

DATE PREPARED: July 21, 2022	WITNESS: Charlie Dietrich
DOCKET: TG-220215 and 220243	RESPONDER: Basin Disposal, Inc. and
REQUESTER: Jammie's Environmental, Inc.	Charlie Dietrich

DATA REQUEST NO. 007:

Produce all documents relating to any customer complaints, either formal (i.e., complaints or grievances before the Commission or any other adjudicative or administrative body) or informal (i.e., complaints or grievances directly to BDI) against BDI for the last five (5) years and all documents relating to the disposition of those complaints.

RESPONSE:

Objection. This request seeks information that is irrelevant in the discovery sense to the issues raised in Basin Disposal's formal complaint against Jammie's, which proceeding involves only the question of whether Jammie's is authorized to provide solid waste collection service to PCA to transport OCC Rejects for disposal.

The Commission has not specifically authorized discovery in Docket TG-220243, Jammie's Application for Solid Waste Authority. *See* WAC 480-07-400(2). Thus, this data request is inappropriate and the exceeds the scope of permissible discovery. To the extent such discovery, were authorized this request exceeds the scope of information relevant to an application proceeding. Specifically, Jammie's has not applied for authority to provide solid waste collection service beyond the facility operated by PCA near Wallula, WA. Thus, the information sought by this request cannot establish any fact in controversy. Additionally, the fitness of the protestant is not an issue in application proceedings. *See In Re: Application E-18894 of Carl Oscar Lundell, d/b/a Lundell Trucking, for Extension of Auth. Under Common Carrier Permit No. 36044.*, Order M.V. No. 129479 (Apr. 6, 1984). Moreover, this request also exceeds the reasonable test period typically relied upon by the Commission. *See In re Application of Sharyn Pearson*, Order M.V.C. No. 2041 (Mar. 9, 1994). Finally, this request seeks information that is publicly available from the Commission and is therefore equally available to Jammie's from a more convenient source.

SUPPLEMENTAL RESPONSE OF 08/23/22:

Subject to and without waiving the foregoing objections regarding the scope of the request, and limited to the period of January 1, 2021 to the present, additional responsive records are being produced.

Basin Disposal reserves the right to supplement or amend its response if additional responsive records are identified.