables is all lumped together.
14	Q. Sorry, what "weights"?	14 A. Correct.
15	A. Correct, weights.	Q. But, that being so, how do you allocate that anticipated
16	Q. What weights were taken into account?	16 cost to your proposed rates? More, specifically, to your
17	A. The weights of recyclables. Because it doesn't charge	17 customers to generate the proposed rates?
18	by volume, to the best of my understanding, at the Olympic	18 A. So the idea around the charge is, because of the
19	View. I haven'tI haven't had the ability to really talk	19 structure of the business itself, because the driveways are
20	with too many people at the scale house so I made an inquiry	20 tight, they're rough, they're hard to get to. My vehicle in
0.1	· · · · · · · · · · · · · · · · · · ·	
21	once about dropping off commingled there, and it was	21 which I've chosen to use, which is required to use something
22	rejected. So it forced my hand to go to the Dickey Road or	22 very similar to it, it doesn't have the ability of
22 23	rejected. So it forced my hand to go to the Dickey Road or to Olympic View in a segregated, which is not ideal.	 very similar to it, it doesn't have the ability of squashing, you know, compaction. So space is a value, you
22 23 24	rejected. So it forced my hand to go to the Dickey Road or to Olympic View in a segregated, which is not ideal. Q. So just to clarify. You're saying that your rates were	 very similar to it, it doesn't have the ability of squashing, you know, compaction. So space is a value, you know?
22 23	rejected. So it forced my hand to go to the Dickey Road or to Olympic View in a segregated, which is not ideal.	 very similar to it, it doesn't have the ability of squashing, you know, compaction. So space is a value, you

17 (Pages 82 to 85)

	Page 86		Page 88
1	methodology to figure out how to distribute those costs into	1	cut off. They don't have any other resource. I'm the only
2	the rates?	2	guy; I'm the only one. And it's tough.
3	A. I projected weight. That'syeah, the weight of the	3	Q. Waste Management previously mentioned that if you were
4	recyclables.	4	to be granted a certificate, that you would also be taking
5	Q. Are you familiar with the concept of a revenue	5	over their customers that they currently serve that they
6	requirement?	6	provide a drive-in service to. Would you be open to taking
7	A. That sounds like something that might fall under the	7	on 1 to 53 customers if you were granted a certificate?
8	USOA.	8	MR. STANOVSKY: Your Honor, objection. That
9	Q. But, it sounds like not; is that correct?	9	misstates the record. Waste Management did not represent
10	A. What's that?	10	that that is what would happen. We were trying to clarify
11	Q. You're not familiar with the concept of a revenue	11	Mr. Stein's understanding of the results in this case. But
12	requirement?	12	by no means does Waste Management concede that granting
13	A. No.	13	Mr. Stein a certificate would necessitate Waste Management
14	MR. STANOVSKY: One moment, Your Honor.	14	losing the right to provide that same service.
15	I have no further questions, Your Honor.	15	JUDGE PEARSON: I agree that was the nature of your
16	JUDGE PEARSON: Mr. Garg, do you have any redirect	16	question.
17	for your client?	17	MR. STANOVSKY: Thank you.
18	MR. GARG: I do, Your Honor.	18	JUDGE PEARSON: So I'll sustain the objection and
19		19	MR. STANOVSKY: Thank you.
20	REDIRECT EXAMINATION	20	MR. GARG: I'll rephrase. Actually, let's move on.
21		21	Mr. Garg Continuing:
22	BY MR. GARG:	22	Q. Waste Management bought up the Cease and Desist Order
23	Q. Earlier in your testimony, Mr. Stein, you mentioned that	23	from Seabeck; what was the conclusion at the end of that
24	your specialized service is not based on the vehicle, which	24	investigation?
25	can be bought by anyone, what is your specialized service	25	A. The conclusion of that investigation was that I was
1	Page 87 based on?	1	Page 89 offering services through means of solicitation, I
2	A. It's based on need. Need of the customers.	2	guessadvertisement. I pleaded guilty to it and was found
3	Q. Can you further describe what makes it specialized, why	3	guilty.
4	Waste Management is unable to provide the service?	4	Q. You were found guilty? Were there any penalties
5	A. Why is Waste Management not	5	assessed?
6	Q. What makes your service specialized, why Waste	6	A. There was.
7	Management is unable to provide it?	7	Q. Did pay the penalties?
8	MR. STANOVSKY: Objection, Your Honor. Compound.	8	A. I did.
9	JUDGE PEARSON: Do you want to separate questions?	9	Q. After the conclusion of the investigation, is there
10	Mr. Garg Continuing:	10	anything left from the investigation thatany order that
11	Q. What makes your service different than the service Waste	11	you need to abide by?
12	Management is currently providing?	12	A. Yes. I need to not violate anymore UTC laws.
13	A. There's a laundry list of reasons why. The biggest and	13	Q. At the end of the investigation you filed this
14	foremost reason would be that my service is outside of what	14	application with UTC; what was the purpose of filing this
15	Waste Management will do; they won't go past one mile; they	15	application?
16	won't go past one hundred feet carry-out or pack-in.	16	A. The purpose of filing this application is exactly what I
17	MR. STANOVSKY: Your Honor, objection. There was	17	said in open court; I said at the end of thatLaura
18	no cross-examination about Waste Management's services.	18	Chartoff was the sitting judge on that. And I told The
19	JUDGE PEARSON: So, I think he's just trying to	19	Court, and open, and Harry was there and I said, I will be
20	respond toyou did ask questions about the specialized	20	filing an application to be a solid waste company for the
21 22	nature of the service, so he's responding to that. I'm	21 22	people that you see behind me, at that timeit was a
	going to allow it.		customer baseto give them the service.
	Mr. Cora Continuina:		
23	Mr. Garg Continuing:	23	Q. Waste Management brought up a data request in which they asked for customer information and you made an objection
	Mr. Garg Continuing: Q. Go ahead. A. So the service that I provide to this customer base are	23 24 25	asked for customer information and you made an objection based on a WAC code; did you actually provide the

	Page 90	Pag	ge 92
1	information to Waste Management?	1 everywhere. And they're steep andand, yeah. So I wan	ted
2	A. Which one was that?	2 to represent something professional, something that they	
3	Q. It was a question on the list that Waste Management	3 could see that's tangible that they couldlike, oh. You	
4	asked for.	4 know, there's a difference; there's a different choice.	
5	A. Oh.	5 Q. All right. Let's move on to the destruction of record	s
6	Q. While you made an objection, did you actually end of	6 of Seabeck that Waste Management brought up.	
7	providing them the list that they asked for?	7 Is it fair to say that your understanding of Cease and	I
8	A. I did.	8 Desist Order was to destroy the records?	
9	Q. Let's talk about the Kitsap Sun article that Waste	9 A. Yes.	
10	Management brought up. In the article, you mentionedor,	10 Q. Regardless of the what the language of the actual o	rder
11	the writer mentioned, that you were making a protest against	11 says, your mindset at the time required	
12	the UTC; was that protest against UTC or was that protest	12 MR. STANOVSKY: Objection, Your Honor, leading	
13	against another company?	13 Q. What was your mind set at the time when you read	the
14	A. In a fit of emotion it wasit was a protest against	14 Cease and Desist Order?	
15	Waste Management; it was a protest against how can this be?	15 A. I cried like a baby. It was terrible. It was horrible.	
16	It was a protest against how is this possible? How is this	16 I threw it all away. I wasand then I was going to go pick	
17	happening? How can all of these people be so stranded and	17 up all the garage cans and all of this and It was	
18	there I am to help them out and I'm just cut downtold to	18 terrible. It was years and years and years of work. All my	/
19	cease and desist. It was my protest against that.	19 notes. It was horrible.	
20	Q. To clarify, what are your feelings toward the UTC?	20 Q. Waste Management brought up Exhibit DS-21X whe	ere you
21	A. Favorable. I think they'reI called Jason Hoxit on the	21 mentioned Caroline Stein, your mother, was the consul	ltant
22	phone, maybe a week after receiving the Cease and Desist	that prepared the plans; does your mother have any	
23	Order, and I just leveled with him. They don'tI just	23 experience preparing such documents?	
24	talked to him just like a human being, and he talked to me	A. She does.	
25	just like a human being. And I've had nothing but	25 Q. Can you tell me in what capacity?	
	Page 91	Pag	ge 93
1	Page 91 professional interactions with the UTC. Michael Dotson,		
1 2	_		or's
	professional interactions with the UTC. Michael Dotson,	1 A. She has a business degree. She has multiple bachelo	or's
2	professional interactions with the UTC. Michael Dotson, Scott Sevall, even Laura Chartoff who found me guilty and	 A. She has a business degree. She has multiple bachelo degrees. And I rely on her for clear understanding of what 	or's
2 3	professional interactions with the UTC. Michael Dotson, Scott Sevall, even Laura Chartoff who found me guilty and fined meeveryone was just doing their job and I think that	 A. She has a business degree. She has multiple bachelo degrees. And I rely on her for clear understanding of wha it is, that part of the administration. So the USOA, it's 	or's
2 3 4	professional interactions with the UTC. Michael Dotson, Scott Sevall, even Laura Chartoff who found me guilty and fined meeveryone was just doing their job and I think that they're doing it in a professional manner.	 A. She has a business degree. She has multiple bachelo degrees. And I rely on her for clear understanding of wha it is, that part of the administration. So the USOA, it's an 89-page document. Basically it's a whole lot of 	or's at
2 3 4 5	professional interactions with the UTC. Michael Dotson, Scott Sevall, even Laura Chartoff who found me guilty and fined meeveryone was just doing their job and I think that they're doing it in a professional manner. Q. Waste management brought up DS-16X, some fliers that	 A. She has a business degree. She has multiple bachelo degrees. And I rely on her for clear understanding of wha it is, that part of the administration. So the USOA, it's an 89-page document. Basically it's a whole lot of instructions to fill out two pages. And that's a lot of 	or's at
2 3 4 5 6	professional interactions with the UTC. Michael Dotson, Scott Sevall, even Laura Chartoff who found me guilty and fined meeveryone was just doing their job and I think that they're doing it in a professional manner. Q. Waste management brought up DS-16X, some fliers that mentioned that you would send a monthly invoice. Do you	 A. She has a business degree. She has multiple bachelo degrees. And I rely on her for clear understanding of wha it is, that part of the administration. So the USOA, it's an 89-page document. Basically it's a whole lot of instructions to fill out two pages. And that's a lot of instructions. So her credentials and her background is keep 	or's at ey
2 3 4 5 6 7	 professional interactions with the UTC. Michael Dotson, Scott Sevall, even Laura Chartoff who found me guilty and fined meeveryone was just doing their job and I think that they're doing it in a professional manner. Q. Waste management brought up DS-16X, some fliers that mentioned that you would send a monthly invoice. Do you believe there's a difference in advertising something and 	 A. She has a business degree. She has multiple bachelo degrees. And I rely on her for clear understanding of wha it is, that part of the administration. So the USOA, it's an 89-page document. Basically it's a whole lot of instructions to fill out two pages. And that's a lot of instructions. So her credentials and her background is kee in this. Also to include, she's been an advocate for 	or's at ey
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19 (Pages 90 to 93)

