

1 DEPARTMENT OF PUBLIC WORKS
 2 DIRECTOR'S HEARING ON PROPOSED REFUSE RATES
 3 2013 REFUSE RATE APPLICATION
 4
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1 the audience.
 2 We will continue with the Company's rebuttal
 3 to the staff report followed by cross-examination by City
 4 staff and Ratepayer Advocate. We may also hear
 5 additional redirect examination of any witness as
 6 necessary. We will begin with the company presentation.
 7 Mr. Baker, are you ready to proceed?
 8 MR. BAKER: Yes. Good afternoon, Mr. Nuru. I
 9 have one housekeeping matter to start with. We noted at
 10 the last hearing, during Mr. Yamamoto's testimony, that
 11 Exhibit 77 had an error in it, because for San Francisco
 12 tonnage we had only included Jepson and not also Grover.
 13 So we have a corrected version of Exhibit 77 which I'll
 14 hand forward.
 15 DIRECTOR NURU: Thank you.
 16 MR. BAKER: And just for the record, the
 17 correct tonnage for San Francisco as reflected on this
 18 replacement Exhibit is 148,630 tons.
 19 We'd like to cover four subjects today. Just
 20 to give you a preview of the order, the first is
 21 Mr. Quillen will testify regarding the abandoned
 22 materials program. Secondly, Mr. Glaub will testify on
 23 two subjects, CNG fuel prices and also the truck
 24 maintenance and repair facility at the Golden Gate
 25 location. And, finally, we have no further evidence on

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1 Wednesday, May 22, 2013 1:02 p.m.
 2 P R O C E E D I N G S
 3 DIRECTOR NURU: Good afternoon, everyone. If
 4 you'll take your seats, I'd like to call the hearing to
 5 order. I am Mohammed Nuru of the Department of Public
 6 Works, City and County of San Francisco. This is the
 7 sixth and final day of the Director's Hearing on
 8 Recology's application for an increase in residential
 9 refuse collection and disposal rates.
 10 Today is Wednesday, May 22nd. The agenda for
 11 today is on the table on the side there. As in every
 12 hearing, we will reserve the last period for public
 13 comment. I intend to close the record at the end of
 14 today's hearing, so if you have anything to add to those
 15 proceedings, I encourage you to take advantage of the
 16 last opportunity. Speaker cards are available at the
 17 table. And I will ask that you fill out them out so that
 18 I have an indication of the number of people wishing to
 19 speak today. You may also convey any comments you may
 20 have to our Ratepayer Advocate, Mr. Peter Deibler.
 21 Once again, we have Mr. Freddie Reppond
 22 transcribing our meeting this afternoon. I want to
 23 remind everyone who speaks to come forward and speak
 24 clearly into the microphone so that he can take your
 25 entire testimony. Please do not speak from your seat in

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1 the final subject -- that's all in -- but I'd like to
 2 make a short presentation about OR on the Brisbane tax.
 3 DIRECTOR NURU: You may proceed.
 4 MR. BAKER: Thank you. Why don't we begin
 5 with Mr. Quillen. We have an exhibit for Mr. Quillen's
 6 testimony, which I'll hand forward. This will be
 7 exhibit --
 8 MR. OWEN: 83.
 9 MR. BAKER: 83. Thank you.
 10 (The document referred to was marked for
 11 identification and received into
 12 evidence as Exhibit 83.)
 13 MR. BAKER: By way of a quick background, we
 14 did a cross-examination of Mr. Legg on Monday regarding
 15 the staff's proposal that there be performance penalties
 16 including in the new abandoned materials program that
 17 Recology is going to take over. And since Monday,
 18 Recology has given some consideration to the parameters
 19 of a performance program. If the Director feels that
 20 the staff recommendation is appropriate, Recology still
 21 urges that performance penalties are not necessary and
 22 creates some risks because of certain unknowns and
 23 particularly what the volume of material and calls is
 24 going to be going forward once the program changes.
 25 But, nonetheless, Recology over the last couple of days

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1 has taken a close look at the proposal regarding
 2 performance penalties. And Mr. Quillen is going to
 3 testify regarding some suggested changes that the
 4 company would have if the performance penalty program
 5 was included in the Director's report. So we will
 6 proceed on that basis.
 7 MAURICE QUILLEN,
 8 having been previously sworn, appeared and testified as
 9 follows:
 10 DIRECT EXAMINATION
 11 BY MR. BAKER:
 12 Q. Mr. Quillen, in terms of the proposal from the
 13 City for a performance penalty schedule, what are
 14 Recology's concerns about that?
 15 A. The primary concern that Recology has
 16 concerning the performance penalty is the fact that
 17 they're based upon goals that were established by
 18 Recology and that the goals do not necessarily represent
 19 any operational performance metrix that we've had the
 20 ability to test out or observe on a historical basis.
 21 Q. So if there were performance penalties, what
 22 modifications does Recology think would be necessary and
 23 appropriate in order to have them be fairly realistic?
 24 A. Well, initially Recology would propose
 25 revisiting performance guidelines and looking towards

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1 establishing a longer period of time by which Recology
 2 would have to collect the material which was called in by
 3 311. The thought process would be that it would give us
 4 the abilities to understand a little bit more about the
 5 waste stream. Our proposal would look towards an
 6 eight-hour window for weekday operations and a
 7 twelve-hour window for weekend operations.
 8 Q. Is Recology still prepared to stick by its
 9 goals of four hours for weekdays, eight hours for
 10 weekends, as opposed to a penalty standard?
 11 A. Yes, we would be willing to adhere to the
 12 goals that we referenced; but we wouldn't want those
 13 goals to become a performance standard.
 14 Q. Now, what about the volume of calls and volume
 15 of material as it might relate to a penalty?
 16 A. Well, when Recology looked at the expense
 17 associated with this program, we looked at the number of
 18 stops that were given currently to DPW and the tons that
 19 DPW is collecting and the number of trucks and manpower
 20 used in the collection of the material. And the company
 21 believes that, if the numbers were to change, it would
 22 become very difficult for us to meet the performance
 23 standards. Generally, we believe we could tolerate some
 24 slight movement of the numbers.
 25 But in the event that the number of calls or

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1 the tons collected were to go up, the Recology companies
 2 would have to look at putting more trucks on the road.
 3 We are looking at potentially increasing the fleet by one
 4 pair of vehicles for every 20 percent more calls or tons.
 5 So if the tons or calls were to go up in excess of this
 6 percent for a period of time, we would then want to have
 7 the ability to put an additional pair of collection
 8 trucks on the road.
 9 Q. So in terms of the proposal that Recology made
 10 that's setting a goal of four hours on weekdays -- four
 11 business hours -- let's say a call comes in at 4:00 in
 12 the afternoon on a Tuesday under a four-hour window, when
 13 would that four hours be up?
 14 A. Calls received during our normal business
 15 hours, which would be 7:30 in the morning to 4:30 in the
 16 afternoon, would be dealt with within our performance
 17 standards. Calls received after the close of business
 18 would be dealt with on the following day. And we would
 19 assume at that point that the performance standard would
 20 then start at 7:30 on the following day.
 21 Q. So take my example, 4:00 o'clock in the
 22 afternoon under a four-hour goal, that would take you
 23 till 11:00 o'clock in the morning the next day?
 24 A. If the call came in at 4:00 o'clock in the
 25 afternoon, we would pick it up that day.

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1 Q. Oh.
 2 A. Because it would be within the business day.
 3 Q. I got it.
 4 A. If 311 received the call after 4:30, which was
 5 dispatched to the company after the close of business, we
 6 would deal with that specific collection call the
 7 following day.
 8 Q. I see. So if the call came in at 4:00 o'clock
 9 on Tuesday afternoon, under the eight-hour weekday permit
 10 standard you're proposing, that abandoned material would
 11 be collected by what time?
 12 A. Within eight hours of receiving that call.
 13 Q. By midnight?
 14 A. By midnight.
 15 Q. Now, in coming up with the goals that you had
 16 and which you still have at four hours on a weekday and
 17 eight hours on a weekend, you say that was based upon a
 18 review of a historic volume of calls and tonnages at the
 19 City. What numbers did you use as the standard?
 20 A. We receive a weekly update in our operations
 21 coordination meeting which references the 311 calls.
 22 Based on the information that we receive from the City,
 23 we averaged the number to be approximately 440 calls per
 24 week.
 25 Q. And that averages to 63 per day?

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1 **A. 63 calls per day.**
2 Q. How about tonnage?
3 **A. Tonnage was approximately 3,000 tons on an**
4 **annualized basis. And that's approximately 10 tons per**
5 **day.**
6 Q. So these are the three bullet points of
7 Recology's proposal as to how the performance penalty
8 could be fairly modified from Recology's standpoint at
9 least. And you've already talked about the first bullet
10 point. That's, while the goals would remain the same,
11 the standard for the penalty would be eight hours on
12 weekdays and twelve on weekends.
13 What about the second bullet point that are
14 you proposing there?
15 **A. In the event that the calls for any given day**
16 **were to exceed 20 percent of what our historical average**
17 **is or what the assumptions are, we would propose that the**
18 **performance standards not be put in place for that given**
19 **day.**
20 Q. That's because you have a concern that you
21 don't have sufficient trucks and manpower based upon the
22 historical averages to deal with significantly more
23 tonnage and calls?
24 **A. Correct.**
25 Q. And the third bullet point, what's the

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1 proposal there?
2 **A. Third bullet point would look at the program**
3 **on a larger scale. In the event that the calls or**
4 **tonnage exceeded 20 percent for a period of time, 60**
5 **days, the company would at that point in time want to put**
6 **out an additional collection pair, which would mean one**
7 **packer truck, one box van, and two drivers. In the event**
8 **that the calls or tonnage did exceed 20 percent, we would**
9 **then look to the City to fund the additional trucks and**
10 **labor.**
11 Q. Would this be at the City's election as to
12 whether they wanted to do that?
13 **A. I would like to have the third bullet sort of**
14 **be applied in a more mechanical fashion. We track the**
15 **tonnage on a daily basis. We're prepared to deal with**
16 **anomalies that occur on a day-to-day basis. But if the**
17 **trend continues for a significant period of time, we**
18 **would want to have something in the rate order that would**
19 **allow us the ability to put those trucks on the road**
20 **immediately.**
21 Q. So if the calls and tonnages were greater than
22 historical averages and if the additional amount was
23 allowed for more trucks and for labor, then am I right
24 that Recology would agree that the thresholds -- or would
25 propose that the thresholds would then be increased so

