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BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

Complainant,

vs.

WASTE MANAGEMENT OF WASHINGTON,
INC., D/B/A WASTE MANAGEMENT OF THE
NORTHWEST, WASTE MANAGEMENT OF
SEATTLE AND SOUTH SOUND, AND WASTE
MANAGEMENT OF SNO-KING,
G-237,

Respondents.

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

Complainant,

vs.

RABANCO, LTD., D/B/A CONTAINER
HAULING, EASTSIDE DISPOSAL, RABANCO
COMPANIES, RABANCO CONNECTIONS,
LYNNWOOD DISPOSAL, ALLIED WASTE
SERVICES OF KLICKITAT COUNTY, TRI-
COUNTY DISPOSAL, ALLIED WASTE
SERVICES OF KENT & RABANCO
COMPANIES, AND SEATAC DISPOSAL (G-12),

Docket No. TG-120840
No. TG-120842
No. TG-120843

REPLY
STATEMENT OF INTERVENOR
WASHINGTON REFUSE AND
RECYCLING ASSOCIATION

Docket No. TG-121366
No. TG-121367
No. TG-121369
No. TG-121370
No. TG-121371

1 AND FIORITO ENTERPRISES, INC. &
2 RABANCO COMPANIES D/B/A KENT
3 MERIDIAN DISPOSAL COMPANY (G-60),

4 Respondents.

5 **COMES NOW** Intervenor Washington Refuse and Recycling Association
6 (WRRRA) and respectfully submits the following:

7 1) The initial "Statements" and the already substantial record in this
8 and related Dockets do not leave a great deal left to say on this issue. That
9 "issue" is, and always has been, how to pick up the ratepayers' garbage in as
10 quick, safe and economically reasonable manner as possible during a labor
11 stoppage. This goal is shared by the Commission and the industry with, at this
12 point, one apparently major obstacle to agreement; that being, of course, the
13 issue of when the "clock" on resumption of service starts ticking. It is to the
14 Staff's and industry's credit that most, if not all, of the other issues here (and all
15 of the weather, road closure, etc. issues) have been resolved. Now this remaining
16 issue is squarely before the Commission itself for resolution. If nothing else, the
17 Commission certainly has before it every scrap of information and argument that
18 possibly could be generated here.

19 2) The "Haulers' Industry Proposal" obviously is supported by WRRRA.
20 But, more importantly, it has essentially been generated by companies which
21 have actually, and recently, experienced the very situations which this Docket
22 seeks to address. WRRRA, like Staff, is an observer. Neither can fully appreciate
23 facing a strike, whether it be somewhat anticipated or "out of the blue." Only the
24 haulers actually involved can tell us how these situations can be dealt with; one
25 cannot simply sit on the sidelines and make judgments (or, for that matter, rules)
26 without giving substantial deference to the judgments of the people actually
involved. WRRRA has done that; we are not sure Staff has.

3) The "five-day period" discussed extensively in Waste Management's
(WMW) "Statement" is an essential component of creation of a workable, practical
tariff provision. First, it makes sense and it is backed by actual experience in the

1 very sort of situation this Docket seeks to address. WMW has "been there and
2 done that," and it would be shortsighted and simply foolish to ignore these
3 lessons that have been learned. The same is true for the "wildcat" strike
4 experienced by some of the Allied/Republic/Rabanco companies. There is no
5 better way to learn than by experience, and to ignore those lessons learned is
6 simply not in the best interests of anyone involved here, the consumer most of
7 all.

8 Secondly, WMW and Allied/Republic/Rabanco make a convincing
9 argument that the "Haulers' Proposal" provides the consumer/customer with the
10 best possible solution of numerous proposed or contemplated solutions. It can
11 be safely assumed that the customer expects the garbage/recycling to be picked
12 up and taken away on the same day every week/two weeks, or whatever the
13 schedule may be. Frankly, that is the extent of our customers' interaction with
14 their hauler, other than (hopefully) paying their bill every month. Chances are
15 very good that the customer will know if there is a strike, and with the basically
16 agreed upon notice requirements that the tariff revision will have, a customer
17 would have to be media isolated not to know. It is much more convenient and
18 practical for a customer to know that their garbage will be picked up on the next
19 scheduled date, after the five days, than guessing, or searching for, some floating,
20 arbitrary pickup schedule, which may or may not even be possible to implement.

21 As WRRRA indicated in our initial Statement here, perhaps Staff does not
22 give the consumer sufficient credit in understanding a strike and what it means
23 to them. The customer wants to set out their garbage on a specific day of the
24 week and have it picked up. If that cycle is broken by a strike, weather
25 conditions or any other legitimate cause, they understand it will be collected on
26 their next regular service date, without extra charge. For the hauler to be able to
do that, there must be at least a five-day period, or the next scheduled pickup
could very well be the day after a walkout. It is simply impossible, and we should
not lead the consumer to think it will happen.

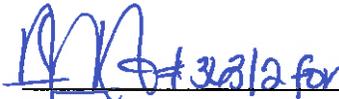
4) None of this is to suggest that the Commission should lose any of its
regulatory discretion. It only suggests that that discretion would be exercised
within the confines of the tariff itself, including and appreciating the proposed

1 five-day period. WMW's "Statement," at page 13, describes a probably worst case
2 scenario where even the five days would not "solve" the problem and would result
3 in the Commission deciding whether best and possible efforts were made by the
4 hauler, and go from there. WRRRA has no problem with that at all; that is the
5 Commission's responsibility and we expect and endorse full accountability by our
6 members and the Commission itself.

7 5) This is an issue where the industry and Staff have achieved an
8 admirable amount of agreement. This "last" issue is not insurmountable but will,
9 apparently, have to be decided by the Commission itself. As indicated, there
10 clearly is enough information at hand for an informed and measured decision to
11 be made.

12 One last point should be made. Neither Staff nor, for that matter, WRRRA
13 picks up garbage or may face a strike. The haulers in this Docket do pick up
14 garbage and both have faced labor disruptions. Perhaps the haulers' experience
15 and practical recommendations should be accorded some enhanced
16 consideration by the Commission.

17 Respectfully submitted this 28 day of August 2013.

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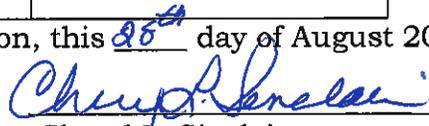
19 JAMES K. SELLS
20 WSBA No. 6040
21 General Counsel Washington Refuse
22 and Recycling Association

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 <u>records@utc.wa.gov</u>	<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
Hon. Marguerite E. Friedlander Administrative Law Judge <u>mfriedla@utc.wa.gov</u>	<input checked="" type="checkbox"/> Via Email
Polly L. McNeill Summit Law Group PLLC 315 Fifth Avenue South, Suite 1000 Seattle, WA 98104 (206) 676-7000 <u>pollym@summitlaw.com</u>	<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
Andrew Kenefick, Sr. Legal Counsel Waste Management of Washington 720 - 4th Ave., Suite 400 Kirkland, WA 98033 <u>akenefick@wm.com</u>	<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
David W. Wiley Williams, Kastner & Gibbs, PLLC 601 Union Street, Suite 4100 Seattle, WA 98101 (206) 233-2895 <u>dwiley@williamskastner.com</u>	<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
Michael A. Fassio Asst. Attorney General 1400 S. Evergreen Park Dr. SW PO Box 40128 Olympia, WA 98504-0218 360.664.1192 <u>mfassio@utc.wa.gov</u>	<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 26th day of August 2013.


Cheryl L. Sinclair