	Page 94		Page 96
1	any training based on the UTC regulations?	1 understand the question. I think there were a co	ouple not's.
2	A. Yes.	2 JUDGE PEARSON: I think I understand it	•
3	Q. Waste Management brought up your map and post territory.	3 asking whether not charging for recycling either	encourages
4	You mentioned your map you submittedyour map was submitted	4 or discourages people from recycling.	
5	to the UTC?	5 MR. STANOVSKY: I'm sorry, could you	
6	A. Yes.	6 MR. GARG: Yes. I'll	
7	Q. Did UTC make any objections?	7 MR. STANOVSKY: Thank you.	
8	A. No.	8 Mr. Garg Continuing:	
9	Q. Based of that information, did you have any concern that	9 Q. So you mentioned in your testimony to Wa	ste Management
10	UTC would not approve the map, or the map was not following	0 that you were currently not charging a tariff fo	or recycling.
11	regulations?	1 Waste Management also mentioned a specific	Kitsap County
12	A. No, not at thatat that moment.	2 code that requires you to encourage recycling	y via your rate.
13	Q. Waste Management also brought up a customer that's	3 Not charging for recycling, do you believe that	t makes the
14	outside the area that you've highlighted on the map, can you	4 Kitsap County code for encouraging people to	recycle?
15	explain why there's a customer outside that area?	5 MR. STANOVSKY: Objection. Your Hond	or, that
16	A. It's unfortunate. I would love to save everybody in	6 misstates the evidence. The tariff does not show	w that he
17	Kitsap County fromfrom what Waste Management won't do.	7 does not charge for recycling; it shows that he c	harges the
18	I'm not saying Waste Management is a bad company; I'm saying	8 same for recycling and garbage.	
19	Waste Managementthey don't provide what it is I provide.	.9 JUDGE PEARSON: Okay. Sustained. D	
20	So, by doing so, I've stepped in and I have to determine	try to rephrase your question? I know what you'	re getting
21	what it is with inside a zone that I can handle responsibly.	at. I understand.	
22	I can't bite off more than I can chew. I would love to take	MR. GARG: No, Your Honor.	
23	on the whole countyI would love tobut I can't do that.	JUDGE PEARSON: You're good?	
24	But what I can do is the zone inside, and I hope that given	MR. GARG: I'm good.	
25	a certificate from the UTC, that Waste Management would step	JUDGE PEARSON: Okay.	
	5		
	Page 95		Page 97
1		1 MR GARG: No further questions	Page 97
1 2	up to that one customer on the outside and provide service.	 MR. GARG: No further questions. MR. STANOVSKY: I'm not sure the order 	-
	up to that one customer on the outside and provide service. Q. So if you were granted a certificate, you're willing to	2 MR. STANOVSKY: I'm not sure the orde	er here, if the
2	up to that one customer on the outside and provide service.	2 MR. STANOVSKY: I'm not sure the order 3 staff should go orI would move for a very brief	er here, if the recross.
2 3	up to that one customer on the outside and provide service. Q. So if you were granted a certificate, you're willing to stay within your territory?	 MR. STANOVSKY: I'm not sure the order staff should go orI would move for a very brief 	er here, if the recross. o recross about?
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2 3 4 5	up to that one customer on the outside and provide service. Q. So if you were granted a certificate, you're willing to stay within your territory? A. Yes. Q. Let's go back to destruction of records priorfor	 MR. STANOVSKY: I'm not sure the order staff should go orI would move for a very brief JUDGE PEARSON: What do you want t MR. STANOVSKY: One, about the disco 	er here, if the recross. o recross about? overy response And one
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20 (Pages 94 to 97)

	Page 98		Page 100
1	A. If I violate, I'm going to hear from you guys. That's	1	Mr. Rutledge testify together. Some of their answers are
2	what that means. I do.	2	similar, so I'm not sure which one will be able to answer my
3	Q. And there have been some questions regarding your	3	questions.
4	compensation while you were operating as Seabeck. Were you	4	JUDGE PEARSON: Okay.
5	receiving compensation while you were operating as Seabeck?	5	MR. GARG: So if they can testify together, it will
6	A. No.	6	be less than one hour.
7	Q. So you would say that you were receiving no compensation	7	JUDGE PEARSON: Okay. Mr. Stanovsky, I don't know
8	while you were operating with Seabeck?	8	if you have objection to that. I've actually done that
9	A. How do you define compensation?	9	before on an application case where it saves a lot of time
10	Q. As broadly as possible.	10	rather than saying, oh, he should answer the question rather
11	A. I'm sorry.	11	than me. I can swear them both in and then they can confer
12	Q. As broadly as possible.	12	amongst themselves and whoever is morebest suited to
13	A. I didn't receive any tangible goods by any means or	13	answer the question can answer then.
14	money, but I didI mean, I received cookies.	14	MR. STANOVSKY: And I've seen in the rules where
15	Q. While you were operating at Seabeck did you advertise	15	that's an option as well but, frankly, I hadn't thought
16	rates for services to potential new customers?	16	about it. So if I could, two minutes to confer.
17	A. Yes.	17	JUDGE PEARSON: Sure, sure. And why don't we just
18	Q. So you would have collected compensation from those	18	take a five-minute break. And then what we'll do, we'll
19	customers?	19	come back, we'll have Mr. Garg do cross-examination and then
20	A. No. Well, so yes, that was the plan. The plan was to	20	I think we'll break for lunch after that. But let's just
21	move and have a business license and form an LLC and all	21	take a quick five-minute break now for anyone who needs it.
22	these things. These were the goals that I was moving	22	(Recess taken from 11:14 to 11:27 a.m.)
23	towards. I was still in the beta test of figuring out how	23	JUDGE PEARSON: So, let's be back on the record
24	to operate this solid waste company.	24	following a brief recess. Attorneys have conferred and
25	Q. Okay. During your redirect you discussed your business	25	Mr. Stanovsky has agreed that Mr. Weinstein and Mr. Rutledge
	Page 99		Page 101
1			
1	plan; did you state how long that plan is? I might have	1	can testify at the same time. And what we'll do is we'll
2	misheard.	2	haveMr. Garg, I'll have you direct your questions to
3 4	A. How long the business plan is?	4	Mr. Weinstein primarily. And if he thinks that Mr. Rutledge
5	Q. In terms of pages, perhaps? MR. GARG: I believe that was a backup plan, not	5	is better suited to answer the question he'll defer to him for the answer. Does that work?
6	the business plan.	6	MR. GARG: Yes. Yes, Your Honor.
7	MR. FUKANO: Oh, I see. Not the consultant report?	7	JUDGE PEARSON: So if you come up to these last two
8	MR. GARG: No.	8	seats here on the bench and turn your microphones on.
9	MR. FUKANO: Oh, I must have misheard.	9	(Witnesses: Michael Weinstein and Robert Rutledge
10	No further questions.	10	moved to the bench to testify simultaneously.)
11	JUDGE PEARSON: Mr. Garg, do you have any redirect	11	(Discussion off the record.)
12			
	based on Mr. Fukano's questions?	12	JUDGE PEARSON: If you could both just stand and
13	based on Mr. Fukano's questions? MR. GARG: No redirect. Your Honor.	12	JUDGE PEARSON: If you could both just stand and raise your right hands. Do you swear or affirm that the
13 14	MR. GARG: No redirect, Your Honor.		raise your right hands. Do you swear or affirm that the
14	MR. GARG: No redirect, Your Honor. JUDGE PEARSON: All right. Then, Mr. Stein, you	13	raise your right hands. Do you swear or affirm that the testimony you give today will be the whole truth and nothing
	MR. GARG: No redirect, Your Honor. JUDGE PEARSON: All right. Then, Mr. Stein, you are excused.	13 14	raise your right hands. Do you swear or affirm that the testimony you give today will be the whole truth and nothing but the truth?
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14 15 16 17 18 19	MR. GARG: No redirect, Your Honor. JUDGE PEARSON: All right. Then, Mr. Stein, you are excused. THE WITNESS: Thank you. JUDGE PEARSON: You can step down. (Witness excused.) JUDGE PEARSON: Mr. Weinstein, a witness, correct,	13 14 15 16 17 18 19	raise your right hands. Do you swear or affirm that the testimony you give today will be the whole truth and nothing but the truth? (Mr. Weinstein and Mr. Rutledge confirmed oath.) JUDGE PEARSON: Okay. Go ahead and be seated. And, Mr. Stanovsky, if you could just have them each, individually, state their names for the record, and if you
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21 (Pages 98 to 101)