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1 that Recology would have higher -- the City would have
2 higher expectations of Recology as to how much would be
3 picked up in a given day or else an penalty would be
4 imposed?
5 That's a complicated sentence and I'm sure
6 you're going to say yes, but let me try it again.
7 **A. Can you restate that question?**
8 Q. Yes. That wasn't very clear.
9 Am I right that the if the tonnages and the
10 calls increased in volume and the City elected to have
11 Recology put another pair of trucks on the road and
12 sufficient labor that under Recology's proposal the
13 requirement on Recology would increase as well, that is
14 Recology would be expected to pick up more and would be
15 subject to penalty if it failed to do so?
16 **A. The expectation is that Recology will pick up**
17 **whatever calls come in. The additional trucks and**
18 **manpower would be in response to the expectation. The**
19 **goals would not change from what our proposal is. In the**
20 **event that the City wanted to pursue those stringent**
21 **goals of four and eight hours, then we would comply.**
22 Q. Okay. I think that I had something different
23 in mind, so maybe you and I won't agree on it, but I'll
24 tell you what I think we have in mind here. And that is
25 if the City -- if the volumes increased and the City

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1 wanted to fund additional equipment and manpower in order
2 to deal with the increased volumes, the penalty threshold
3 which we have here of 75 calls, or 12 tons, would be
4 increased as well, because the expectations imposed on
5 Recology should be greater and the resources applied
6 would increase as well. So we would understand that the
7 penalty threshold would be more stringent, if there was
8 more resources applied.
9 **A. I agree with that.**
10 MR. BAKER: There you go. All right.
11 So that's all we have on that subject. If the
12 City would like to cross.
13 CROSS-EXAMINATION
14 MR. LEGG: Yes. I have a couple of questions,
15 Maurice.
16 Q. Under Recology's proposal that was submitted
17 with the -- as part of the rate application -- Recology
18 was proposing that they would be responding to 311 calls.
19 There were a few things that were implicit in the
20 proposal. One was that you will be dispatching and
21 responding to 311 calls for abandoned materials
22 collection. That's the basic thing. When we were
23 providing data to you about the work that our packer
24 trucks were doing, we also shared information with you
25 about daily meets with DPW pickup trucks which are part

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1 of the litter patrol. And I think that there were three
2 different times a day that packer trucks go to a certain
3 location. I think there's one near Kezar Stadium;
4 there's one near Olive Alley, kind of in the Tenderloin;
5 and there's a third meet -- I mean back at one of those
6 same places. And that's so the large number of DPW
7 litter patrol vehicles, which are small pickup trucks,
8 could meet and deposit materials in the trucks. And
9 that's the part of your meeting those trucks and
10 collecting those refuse. That refuse is part of your
11 proposal, I believe; is that correct?

12 **A. I'm going need to check that, so can I take a**
13 **minute to check that and then --**

14 Q. Okay. While you're checking that --

15 **A. I'm not quite sure if that was included.**

16 Q. Okay. I think that it's included in the
17 tonnage that we're reporting on the packer trucks,
18 because the packer trucks are responding to 311 calls and
19 they're always picking up -- they're doing these three
20 meets; and I think it's three trucks for three hours a
21 day.

22 I would be delighted to have Mr. Braslaw come
23 up.

24 MR. BRASLAW: It is included in the proposal,
25 so we are aware -- when we developed the proposal, we

1 radio in to make sure that the box truck that collects
2 mattresses and other large items would come and collect
3 that?

4 **A. Correct.**

5 Q. The last thing -- I'm not sure if -- I don't
6 think that it would be these trucks that are on the
7 special abandoned materials collection routes or response
8 time -- but if in the course of collecting from or
9 servicing the public litter receptacles somebody has
10 improperly placed a plastic bag filled with household or
11 commercial debris, those would also get picked up by your
12 drivers, your trucks?

13 **A. Yes.**

14 Q. Okay. In your proposal in Exhibit 83 you talk
15 a lot about tonnages that exceed historic averages and
16 since -- one of my concerns is, since a substantial
17 number of the tons that our packer trucks are currently
18 collecting is really the coming from these meet-ups and
19 on certain days it's coming from these events, I would
20 want -- let me phrase that as a question.

21 Would that kind of larger tonnage -- say it
22 was the day after the Bay to Breakers race and our litter
23 patrol trucks came in with unusually heavy loads and
24 their pickup trucks met and off-loaded into your packer
25 trucks or box trucks at these meets, that would not cause

1 worked with DPW staff to understand all of the work that
2 they did with respect to abandoned materials and then
3 calculated the costs and estimated the time, the tonnage
4 based on those activities so it would include the
5 coordination of the litter patrol pickups with the
6 packer trucks as they exist today.

7 BY MR. LEGG:

8 Q. Okay. I want to mention a couple of other
9 things that I just want to confirm or include in the
10 proposed service. There are a small number of parades
11 and events that we provide packer truck assistance to --
12 St. Patrick's Day parade, I think the Chinese New Year's
13 parade, a few civic events. And those are also included
14 in the proposal?

15 **A. Yes, they are.**

16 Q. Okay. Finally, it's the City's expectation
17 that as your drivers who are on these special abandoned
18 materials collection routes, if, in the course of running
19 the routes, are responding to dispatch calls and they see
20 a mattress out on the sidewalk or some other abandoned
21 materials, that they would stop the truck and collect
22 those materials?

23 **A. Correct.**

24 Q. And if it was the wrong -- if it was a packer
25 truck that went by and they saw a mattress, they would

1 an extraordinary expense or add any extra time that would
2 make it difficult for you to meet your proposed
3 standards, I would think. I can understand if there are
4 a large number of calls and you have to go to many
5 different locations, that you will have difficulty
6 operationally meeting your four- or eight-hour goals
7 about tons that are coming in through the DPW meet-ups of
8 parades shouldn't -- wouldn't having an effect on your
9 response time would it.

10 **A. The tons would not have an effect on response**
11 **time if they came from one of these off-loading**
12 **situations. I think what would have the effect on our**
13 **ability to respond in that situation would be how long it**
14 **would take to off-load the additional tons with the**
15 **truck.**

16 **The reason that we looked at the tonnage**
17 **number specific to it was that we understood that the**
18 **Recology trucks would be performing sweep work. And in**
19 **the event that there was more material on the street than**
20 **what our expectations were, we wanted to make sure that**
21 **the goals did not apply. So in the case of the meet-ups,**
22 **that tonnage generally wouldn't cause an undue hardship**
23 **to the company as long as the transfer time was**
24 **relatively efficient, sure.**

25 Q. And when you say "sweeps," you're referring to

1 what I was saying about as your drivers observed
 2 materials on the street?
 3 **A. Yes.**
 4 **MR. BRASLAW:** Correct. One of the things that
 5 we did when we looked at this proposal, we wanted to
 6 make sure that the drivers and the companies had the
 7 flexibility to apply the resources as they were
 8 necessary. And the reason, again, we included the
 9 tonnage was in the event that there was a lot of
 10 material on the street, even though we hadn't gotten a
 11 lot -- a large number -- of 311 calls, that we were able
 12 to focus on what needed to be done to keep the streets
 13 clean and weren't then put in the position where we
 14 would either, a, be penalized or, b, have to really
 15 focus on the 311 calls and not stay focused on the
 16 larger goal of making sure that the city stays clean.
 17 **BY MR. LEGG:**
 18 **Q.** Would your drivers have the ability to be
 19 tracking those kind of sweep stops that they make that
 20 are not coming through dispatch and 311?
 21 **A. We are looking at tracking every stop that the**
 22 **truck makes and we would be employing technology to track**
 23 **what actually finds its way into the trucks. We**
 24 **understand that we won't be able to identify everything**
 25 **that goes into the trucks, but we do believe that at a**

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1 **minimum we could identify where the stop was, the time of**
 2 **the stop, and generally the composition of the material**
 3 **that went into the trucks.**
 4 **Q.** The City has not yet reached the conclusion --
 5 I think the City believes that companies are making fair
 6 points about if there are differences in tons and number
 7 of calls and that kind of thing, that the companies made
 8 a proposal based on historic numbers essentially and that
 9 the companies -- I think the City recognizes that the
 10 performance standards and expectations that we proposed
 11 in the staff report probably wouldn't work if there was
 12 an extraordinary increase in the number of calls or the
 13 tonnage or the amount of materials left out on the
 14 street. So I appreciate all of this information that
 15 you're providing.
 16 Do you believe that -- when Mr. Baker started
 17 his presentation, he said that Recology doesn't believe
 18 that there should be any performance penalties at this
 19 time. And, Maurice, you said that Recology just doesn't
 20 have the statistics or operational knowledge at this
 21 point to be able to set metrics that you would be held
 22 to. How much time do you think you would need to put
 23 together those metrics of your own, including estimates
 24 of number of stops and tonnage collected on the sweeps,
 25 as opposed to responsive calls from 331, how much data --

