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May 18, 2018

Mr. Will Rosquist  
Regulatory Division Administrator  
Montana Public Service Commission  
1701 Prospect Avenue  
PO Box 202601  
Helena MT 59620-2601

**RECEIVED**

**MAY 18 2018**

**MONT. P.S. COMMISSION**

By Hand delivery and email to wrosquist@mt.gov


Re: Docket T-18.6.PCN.—Application of L&L Site Services, Inc.

Dear Mr. Rosquist:

Pursuant to the procedural order in this case, enclosed please find the Prehearing Memo of L&L Site Services, Inc., the Applicant in this matter.

Also enclosed is material that supplements L&L's discovery response to data request AWS-009.

Very truly yours,



Dennis Lopach

Enclosures

Cc: Wm. Mercer (enc. Via email)  
Nik Stoffel (enc. Via email)  
Hannah Tokerud (enc. Via email)  
Zach Rogala  
Jeremiah Langson

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*Attorneys for L&L Site Services, Inc.*

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**MONT. P.S. COMMISSION**

**DEPARTMENT OF PUBLIC SERVICE REGULATION  
BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MONTANA**

IN THE MATTER OF THE CLASS D  
APPLICATION OF L&L SITE SERVICES, INC.  
FOR ALL POINTS AND PLACES IN MISSOULA  
COUNTY, MONTANA

**Docket No. T-18.6.PCN**

**L&L'S Pre-Hearing  
Memorandum**

Applicant L&L Site Services ("L&L"), pursuant to the procedural order of the Montana Public Service Commission ("PSC" or "Commission"), submits the following Pre-Hearing Memorandum in Docket No. T-18.6.PCN:

**CONTESTED ISSUES**

The issues the Protestant, Republic Services of Montana ("Republic"), apparently intends to contest at the hearing set to begin May 21, 2018, are as follows:

1. Whether L&L is fit, willing, and able to provide the proposed Class D Garbage service to all points and places in Missoula County;

2. Whether L&L has demonstrated that there is a public need for the service L&L proposes to provide;
3. Whether the existing carrier, Republic, can and will meet the public need for the service L&L proposes to provide;
4. Whether the PSC's granting of L&L's application for a Class D Certificate of Public Convenience and Necessity between all points and places Missoula County will adversely impact the operations of existing carriers to an extent which is contrary to the public interest; and
5. Whether competition with the existing carriers would promote the public interest.

**WITNESSES**

L&L intends to call the following individuals as witnesses at the hearing:

1. Lance Johnson;
2. William K. Shockley;
3. John Pinczes;
4. Luke Riley;
5. Dave Frese (3D's Missoula, Inc.);
6. Dave Miewald (Gatewest Property Management);
7. Tuni Lefever;
8. Brendan Hagan;
9. Jorgen Barefield (P.F.C.);
10. Nancy Jean Beck;
11. Kathy Brodie (Ron's Auto Refinishers);
12. Nikki Jarrett (Consolidated Electric Distribution);

13. Jordan Goldsmith (Goldsmith's Bed & Breakfast);
14. Faith Smith (Greener Pastures);
15. Laurie Grennan (Montana Ace Power Pros);
16. John Collins;
17. George Sherwood (Montana Preferred Property);
18. Any individuals who submitted affidavits in support of L&L's application;
19. Any individual presenting public comment offering substantive testimony who is placed under oath;
20. Any witnesses listed by Republic;
21. Any witnesses necessary to lay foundation; and
22. Any witnesses necessary for rebuttal.

#### **EXHIBITS AND DATA RESPONSES**

L&L intends to introduce the following exhibits and data responses into evidence at the hearing:


1. Potential shop listings/photos;
2. Waste Disposal Services Contract between Republic Services and UM, Contract CMV 00763 (May 6, 2017);
3. Contract Addendum #3 to Contract CMV00763 (May 7, 2018);
4. Application;
5. William K Shockley letter;
6. L&L annual reports from 2015, 2016, 2017;
7. Business Plan;
8. Republic Customer Contracts;

9. Rate Adjustment Clause from Republic contract in readable font;
10. Republic 2015, 2016, 2017 annual report;
11. Republic customer bills;
12. Email from Republic to Faith Smith;
13. Faith Smith's online order with Republic;
14. Shipper Affidavits;
15. Republic Complaints;
16. Any documents produced by L&L Site Services, Inc. or Republic in response to data requests; and
17. Any exhibits necessary for foundation, impeachment, or rebuttal.

**SPECIAL ACCOMMODATIONS**

Various L&L witnesses will be available for only limited time periods during the scheduled hearing due to work and personal obligations. L&L requests that these witnesses be accommodated according to their individual scheduling requirements.

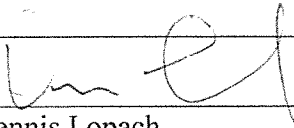
DATED this 18th day of May, 2018.

By:   
Dennis Lopach, Attorney for L&L Site Services, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 18th day of May, 2018, a true and correct copy of the foregoing document was served upon the following parties in the manner set forth below:

<p>Wm. Mercer Nik Stoffel Hannah Tokerud Holland and Hart 401 North 31<sup>st</sup> Street, Ste 1500 Billings, MT 59101 <a href="mailto:WWmercercer@hollandhart.com">WWmercercer@hollandhart.com</a> <a href="mailto:nsstoffel@hollandhart.com">nsstoffel@hollandhart.com</a> <a href="mailto:heterokerud@hollandhart.com">heterokerud@hollandhart.com</a></p>	<p><input type="checkbox"/> U.S. First-Class Mail, Postage Prepaid <input checked="" type="checkbox"/> Email: <input type="checkbox"/> Hand Delivery: <input type="checkbox"/> Other:</p>
<p>Zachary Rogala Jeremiah Langston Montana Public Service Commission P.O. Box 202601 Helena MT 59620 <a href="mailto:zachary.rogala@mt.gov">zachary.rogala@mt.gov</a>; <a href="mailto:jlangston@mt.gov">jlangston@mt.gov</a></p>	<p><input type="checkbox"/> U.S. First-Class Mail, Postage Prepaid <input checked="" type="checkbox"/> Email: <input checked="" type="checkbox"/> Hand Delivery: <input type="checkbox"/> Other:</p>

  
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Dennis Lopach