	Page 102		Page 104
1	REDIRECT EXAMINATION	CROSS-EXAMINA	TION
2		2	
3	BY MR. STANOVSKY:	BY MR. GARG:	
4	Q. Mr. Rutledge, would you please state your name for the	Q. Mr. Weinstein, as mentioned	before, I'll direct the
5	record?	question to you and if it's some	•
б	A. Yes. My name is Robert Rutledge.	informed, then feel free to pass	the question off to him.
7	Q. And, Mr. Weinstein?	My first question actually refe	ers to your direct
8	A. Michael Weinstein.	testimony. This is Exhibit MAW	/-1T. If you look on Page 5.
9	Q. And, Mr. Rutledge, you have what's marked as	A. Yes.	
10	Exhibit RAR-1T in front of you, your direct testimony,	Q. The very first paragraph the	re that starts on Page 5,
11	correct?	can you read the first sentence?	?
12	A. Yes.	A. On Page 5? Commission finds	•
13	Q. And do you have any corrections to that testimony?	not provide service to the Commiss	sion's satisfaction?
14	A. Yes. On Page 1, Line 14 where it states almost five	Q. No, it would be the next para	graph, the first sentence.
15	years, should read one year as district manager. I	A. Oh. As a practical matter, allow	wing competition and
16	waswell, I've been with the company for five years. Four	5 providing such services tends to re	esult in duplication of
17	years of thatmy first four years was as route manager with	7 services and, in turn, increased rat	tes for everyone.
18	our Seattle branch.	Q. In your opinion, does provid	• •
19	Q. Thank you. And do you have RAR-2T, your response	rates or does monopoly decreas	
20	testimony?	A. In my opinion, with regards to t	o ,
21	A. Yes.	environment that we operate in, in	•
22	Q. And can you tell us your first correction to that?	2 the competition where you have tw	
23	A. Yes. On Page 3, Line 23, the No. 11 should be a 10. I	be awarded in the same geographi	
24	reviewed my notes in preparation, I realized that I made a	 increase costs and increase rates, Q. Let's move on to the next pa 	•
25	copy paste there on the spreadsheet.	Q. Let's move on to the next pa	ge. The question regarding
	Page 103		Page 105
1	Page 103 And the next is on Page 4, Line 1 the 34 should be 35.	the specialized service to custo	
1 2	_	the specialized service to custo territory. You mentioned Item 8	omers in Superior's proposed
	And the next is on Page 4, Line 1 the 34 should be 35. And then on Line 5, the 34 should also be 35. And then Line 6, 33 should be 34.	territory. You mentioned Item 8tariff is?	mers in Superior's proposed 0, can you explain what that
2 3 4	And the next is on Page 4, Line 1 the 34 should be 35. And then on Line 5, the 34 should also be 35. And then Line 6, 33 should be 34. Q. Thank you. And the next correction?	 territory. You mentioned Item 8 tariff is? A. Item 80 in the tariff is rates that 	omers in Superior's proposed 0, can you explain what that t are regarded to the
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	Page 106		Page 108
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1	Q. Are you aware of any distance limitations that the new	1	A. With regards to the carry-out charges, I believe it
2	tariff proposed?	2	wasA denotes that there was a rate increase at that time.
3	A. (Mr. Rutledge) No.	3	And C is with regards to there was a change in some of the
4	MR. STANOVSKY: Objection, Your Honor. I	4	verbiage.
5	apologize, I didn't catch it before Mr. Rutledge's answer,	5	Q. Can you read off what that verbiage is?
6	but I'm not clear what Mr. Garg is referring to as the "new	6	A. I can't recall offhand, no.
7	tariff." I believe he cited a Docket number beginning with	7	JUDGE PEARSON: I'm sorry, what page are you on,
8	'07, which I think would be 2007. And I understood Mr.	8	Mr. Garg?
9	Weinstein to be testifying about a 2010 revision. So I'd	9	MR. SEVALL: It should be Item 80.
10	just like to clarify.	10	JUDGE PEARSON: Thank you. I just got it to work.
11	A. (Mr. Weinstein) If it was '07, I believe that was a	11	Just give me a second to get there, please.
12	filing where	12 13	MR. GARG: Sure.
13	MR. STANOVSKY: Could we		JUDGE PEARSON: Okay, I am at it now.
14	JUDGE PEARSON: Mr. Garg, can you clarify which	14 15	Mr. Garg Continuing:
15	MR. GARG: I was referring to the '07, the 2007	16	Q. So it would be Page No. 19. Are you at Page No. 19?
16 17	revision.	17	A. Yes, I'm here.
18	JUDGE PEARSON: And whichwhich exhibit is that?	18	Q. So, Page No. 19 has specifics as far as the distance that wage management will go for carry-out service and
19	I think it's MAW-6X.	19	drive-in service; can you tell me what those distances are?
20	MR. GARG: 6X. Do you have Exhibit MAW-6X in front of you, Mr. Weinstein?	20	A. Yes. I'm sorry?
20	MR. WEINSTEIN: I don't believe I do have it in	20	•
21	front of me.	22	Q. Can you tell me what those distances are?A. Yes. The distance with regards to carry-out was, up to
23		23	50 feet. And with regards to drive-ins, we were going up to
23	MR. STANOVSKY: AND, Your Honor, I apologize. I didn't print out all of the cross exhibits for my witnesses,	24	one mile.
25	but I In fact, I don't think I have that one for myself	25	Q. Can you tell me why these distancescan you tell me if
23			
	5 100		
	Page 107		Page 109
1	Page 107 either. So I could show it to Mr. Weinstein on the computer	1	Page 109 the distances were higher or lower prior to this change in
1 2		1 2	
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23 (Pages 106 to 109)

	Page 110	Page 11
1	direct responses?	1 it cannot provide service requested by a customer.
2	MR. GARG: His direct, Your Honor.	2 Q. Is there a reason why Waste Management does not tra
3	MR. STANOVSKY: So that would be SS-1T?	3 that information?
4	JUDGE PEARSON: Correct.	4 A. We trackifwe can'tfor every request that is made,
5	MR. WEINSTEIN: And what page of his testimony?	5 we don't track what weI can't really respond to that,
6	MR. GARG: Give me one second. It's actually, if	6 quite honestly. I mean, we track what we can serve but we
7	you go to SS-5T, Page 3.	7 don't necessarily track what we can't serve.
8	Mr Garg Continuing:	8 Q. So there may be many customers in your territories that
9	Q. Mr. Sevall writes: Driving and carrier services are	9 are not getting the service at all?
10	offered in Waste Management's other tariffs without a	10 A. If they've requested the service we would have a record
11	limitation to a maximum distance except Skagit County.	as to whether or not they requested it in customer notes
12	Would you disagree with that statement?	12 that we have.
13	A. No, I wouldn't disagree.	Q. And what is the action that you take after someone
14	Q. Would you tell us why Skagit County is the only county	14 requests a service and you believe you cannot provide the
15	with those limitations placed?	15 service?
16	MR. STANOVSKY: Objection, Your Honor. Just so the	A. We inform the customer thatthe reasons for which we
17	record is clear, it's Skagit and Kitsap.	17 cannot provide the service.
18	JUDGE PEARSON: Correct. Mr. Garg that	18 Q. Can you tell me what some of those reasons would be
19	Q. Can you tell me why those two counties are the only	A. That is a question that would probably be answered by
20	counties where these limitations are placed?	20 Mr. Rutledge.
21	A. I really can't recall specifically. I will tell you	A. (Mr. Rutledge) So when we receive a request from a
22	that many of these tariffs are adopted tariffs initially	22 customer it comes across in the form of a case, it gets sent
23	from acquisitions that, when we acquire a company we acquire	to one of my route managers who will go out in the area
24	their tariff, so. But I cannot recall as to why there were	onsite and review the property to determine whether it is,
25	limitations in those tariffs, specifically.	or isn't, eligible for service. Some of the contributing
	Page 111	Page 11
1	Q. Do you know how many customers this change in tariff	1 factors are the safety aspect of it. For example, a
1 2	Q. Do you know how many customers this change in tariff effected?	 factors are the safety aspect of it. For example, a carry-in or a walk-in service, can our truck be safely
2	effected?	2 carry-in or a walk-in service, can our truck be safely
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24 (Pages 110 to 113)

	Page 114		Page 116
1	Mr. Weinstein?	1	charges to bring that material down to the collection site
2	A. DS-6?	2	and back up to that household, again, that would be between
3	Q. If you look at Page 2 of that article, going to the	3	the customer and Superior directly.
4	fifth paragraph. Can you read that sentence starting	4	Q. So, essentially, these customers that are mentioned here
5	withread that paragraph starting with, Bickle said.	5	would be paying for the service twice; they would be paying
6	A. You said that's Page 2?	6	Superior and to Waste Management?
7	Q. Yeah, Page 204 (sic).	7	A. That's not correct. They would just be paying Superior
8	A. Bickle said about 250 people in Kitsap County are	8	for the time involved to collect the take the material from
9	effected by the new 50-foot limit for pack-out service.	9	their home down to a collection point and back. They would
10	Only two, including Gearlaush (phonetic), have complained	10	be paying Waste Management for the actual collection of
11	that the adjustment is unfairly difficult.	11	material to take it for disposable and for the collection of
12	Q. Would you agree with that statement, that 250 people	12	not only the garbage but the recyclables as well to be
13	were effected by your change in tariff?	13	processed.
14	A. I can'tI don't recall. I don't know.	14	Q. But if one company can provide these two same services,
15	Q. Going back to your testimony, the very next page, Page	15	would the charges for the customers be less or more?
16	10 of 17and this is to Mr. Weinstein.	16	MR. STANOVSKY: Objection, Your Honor, calls for
17	MR. STANOVSKY: And this is the direct testimony?	17	speculation.
18	MR. GARG: This is the direct testimony, MAW-1T.	18	JUDGE PEARSON: I'm going to sustain it. Do you
19	A. I'm here.	19	want to rephrase the question?
20	Q. You mentioned a few options for Superior, one of the	20	MR. GARG: Withdrawn.
21	optionscan you read that last paragraph, just the first	21	Mr. Garg Continuing:
22	sentence?	22	Q. The very next page under the same question, the very
23	A. Another option would be to offer hauling from the	23	last paragraph, under this question, can you read that first
24	customer's home to regular Waste Management collection	24	
25	points, much like the Trash Maidz model, as on optional add-	25	JUDGE PEARSON: Sorry, can you tell me what page
	Page 115		Page 117
1	on service.	1	you're on?
2	Q. Can you describe what this Trash Maidz model is?	2	MR. GARG: Page 11 of 17, MAW-1T.
3	A. Best of my understanding, the Trash Maidz model would be	3	JUDGE PEARSON: And then how about a line number?
4	that they essentially would take the material that's located	4	MR. GARG: Line No. 4.
5	at the customer's doorstep, or whereever, and transports the	5	Mr. Garg Continuing:
6	material down to the collection site and, in turn, returns	6	Q. Can you start with Line No. 4 and read that first
7	the can back to the where the household.	7	sentence?
8	Q. And Trash Maidz, or a similar company, would be charging	8	A. Separate from the current docket, Waste Management is
9	for the service?	9	considering a submission of new or revised tariff sheets to
10	A. I believe they do charge for the charge. I believe this	10	implement a new service.
11	is a company in California that does that.	11	Q. Can you give me details on that new revised tariff
12	Q. Now, would Waste Management not charge these same	12	sheets that you're implementing?
13	customers that a company such as this provided a service	13	A. We are, you know, currently exploring the possibility of
14 15	for? MR. STANOVSKY: I'm sorry, Your Honor, I think I'm	14 15	offering services with limited access vehicles, smaller
16	going to just ask you to rephrase that. I don't think I	16	vehicles, that can provide this service similar to bringto be able to safely bring a collection vehicle closer to the
17	followed that. It may be my fault, I apologize.	17	customer's location to be able to collect the material from
18	MR. GARG: Sure.	18	the customer's household.
19	Mr. Garg Continuing:	19	Q. Have you purchased these vehicle?
20	Q. So if a company likeif Superior was to operate	20	A. No, we have not yet.
21	similarly to Trash Maidz, would Waste Management still	21	Q. Have you placed an order for these vehicles?
22	charge those customers that Superior is providing a service	22	A. No, we have not yet.
23	to?	23	Q. What is the time estimate that you think you can get
24	A. We would charge them for the collection of the material	24	these vehicles on the road?
25	in accordance with our tariff. However, what Superior	25	A. I probably should defer this to Mr. Rutledge.