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1 how many months of data -- do you think that you would
 2 need before you became comfortable making some kind of
 3 proposal?
 4 **A. I think that would be difficult. Generally,**
 5 **what ends up on the streets is seasonal. And it would**
 6 **be, I think, very challenging to look at a 30-, 60-, or**
 7 **90-day window and draw an assumption. In the event that**
 8 **the numbers started to increase and we did not see any**
 9 **downward trend based on seasonality like we see in the**
 10 **rest of our business, I would then be very concerned and**
 11 **I don't think that we would be in a position to, in a**
 12 **reasonable period of time, establish some sort of trend**
 13 **analysis.**
 14 **Q.** If you're interested in seasonality, would a
 15 year be more like what you would be expecting? Or do you
 16 think you would need more than a year?
 17 I understand what you're saying about -- you
 18 won't be held to this forever more, even though you
 19 are --
 20 **A. One year would provide seasonal variation that**
 21 **the company would want to see in the waste stream. In**
 22 **the event that the numbers were going up, then we could**
 23 **potentially establish some sort of trend to understand**
 24 **what the numbers look like. If they were going down, we**
 25 **would obviously understand that same trend. But, yes,**

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1 **one year would be adequate.**
 2 **Q.** So no matter what is recommended in the
 3 Director's report, Recology would, I expect, have data
 4 and be able to come in with a proposal at the time that
 5 you come in to ask for a change because of a change in
 6 the landfill contract.
 7 We talk in the staff report about a revised
 8 procedure for considering a limited number of issues and
 9 the staff report talks about landfill and transportation
 10 costs and a couple of other issues. This could be added
 11 to either impose some kind of performance standards and
 12 penalty or incentives or alter whatever is recommended in
 13 the Director's report. Does that makes sense?
 14 **A. I'd like to refer that question to**
 15 **Mr. Braslaw.**
 16 **MR. BRASLAW:** I think it makes sense that it
 17 certainly, once we begin to operate the program, we'll
 18 start to build the data that we'll need to understand it
 19 better and to set performance goals and performance
 20 standards.
 21 We recognize the need ultimately to establish
 22 some standards that we can use to measure the performance
 23 and control the activity. Ideally, as Mr. Quillen said,
 24 having a 12-month period allows you to cover all of the
 25 seasonality. And then assuming that, aside from that,

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1 numbers are relatively stable, you can get a good idea of
2 what type of resource you need, how quickly you can
3 respond to the calls. We're not sure at this point at
4 what point in time the disposal -- if there's a new
5 disposal agreement, it may be necessary to come in. So
6 if it's prior to that one-year period, we would have a
7 better data than we have today, but it may still not be
8 complete. It certainly would be something that we could
9 use to form a basis that's more informed than what we
10 have today.

11 BY MR. LEGG:

12 Q. I wanted to ask a couple questions about the
13 performance penalties in your Exhibit 83. On your second
14 bullet point -- and there's a little confusion -- I was a
15 little confused -- when Mr. Baker was asking questions.
16 Is it your proposal that the standard be relaxed just
17 for -- that essentially days that had especially large
18 volumes both in calls or tons, that those days be
19 excluded from calculations? So if there were two
20 extraordinary days in the month of May, that we would
21 only look at 29 days' worth of data as opposed to all 31
22 days' worth of data?

23 A. That is correct.

24 Q. Okay. And on your third bullet you talk about
25 having additional funds available that could be used to

1 **excess of two months, we will at that point in time would**
2 **rather pursue an additional set of trucks as opposed to**
3 **funding it through overtime.**

4 Q. Do you think that it would make sense to have
5 a full year's experience before we made that
6 determination about adding extra trucks?

7 A. That would be acceptable.

8 MR. LEGG: I think that's all the questions I
9 have about this at this point, other than I think I'd
10 like to say that whatever standard that we adopt in the
11 Director's Report, it's important to me that they be
12 very transparent and very clear how to implement them.
13 Something that we've experienced as we're working with
14 our performance measurement management systems if we get
15 too complicated -- if the formulas and data that we're
16 looking at is too complicated, it becomes hard to
17 determine what the right answer is. And I think even if
18 there's money on the line, simplicity is even more
19 important, because I want to make sure that we have a
20 system that the City, the companies, and the public all
21 feel is being implemented in a responsible way and that
22 it's very clear that standards are met or standards have
23 not been met as we do that.

24 So thank you.

25 DIRECTOR NURU: Mr. Deibler, would you like to

1 add routes if volumes over a 60-day period, you had said,
2 are way up.

3 Do you think there's any -- would there be any
4 opportunity for any of your other routes to be picking up
5 some of these materials, say trucks that are running
6 bulky item collection, if they would able to pick up some
7 of the slack?

8 A. **Bulky item collection trucks could potentially**
9 **pick up the slack in the event that they weren't fully**
10 **booked. I know that the Department of Environment is**
11 **concerned about our ability to schedule the bulky item**
12 **collection in a timely fashion. And I would not want to**
13 **have our ability to schedule bulky item collections**
14 **impaired by the abandoned waste program.**

15 I think it's important that we maintain the
16 commitments to our customers as it relates to the bulky
17 item collection program. Generally, we would probably
18 fund the anomalies or the additional time through
19 overtime. Our proposal would look at the number of calls
20 or tonnages having to increase beyond 20 percent for over
21 a period of time -- a significant period of time. So
22 like we mentioned earlier, the blips would be handled on
23 a daily basis. If we could be excused from meeting the
24 performance standards on those days, that would be good.
25 In the event that this becomes a trend and occurs for an

1 cross-examine?

2 MR. DEIBLER: Thank you, Mr. Nuru. I would
3 like to make one comment -- or several comments -- that
4 I think are related.

5 Just more globally regarding the program,
6 there is more cost to be incurred by Recology taking over
7 the program. That's been documented and currently the
8 City incurs for these services, the trade-off being much
9 higher performance. And so that's the value added, as I
10 understand from making the transfer of these services.

11 I think I endorse the concept of having one
12 year of good data; and I think that makes sense. I
13 understand and support the concept that it doesn't make
14 sense to begin today with a penalty scheme. And I
15 appreciate the desire -- the need -- for Recology to have
16 some flexibility.

17 I am concerned about the concept, Mr. Legg,
18 that you just brought up of waiting till the next review.
19 In practice, that's not a date certain, especially in
20 terms of the landfill, when that might occur. And then
21 in terms of when the actual adjustment that comes out of
22 that process might occur, that might, I guess, be three
23 for four years potentially from now.

24 So I would like to see some sort of standards,
25 even if it's just if you're really not meeting twice the

1 level of what you said you would do in one year, there's
2 something that triggers some sort of process at that
3 point, rather than waiting and collecting another three
4 years of data and seeing where you are. So I'm sure
5 Recology will do an excellent job though.

6 And, finally, I'd just like to thank you for
7 your comments you just made, Mr. Legg, about the
8 transparency and the need to keep it simple. I would
9 absolutely agree whatever it is needs to be simple. I've
10 been involved in a lot of incentives processes; and
11 sometimes the people implementing it don't really
12 understand it. So it needs to be simple. Thank you.

13 DIRECTOR NURU: Okay. So, Mr. Baker, I think
14 we will continue and have John Glaub come up for CNG and
15 truck maintenance questions.

16 MR. WHITE: Good afternoon, Mr. Nuru.

17 Before we turn to the CNG fuel prices and
18 maintenance facility upgrades, there's one more topic I'm
19 going to spend two minutes on with Mr. Glaub. That is
20 we're going to speak about the composting tip fee just
21 briefly.

22 DIRECTOR NURU: Okay.

23 JOHN GLAUB,
24 Having previously been sworn, appeared and testified as
25 follows:

1 Q. Okay. What conclusions do you draw from that
2 analysis?

3 **A. I would conclude that tipping fee of \$48.64**
4 **three years after the approved tipping fee of \$45 in Rate**
5 **Year 2011 is a fair tipping fee.**

6 Q. Okay. Now, let's turn to our main topics --
7 the CNG fuel costs and then maintenance. First, we'll go
8 with the fuel price.

9 To start, we will submit this as an exhibit.
10 I think we're up to Exhibit No. 84.

11 (The document referred to was marked for
12 identification and received into
13 evidence as Exhibit 84.)

14 BY MR. WHITE:

15 Q. Mr. Glaub, fuel costs comes up in the staff
16 report in Section 8.13; is that correct?

17 **A. Yes.**

18 Q. Now, with respect to fuel costs the staff
19 report makes certain calculations starting with the price
20 at which gas is purchased. Do you agree with that
21 analysis?

22 **A. We have conducted our own analysis and arrived**
23 **at a total cost that is different than the cost in the**
24 **staff report. Some of the components in the staff report**
25 **are the same numbers that we're using in the overall**

1 DIRECT EXAMINATION

2 BY MR. WHITE:

3 Q. Mr. Glaub, can I draw your attention, please,
4 to Exhibit 78, submitted last time?

5 **A. Yes.**

6 Q. With respect to the composting tip fee that is
7 described in very small print at the bottom of that
8 exhibit, could you say a few words about the context of
9 that number? What do those numbers mean in the context
10 of the 2006 application?

11 **A. Okay. These are the tipping fees that were**
12 **approved in the last rate order for the respective years**
13 **in that rate period, from Rate Year 2007 to Rate Year**
14 **2011. They range from \$37 a ton in Rate Year 2007 to a**
15 **rate of \$45 per ton in Rate Year 2011.**

16 Q. So that number for 2011, the \$45 number, that
17 was a number that was found just and reasonable for that
18 period when the application was --

19 **A. That is correct.**

20 Q. And have you performed any analysis of the
21 relationship between that \$45 number and the current tip
22 fees?

23 **A. Yes. The proposed tip fee of \$48.64 in Rate**
24 **Year 2014 would represent, in comparison to a rate of \$45**
25 **three years prior, an annual increase of 2.63 percent.**

1 **calculation, but other cost components are different.**

2 Q. All right. So looking at Exhibit 84, starting
3 at the top, can you describe how these numbers factor in
4 to your analysis.

5 **A. The procurement charge and transportation**
6 **charge are the top two rows. Those are derived from PG&E**
7 **schedule G-NGV1; and that is the same source and those**
8 **are the same numbers as was used in the staff report.**

9 Q. Let me stop you there and we'll introduce as
10 an exhibit a copy of that document.

11 (The document referred to was marked for
12 identification and received into
13 evidence as Exhibit 85.)

