

William W. Mercer
Nikolas S. Stoffel
Hannah E. Tokerud
Holland & Hart ^{LLP}
401 North 31st Street
Suite 1500
P.O. Box 639
Billings, Montana 59103-0639
Telephone: (406) 252-2166
Fax: (406) 252-1669
E-mail: wwmerc@hollandhart.com
 nsstoffel@hollandhart.com
 hetokerud@hollandhart.com

ATTORNEYS FOR ALLIED WASTE
SERVICES OF NORTH AMERICA, LLC,
D/B/A REPUBLIC SERVICES OF MONTANA

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

IN THE MATTER OF L&L Site Services,)	
Inc.'s Application for a Certificate of Public)	REGULATORY DIVISION
Convenience and Necessity between all points)	
and places in Missoula County.)	DOCKET NO. T-18.6.PCN
)	

REPUBLIC SERVICES OF MONTANA'S PRE-HEARING MEMORANDUM

Republic Services of Montana, pursuant to the procedural order of the Montana Public Service Commission ("PSC" or "Commission"), submits the following Pre-Hearing Memorandum:

I. Contested Issues

The following issues are expected to be contested at the hearing in this proceeding:

- (a) Whether L&L Site Services, Inc. (“L&L”) has established that it is fit and able to offer the services proposed in the application for a Class D garbage hauling permit between all points and places in Missoula County;
- (b) Whether L&L has established that the public convenience and necessity require the proposed service;
- (c) Whether, if a public need exists in the proposed service area, L&L has established that existing carriers cannot and will not meet that need;
- (d) Whether, if a public need exists in the proposed service area and existing carriers cannot meet that need, L&L has established that its operations in the proposed service area will not harm the operations of existing carriers contrary to the public interest; and
- (e) Whether allowing L&L to compete with existing carriers promotes the public interest.

II. Uncontested Issues

There are no uncontested issues.

III. Witnesses

Republic Services may call the following witnesses at the hearing:

Max Bauer, Jr., (Retired) Republic Consultant; Glenda Bradshaw, Republic’s General Manager; Jeff Wiggs, Republic Controller; Tyler Zaichken, Republic Sales Manager; Billy Fisher, Republic Operations Manager; Dana Wagner, Republic (Retired) Employee; Ben Sharbono, Republic Driver; John Davidson, Republic Driver; Vicki Witt, Republic Billing Processor; Jean Curtiss, Missoula County Commissioner; Bob Oaks, Executive Director of the North Missoula Community Development Corporation; James Jones, Owner of the Press Box Bar and Grill; Joshua Kendrick, CEO of Opportunity Resources; Greg Sundberg, Executive Director of the Grizzly Scholarship Association; John Brauer, Owner of Windemere Real Estate;

Casey Robinson, Realtor; Linda Sherman, Property Manager; Kim Latrielle, CEO of the Missoula Chamber of Commerce; James Jonkle, Biologist at Montana Department of Fish, Wildlife and Park; Linda McCarthy, Executive Director of the Missoula Downtown Association; Fran Albrecht, Executive Director of the Providence Mental Health Foundation; Jim Lyons, Facility Superintendent of the University of Montana; Shawn Fontaine, Business Representative with Teamsters Local #2; Frank Miller, Owner of Hayloft Equipment, Inc.; Katie Dual, Executive Director of Home Resource; Beth Judy, Home Owner; Brian Walker, President of Walker Homes and Development; Lisa Gohrick, Licensed Property Manager with Garden City Property Management; Carli Taylor, Licensed Property Manager with Plum Property Management; Jim Lake, Vice President of Swank Enterprises; Kevin Cahoon, President of Rosauers; Chris Cox, Manager at Murdoch's; Ben Nachman, Warehouse Manager at the Resort at Paws Up; and Ken Farago, Controller of Roseburg Forest Products.

In addition, Republic expects to call any and all witnesses identified by L&L; all persons assisting with L&L's data request responses; and any persons with knowledge of L&L's waste hauling activities and plans or involved in financing related to the same. Republic may call any and all witnesses necessary for foundation, impeachment, rebuttal, or to authenticate any exhibits, all as yet unidentified.

IV. Special Accommodations requested:

None.

V. Exhibits:

Republic may introduce the following exhibits and data responses into evidence at the hearing:

- a. Any responses to data requests by L&L or Republic;
- b. Any documents produced by L&L or Republic in response to data requests;

- c. Any affidavits produced by L&L or Republic; and
- c. Any exhibits necessary for impeachment or rebuttal.

Dated this 18th day of May, 2018.

/s/ Hannah E. Tokerud

William W. Mercer

Nikolas S. Stoffel

Hannah E. Tokerud

Holland & Hart LLP

401 North 31st Street

Suite 1500

P.O. Box 639

Billings, Montana 59103-0639

ATTORNEYS FOR ALLIED WASTE
SERVICES OF NORTH AMERICA, LLC,
D/B/A REPUBLIC SERVICES OF
MONTANA

CERTIFICATE OF SERVICE

I certify that on the 18th day of May, 2018, Allied Waste Services of North America, LLC, d/b/a Republic Services of Montana's Pre-Hearing Memorandum was e-filed with the Commission and served via U.S. mail and e-mail, unless otherwise noted, to the following:

Zachary Rogala
Jeremiah Langston
Montana PSC
1701 Prospect Avenue
P.O. Box 202601
Helena, MT 59620-2601
Zachary.rogala@mt.gov
jlangston@mt.gov

Dennis Lopach
Dennis R. Lopach, PC
4 Carriage Lane
Helena, MT 59601
Dennis.Lopach@gmail.com

Allison P. Garab
Western Roots Law PLLC
P.O. Box 1432
Belgrade, MT 59714
Garab@WestRootsLaw.com

/s/ Hannah E. Tokerud