25 (Pages 114 to 117)

	Page 118	Page 12	2.0
1	A. (Mr. Rutledge) Yeah, at this point, it's unknown, the	1 provides similar information.	
2	exact time frame. We're, ultimately, waiting to see what	2 JUDGE PEARSON: Okay, so can you just describe for	r
3	the results of this hearing willin determining what the	3 me what this exhibit is?	1
4	next steps would be for Waste Management.	4 MR. GARG: This is a list of customers wherethat	
5	Q. So it's unknown how long it will take before these	 have made complaints against Waste Management regarding 	1
6	customers start receiving service, that are currently not	 missed pickups or Waste Management's inability to provide a 	
7	receiving a drive-in service beyond a mile, or carry-out	7 pickup.	
8	service beyond 50 feet?	 JUDGE PEARSON: And are these customers who ma 	ade
9	A. (Mr. Rutledge) Correct.	 9 complaints with the Commission or with Waste Management 	
10	MR. STANOVSKY: Objection, Your Honor. The	10 directly?	
11	question misstated the evidence. Mr. Garg, I believe,	11 MR. GARG: Sorry, Your Honor?	
12	indicated that the limit for carry-out was 50 feet, which it	12 JUDGE PEARSON: Are these customers who made	
13	is not.	13 complaints with the Commission or with Waste Management	
14	MR. GARG: It's part of the previous exhibit that	14 directly?	
15	Mr. Weinstein read.	15 MR. GARG: I believe this Waste Management	
16	MR. STANOVSKY: That tariff sheet was effective in	16 directly, Your Honor.	
17	2007, it's not currently effective.	17 MR. STANOVSKY: Maybe we can check the exhibit	
18	JUDGE PEARSON: Okay, I'm confused now. So what is	18 list. I understand Exhibit MAW-8CX to be Superior's sort of	
19	the currentyes, Mr. Weinstein?	19 restatement of Waste Management's information about	
20	MR. WEINSTEIN: Yes. The current carry-out	20 Superior's customers.	
21	limitation is twoone hundred feet. And it's my	21 JUDGE PEARSON: This looks like a document that wa	as
22	understanding from myyou know, that that was changed in	22 created. It did not come the Commission, so it looks like	
23	2010. I would say, to a certain extent related to the	23 it was a document that was created by Superior.	
24	article in Kitsap Sun in 2007 we extended the carry-out from	24 MR. STANOVSKY: And, Your Honor, your exhibit list	
25	fifty feet to a hundred feet.	25 indicates MAW-8CX, Confidential, Complete Superior Custor	ner
	Page 119	Page 12	21
1	Page 119 JUDGE PEARSON: Okay, thank you for that	Page 12 1 Location notes.	21
1 2	2	1 Location notes. 2 JUDGE PEARSON: Right.	21
	JUDGE PEARSON: Okay, thank you for that	1 Location notes.	21
2	JUDGE PEARSON: Okay, thank you for that clarification.	 Location notes. JUDGE PEARSON: Right. MR. STANOVSKY: Which is consistent with what I have. 	
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26 (Pages 118 to 121)

	Page 122	Page 1	24
1	JUDGE PEARSON: Oh. Okay. So someone has that	1 Q. But it wasn't a Waste Management trash pickup vehicle?	?
2	exhibit?	2 A. (Mr. Rutledge) No.	
3	MR. STANOVSKY: Yeah. So shall I provide them 8CX?	3 Q. Would you believe your results would be different if you	l
4	MR. GARG: Yes.	4 had gone in a Waste Management trash pickup vehicle?	
5	JUDGE PEARSON: Sure. And then, again, I'm sure	5 A. (Mr. Rutledge) Without doing that, I wouldn't be able	
6	you can ask questions that don't refer to any of their	6 to say.	
7	personally-identified information that's contained within	7 Q. Have any of these customers, according to your	
8	this exhibit.	8 knowledge, complained about not getting service from Was	ste
9	MR. GARG: Yes, Your Honor.	9 Management?	
10	JUDGE PEARSON: Okay.	10 A. (Mr. Rutledge) Not directly to me, no.	
11		11 Q. Are there any steps being taken to provide service to	
12	CROSS-EXAMINATION (Continuing)	12 these customers currently?	
13		13 A. (Mr. Rutledge) In regards to which specific customers?	
14	BY MR. GARG:	14 Q. All 53 on the list?	
15	Q. Without providing any customer-identifying information,	15 A. (Mr. Rutledge) All 53? Like Mr. Weinstein had	
16	can you tell me generally what this exhibit refers to?	16 mentioned, we are seriously and actively looking at	
17	A. I think what I'll do is I'll defer to Mr. Rutledge with	17 potential options that Waste Management can look at moving	
18	regards to those questions.	18 forward but to ensure we can provide service to all 53.	
19	Q. Sure.	19 Q. So, actually, going to your testimony, Mr. Rutledge,	
20	A. (Mr. Rutledge) Yes, it refers to the current conditions	20 RAR-1T.	
21	of these customers' locations as to whether they can or	A. (Mr. Rutledge) Okay.	
22	cannot receive carry-in or pack-out service under our	22 Q. Can you tell me when this testimony was provided?	
23	current tariff.	A. (Mr. Rutledge) When was it provided?	
24	Q. Can you, without providing any identifying information,	24 Q. It's on the very first page.	
25	can you tell me how many customers are listed on this	A. (Mr. Rutledge) May 15.	
	Page 123	Page 1	25
1	exhibit?		20
2	MR. STANOVSKY: And, again, Your Honor, subject to	1 Q. Page 407, starting with Line 14, can you read that 2 sentence for me?	
3	check because this is Superior's version of what appears to		
4	be Waste Management's disclosures.	 A. (Mr. Rutledge) We only recently received a list of Superior's customers and service locations and are actively 	,
5	A. (Mr. Rutledge) I have 53 on here.	 Superior s customers and service locations and are actively working to ground truth the accessibility of those locations 	·
6	Q. Can you tell me the steps that have been taken, thus	 working to ground during the decessionity of these receiptions under Waste Management's existing service terms. 	
7	far, to provide service to these customers?	 Q. So since May 15th, it's been two and a half months; 	can
8	A. (Mr. Rutledge) In regards to?	8 you describe to me what active steps you've taken?	can
9	Q. Well, first, can you establish that these customers are	 9 A. (Mr. Rutledge) In regards to improving 	
10	currently not getting service from Waste Management? Based	10 Q. You said you're actively working to ground truth the	•
11	on the notes?	11 accessibility?	
12	A. (Mr. Rutledge) They are eligible for service under our	12 A. (Mr. Rutledge) Yeah, and that's like I had stated	
13	current tariff. But in regards to pack-out and walk-in,	 13 earlier, where Waste Management is looking at potential 	
14	you're right, not all of themafter I went out in a truck	14 objects with different vehicles to be able to provide	
15	similar to Mr. Stein's to run the route to observe all these	15 services. We have deemed that a smaller vehicle would be	2
16	customers' properties. And looking and determining	16 necessary in order for Waste Management to be able to	
17	whetherare there customers that are currently serviced by	17 provide the service that Mr. Stein is providing.	
18	him that would be eligible for our currentunder our	18 Q. But, again, no proactive steps have been taken, so n	0
19	current tariff andor would they not be eligible and as to	19 timeline?	
20	why, under my observations.	20 A. (Mr. Rutledge) Not	
21	Q. But you went in, like you said, in a truck similar to	21 MR. STANOVSKY: Objection, Your Honor. Vague a	as to
22	Mr. Stein's, you didn't go out in a Waste Management vehicle	22 "proactive steps."	.5 10
23	that you currently use for these roads?	23 MR. GARG: Withdrawn.	
24	A. (Mr. Rutledge) It was a Waste Management route manager	24 Mr. Garg Continuing:	
25	truck, which is a Chevy Silverado.	25 Q. Were you aware of the complaint and investigation	
-	, , .		
		4	

27 (Pages 122 to 125)