14 BY MR. WHITE:

15 Q. Now, so you mentioned that this is the same
16 document that the staff relied on; is that correct?

17 **A. I believe it's actually a slightly different**
18 **document. Both documents were from PG&E for the same**
19 **period of time covering the same procurement and**
20 **transportation charges. The file -- the reference that**
21 **was submitted as our exhibit includes the cost shown on**
22 **PG&E gas schedule G-NGV1. Those costs for procurement**
23 **charges and transportation charges are identical. Our**
24 **exhibit also shows the public purpose program surcharge.**
25 **That was not included in the staff analysis and that**

1 added another 2.4 cents per therm. That program -- in
 2 general, a lot of the public purpose programs, including
 3 LifeLine -- separates renewable energy programs that PG&E
 4 runs under its rate structure that are then charged back
 5 as a surcharge under various rate schedules to
 6 ratepayers.
 7 Q. Now, another of the numbers that were a part
 8 of the staff report were the estimates of the electricity
 9 costs; is that correct?
 10 **A. That's correct.**
 11 Q. Do you agree with the staff's analysis on that
 12 one?
 13 **A. I do not. We requested an estimate of the**
 14 **electrical cost to run the compressor for our CNG fueling**
 15 **station from the equipment vendor that provided us with**
 16 **that equipment. That equipment provider is Clean Energy,**
 17 **one of the largest suppliers of CNG fueling equipment in**
 18 **energy. We obtained a range from them of 20 to 30 cents**
 19 **per diesel gallon equivalent.**
 20 MR. WHITE: Let me stop and introduce that
 21 estimate as an exhibit. I believe we are up to 85?
 22 MR. OWEN: 86.
 23 (The document referred to was marked for
 24 identification and received into
 25 evidence as Exhibit 86.)

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1 MR. WHITE: 86.
 2 While we're talking about electricity costs,
 3 I'd like to introduce two further exhibits on that issue.
 4 The first will be titled "CNG Compressor Specifications."
 5 That will be Exhibit 87.
 6 And the second, "CNG Electrical Compressor
 7 Costs." That document will be 88.
 8 And one more exhibit on the electricity costs.
 9 That's 89. It's entitled "Recology Electricity Costs."
 10 (The documents referred to were marked
 11 for identification and received into
 12 evidence as Exhibits 87, 88, and 89.)
 13 BY MR. WHITE:
 14 Q. So going back to the estimate you got from
 15 your vendor -- this was Exhibit No. 86 -- could you
 16 describe what that exhibit is.
 17 **A. This is an email from our vendor to Clean**
 18 **Energy. This is a vendor contact. And Clean Energy**
 19 **provided the estimated range of 20 cents to 30 cents per**
 20 **diesel gallon equivalent to operate the compressor for**
 21 **the CNG fueling station.**
 22 Q. Did you also conduct an analysis of the actual
 23 electricity costs?
 24 **A. Yeah. We also conducted our own estimate of**
 25 **electrical costs based upon the CNG compressor**

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1 specifications. Based upon the specifications on the
 2 nameplate for the compressor, we calculated the kilowatts
 3 that were produced by the compressor when it operates.
 4 And then we looked at for one hour's worth of
 5 operation -- so for a one-kilowatt hour, how that would
 6 then translate into the number of gallons that we would
 7 be fueling for that one-hour period. We multiplied
 8 kilowatt hours from our calculations from the compressor
 9 specifications times an average electricity cost that we
 10 have documented in our exhibit entitled "Recology
 11 Electricity Costs." These are actual costs off of our
 12 PG&E meter bills based on our meters at our site. We
 13 took the lower cost for our medium-demand meters rather
 14 than the small-time-of-use meters, which has a higher
 15 cost. To be more conservative, we took medium-demand
 16 meters that used a cost of 15.4 cents per kilowatt hour
 17 as our average electricity costs. Multiplying that times
 18 kilowatt hours provided our electrical cost per hour of
 19 22.35. That's in the table. Our maximum number of
 20 diesel gallon equivalents that we can fuel per hour is
 21 88. So the cheapest cost for diesel gallon equivalent
 22 would compute to be 25.4 cents. That number turns out to
 23 be right around the mid-range of the cost provided by
 24 Clean Energy, our equipment vendor.
 25 Q. Okay. That 25.4-cent number, we find it on

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1 the CNG compressor electrical cost document, which was
 2 Exhibit 88?
 3 **A. Correct.**
 4 Q. And we also find it on the spreadsheet that we
 5 started with, which is Exhibit 84, which is up on the
 6 screen; is that correct?
 7 **A. Correct.**
 8 Q. Moving on in the spreadsheet, what is the
 9 bottom-line conclusion that you reached?
 10 **A. So at this point what I have explained in our**
 11 **calculations of our fuel cost takes us to a total of**
 12 **about a dollar two per diesel gallon equivalent prior to**
 13 **the compressor lease cost itself. So prior to the actual**
 14 **cost of the equipment. And this table includes, in the**
 15 **notes to this table, the cost of the compressor lease on**
 16 **an annual basis, which is \$132,000 and what we believe is**
 17 **our maximum diesel gallon equivalents per year of 114,400**
 18 **gallons. That then provides a per gallon cost for the**
 19 **compressor lease cost, which brings our total cost of**
 20 **fuel to a little over \$2.18 per gallon -- per diesel**
 21 **gallon equivalent.**
 22 Q. Okay. I'll introduce our last exhibit on the
 23 topic of the fuel costs. This is copy of a revised
 24 Schedule L-3.
 25 (The document referred to was marked for

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1 identification and received into
 2 evidence as Exhibit 90.)
 3 BY MR. WHITE:
 4 Q. Is L-3 where these fuel cost numbers appear in
 5 the application?
 6 A. Yes.
 7 Q. And how did you -- what did you do to revise
 8 L-3?
 9 A. The final rate application that was based upon
 10 off-site fueling, because that was actually the fuel
 11 practice at that time that the application was completed,
 12 our trucks -- our CNG trucks -- fuel at an off-site
 13 station on Bayshore Boulevard not too far from our Tunnel
 14 and Beatty location. That was so all of the gallons were
 15 assumed to be fueled and continued to be fueled there at
 16 that site.
 17 In March of 2013 we began operating a
 18 relatively small on-site CNG fueling station. And the
 19 staff report recommended that we incorporate the cost --
 20 appropriate cost of fueling on-site rather than assuming
 21 everything off-site. So we calculated our fuel costs as
 22 you've just described and applied those to the number of
 23 gallons that we believe will be fueled on-site. The
 24 remainder will continue to be fueled off-site. And as
 25 our fleet grows, the amount fueled on-site is fixed, but

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1 the surplus will be fueled at our site at the location
 2 that we are using.
 3 Q. Let me interject one quick question. Now, in
 4 the staff report was the assumption different from that
 5 assumption you just described about where the trucks will
 6 be fueled?
 7 A. Yes. So to further refine the issue of
 8 on-site and off-site, the staff report reflected the fact
 9 that we now have an on-site fueling station. The staff
 10 report assumed everything would be -- all CNG trucks
 11 would be fueled on-site. That is not physically possible
 12 with the physical limitations of this system. So some
 13 will be fueled on-site, but some will continue to be
 14 fueled off-site.
 15 Q. And in your revision of L-3 you made an
 16 analysis of how many trucks would be fueled off-site.
 17 A. That is correct. So this version of L-3 shows
 18 CNG fueling on-site as well as off-site. And there are a
 19 few other relatively minor changes from L-3 in the final
 20 application, because this also reflects other changes in
 21 truck numbers through the revisions that have been made
 22 as well as a slightly different understanding of how many
 23 vehicles will be CNG in the near term versus those that
 24 will remain on bio-diesel until the conversion occurs or
 25 until they are replaced.

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1 Q. Now, after performing these revisions and
 2 applying what you analyze to be the appropriate
 3 parameters for the program, what is the change to the
 4 bottom line?
 5 A. The net change from the final rate application
 6 is only \$248.
 7 Q. So after applying these actual costs and all
 8 the various adjustments that the company feels
 9 appropriate is \$248, as opposed to the staff report's
 10 suggested adjustment of \$284,000, give or take; is that
 11 correct?
 12 A. That is correct.
 13 Q. Do you have anything else to add on fuel
 14 costs?
 15 A. No, I do not.
 16 Q. Then let's move on to the maintenance issues.
 17 CROSS-EXAMINATION
 18 MR. LEGG: Before you start, I have one
 19 clarifying question about the exhibit that's an email
 20 from the vendor, 86.
 21 Q. He's quoting -- this is just to clarify. He's
 22 quoting the cost per DGE. I assume that's diesel gallon
 23 equivalent?
 24 A. Correct.
 25 Q. Everything that we've done is in gasoline

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1 gallon equivalent. Would there be any difference
 2 between --
 3 A. Well, we have diesel engines in our vehicles,
 4 so we'd use diesel gallon equivalent.
 5 Q. I understand. The staff report was based
 6 on -- I just don't know if the cost -- I'm trying to find
 7 out. I don't know if the cost of electricity for diesel
 8 gallon equivalent would be any different from the cost
 9 for gasoline gallon equivalent. I have no idea what the
 10 answer is.
 11 A. I would -- I think the staff report intended
 12 to be using diesel gallon equivalent. I could not speak
 13 for that author, but the conversion that I saw between
 14 terms and diesel equivalents used by the staff report is
 15 the same conversion as for diesel gallon equivalents, so
 16 a factor of 1.3.
 17 MR. LEGG: Thanks.
 18 REDIRECT EXAMINATION
 19 BY MR. WHITE:
 20 Q. Okay. The issue of maintaining and servicing
 21 CNG-powered equipment is also in Section 8.13 of the
 22 staff report; is that correct?
 23 A. Yes.
 24 Q. What was the recommendation of the staff
 25 report; do you recall?

