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

**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 OBJECTIONS TO  
REPUBLIC'S DATA REQUESTS**

Applicant L&L Site Services, Inc. ("L&L") presents the following Objections to the data requests of Republic Services of Montana's ("Republic").

The following objections first repeat the specific data request of Republic that is at issue and is followed by L&L's argument and discussion explaining why the request is objectionable.

**AWS-001 Re: Customers and Billing**

- a. Identify by name, address and dates of service each customer L&L has provided container and disposal services to in 2016 through 2018 and the amount paid by each customer to L&L.
- b. Produce copies of all billings statements sent to customers of L&L.

**OBJECTION:** L&L's customer list from Gallatin and Madison Counties is irrelevant to this proceeding concerning service in Missoula County and is not reasonably calculated to lead to the discovery of admissible evidence. The identity, name, and address of L&L's existing customers is not relevant to any claim or defense at issue in this matter. The request seems to serve no purpose than to enhance Republic's marketing activities in the Bozeman area. Further, the request is burdensome. L&L will provide aggregate numbers of customers and its financial statements reflect aggregate revenues.

**AWS-007 Re: Rate Schedule**

- a. Produce L&L's current rate schedules for all types of service L&L provides or intends to provide in the proposed area.
- b. Please produce any future rate schedule L&L intends to use for all types of service it intends to provide.
- c. Describe how L&L calculates its rate schedules.
- d. Identify all transactions where L&L has offered solid waste or construction debris service to any customers at a rate different from the rate schedules produced and discussed herein, including the rate charged, the customer's name, business name, address, and phone number, the type of waste hauled and the date or dates of such service by L&L.

**OBJECTION:**

- a. L&L objects on the basis that its rate information is competitively sensitive and its provision to Republic would allow Republic the opportunity to adjust its rates and "lock-in" customers in advance of the availability of competitive service.
- b. See Objection to a.
- c. Will respond.
- d. L&L objects to providing any rate information regarding its existing service in Gallatin and Madison Counties since those prices are irrelevant to the proposed Missoula service. This request is overbroad and unduly burdensome. L&L does not track this information in the regular course of business. Further, the request is calculated to harass and annoy L&L. If L&L is required to supply specific rate

information, Republic will be accorded a competitive advantage in that it could approach those customers with rates that undercut L&L's offerings.

**AWS-11 Commercial Driver's Licenses**

- a. Identify all drivers L&L has utilized or employed since January 1, 2016.
- b. Produce copies of the commercial driver's licenses of all employees and persons associated with L&L.

**OBJECTION:**

- a. The names of drivers who have worked in L&L's existing operations since January 1, 2016, are irrelevant to the proposed service. Also, the request would violate the right to individual privacy of the drivers.
- b. See objection to a. Additionally, the term all "persons associated with L&L" is overly broad and vague.

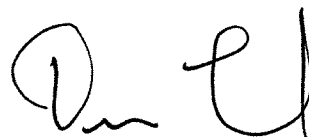
**AWS-013 Re: Landfill Tipping/Disposal**

- a. For the period commencing January 1, 2016, to the present, please state the number of disposals or tips that L&L has made to any landfill for customers, clients or third parties.
- b. For each disposal or tip, please state the date of the disposal or tip, the name, address, and telephone number of the customer whose waste was disposed of, the landfill used, the amount paid to the landfill and the type of waste disposed of.
- c. Produce records, cancelled checks, receipts and other evidence of payment of tipping and/or disposal fees at all landfills used by L&L for the years 2017 and 2018.

**OBJECTION:**

The request is overly broad and unduly burdensome. This request, and all of its subparts, request information regarding L&L's existing operations that has no bearing, significance or relevance to the proposed service in Missoula County and is not reasonably calculated to lead to the discovery of admissible evidence. Again, the request appears designed to utilize the regulatory process to obtain competitive information, enabling marketing activities directed at those customers who have availed themselves of the chance to move away from Republic's monopoly services. Further, the information does not exist in a compiled form, but is, instead, available only in the aggregate.

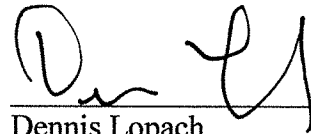
DATED this 2nd day of May, 2018.

  
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Dennis Lopach

**CERTIFICATE OF SERVICE**

I hereby certify that on this 2nd 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:

Wm. Mercer 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:hetokerud@hollandhart.com">hetokerud@hollandhart.com</a>	X U.S. First-Class Mail, Postage Prepaid X Email: <input type="checkbox"/> Hand Delivery: <input type="checkbox"/> Other:
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>	X U.S. First-Class Mail, Postage Prepaid X Email: <input type="checkbox"/> Hand Delivery: <input type="checkbox"/> Other:

  
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Dennis Lopach