	Page 126		Page 128
1	against Seabeck that occurred last November?	1	JUDGE PEARSON:of the investigation and its
2	A. (Mr. Rutledge) Can you repeat the question, please?	2	results. Which I think they have affirmatively both said
3	Q. This is for both, whoever can answer, Mr. Weinstein or	3	yes, they were.
4	Mr. Rutledge. Were you aware of the investigation against	4	Mr. Garg Continuing:
5	Seabeck?	5	Q. However in your testimony (inaudible)
6	MR. STANOVSKY: And, can I clarify? Did you ask,	6	THE REPORTER: Your testimony with who?
7	are they aware? Or were they aware?	7	Q. With Mr. Rutledge, RAR-1T, Page 4. You mentioned he
8	MR. GARG: Are they aware.	8	only recently received a list of Superior's customers and
9	A. (Mr. Weinstein) Yes, I'm aware of it.	9	service locations; did you not receive this information back
10	Q. When did you become aware?	10	in January as well?
11	A. Earlier this year, after the investigation.	11	A. (Mr. Rutledge) No.
12	Q. And yourself, Mr. Rutledge?	12	JUDGE PEARSON: Mr. Garg, do you know about how
13	A. (Mr. Rutledge) Yes	13	much longer this will be?
14	Q. When did you become aware?	14	MR. GARG: Ten to fifteen minutes, Your Honor.
15	A. (Mr. Rutledge) I became aware after the investigation	15	JUDGE PEARSON: Okay. Let's take a short break
16	in December.	16	then, andjust a short five-minute break, or would everyone
17	Q. So, what were you made aware of? Give me your brief	17	prefer to just take a lunch break now and complete this
18	synopsis of what do you think the investigation was about	18	afterwards? I'm fine either waytake a short break now,
19	and what you believe happened?	19	press through until you're done with your cross-examination
20	A. (Mr. Weinstein) Well, thethis is Mike Weinstein	20	or we can just break for lunch now and come back.
21	speaking. The investigation was with regards to the fact of	21	MR. GARG: It will be 10 minutes, Your Honor, So we
22	whether or not there was an illegal person that was hauling	22	can take a 5-minute break now would be my preference and I
23	waste without a G Certificate. And based on the results of	23	can finish up in 10 minutes after that.
24	the investigation the UTC determined that Mr. Stein was	24	MR. STANOVSKY: I think I'm, personally, happy to
25	illegally hauling waste.	25	press on.
	- 105		- 100
	Page 127		Page 129
1	Q. Did you do anymore research on the investigation, or was	1	JUDGE PEARSON: Okay.
2	that the only information that you received?	2	MR. STANOVSKY: But I'd check with my witnesses as
3	A. The only information I received was the information that	3	well. You're okay?
4	was on the record, you know, through the investigative	4	MR. RUTLEDGE: Yes.
5	report and the Commission's order.	5	MR. FUKANO: I would be fine pressing on or with a
6	Q. And as part of that testimony, I can-I can point you to	6	break.
7	exhibitbut as part of that testimony there were some	7	JUDGE PEARSON: Okay, so let's just take a quick
8	customers present, just like there are behind us today, were	8	break then; we'll take a 5-minute break and we'll come back
9	you aware that these customers were making complaints about	9	and then we'll finish and go to lunch, okay?
10	Waste Management's service?	10	(Recess taken from 12:13 to 19:19 p.m.)
11	A. I wasn't aware of that at that time, no.	11	JUDGE PEARSON: If everyone could please take a
12	Q. And how about yourself, Mr. Rutledge?	12	seat, we're going to get started again. Let's go back on
13	MR. STANOVSKY: Objection, Your Honor, assumes	13	the record and, Mr. Garg, you can finish your
14	facts not in evidence.	14	cross-examination of these two witnesses.
15	JUDGE PEARSON: Can you expand on that?	15	MR. GARG: Yes, Your Honor.
16	MR. STANOVSKY: He asked if they're aware that	16	
17	these customers were making complaints, and I don't believe	17	CROSS-EXAMINATION (Continuing)
18	the record reflects that they were making complaints to	18	BY MR. GARG:
	Waste Management. I think that was the phrasing.	19	Q. Now referring to Mr. Weinstein's testimony, MAW-5T. Go
19		20	to Page 3 of 9. And read that
19 20	MR. GARG: Well, I'm just asking to the knowledge		
19 20 21	of Mr. Rutledge and Mr. Weinstein's knowledge of the	21	Mr. WEINSTEIN: I'm still trying to locate it.
19 20 21 22	of Mr. Rutledge and Mr. Weinstein's knowledge of the investigation of the results. If they are unaware then	22	JUDGE PEARSON: Hold on one second. You said
19 20 21 22 23	of Mr. Rutledge and Mr. Weinstein's knowledge of the investigation of the results. If they are unaware then JUDGE PEARSON: Okay. So without specifically	22 23	JUDGE PEARSON: Hold on one second. You said Page 3?
19 20 21 22	of Mr. Rutledge and Mr. Weinstein's knowledge of the investigation of the results. If they are unaware then	22	JUDGE PEARSON: Hold on one second. You said

28 (Pages 126 to 129)

	Page 130	Page 132
1	MR. GARG: Yes.	1 its territory? Can you tell me the environmental area? Is
2	JUDGE PEARSON: Mr. Garg?	2 it developed? Is it
3	Mr. Garg Continuing:	3 A. I think that's a question that Mr. Rutledge would be
4	Q. Starting with Line 12, can you read the next two	4 better to answer.
5	sentences?	5 A. (Mr. Rutledge) Can you repeat the question for me,
б	A. (Mr. Weinstein) This is the direct testimony?	6 please?
7	Q. Yes.	7 Q. What type of areacan you describe the area that
8	A. Waste Management's willingness to provide the service	8 Superior proposes the certificate in?
9	proposed by Superior to the Commission's satisfaction	9 A. (Mr. Rutledge) In regards to?
10	Q. I don't think we're on the right one. This is the	10 Q. The territory, the environment, the landscape?
11	response testimony, 5T, I believe. MAW-5T.	11 A. (Mr. Rutledge) Yes. It's very rural, a lot of
12	A. Page 5?	12 overgrown, a lot of winding dirt roads. The Seabeck area
13	Q. Page 3 of the response testimony.	13 doesn't have a whole lot of developmentlarge developments
14	WEINSTEIN: Oh, response.	14 like you'd see in the larger areas of Kitsap County.
15	Q. Exhibit MAW-5T.	15 There's a higher level of challenges that you're faced with
16	A. Is it Page 3?	16 out in the Seabeck area.
17	Q. Page 3, correct.	17 Q. Are you familiar with other areas in Washington that
18	A. Line 12: In addition, I am working to develop a new	18 provide similar challenges?
19	service option for specialized carry-out and drive-in	19 A. (Mr. Rutledge) No.
20	service.	20 Q. Just one more question for you, and this is from 21 Mr. Weinstein's direct testimony. MAW-1T. Page 17 of 17.
21 22	Q. Continue reading, next sentence as well.	· · · · · · · · · · · · · · · · · · ·
23	A. This option would be an add-on to the Waste Management basic residential surcharges and options and would extend	 Line 15. If you can read that first sentence. A. (Mr. Weinstein) It seems unlikely that Superior is in a
24	drive-in service to residential customers not currently	23 A. (With Weinstein) it seems uninkely that Superior is in a 24 position to correct all the shortcomings and uncertainties
25	eligible for drive-in or carry-out service under the current	 identified above, even if Waste Management were not.
	Page 131	Page 133
1	primary tariff rules.	1 Providing service to the satisfaction of the Commission.
2	Q. That's good. Now, can you tell me if there would be	
		2 Q. Do you believe Waste Management, a direct competitor
3	additional charges for this service, for the add-on service?	3 better position to make that judgment? Or is UTC in a
4	additional charges for this service, for the add-on service? A. Yes, therewell, for the specialized service there will	 better position to make that judgment? Or is UTC in a better position to make that judgment?
4 5	additional charges for this service, for the add-on service? A. Yes, therewell, for the specialized service there will be new charges ifif we decide toonce we decide to go	 3 better position to make that judgment? Or is UTC in a 4 better position to make that judgment? 5 A. Could you be more specific? Judgment with regards to
4 5 6	additional charges for this service, for the add-on service? A. Yes, therewell, for the specialized service there will be new charges ifif we decide to-once we decide to go forward with that. And there will be a change in the	 3 better position to make that judgment? Or is UTC in a 4 better position to make that judgment? 5 A. Could you be more specific? Judgment with regards to 6 what?
4 5 6 7	additional charges for this service, for the add-on service? A. Yes, therewell, for the specialized service there will be new charges ifif we decide toonce we decide to go forward with that. And there will be a change in the distance requirements as well.	 3 better position to make that judgment? Or is UTC in a 4 better position to make that judgment? 5 A. Could you be more specific? Judgment with regards to 6 what? 7 Q. Judgment to whether Superior is in a position to operate
4 5 7 8	 additional charges for this service, for the add-on service? A. Yes, therewell, for the specialized service there will be new charges ifif we decide toonce we decide to go forward with that. And there will be a change in the distance requirements as well. Q. Can you tell me what those new charges would be or? 	 3 better position to make that judgment? Or is UTC in a 4 better position to make that judgment? 5 A. Could you be more specific? Judgment with regards to 6 what? 7 Q. Judgment to whether Superior is in a position to operate 8 under the UTC?
4 5 7 8 9	 additional charges for this service, for the add-on service? A. Yes, therewell, for the specialized service there will be new charges ifif we decide to-once we decide to go forward with that. And there will be a change in the distance requirements as well. Q. Can you tell me what those new charges would be or? A. We haven't completed the analysis on these new charges 	 3 better position to make that judgment? Or is UTC in a 4 better position to make that judgment? 5 A. Could you be more specific? Judgment with regards to 6 what? 7 Q. Judgment to whether Superior is in a position to operate 8 under the UTC? 9 A. Well, that would be the Commission's prerogative to make
4 5 7 8 9 10	 additional charges for this service, for the add-on service? A. Yes, therewell, for the specialized service there will be new charges ifif we decide to-once we decide to go forward with that. And there will be a change in the distance requirements as well. Q. Can you tell me what those new charges would be or? A. We haven't completed the analysis on these new charges yet. 	 3 better position to make that judgment? Or is UTC in a 4 better position to make that judgment? 5 A. Could you be more specific? Judgment with regards to 6 what? 7 Q. Judgment to whether Superior is in a position to operate 8 under the UTC? 9 A. Well, that would be the Commission's prerogative to make 10 that determination.
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4 5 7 8 9 10 11 12	 additional charges for this service, for the add-on service? A. Yes, therewell, for the specialized service there will be new charges ifif we decide to-once we decide to go forward with that. And there will be a change in the distance requirements as well. Q. Can you tell me what those new charges would be or? A. We haven't completed the analysis on these new charges yet. Q. Can you tell me what's preventing you from starting the service? 	 3 better position to make that judgment? Or is UTC in a 4 better position to make that judgment? 5 A. Could you be more specific? Judgment with regards to 6 what? 7 Q. Judgment to whether Superior is in a position to operate 8 under the UTC? 9 A. Well, that would be the Commission's prerogative to make 10 that determination. 11 MR. GARG: Thank you. That is all, Your Honor. 12 JUDGE PEARSON: Good, thank you. I have one
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29 (Pages 130 to 133)