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1 **A. The recommendation of the staff report was not**
2 **to install the maintenance facility safety modifications**
3 **at the Golden Gate maintenance facility, but instead do**
4 **all maintenance of CNG trucks in our fleet at our Sunset**
5 **maintenance facility, which would receive those safety**
6 **upgrades.**

7 Q. Now, just for a brief summary and then we'll
8 get into the details, but do you think that's a good
9 idea?

10 **A. No, I do not.**

11 MR. WHITE: Now, my first exhibit on this
12 topic is entitled "Impracticality of Maintaining CNG
13 Vehicles at Sunset Shop." It's Exhibit 90; is that
14 correct?

15 MR. OWEN: Exhibit 91.

16 (The document referred to was marked for
17 identification and received into
18 evidence as Exhibit 91.)

19 MR. WHITE: 91.

20 Q. Now, this is sort of a summary -- is it fair
21 to say that that is a summary of all of your objections
22 to the idea of maintaining CNG vehicles for Golden Gate
23 at Sunset Scavenger facilities?

24 **A. Yes, that is a good description of the**
25 **document.**

1 **Sunset shop to maintain all the CNG vehicles because**
2 **every new collection vehicle we purchase is a CNG-fueled**
3 **vehicle. So while we could potentially accommodate the**
4 **staff report request for a relatively short period of**
5 **time, it would not be much beyond our current fleet,**
6 **certainly not over the next two years; and it would**
7 **require an additional head count or two.**

8 Q. So even at the current levels of CNG vehicles,
9 it would -- even if you could muddle through for a little
10 while, is it fair to say it wouldn't be efficient or
11 cost-effective or the best way of doing things?

12 **A. That is correct.**

13 Q. Now, the next exhibit is Exhibit 92. Could
14 you please describe for me, Mr. Glaub, what Exhibit 92
15 is.

16 **A. This exhibit is an estimate of the number of**
17 **CNG vehicles that we will have in our fleet at any point**
18 **over the next three rate years. These numbers may vary**
19 **somewhat from our fuel estimates and our capital costs**
20 **because those are based on averages per year. These are**
21 **actually net during that year, so even if we are getting**
22 **a delivery of a truck in May or June of a rate year,**
23 **those numbers are reflected in these total number of CNG**
24 **vehicles requiring maintenance during that rate year,**
25 **just to clarify that point.**

1 Q. Okay. Now, stepping back for a moment, taking
2 the current levels of -- current volume of CNG vehicles
3 in Golden Gate and the Sunset Scavengers fleet, with no
4 changes, would it be practical to adopt the staff's
5 recommendations of performing all of the maintenance at
6 the one facility?

7 **A. Not with our current staffing level. The**
8 **Golden Gate vehicles need to be dispatched out of the**
9 **Golden Gate yard at the start of each collection day**
10 **because that is where the Golden Gate employees report**
11 **and that is where the dispatching operations are managed**
12 **for Golden Gate's collection system. Sunset and Golden**
13 **Gate -- the majority of their maintenance operations are**
14 **at night when the fleet is in the yard. So maintaining**
15 **Golden Gate trucks at Sunset would require shuttling**
16 **vehicles back and forth between the yards during the**
17 **maintenance shift, even at our current fleet level. To**
18 **do that, we would need one to two additional head count**
19 **to perform the shuttling activities even at our current**
20 **fleet. We estimate that process would take about 30 to**
21 **45 minutes per truck, incurring associated labor and fuel**
22 **expenses; and in the case of a truck that cannot be**
23 **driven, also a tow truck would be required with those**
24 **associated additional expenses. So I would say the**
25 **number of CNG trucks will soon exceed the capabilities of**

1 **(The document referred to was marked for**
2 **identification and received into**
3 **evidence as Exhibit 92.)**

4 BY MR. WHITE:

5 Q. So what is this information about the size of
6 the companies' CNG fleet over the next several years --
7 what's that do to your analysis of the practicality of
8 the staff report recommendation?

9 **A. I think it reinforces our view that it is**
10 **impractical to maintain all of these CNG vehicles in the**
11 **two companies' fleets at only the Sunset maintenance**
12 **facility.**

13 Q. Okay. Are you familiar with the modifications
14 that would need to be made to the Golden Gate facility in
15 order to perform the fueling of CNG vehicles there?

16 **A. I'm generally familiar with the types of**
17 **safety features that need to be implemented if a**
18 **maintenance facility is going to maintain -- provide**
19 **service on a gaseous-fueled vehicle inside a building.**

20 Q. And that's what you'd have to do at the Golden
21 Gate facility is inside fueling?

22 **A. That's correct. Any CNG vehicle would fall**
23 **into that category requiring those safety features.**

24 MR. WHITE: Okay. I'm going to introduce
25 three exhibits. The first of them is titled "Summary of

1 Facility Safety Modifications Required to Maintain CNG
 2 Vehicles."
 3 The second is -- so that would be?
 4 MR. OWEN: 93.
 5 MR. WHITE: 93.
 6 94 would be a document titled "Clean Energy:
 7 Your Connection to NGV Facility Modifications." 94 would
 8 be a document entitled "Guideline for Determining the
 9 Modification Required for Adding Compressed Natural Gas
 10 and liquefied Natural Gas Vehicles to Existing
 11 Maintenance Facilities."
 12 MR. OWEN: I believe that last one would be
 13 95.
 14 (The documents referred to were marked
 15 for identification and received into
 16 evidence as Exhibits 93, 94, and 95.)
 17 BY MR. WHITE:
 18 Q. Now, Mr. Glaub is it fair to say that the
 19 first of these documents, the summary of facility safety
 20 modifications, is your summary of the modifications that
 21 would be necessary?
 22 **A. This summary was provided by our compliance
 23 manager in our operations, yes.**
 24 Q. And what are the other two documents, the
 25 Clean Energy document and the guideline for determining

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1 the modifications?
 2 **A. The other two documents are third-party
 3 sources further describing these requirements, the
 4 importance of these safety requirements when you have a
 5 vehicle with a gaseous fuel inside a building. One is
 6 from Clean Energy, who again I mentioned them earlier as
 7 the supplier of our fueling equipment. They also
 8 provided this to us to and their other clients about when
 9 you maintain these vehicles you need to be aware that
 10 these are the requirements for maintaining these vehicles
 11 inside a building. So that is a summary of those
 12 requirements from Clean Energy.**
 13 **And then another is a third-party report from
 14 August of 2012, the Clean Vehicle Education Foundation,
 15 also actually considerable detail describing the
 16 importance of the safety modifications, the code
 17 requirements for those facility modifications.**
 18 Q. Okay. Now, it's written down on the summary.
 19 But just for the sake of telling the audience, what are
 20 some of the main safety features that would have to be
 21 installed if you're going to do this fueling indoors?
 22 **A. Certainly, methane gas detectors to identify
 23 whether there is methane now present in the building.
 24 There's also a controller for that entire gas-detection
 25 system. There are emergency gas alarm pull stations, so**

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1 **if there is a problem to alert people in the building,
 2 other mechanics, we've got a problem, we have gas in the
 3 building, we have potential for ignition, so to let
 4 people know there is a safety hazard.**
 5 **There's also an off-site alarm notification
 6 that's automatic and provides information that we have a
 7 condition of gas in the building. There's gas alarm
 8 horns and strobes associated with the system. There are
 9 roof-mounted exhaust fans and motors specifically
 10 designed to handle in a safe manner the flow of a gas
 11 that includes methane. Explosion-proof garage door motor
 12 operators so that they don't provide sparks under
 13 operation. And various seals and electromagnetic
 14 releases for doors similar to fire-protection systems.**
 15 Q. When you say things like possibility of
 16 ignition, it's sounding very technical. But the bottom
 17 line is this place could explode if you don't do these;
 18 is that right?
 19 **A. That is correct.**
 20 Q. And it's not just technical regulatory
 21 requirements. It's a real danger that has to be
 22 addressed?
 23 **A. It is a real danger if you have gas in the
 24 building.**
 25 Q. And without these modifications -- is it true

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1 that without these modifications -- I think you answered
 2 this -- the Golden Gate facility could not pick up and
 3 take part in the fueling of the CNG vehicles?
 4 **A. That is correct. The San Francisco Fire
 5 Department would not allow Golden Gate to maintain CNG
 6 fueled vehicles in the facility.**
 7 Q. And with the new vehicles coming online, you
 8 need the Golden Gate facility to do that?
 9 **A. Yes, we do.**
 10 Q. Okay. Is there anything else that you'd like
 11 to add on this?
 12 **A. No.**
 13 MR. WHITE: Okay. Mr. Glaub is available for
 14 cross-examination.
 15 DIRECTOR NURU: Would you like to examine Mr.
 16 Glaub?
 17 **RE-CROSS-EXAMINATION**
 18 **BY MR. LEGG:**
 19 Q. I have a couple of questions. And then
 20 because all of this is new on the CNG, we'd like to take
 21 a little recess so we can discuss what we need to ask
 22 about. I have a couple of questions I'd like to ask
 23 before we go, just for my understanding.
 24 So first going back to compost and your
 25 statement that your Exhibit 79 shows that the previous

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1 rate assumed a composted fee of \$45 for Rate Year 11?
 2 **A. Yes.**
 3 Q. And that assumption or that dollar -- that tip
 4 fee assumption for Rate Year 11 is actually set during
 5 Rate Year 06?
 6 **A. Yes. In the 2006 process.**
 7 Q. In the 2006 process?
 8 **A. Yes, correct.**
 9 Q. We said in the 2006 process that after five
 10 years we wanted to have the companies come back in so we
 11 could find out what the real costs were to be because we
 12 acknowledged at that time that it was difficult to see
 13 actual costs at that time five years into the future.
 14 **A. I would agree with that.**
 15 Q. And you had said that the \$48.64 that you're
 16 proposing is 2.63-percent-a-year annual increase?
 17 **A. Yes.**
 18 Q. But for most of the expenses in the rate
 19 application for two of those years we were assuming you
 20 were inflating costs by Bay Area CPU. For Rate Year 13,
 21 that was 2.00 percent and for Rate Year 14 it was 2.2
 22 percent?
 23 **A. Yes.**
 24 Q. And do you know --
 25 **A. I think the point is that it doesn't seem to**

1 be fueled on a daily basis at Sunset?
 2 **A. Currently, with our fleet of 27 CNG vehicles,**
 3 **we're just being able to fuel a little over half or**
 4 **barely half at Sunset and the rest are off-site. We're**
 5 **trying to push that number up. And we've assumed an**
 6 **increase in that number in the calculations that I**
 7 **presented.**
 8 **I could go into more detail. We could also**
 9 **call upon our operations manager, who's here, to also**
 10 **discuss this issue.**
 11 Q. So right now you can only fuel only 13
 12 vehicles per day?
 13 **A. Drivers fuel their own vehicles. We don't**
 14 **have a special employee who fuels off collection route**
 15 **times. If we did, then we could fuel more, but then it**
 16 **would be another head count, most likely mechanic, added**
 17 **to do that.**
 18 Q. Or a part of a head count perhaps.
 19 So the window that those 13 vehicles are being
 20 fueled in, I assume, is a fairly narrow number of hours
 21 out of the day because it's at the end of a driver's
 22 route, I would think.
 23 **A. Yes.**
 24 MR. LEGG: Okay. I think at this point we'd
 25 like to take a break.

