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6 BEFORE THE WASHINGTON STATE
7 UTILITIES AND TRANSPORTATION COMMISSION

8 WASHINGTON UTILITIES AND
9 TRANSPORTATION COMMISSION

Docket No. TG-140560

10 Complainant,

INTERVENOR WASHINGTON
REFUSE AND RECYCLING
ASSOCIATION'S RESPONSE TO
COMMISSION STAFF'S OBJECTION
TO AND MOTION TO STRIKE
SUPPLEMENTAL TESTIMONY AND
EXHIBITS

11 vs.

12 WASTE CONTROL, INC.,

13 Respondents.

14 **COMES NOW** Intervenor Washington Refuse and Recycling Association
15 (WRRRA) and responds to Staff's Motion to Strike Supplemental Testimony and
16 Exhibits as follows:

17 **NATURE OF MOTION:** Staff's pleading here, consisting of less than two
18 pages of what is probably more an argument than a motion, would appear to offer
19 no support in law, administrative or civil. Although it cites WAC 480-07-
20 375(1)(d) in its first sentence, that is the only citation in the entire motion. That
21 rule simply allows for a motion to be made; it does not shed any light upon the
22 substantive issues found in the motion. That must come from Commission (or
23 Superior Court) precedent and, perhaps, citations to specific instances where this
24 sort of issue has been resolved, one way or the other. There is none of that here,
25 rather the motion seems more of an "editorial" or even closing argument by Staff.
26 Staff is clearly irritated that Respondent has "supplemented" its evidence here,
but the question Intervenor must ask is "why is this a problem and, if it is, why
can't it be solved by granting Staff time to respond if need be?"

Intervenor WRRRA's Response to Commission
Staff's Objection to and Motion to Strike
Supplemental Testimony and Exhibits- 1

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2 **PRESIDING OFFICER/COMMISSION REVIEW OF RECORD, AND NEED**
3 **FOR A COMPLETE RECORD:** Intervenor has a great deal of confidence in the
4 Presiding Officer's (and the Commission's) ability to review the entire record here
5 and decide what, within that record, is helpful, necessary or relevant to the
6 issues involved. There is no reason that record should not contain all the
7 evidence/exhibits/testimony either Party deems appropriate. It is not the job of
8 either Staff or Respondent to tell each other what is important or necessary for
9 that Party to present its case, so long as each remains within the boundaries of
10 the rules. Intervenor sees no reason why this "supplemental" testimony would be
11 outside those boundaries; nor is there any support for Staff's argument that it is.

12 The object here is to set fair rates for the consumer, which are
13 compensatory to the Company. One can hope that everyone involved is working
14 towards that goal, and Intervenor assumes that is the case. In order to achieve
15 that goal, the Commission must have all the information available before it;
16 otherwise the entire purpose of this exercise is lost. Again, Intervenor is firmly of
17 the opinion that the more relevant information and evidence the Presiding Officer,
18 and the Commission itself, consider, the more fair and useful the ultimate
19 decision will be.

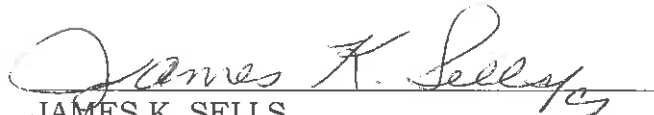
20 The industry as a whole needs to have, above all, consistency and fairness
21 in rate setting. It does no one any good to enter a rate case not being able to rely
22 upon what has happened before. That is why formulas, such as the "LG
23 Methodology" are so important. A comprehensive and insightful decision in this
24 case will be closely studied and followed by both Staff and the regulated
25 companies, probably for years to come. There simply is no reason to limit the
26 amount of relevant information supplied to the Commission here, from either
Staff or Respondent.

27 **PAPER ONLY RECORD:** The Parties have previously agreed to a "paper
28 only" record in this matter, a decision which was supported by Intervenor.
29 However, in Intervenor's view, in 20/20 hindsight, this perhaps has turned out
30 not to be in the best interests of compilation of a complete record. It has become

1 increasingly apparent that there should have been, or should be, a hearing
2 regarding the remaining issues, at the very least for purposes of cross-
3 examination of the principal witnesses on both "sides." The remaining issues and
4 opinions which involve policy and/or simple mathematics need to be directly
5 addressed and made subject to cross-examination which, in the undersigned's
6 view, is the only way to flesh out the difference in opinions which is so prevalent
7 in this Docket. Continued exchanges of literally hundreds of pages of testimony
8 and exhibits can be distilled into relatively compact and succinct testimony
9 which then is subject to cross-examination. Frankly, this is the only way the
10 Presiding Officer and the Commission can get a complete and accurate view of
11 the positions (and the reasons therefor) of the Parties.

12 This is obviously "late in the game" for a testimonial hearing, but not too
13 late; particularly if the hearing were to be limited to, for example, cross-
14 examination of the primary policy and fiscal witnesses from Staff and the
15 Company. This matter has gone on certainly longer than one would think any of
16 the Parties expected, but perhaps it would be well worth everyone's time and
17 effort to take just one more step to ensure that the remaining issues here are
18 fully examined and tested under cross-examination. Anticipated, or even
19 welcomed, or not, this filing has become the focus of rate making policy and
20 procedure for at least the foreseeable future, and there should not be a
21 reluctance by any Party to see that a complete record is created before the
22 Commission itself enters the decision-making process.

23 Respectfully submitted this 2nd day of December 2014.

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25 JAMES K. SELLS

26 WSBA No. 6040

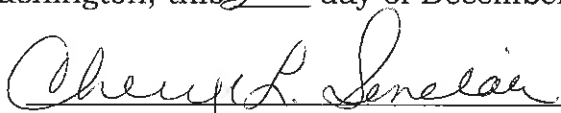
Attorney for Washington Refuse and
Recycling Association

CERTIFICATE OF SERVICE

I hereby certify that I have this day served this document upon all parties of record in this proceeding, by the method as indicated below, pursuant to WAC 480-07-150.

Washington Utilities and Transportation Commission 1300 S. Evergreen Park Dr. SW PO Box 47250 Olympia, WA 98504-7250 360.664.1160 records@utc.wa.gov	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input checked="" type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email
Marguerite E. Friedlander mfriedla@utc.wa.gov	<input checked="" type="checkbox"/> Via Email
David W. Wiley Williams, Kastner & Gibbs PLLC Two Union Square 601 Union Street, Suite 4100 Seattle, WA 98101 206.233.2895 dwiley@williamskastner.com	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input checked="" type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email
Waste Control, Inc. PO Box 148 Kelso, WA 98626	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input checked="" type="checkbox"/> Via U.S. Mail <input type="checkbox"/> Via Email
Brett P. Shearer Office of the Attorney General 1400 S. Evergreen Park Dr. SW PO Box 40128 Olympia, WA 98504-0218 360.664.1187 bshearer@utc.wa.gov	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input checked="" type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email

DATED at Silverdale, Washington, this 5th day of December 2014.


Cheryl L. Sinclair