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	Page 134	Page 136
1	either because they are beyond the distance limits for those	1 MR. FUKANO: Yes. Actually, I have a very brief
2	services under Item 80 of the tariff, or because they are	2 question, and I'm not sure who is this is most properly
3	not safely accessible to the standard collection vehicles	 directed to, I guess, beginning with Mr. Rutledge.
4	used by Brem-Air.	4
5	So I would just like clarification thatwhy would there	5 CROSS-EXAMINATION
6	be distance limits for services for reasons other than	
7	safety? What other reasons would exist besides safety to	7 BY MR. FUKANO:
8	put distance limits for service?	Q. How does Waste Management distinguish between a driveway
9	A. Other reasons besides safety, and I'll respond first and	 and a privately-maintained road for public access?
10	then Mr. Rutledge can also address the issue, would be	10 A. (Mr. Rutledge) A driveway is technically deemed at the
11	regarding to whether or not we believe our vehicles could	11 start of where awhere it starts off of the private road.
12	damage the property that the customer is on. Or that you	12 So the drivewayI'm trying to think of an example to give
13	don't have access, easily accessible turnaround space.	13 you. It might be off of Larson Lane. The driveway starts
14	So we're concerned about whether or not we create damage	14 once it's leading off of Larson lane.
15	to the customer's property and whether or not our vehicles	15 Q. And, again, I'm not certain who this question is best
16	can safely navigate the areas.	16 directed to so I'll start with Mr. Rutledge.
17	JUDGE PEARSON: Okay, thank you. I was just	17 Do you know why Waste Management has not previously
18	clarifying. I guess in my mind I would have lumped in	18 invested in smaller collection vehicles similar to what's
19	damage to customer property with safety concerns so I just	 been discussed in you and Mr. Weinstein's testimony for the
20	wanted to clarify what the distinction was. Okay. So it	20 service area?
21	sounds like they're all related to hazards, potential hazard	21 A. (Mr. Rutledge) I do not.
22	to property damage, or safety concern?	22 A. (Mr. Weinstein) With regards to why we haven't invested
23	A. Yes.	 it, because quite honestly there's been so very little
24	Q. There are no other reasons?	24 demand for it. You know, these vehicles cost hundreds of
25	A. No other reasons that I can really think of now.	 thousands of dollars, and until there's a sufficient amount
	Page 135	Page 137
1	Page 135 JUDGE PEARSON: Okay. So it's 12:27, I think we	Page 137 1 of demand, then we would take another look at that. But up
1 2	2	
	JUDGE PEARSON: Okay. So it's 12:27, I think we	1 of demand, then we would take another look at that. But up
2	JUDGE PEARSON: Okay. So it's 12:27, I think we should go ahead and take a lunch break, if you're okay,	 of demand, then we would take another look at that. But up until now, the demand has been such that it didn't require
2 3	JUDGE PEARSON: Okay. So it's 12:27, I think we should go ahead and take a lunch break, if you're okay, Mr. Stanovsky? I don't know if you have any redirect.	 of demand, then we would take another look at that. But up until now, the demand has been such that it didn't require the investment of that type of vehicle.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	JUDGE PEARSON: Okay. So it's 12:27, I think we should go ahead and take a lunch break, if you're okay, Mr. Stanovsky? I don't know if you have any redirect. MR. STANOVSKY: We do have some redirect. JUDGE PEARSON: Okay, but we can handle that after lunch? MR. STANOVSKY: Yeah. JUDGE PEARSON: Okay, it's 12:28, we will be in recess until 2:00 p.m. Everybody have a nice lunch and I will see you back in an hour and a half. (Recess from 12:27 to 2:00 p.m.) JUDGE PEARSON: So let's be back on the record. It's 2:00 p.m. and following a recess for lunch we are now going to resume. Actually, I believe we are moving on to redirect with Mr. Stanovsky before Mr. Weinstein and Mr. Rutledge. I'll just remind you two, of course, that you're both still under oath. And whenever you're ready, Mr. Stanovsky. MR. STANOVSKY: Just to clarify then, the State will goor the UTC staff will go after and then I will have another chance to redirect? JUDGE PEARSON: Correct.	1 of demand, then we would take another look at that. But up 2 until now, the demand has been such that it didn't require 3 the investment of that type of vehicle. 4 MR. FUKANO: Thank you. No further questions. 5 JUDGE PEARSON: Okay. Do you have any redirect? 6 MR. STANOVSKY: No, Your Honor. 7 JUDGE PEARSON: Then you are both excused. 8 MR. GARG: Your Honor, with your lead, I would like 9 to ask one recross. 10 JUDGE PEARSON: What is it regarding? 11 MR. GARG: This is regarding clarity on the 20 one-mile restriction. 3 JUDGE PEARSON: So is it a follow-up on an earlier 14 question? 15 MR. GARG: On your question, Your Honor. 16 JUDGE PEARSON: Oh, on my question. Okay, go 17 ahead. 18 19 19 RECROSS-EXAMINATION 20 EY MR. GARG: 21 BY MR. GARG: 22 Q. So you have previously testified that the only reasons

30 (Pages 134 to 137)

	Page 138		Page 140
1	on; I see a red light. There you go. Thank you.	1	reference to DR0002 should be DR0001. And I believe that's
2	Q. You have previously testified that the limitations	2	the only fix.
3	placed for drive-in and curbside, the one mile and the	3	MR. FUKANO: I would make the witness available for
4	hundred feet restrictions, they're for safety; is that	4	Cross.
5	correct?	5	JUDGE PEARSON: Thank you. Mr. Garg?
6	A. (Mr. Weinstein) It's for safety and I also mentioned in	6	MR. GARG: Yes, Your Honor.
7	the question by the Judge is that that's also due to with	7	
8	regards to potentially causing damage to the individual's	8	CROSS-EXAMINATION
9	property.	9	
10	Q. So is your testimony that at one mile it's safe but at	10	BY MR. GARG:
11	1.1 mile it's no longer safe? The same thing for curbside,	11	Q. Mr. Sevall, you've submitted Exhibit SS-5T, which is
12	a hundred feet is safe but for 101 feet it's not safe?	12	your response testimony on June 28th. And you submitted a
13	A. You know, previously these limitations were put on to	13	supplemental testimony on July 30th, which is Exhibit SS-6T.
14	try to encourage customers to utilize our curbside service.	14	Can you inform us why was there a need for submitting a
15	And we feltand I can't speak to this too much because I	15	supplemental testimony?
16	can't recall when these limitations were put on, but at some	16	A. The need for the supplemental testimony was due to
17	point in time we felt that limitations were necessary	17	responses to the outstanding data requests that staff had
18	tofor the safety of the customers' property and for the	18	issued.
19	safety of the vehicles.	19	Q. We'll go off the supplemental testimony first, if you
20	Q. So let me clarify if I'm hearing you correctly. So	20	can go to SS-6T.
21	you're testifying that these arbitrary limitations were put	21	A. I have SS-6T supplemental filed on July 30, 2019.
22	because for what determination why one mile, why not two	22	Q. Correct. Now, if you go to Page 2I'm sorry, no,
23	miles or 100 feet, not 200 feet. Why these specific	23	Page 3 of the document, and you mentioned Line 3, how many
24	regulations, why	24	customers Superior Waste provideprovided ground service
25	A. I can't recall why those limitations were put on at the	25	to; the number is 53; is that correct?
	Page 139		Page 141
1	time.	1	A. Yes, I believe it's 53.
2		1	
		2	Q And going to Line 19 you mentioned 34 customers were
	MR. GARG: All right. No further questions, Your	2	Q. And going to Line 19, you mentioned 34 customers were not receiving service from Waste Management because of
3	Honor.		not receiving service from Waste Management because of
	Honor. JUDGE PEARSON: Okay, thank you. Questions?	3	
3 4	Honor. JUDGE PEARSON: Okay, thank you. Questions? MR. STANOVSKY: No.	3 4	not receiving service from Waste Management because of safety concern; is that correct? A. Correct.
3 4 5	Honor. JUDGE PEARSON: Okay, thank you. Questions? MR. STANOVSKY: No. JUDGE PEARSON: All right. Then you are both	3 4 5	not receiving service from Waste Management because of safety concern; is that correct? A. Correct. Q. So are you implying with this document that there are 19
3 4 5 6	Honor. JUDGE PEARSON: Okay, thank you. Questions? MR. STANOVSKY: No. JUDGE PEARSON: All right. Then you are both excused, you may step down.	3 4 5 6	not receiving service from Waste Management because of safety concern; is that correct? A. Correct.
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3 4 5 6 7 8 9	Honor. JUDGE PEARSON: Okay, thank you. Questions? MR. STANOVSKY: No. JUDGE PEARSON: All right. Then you are both excused, you may step down. (The witnesses were excused.)	3 4 5 6 7 8 9	 not receiving service from Waste Management because of safety concern; is that correct? A. Correct. Q. So are you implying with this document that there are 19 customers that are receiving service from Waste Management? A. No. There are 53 customers who are not receiving service that Mr. SteinSuperior Wasteis providing service
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31 (Pages 138 to 141)