1 **be unreasonable compared to the rate that was approved**
 2 **four years ago. And actually --**
 3 Q. That point is taken. We understand. I just
 4 wanted to clarify those things.
 5 On the CNG issue -- and I know this is in the
 6 rate application, but how many trucks are you
 7 anticipating Rate Year 14 are going to be on CNG -- using
 8 CNG at Golden Gate and Sunset?
 9 **A. We currently have 27 in our fleet and an**
 10 **additional 12 have been ordered in previous months for**
 11 **39. And I believe the total for rate year 2014 is 60 CNG**
 12 **vehicles with the new vehicles to be ordered.**
 13 Q. Okay. And the compressor is just at Sunset?
 14 The fueling that takes place?
 15 **A. Yes.**
 16 Q. Of the 39 vehicles that are on the property
 17 and on order, how many of those are anticipated to go to
 18 Golden Gate?
 19 **A. I'll have to check through my file. I do not**
 20 **have that number here.**
 21 Q. You can answer that when we come back from the
 22 break.
 23 And what's the maximum number of vehicles that
 24 can be maintained at Sunset and also what's the maximum
 25 number of vehicles with your current compressor that can

1 And, Robert, how much time do you think should
 2 we take? Longer than 15 minutes? It seems like we only
 3 have one more issue to cover. We're going to have -- the
 4 Ratepayer Advocate is going to have some questions and
 5 then make some final presentation. And I assume the
 6 companies are going to have a conclusion. At this point
 7 we have two and a half hours left.
 8 DIRECTOR NURU: What other issue would we want
 9 to discuss other than the CNG?
 10 MR. LEGG: The companies were going to make a
 11 presentation about OR at Brisbane, so maybe we should
 12 dispense with that now.
 13 MR. HALEY: We'd like a 20-minute break.
 14 DIRECTOR NURU: But should we have the
 15 Brisbane presentation so that when we come back from the
 16 break, we'll just --
 17 MR. LEGG: We'll go through until we adjourn.
 18 DIRECTOR NURU: Yeah.
 19 MR. BAKER: Mr. Nuru, we had a brief comment
 20 we'd like to make about the Brisbane tax issue. The
 21 evidence has all been presented on that. So we do not
 22 need an additional witness, but I just wanted to
 23 summarize the companies' views on that particular issue.
 24 The issue, of course, is the recommendation in
 25 the staff report that an OR not be allowed on the

1 Brisbane tax. And the concept behind OR, of course, is
 2 to encourage a company to incur an expense that carries a
 3 risk of losing money. In other words, the concept of a
 4 profit is what has motivated businesses to take the risk
 5 of investing in new facilities and operations. In the
 6 case of a regulated company like Recology, the regulator
 7 here, the City, allows Recology the chance to earn an OR
 8 or a profit on expenditures that promote City goals while
 9 also carrying the risk of financial loss for the company.
 10 And the new Brisbane facility tax is one such
 11 expenditure. It's one of several costs Recology now
 12 incurs to operate at Tunnel/Beatty. While most of the
 13 Tunnel/Beatty facility is in San Francisco, the organics
 14 annex is in the city of Brisbane. And the location of
 15 this annex in Brisbane is what gives rise to this tax
 16 we're talking about. This tax is really no different
 17 than other expenses that Recology pays to operate its
 18 organics program. It's an operational expense just like
 19 the cost of equipment, labor, and utilities. This
 20 organics program could lose money. That's a risk that
 21 Recology takes when it elects to offer an organics
 22 program and when it elects to locate part of that
 23 operation in Brisbane. And, therefore, like all other
 24 expenses related to the program, Recology believes it
 25 should be allowed an OR on the Brisbane tax. It's part

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1 of the risk-reward analysis associated with each of
 2 Recology's business decisions and operations.
 3 Now, the risk inherent in this organics
 4 program and its location in Brisbane and the risk of it
 5 being located in Brisbane are illustrated by how this tax
 6 first arose. Brisbane voters and its city council
 7 imposed the tax between rate hearings. Therefore,
 8 Recology was forced to pay the tax the first year without
 9 any opportunity to obtain reimbursement through the
 10 rates. Recology paid the city of Brisbane \$2.1 million
 11 in last year, 2012, without any reimbursement let alone
 12 an OR. That's a risk of doing business and risk of
 13 developing new operations like organics processing.
 14 So while the staff has recommended that going
 15 forward Recology be reimbursed through the rates for the
 16 Brisbane tax, staff does not recommend an OR on the tax.
 17 But going forward with the risk of a new tax again
 18 between hearings remains. The Brisbane City Council or
 19 even San Mateo County could once again, between rate
 20 hearings, increase the current tax or add a brand-new
 21 tax. So this tax, from Recology's standpoint, is a cost
 22 of doing business. That risk of doing business and such
 23 business risks warrant an OR as a fair and reasonable
 24 mechanism for encouraging the taking of business risks.
 25 Now, the fees that Recology pays in Alameda

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1 County for the privilege of dumping San Francisco waste
 2 at Altamont is different. Recology earns no OR on those
 3 taxes and fees because Recology played no role in
 4 selecting Altamont. It was not a risk/reward Recology
 5 business decision. Recology hauls to Altamont at the
 6 City's direction. Alameda County fees are due as a
 7 result of the City's choice of landfills.
 8 In the case of Tunnel/Beatty, on the other
 9 hand, Recology is the one that has chosen to operate an
 10 organics facility there and to incur the tax that comes
 11 with that choice. Recology has chosen to take the
 12 business risk of losing money on this tax payment.
 13 Therefore, we believe that Recology should earn an OR
 14 payment. With OR goes risk. So we urge the Director to
 15 carefully consider not only the staff's position on this
 16 point but Recology's position as well as we outlined I
 17 had.
 18 Thank you.
 19 DIRECTOR NURU: Thank you.
 20 Okay. We should take a 20-minute break and we
 21 will be back here at 3:00 o'clock.
 22 (A break was taken from 2:35 p.m. to
 23 3:04 p.m.)
 24 KEVIN DREW,
 25 having previously been sworn, appeared and testified as

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1 follows:
 2 DIRECT EXAMINATION
 3 BY MR. HALEY:
 4 Q. I just have a few questions for Mr. Drew.
 5 On Exhibit 84, it shows a compressor lease
 6 cost. And I'm wondering if it -- could we not just
 7 handle that compressor lease cost as we do other leases
 8 in the H schedules of the application rather than putting
 9 it over a cost per gallon?
 10 **A. Yes, we could.**
 11 Q. And it seems to me it might be possible to
 12 have someone else fuel the vehicles other than the
 13 driver. It seems like this compressor system could do
 14 quite a bit more trucks and gallons than is proposed.
 15 And one of the bottlenecks appears to be drivers having a
 16 limited window to fill trucks. Would it be possible to
 17 have someone besides a driver fuel the vehicles?
 18 **A. Yes, it seems that staff at Sunset could do**
 19 **that.**
 20 Q. And if that were the case, would it be
 21 possible to have perhaps a lesser-paid person than a
 22 driver?
 23 **A. I believe there's shop staff that can do that.**
 24 Q. And if that were the case, would it then free
 25 up some driver time potentially so that drivers would

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1 spend more time on the routes and things like that?
 2 **A. That's possible.**
 3 Q. And if trucks could be fueled at different
 4 times, not just, say, at the end of a route, like during
 5 the night time, in addition to being able to fuel more
 6 trucks and put more natural gas fuel through the system,
 7 might they also get a lesser energy rate or electricity
 8 charge?
 9 **A. Yes. I checked with our Clean Energy team.**
 10 **And the rate for electricity varies from 15 cents to the**
 11 **35 cents an hour, depending on the time of day that you**
 12 **use it. And so using it at the right time of day would**
 13 **be very cost-effective.**
 14 Q. And going further, might there not be even
 15 more cost-effective and efficient systems like
 16 trickle-fill or slow-fill?
 17 **A. Yes. And those kinds of systems are**
 18 **available.**
 19 Q. And would there also be some advantage to,
 20 say, a tank like that as well, potentially?
 21 **A. If you have storage, although there's**
 22 **additional cost involved there, you do flatten out your**
 23 **cost of producing the natural gas, condensing it so you**
 24 **can use it for vehicle fuel.**
 25 Q. And if you're able to fill more trucks

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1 to the employees performing different jobs?
 2 **A. Yes, generally, but not with great**
 3 **specificity.**
 4 Q. With respect to the your analysis of fuel
 5 costs, did you perform any specific analysis of how much
 6 cheaper it would be if the companies did their fueling at
 7 times other than between 12:00 and 5:00?
 8 **A. I talked with staff and our department who**
 9 **work with PG&E and are familiar with fueling options and**
 10 **electricity costs and was -- I used that information as**
 11 **part of my analysis; and I confirmed that again with a**
 12 **second staff member of our department.**
 13 Q. The only cost that you considered were the
 14 prices of fuel. Did you consider any other costs that
 15 may be incurred by performing work outside the time of
 16 12:00 to 5:00?
 17 **A. Actually, it wasn't just the fuel. It was**
 18 **also the cost of electricity. That was the other major**
 19 **cost. And then the third cost is that lease cost that we**
 20 **were discussing.**
 21 Q. The price you're referring to by the off-peak
 22 hours, is it just the price of the electricity or is it
 23 the price of the gas?
 24 **A. No, just the electricity.**
 25 MR. WHITE: No further questions of Mr. Drew.