1 memory serves me right, was that if it was both safety and the initiation, they were to mark both reasons. G. Company and the interce of t		Page 142	Page 14	44	
2 the limitation. they were to mark kohr reasons. i they can issue a compliance. 3 O. Same page, Line 15, early you read that sentence at the end? G. Right. Commission. Based on your review of the financial records and everything Superior is capable of handling the territory do you believe Superior is capable of handling the territory do you believe Superior is capable of handling the territory do you believe Superior is capable of handling the territory do you believe Superior is capable of handling the territory do you believe Superior is capable of handling the territory do you believe Superior is capable of handling the territory do you believe Superior is capable of handling the territory do you believe Superior is capable of handling the territory that askingtacton was? A. Noting at the information torw Waste Management in the data request and the customer somplaints, which the UTC territor. Or the company of the company financial information torw waste Management in the data request and the customer survey—q. 23 customer complaints to the Commission from January 2017 to current. Of that, 3 of the 23 complexits from Kinap customer survey—q. 23 customer survey—q. 23 customer complaints. Torm Vaste Management in the company set issue as on the company is financial incords provided, the company is a dequal to the company issue management company set issue as the set issue customer section be discussed to the company. 26 Courrission as far as I can see of actual refusal of service. Page 143 Page 145 1 Courrission as far as I can see of actual refusal of service. MR. FUKANON: Nort at his titme. JUDGE PEARSON: C	1	memory serves me right, was that if it was both safety and	1 certificated area and if they deem something to be improper		
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11 Of that, 3 of the 23 complaints were upheld in the customer's favor. Only one of the 23 was for refusal of security. So there were 23 was not refusal in the company's favor; so it was not found to be that needed to bethat was a yard waste issue. 17 resources and therefore staff concludes Superior Waste & Recycling, LLC, has the financial resources to operate for the 23 was not found to be that needed to bethat was a yard waste issue. 18 Recycling, LLC, has the financial resources to operate for the 23 was for refusal of the 23 operate for the 23 was not found to be that needed to bethat was a yard waste issue. 18 Recycling, LLC, has the financial resources to operate for the 23 was for refusal operate for the 23 total customer complaints from Kitsap 20 County. So that is the entire Kitsap County of which only on was for refusal of service; that was made to the 24 0. No further questions- 21 commission. So there is zero records sitting in this 23 A. To this memo in SS-1T. Page 143 Bage 143 Page 143 <th>15</th> <th>those. There were customer surveysor, 23 customer</th> <th>15 under the proposed application. Based on the company's</th> <th></th>	15	those. There were customer surveysor, 23 customer	15 under the proposed application. Based on the company's		
11 Of that, 3 of the 23 complaints were upheld in the 17 resources and therefore staff concludes Superior Waste & 18 customer's favor: Only one of the 23's was for refusal of 18 Recycling, LLC, has the financial resources to operate for 19 the verse 23 total customer complaints from Kitsap 20 County. So that is the entire Kitsap County of which only 20 couves and the vass made to the 22 21 couves and the vass made to the 22 22 couves for refusal of service; that was made to the 22 23 couves for refusal of service; that was made to the 22 24 couves for refusal of service; that was made to the 23 25 Commission. So there is zero records sitting in this 25 A. To this memo in SS-1T. Page 143 Page 143 Page 143 Page 145 Commission as far as 1 can see of actual refusal of service. A. We're actually just going off your testimony, not the complaints. Thu refusal of service. A. To this memo in SS-1T. Page 143 Bage 143 <t< th=""><th>16</th><th>complaints to the Commission from January 2017 to current.</th><th>16 financial records provided, the company has adequate</th><th></th></t<>	16	complaints to the Commission from January 2017 to current.	16 financial records provided, the company has adequate		
11 customer's favor. Only one of the 23's was for refusal of 18 Recycling, LLC, has the financial resources to operate for 19 service, and that was actually upheld in the company's 19 the proposed service for at least twelve months. 21 a yard waste issue. 0. So your testimony-to clarify-fish that Superior is very 22 a yard waste issue. 0. So your testimony-to clarify-fish that Superior is very 23 a yard waste issue. 0. No further questions- 24 commission. So there is zero records sitting in this 24 25 commission. So there is zero records sitting in this 25 A. To this memo in SS-1T. Page 143 Page 145 MR. GARG: No further questions. JUDGE PEARSON: Thank you. Mr. Fukano, do you have any travel a certificate? MR. FUKANO: Not at this time. Page 143 Page 143 Page 145 <td colspa<="" th=""><th>17</th><th>Of that, 3 of the 23 complaints were upheld in the</th><th></th><th></th></td>	<th>17</th> <th>Of that, 3 of the 23 complaints were upheld in the</th> <th></th> <th></th>	17	Of that, 3 of the 23 complaints were upheld in the		
20 favor; so it was not found to be that needed to be-that was a yard waste issue. 20 Q. So your testimony-to clarifyis that Superior is very capable of performing the duties for a waste management company if granted a certificate? 21 So there were 23 total customer complaints from Kitsap County. So that is the entire Kitsap County of which only one was for refusal of service; that was made to the Commission. So there is zero records sitting in this 20 Q. No further questions- 23 County. So that is the entire Kitsap County of which only one was for refusal of service; that was made to the Commission safar as I can see of actual refusal of service. Q. We're actually just going off your testimony, not the company for granted concerns. A. To this meno in SS-1T. 1 Commission as far as I can see of actual refusal of service. 1 MR. GARG: No further questions. 20 2 Q. We're actually just going off your testimony, not the company ident evolved service because of safety-related concerns. 1 MR. FUKANO: Not at this time. 3 3 are not provided service because of safety-related concerns. 4 MR. STANOVSKY: We do. Just a few, Your Honor. 6 Going of your testimony alone, would you believe if Superior was to receive a certificate, that it would decide if they were to decide to issue a certificate. 9 JUDGE PEARSON: Sure. 1 A. That is one possible solution that the Commission could decid fery were to decide to is	18	customer's favor. Only one of the 23's was for refusal of			
20 favor; so it was not found to be that needed to be-that was a yard waste issue. 20 Q. So your testimony-to clarifyis that Superior is very capable of performing the duties for a waste management company if granted a certificate? 21 So there were 23 total customer complaints from Kitsap County. So that is the entire Kitsap County of which only one was for refusal of service; that was made to the Commission. So there is zero records sitting in this 20 Q. No further questions- 23 County. So that is the entire Kitsap County of which only one was for refusal of service; that was made to the Commission safar as I can see of actual refusal of service. Q. We're actually just going off your testimony, not the company for granted concerns. A. To this meno in SS-1T. 1 Commission as far as I can see of actual refusal of service. 1 MR. GARG: No further questions. 20 2 Q. We're actually just going off your testimony, not the company ident evolved service because of safety-related concerns. 1 MR. FUKANO: Not at this time. 3 3 are not provided service because of safety-related concerns. 4 MR. STANOVSKY: We do. Just a few, Your Honor. 6 Going of your testimony alone, would you believe if Superior was to receive a certificate, that it would decide if they were to decide to issue a certificate. 9 JUDGE PEARSON: Sure. 1 A. That is one possible solution that the Commission could decid fery were to decide to is	19	service, and that was actually upheld in the company's	19 the proposed service for at least twelve months.		
21 a yard waste issue. 21 capable of performing the duties for a waste management 22 So there were 23 total customer complaints from Kitsap 22 company if granted a certificate? 23 County. So that is the entire Kitsap County of which only 23 A. I believe I testified to that. 24 one was for refusal of service; that was made to the 23 A. To this memo in SS-1T. Page 143 MR. FUKANO: Not at this time. JUDGE PEARSON: Thank you. Mr. Fukano, do you have are not provided service because of safety-related concerns. JUDGE PEARSON: Corea, Mr. Sevall. Brem-Air bisposal's tariff rates	20		20 Q. So your testimonyto clarifyis that Superior is very	,	
23 County. So that is the entire Kitsap County of which only 23 A. I believel testified to that. 24 one was for refusal of service; that was made to the 23 A. I believel testified to that. 25 Commission. So there is zero records sitting in this 23 A. I believel testified to that. 26 Commission. So there is zero records sitting in this 23 A. To this memo in SS-1T. Page 143 Page 143 Page 143 Page 143 Page 145 A. To this memo in SS-1T. Page 145 Page 145 A. To this memo in SS-1T. Page 145 Page 145 MR. GARG: No further questions- A. To this memo in SS-1T. Page 145 MR. GARG: No further questions. JUDGE PEARSON: On further questions. JUDGE PEARSON: Okay. Mr. Stanovsky, do you have questions for Mr. Servall. JUDGE PEARSON: Okay. Mr. Stanovsky, do you have questions for Mr. Servall. MR. FUKANO: Not at this time.					

32 (Pages 142 to 145)

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	Page 146	Page 1	48
1	REDIRECT EXAMINATION	1 timeliness of Waste Management service is not to the	
2		2 Commission's satisfaction?	
3	BY MR. STANOVSKY:	A. There is nonothing in this record as far as I see that	
4	Q. Mr. Sevall, good afternoon, good to see you.	4 says Waste Management has not provided timely service.	
5	A. It is afternoon now.	5 Q. Thank you. Anything on this record to show that Wa	aste
6	Q. Do you have SS-6T, your supplemental testimony there?	6 Management's service is not sufficiently regular for the	
7	A. I do. I have to flip back to it.	7 satisfaction of the Commission?	
8	Q. And would you go to Page 1. Let me know when you're	8 A. Related to curbside pickups, no. And staff concludes in	
9	there.	9 that testimony, at the end of that testimony, that Waste	
10	A. SS-6T, Page 1.	10 Managementlet me read it.	
11	Q. Yes. And you see at the bottom, the question: Does	Q. Well, it may be simpler to just go with the discovery	
12	Superior Waste appear fit to provide service?	12 request	
13	A. Yes.	13 A. Okay.	
14	Q. And would you readobviously the answer, yes, but then	14 Qand if we need to refer back to the testimony,	
15	the next sentence after that?	15 Mr. Fukano can do that, if need be. But, if you would fin	nd
16	A. The record in this case supports the conclusion that	16 Staff's response to Waste Management data request No	. 8.
17	Superior Waste has provided service to its customers since	17 For the record, this is exhibit SS-11X at Page 4.	
18	2015. Staff's financial review, while not required by law,	18 A. All right, Question No. 8, right?	
19	found that Superior Waste has the means to continue service	19 Q. Yes. And would you just read Staff's response to su	ıb
20	for at least twelve months going forward.	20 part B?	
21	Q. Thank you. And based on Mr. Fukano's question a moment	A. Sub part B: While the ultimate determination as to	
22	ago, do I understand correctly that your analysis only	22 satisfactory service is reserved to the Commission Staff	
23	regards the financial fitness and not the operational	23 Staff does not believe that the facts mentioned above	
24	fitness of Superior?	24 demonstrate that Waste Management is not providing	
25	A. Correct.	25 satisfactory service on the basis of the regular service.	
	Page 147	Page 1	49
1	Q. And that you didn't evaluate any of the information	1 Q. And the facts mentioned above, if you look up at the	
2	related to Superior's operational fitness?	2 request of sub part A, it says: Please identify all facts	
3	A. Correct.	 indicating that Waste Management solid waste collectio 	n is
4	Q. Thank you. Do you have SS-11X there?	4 not sufficiently regular, correct?	
5	A. That's the a	5 A. Correct.	
6	Q. That is Staff's responses to Waste Management discovery	6 Q. So, the meaning of B is that Staff doesn't conclude th	hat
7	requests, starting with No. 5.	7 Waste Management service is unsatisfactorily irregular	
8	A. I've got those electronically, hold on.	8 A. Correct.	
9	Q. Sure. Actually, we may not need to actually look at the	9 Q. All right, thank you. Now if you just go to the next	
10	response. We can just do a Q and A, I think, unless we need	10 page. And I'll just note, the structure is similar, so A	
11	to refer to the document.	asks for identification of all facts with respect to anothe	r
12	A. Well, I've got it	12 factual element that. And, with that noted, I'll just ask	
13	Q. Sure.	13 you to read the response to B.	
14	Aup here, so if we need it.	A. While the ultimate determination as to satisfactory	
15	Q. Mr. Sevall, does Staff believe that the record in this	15 service is reserved for the Commission, Staff does not	
16	case shows that Waste Management is not providing	16 believe that the facts mentioned above demonstrate that	
17	satisfactory service on the basis of the timeliness of the	17 Waste Management is not providing satisfactory service,	
18	service its provides in the relevant territory?	18 based on the nature, seriousness of persuasiveness of the	
19	A. No.	19 complaints.	
20	Q. No, you believe the record does not show a lack of	Q. Thank you. And the next page, Page 6 of 16, and if y	ou
21	satisfactory service on that basis? I'm just trying to be	21 would just read sub part of B again. I'll note that the	
21 22	satisfactory service on that basis? I'm just trying to be clear.	 would just read sub part of B again. I'll note that the structure is somewhat 	
	satisfactory service on that basis? I'm just trying to be clear. A. Way too many negatives.	 22 structure is somewhat 23 A. So that's the response to No. 10? 	
22	satisfactory service on that basis? I'm just trying to be clear.	22 structure is somewhat	