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1 on-site, that would also reduce the need to fill trucks
 2 off-site at a higher price; is that correct?
 3 **A. Yes. That shows up in this new exhibit that**
 4 **they show the price off-site is considerably higher.**
 5 Q. These are some things you've looked at and
 6 these are the kinds of things you'd expect the company
 7 would have looked at and done the analysis on; is that
 8 correct?
 9 **A. Yes.**
 10 MR. HALEY: I have no more questions for
 11 Mr. Drew, but I do have a couple for the companies on
 12 the CNG maintenance when they're back up here.
 13 DIRECTOR NURU: If the companies would like to
 14 cross-examine City staff? No?
 15 Okay. Redirect. So I think we're going to
 16 have you stay up here and there's a couple of questions
 17 on apartments; is that correct? Okay. This is on CNG?
 18 MR. WHITE: Mr. Nuru, I apologize for the
 19 delay. Just a few questions for Mr. Drew.
 20 DIRECTOR NURU: Okay.
 21 CROSS-EXAMINATION
 22 BY MR. WHITE:
 23 Q. Mr. Drew, in your analysis that you just
 24 discussed, did you consider what restrictions there may
 25 be under the collective bargaining agreement with respect

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1 DIRECTOR NURU: Okay. Thank you. I think
 2 there are some questions to do with apartments.
 3 MR. LEGG: Yes. And Mr. Drew did some further
 4 analysis on apartment rates. I have another exhibit to
 5 introduce.
 6 MR. OWEN: This will be Exhibit 96. The
 7 document is a single sheet with the tag line "Apartment
 8 Gallons."
 9 (The document referred to was marked for
 10 identification and received into
 11 evidence as Exhibit 96.)
 12 FURTHER DIRECT EXAMINATION
 13 MR. LEGG: Actually, that's the second page.
 14 It's "Residential Development Pipeline Revised by City
 15 5/22/13."
 16 Q. Mr. Drew, on Monday the companies introduced
 17 Exhibit No. 79, which was in response to the staff
 18 report's finding on additional revenues from apartment
 19 buildings. And the staff report had found that there
 20 were a total of 2,847 new units coming online. The
 21 companies' Exhibit 79 responded that 405 of those units
 22 were already receiving service and so were part of the
 23 rates and that 1,542 units were commercial units. And so
 24 they recalculated the staff report numbers to reflect a
 25 total of 900 additional apartment units.

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1 **A. Yes I see that.**
2 Q. And since that time you've done some
3 additional analysis?
4 **A. Yes.**
5 Q. First of all, did you take another look at the
6 development pipeline and find the additional apartment
7 dwellings, either condominium or apartment unit, that are
8 scheduled to come online?
9 **A. Yes, I did.**
10 Q. And on exhibit --
11 What was my latest exhibit number?
12 MR. OWEN: 96.
13 BY MR. LEGG:
14 Q. On Exhibit 96, where are those new units?
15 **A. On the column that has "site." It's right at**
16 **the top and it's the list of addresses. It's the last**
17 **seven addresses have all been added since the earlier**
18 **hearing.**
19 Q. Okay. And so where the staff report had
20 identified a total of 2,847 units, we now believe that
21 for Rate Year 14 there will be 4,002 units?
22 **A. Yes.**
23 Q. Okay. And using the companies' model at the
24 bottom of this sheet, you made a couple of significant
25 adjustments. Can you describe, first of all, the total

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1 number of additional apartment units? What did you do
2 there to come to the 3,597?
3 **A. Basically, I added in the seven buildings, the**
4 **last tail-end of the site list there, starting at 2299**
5 **Market Street; added those in; and then did subtract out**
6 **the existing units that are in the rate already, to come**
7 **to this new figure.**
8 Q. And did you also, unlike what the companies
9 did on Exhibit 79, you've left in the larger buildings
10 that would be under commercial rates?
11 **A. Yes, I did. I added back the two that they**
12 **eliminated and I added in an additional one that I found,**
13 **which is 1998 Market Street.**
14 Q. And you added those back in because you're
15 assuming that those commercial buildings are going to be
16 producing a certain amount of trash, compost, and
17 recycling and that --
18 **A. Yes.**
19 Q. -- that there will be revenues associated with
20 that?
21 **A. Yes. While they're not subject to the**
22 **apartment rate -- they're on a commercial rate -- they**
23 **are still residences and they will have trash and they**
24 **will have actually very efficient compactor service that**
25 **the company provides. And we just took it as essentially**

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1 **a wash. Commercial rates are higher than residential**
2 **rates, so you get basically a wash as the effect of those**
3 **new units, the same as an apartment unit.**
4 Q. Okay. So we're assuming that you use
5 apartment rates as a proxy for value of those commercial
6 rates?
7 **A. Yes.**
8 Q. And on Exhibit 79 the companies calculated
9 that all of the additional units would be getting the
10 minimum required service level, which is 16 gallons of
11 trash service per unit. Do you think that's a reasonable
12 assumption?
13 **A. Actually, I'm trying to look at some newer**
14 **units to see if I could establish that; and I found it**
15 **difficult. So I propose here that we use the average**
16 **that the apartment industry has, which is a 30-gallon,**
17 **slightly more than the 16-gallon minimum. But not --**
18 **it's absolutely what's out there in the apartment world**
19 **right now, so we actually took -- we calculated that**
20 **number by taking information from Exhibit 52.**
21 Q. And is that on the back side of Exhibit 96?
22 **A. Right. That's apartment gallons calculation.**
23 Q. Okay. And from that exhibit you estimated
24 that for the existing apartment customers those existing
25 customers are using about 30-gallons of service each?

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1 **A. Right. As the exhibit shows, 86.89 percent of**
2 **apartment customers have service in excess of the minimum**
3 **in the city. That's everybody almost.**
4 Q. Okay. And the rest of the calculations that
5 are on Exhibit 96 at the bottom of the first page, those
6 are the same as what the companies use -- you didn't make
7 any further --
8 **A. Right. I didn't make any other adjustment**
9 **besides the formula.**
10 Q. And so you found -- how much additional
11 revenue are you currently estimating?
12 **A. Well, just shy of a million dollars from --**
13 **Exhibit 79 had 190,633 as an increase and we**
14 **re-calculated it at 1,169,270.**
15 MR. LEGG: All right. Thank you.
16 I have no further questions for Mr. Drew.
17 DIRECTOR NURU: Maybe Mr. Baker would like to.
18 FURTHER CROSS-EXAMINATION
19 BY MR. BAKER:
20 Q. So Exhibit 96, Mr. Drew, comparing it to
21 Exhibit 79, which was the companies' exhibit -- and you
22 used basically the same format, correct?
23 **A. Yes.**
24 Q. And the companies' Exhibit 79, which talks
25 about additional units coming online, it was drawn in

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1 turn from the analysis that was in the staff report,
 2 correct?
 3 **A. Yes.**
 4 Q. So company Exhibit 79, which is based on the
 5 staff report, had a certain number of units coming
 6 online -- 2,847. And your current report updates that
 7 with some additional units, which takes us up to a
 8 beginning number of 4,002, correct?
 9 **A. Yes.**
 10 Q. And what you've done is you've added those
 11 addresses that I've marked, beginning at 2299 Market
 12 Street and below that, correct?
 13 **A. Right.**
 14 Q. And I think you explained this during your
 15 direct and I was talking to Mr. Braslaw and may not have
 16 heard exactly what you said but tell me again how you
 17 determined these additional units had been left out of
 18 the staff report initially.
 19 **A. These were actually buildings that I went and**
 20 **visited that I've seen being built that were not on the**
 21 **other list or were further down the list into the**
 22 **projected, like, 2015 completion. So there are things**
 23 **that have accelerated for whatever reason. In other**
 24 **words, the pipeline either was inaccurate or didn't have**
 25 **them on it.**

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1 Q. So, for example, let's take 1190 Mission,
 2 cause that's the largest one, 860 units. How is it that
 3 you determined that 1190 Mission will be completed in
 4 August of this year?
 5 **A. I spoke to the sales staff there. They're**
 6 **showing the units. It actually is completed and it's**
 7 **just beginning the process of filling up.**
 8 Q. And these are all rental units?
 9 **A. Yes, those ones are.**
 10 Q. Do you know what percentage of units have been
 11 rented so far?
 12 **A. No, I don't know. I don't know the number.**
 13 Q. So we really don't know how long it's going to
 14 take to rent that building up, do we?
 15 **A. No. The indication of the staff was to get**
 16 **over there if I wanted to get one. I talked to the**
 17 **salesperson. He's a salesperson after all, but**
 18 **encouraged me.**
 19 Q. Are you interested in one?
 20 **A. I don't know. Could we go in on one?**
 21 Q. So then just to take one more example, 1645
 22 Pacific. And you indicate here that the earliest
 23 estimated completion is fall of 2013. Where did that
 24 information come from?
 25 **A. Again, I talked to someone at the -- called a**

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1 **member of the sales staff and got that approximate date.**
 2 Q. Do you think it would be appropriate with
 3 regard to these additional addresses that that they be
 4 treated as a partial year for this analysis rather than a
 5 full year?
 6 **A. That's a judgment call.**
 7 Q. Even once they become open, no matter how hot
 8 the market is, it will take sometime to rent them all up,
 9 wouldn't you think?
 10 **A. This is the difficulty of trying to project**
 11 **this kind of thing.**
 12 Q. Then let me ask you about the assumption
 13 regarding their gallons per unit. 30 gallons per unit.
 14 As you testified, the 30-gallon per unit number is taken
 15 from the current population, so to speak, of rental units
 16 that Recology serves; is that right?
 17 **A. Yes.**
 18 Q. And I think, as you acknowledged at least, the
 19 hope and expectation is that the newer buildings are
 20 going to be more efficient, more aware of the options
 21 available to do more recycling, et cetera, that both the
 22 City and Recology expect will cause the number of gallons
 23 per unit to be less than the city-wide average current
 24 is; is that fair?
 25 **A. Yes, that's our hope.**