33 (Pages 146 to 149)

	Page 150	Page 152
1	service is reserved to the Commission, Staff does not	1 granted to it in this case?
2	believe that the facts mentioned above demonstrate that	A. That is true. I have notI have concluded that.
3	Waste Management is not providing satisfactory service based	3 THE REPORTER: What? I have concluded that?
4	on the response to the complaints about this serviceor its	4 MR. SEVALL: I haveI messed that all up. Just,
5	service.	5 please requestredo the question.
6	Q. Thank you. And the next page, Page 7, data request	6 Q. Certainly. Is it your conclusion that Superior should
7	No. 11. Similar structure, and just please read Bthe	7 not receive a certificate in this case?
8	response to B.	8 A. That is my conclusion.
9	A. While the ultimate determination as to the satisfactory	9 Q. And, specifically, is it your conclusion that Superior
10	service is reserved to the Commission, Staff does not	10 has not shown that Waste Management service will not be to
11	believe that the facts mentioned above demonstrate that	11 the satisfaction to the Commission?
12	Waste Management is not providing satisfactory service based	12 A. That is correct.
13	on its ability to resolve complaints.	13 Q. And also, that Superior has not shown that the public
14	Q. Thank you. And I wish I had thought of this a couple of	14 convenience and necessity require its proposed service?
15	minutes ago, but could you just turn the page to the next	15 A. That is correct.
16	one, Page 8, and confirm that it has a comparable answer	16 MR. STANOVSKY: Thank you. No further questions,
17	with respect to Waste Management's history of compliance	17 Your Honor.
18	with regulation?	18 JUDGE PEARSON: Okay, thank you.
19	A. So you don't want me to read that one?	19 MR. FUKANO: No redirect.
20	Q. You're welcome to but it doesn't seem necessary at this	20 JUDGE PEARSON: I do have a follow-up question,
21	point. They're fairly similar.	21 just to put you on the spot, Mr. Sevall.
22	A. It is. It is answered in the same fashion as the	22 MR. SEVALL: Go.
23	previous answers.	23 //
24	Q. With respect to Waste Management's history of compliance	24 //
25	with regulations?	25
	Page 151	Page 153
1	A. Correct.	1 EXAMINATION
2	Q. And the next page, Page 9. Similar, but the request is	2
3	about Waste Management's history of compliance with	3 BY JUDGE PEARSON:
4	regulations on matters central to regulation in the public	4 Q. I understand that your recommendation is that the
5	interest. And the response is the same?	5 Commission not grant Superior's application. Do you have
6	A. Correct.	6 any other recommendations with respect to the service that
7	Q. Thank you. And then, if you would, go down one more	7 Waste Management is providing or should be providing?
8	page, Page 10, and this one is a little different. So if	8 A. Yes. This is the first time, ultimately, that the
9	you would just read Staff's response to B; this is data	9 complaints like this, specifically for Brem-Air come in
10	request No. 14.	10 front of the Commission and it has highlighted areas that
11	A. While the ultimate determination as to the satisfactory	11 there can be improvement in the service. But, at the same
12	service is reserved to the Commission, Staff has not	12 time, that improvement maymay have some burden on the
13	concluded that Waste Management's use of safety exemptions	13 customer side and on Waste Management side. We can only
14	establishes that Waste Management's service is	14 regulate Waste Management.
15	unsatisfactory.	15 Privately maintained roads are tricky and the
16	Q. And so that's the safety exemptions we've discussed	16 stipulation here really is around that, or this decision is
17	earlier in the hearing here as you understand, items like	17 really around that. And Waste Management has to be safe in
18	the condition of roads or availability of adequate	18 their operations; we require that. We give them a safety
19	turnarounds?	19 exemption for that reason. But, does that mean that
20	A. Correct.	20 somebody should have to walk three miles to have their
21	Q. Thank you. And if you would go down a couple of pages	21 garage collected? I do not think that's what it means.
22	to Page 15 of the exhibit, request No. 19. Actually, this	22 Q. Okay.
23	one I can probably just ask you: Do I understand that	A. So do you want specific recommendations?
24	you've concluded that Superior has not demonstrated that a	24 Q. Yes, I would like a specific recommendation.
25	Certificate of Public Convenience & Necessity should be	A. Staff would like, at a minimum of result coming from the

34 (Pages 150 to 153)

	Page 154		Page 156
1	Commission, if they were able to go with Staff's	1	a brief recess, we worked on the details for post hearing
2	recommendation, that would require tariff filings from Waste	2	briefs. There will be simultaneous post hearing briefs due
3	Management, which would resolve this issueor help resolve	3	to the Commission by close of business on Friday,
4	this issue. And, specifically, what the tariff would look	4	October 4th. And we have agreed to a 20-page limit,
5	like, I don't know. But discussing it is Step 1.	5	excluding introductory and table of contents pages.
6	Q. Okay, thank you.	6	Is there anything else that we need to address before we
7	JUDGE PEARSON: Mr. Fukano, do you have any further	7	go off the record today?
8	questions?	8	MR. GARG: My client would like to know whether
9	MR. FUKANO: No further questions.	9	Superior can continue to provide service without
10	JUDGE PEARSON: All right. So then Mr. Sevall, you	10	compensation until this Court decides one way or the other.
11	are excused.	11	JUDGE PEARSON: I think that's fine. Mr. Sevall,
12	(Witness excused.)	12	have do you have any objection to that? The issue is
13	JUDGE PEARSON: That brings us to the end of	13	collecting compensation from the service provided.
14	cross-examination for our witnesses. So let's go back to	14	MR. SEVALL: Correct. So my understanding is, your
15	the question I had at the start of the hearing about whether	15	client as long as he wished could continue with zero
16	counsel wanted to give closing arguments and/or post hearing	16	compensation.
17	briefs.	17	JUDGE PEARSON: Correct.
18	MR. FUKANO: Staff would be neutral towards either	18	MR. SEVALL: So even, regardless of the outcome of
19	option, whichever is most helpful to the bench.	19	this, if he wanted to continue for zero compensation.
20	MR. GARG: Superior would prefer a brief.	20	MR. GARG: My client is okay with not collecting
21	JUDGE PEARSON: Okay.	21	any compensation as long as he's allowed to provide the
22	MR. STANOVSKY: A brief is fine, Your Honor; I've	22	service.
23	expressed a reservation before but we accept that.	23	JUDGE PEARSON: Okay. Anything else?
24 25	JUDGE PEARSON: Okay. And so timeline for	24	MR. FUKANO: Nothing further from Staff.
20	briefing. What would be reasonable, given the need for	25	MR. GARG: Nothing further from Superior.
	Page 155		Page 157
1	Page 155	1	Page 157
1	transcripts, most likely?	1	MR. STANOVSKY: Nothing from Waste Management, Your
2	transcripts, most likely? MR. STANOVSKY: How long do transcripts typically	2	MR. STANOVSKY: Nothing from Waste Management, Your Honor. Thank you.
2 3	transcripts, most likely? MR. STANOVSKY: How long do transcripts typically take?	2 3	MR. STANOVSKY: Nothing from Waste Management, Your Honor. Thank you. JUDGE PEARSON: Well, thank you all for coming
2 3 4	transcripts, most likely? MR. STANOVSKY: How long do transcripts typically take? JUDGE PEARSON: I think they arethey'll be	2	MR. STANOVSKY: Nothing from Waste Management, Your Honor. Thank you. JUDGE PEARSON: Well, thank you all for coming today and thank you all that have observed from the audience
2 3 4 5	transcripts, most likely? MR. STANOVSKY: How long do transcripts typically take? JUDGE PEARSON: I think they arethey'll be available for you to purchase them after 10 business days?	2 3 4	MR. STANOVSKY: Nothing from Waste Management, Your Honor. Thank you. JUDGE PEARSON: Well, thank you all for coming today and thank you all that have observed from the audience as well; thanks for making the trip.
2 3 4	transcripts, most likely? MR. STANOVSKY: How long do transcripts typically take? JUDGE PEARSON: I think they arethey'll be available for you to purchase them after 10 business days? THE REPORTER: Yes.	2 3 4 5	MR. STANOVSKY: Nothing from Waste Management, Your Honor. Thank you. JUDGE PEARSON: Well, thank you all for coming today and thank you all that have observed from the audience
2 3 4 5 6	transcripts, most likely? MR. STANOVSKY: How long do transcripts typically take? JUDGE PEARSON: I think they arethey'll be available for you to purchase them after 10 business days?	2 3 4 5 6	MR. STANOVSKY: Nothing from Waste Management, Your Honor. Thank you. JUDGE PEARSON: Well, thank you all for coming today and thank you all that have observed from the audience as well; thanks for making the trip. THE REPORTER: I'm required to go around the table
2 3 4 5 6 7	transcripts, most likely? MR. STANOVSKY: How long do transcripts typically take? JUDGE PEARSON: I think they arethey'll be available for you to purchase them after 10 business days? THE REPORTER: Yes. JUDGE PEARSON: They're free on the Commission's website after 30 days.	2 3 4 5 6 7	MR. STANOVSKY: Nothing from Waste Management, Your Honor. Thank you. JUDGE PEARSON: Well, thank you all for coming today and thank you all that have observed from the audience as well; thanks for making the trip. THE REPORTER: I'm required to go around the table to ask who, if they need to order.
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1	everything, then we are adjourned.	
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2 3 4	C E R T I F I C A T E STATE OF WASHINGTON)	
2 3	CERTIFICATE STATE OF WASHINGTON)) ss	
2 3 4 5	C E R T I F I C A T E STATE OF WASHINGTON)	
2 3 4 5 6	C E R T I F I C A T E STATE OF WASHINGTON)) ss COUNTY OF PIERCE)	
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