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1 Q. And the average of 30 gallons per unit
 2 includes units that have been around for a long time and
 3 owners that have been around for a long time. There's a
 4 certain inertia that has prevented them from getting more
 5 up with the times, fair enough?
 6 **A. Fair enough.**
 7 Q. So you indicated that you thought it would be
 8 appropriate to take that into account, but you had
 9 difficulty figuring out exactly how to do that, right?
 10 **A. Right.**
 11 Q. Did you check with the company at all for any
 12 guidance on that?
 13 **A. I did not specifically ask them. I relied**
 14 **upon -- it is my job to be getting the diversion as high**
 15 **as I can -- and my staff. So we relied upon our**
 16 **knowledge of buildings that are at a lower rate; and we**
 17 **couldn't identify current buildings of that sort.**
 18 Q. Well, let me just take this exhibit here and I
 19 think there's a clue on there that would provide us an
 20 answer to this question. But it will require you to
 21 perform some math. Do you have a device that will allow
 22 you to do that or -- all right. I've done the math, so I
 23 can give you an estimate of it, but then you can confirm
 24 it if you want. So --
 25 **A. Actually, I did speak to one staff -- to one**

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1 member of Recology staff about the Infinity Towers and
2 described a lower number of gallons per unit. But,
3 again, that was one that was at the commercial rate,
4 where the increase in the cost per unit or per unit of
5 volume would have ameliorated some of that difference.
6 But proceed.

7 Q. All right. So at the bottom of the first page
8 you show on here that current rate for a 32-gallon bin is
9 \$27.91, correct?

10 A. Uh-huh, yes.

11 Q. And that's for 32 gallons?

12 A. Yes.

13 Q. And then your math here makes a slight
14 adjustment to take you from 32 down to 30 gallons,
15 correct, when you move from 107,910 down to 94,113?

16 A. Actually, I don't think that that's math.
17 That's the 30 gallons up from the line above.

18 Q. Yes, that's what I mean. In other words, if
19 it was 32 gallons -- well, that's not important to what I
20 want to go through.

21 A. Okay.

22 Q. In any event, for 30 gallons of service the
23 charge is slightly less than \$27.91, correct?

24 A. Yes, exactly.

25 Q. All right. Now, then if we look at the bottom

1 \$14-and-change charge would be closer to 14, 15 gallons
2 than to 30 gallons. Would you agree with me?

3 A. Yes.

4 Q. So if you made the adjustment in your
5 calculation, instead of using 30 gallons as assumed use
6 per unit, and instead used half of that -- say, 15 or 14,
7 your number would be less, correct?

8 A. Yes, it would be.

9 Q. All right. Now, the final thing I wanted to
10 ask you about. I want you to think back to I think it
11 was Mr. Braslaw's testimony and I think it was in
12 response to a question by Mr. Legg, but I may be wrong.
13 And that is if you have more units to serve -- I think
14 Mr. Braslaw testified if there aren't a whole lot of
15 additional units, Recology can serve those additional
16 customers without putting on additional trucks or
17 additional labor, but that if the additional number of
18 customers passed a certain minimal threshold, then
19 additional costs would be required for additional trucks
20 and the labor to serve additional customers. Do you
21 generally remember that?

22 A. Yes, I do recall it.

23 Q. In doing your analysis here, did you give any
24 consideration to whether the additional units that you're
25 projecting here would require additional expenditures on

1 calculation, which came from Recology's Exhibit 79 of the
2 analysis, of 435 China Basin and 150 Otis Street, both
3 for buildings that came online during the current rate
4 year. Is that consistent with your knowledge about this?

5 A. Yes.

6 Q. All right. So let's look at China Basin. And
7 this is an actual number that China Basin is online and
8 this is what the building is currently paying \$4,855 a
9 month. Do you see that number?

10 A. Yes.

11 Q. Then if you go to the top of the page, we can
12 see how many units there are at 435 China Basin -- 329
13 units.

14 A. Yes.

15 Q. So if we divide 329 into \$4,855, we ought to
16 come up with a price per unit, correct?

17 A. Uh-huh.

18 Q. So I've done the math -- and you can check it
19 if you want -- but it's \$14.75. And then if we perform
20 the same calculation for 150 Otis Street, we'd take
21 \$1,079 per month and we would divide that by the number
22 of units, which is 76; and that would get us to \$14.20
23 per month.

24 So I would just suggest to you that, since
25 30 gallons would cost slightly less than 27.91, that a

1 behalf of the company to serve?

2 A. I took a look at it. I did not see that basic
3 point, but that's a hard one to see.

4 Q. Would you agree that that's something that
5 needs to be considered?

6 A. Certainly.

7 MR. BAKER: All right. I have nothing
8 further. Thank you.

9 DIRECTOR NURU: Thank you.

10 MR. LEGG: I think we have some
11 cross-examination about the CNG maintenance facility. I
12 understand the Ratepayer Advocate would like to do some
13 cross-examination of someone from the company on the
14 Brisbane tax. And Robert has redirect -- on what topic
15 Robert? On the apartment rates?

16 MR. HALEY: The one we were just covering.

17 MR. LEGG: So before we move onto other
18 things, we'll do that and then -- so I guess what I'd
19 like to do is have you do your redirect. We bring
20 Mr. Glaub back up for cross-examination with --
21 Mr. Glaub or whoever is going to answer questions about
22 Brisbane tax. And we would move into Mr. Deibler's
23 cross-examination at the same time.

24 And then, Mr. Deibler, maybe you could make
25 your -- I understand that you have some kind of final

1 comments and observation that you want to make. So you
 2 would do that at that time.
 3 So Mr. Haley.
 4 FURTHER DIRECT EXAMINATION
 5 BY MR. HALEY:
 6 Q. Mr. Drew, I just have one question. Mr. Baker
 7 just discussed 150 Otis and that the service was lower
 8 than the 30 gallons. Is that an unusual building in any
 9 way?
 10 **A. It is recently completed housing for single**
 11 **senior veterans, so a very low level of generation,**
 12 **obviously.**
 13 MR. HALEY: Okay. Thank you.
 14 MR. LEGG: Mr. Glaub and Mr. Braslaw, why
 15 don't you come on up.
 16 MR. HALEY: I just have a couple of questions
 17 about the natural gas maintenance facility. It's my
 18 understanding that the natural gas maintenance can be
 19 performed out of doors and that has been occurring at
 20 Golden Gate and Sunset. Is that true?
 21 MR. GLAUB: I cannot answer that question.
 22 MR. HALEY: Is there someone here who can?
 23 MR. BRASLAW: We're going to have Maurice
 24 Quillen come up. He can speak better to operational
 25 issues with respect to maintenance.

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1 MR. HALEY: Would you like me to repeat the
 2 question?
 3 MR. QUILLEN: Yes, please.
 4 MAURICE QUILLEN
 5 FURTHER CROSS-EXAMINATION
 6 BY MR. HALEY:
 7 Q. So it's my understanding that the natural gas
 8 maintenance can be performed out of doors and that that
 9 has been happening at both Golden Gate and Sunset; is
 10 that correct?
 11 **A. It's correct. Golden Gate and Sunset have**
 12 **been maintaining and storing vehicles that are liquid**
 13 **natural gas and compressed natural gas outside.**
 14 **Generally, this represents an interim measure. And as we**
 15 **move toward larger numbers of trucks in our fleet we**
 16 **cannot continue to do this.**
 17 **It also presents some environmental issues, in**
 18 **that we are not generally allowed to conduct maintenance**
 19 **and repair business outside. So while we know we have to**
 20 **adhere to our environmental regulations, we also have to**
 21 **deal with some of the maintenance issues associated with**
 22 **the new trucks.**
 23 Q. So some degree of this could continue, but
 24 there are some limitations?
 25 **A. We are limited right now in our ability to**

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1 **perform the maintenance on these trucks.**
 2 Q. And how often does this type of maintenance
 3 need to happen for a vehicle type that would require it
 4 to be indoors?
 5 **A. Generally, we employ three service-level**
 6 **maintenance schedules, a 30-day, 60-day, and 90-day. And**
 7 **the 30 and 60 are more cursory; and the 90 represents a**
 8 **major maintenance interval. Generally, those**
 9 **requirements for a 90-day truck would need to be inside.**
 10 **What concerns me more from the maintenance**
 11 **standpoint isn't necessarily scheduled maintenance. It's**
 12 **unscheduled maintenance. And the issue, when the trucks**
 13 **get brought in for something more significant, it would**
 14 **be considered a maintenance item. At that point in time**
 15 **the vehicle would need to stay in the shop. And,**
 16 **potentially, if they're in the shop overnight that's when**
 17 **we expose ourselves to the most liability.**
 18 Q. Okay. And most of your fleet is bio-diesel
 19 and you have a certain number of trucks as spares. That
 20 might be in the range of 10 percent. But you could
 21 continue to use bio-diesel trucks as spares as you're
 22 experiencing maintenance issues with natural gas trucks;
 23 is that true?
 24 **A. Yes. We maintain a fleet of spares. We also**
 25 **maintain a fleet of trucks that we utilize for Christmas**

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1 **tree collections and we do put those out on occasion as**
 2 **spare vehicles. The amount of time that the trucks spend**
 3 **in the shop and our ability to use a spare is generally a**
 4 **matter of course for operations. I can't see why there**
 5 **would be a benefit to not putting a bio-diesel truck out**
 6 **to replace a natural gas truck. It's more important that**
 7 **we take care of the customers and that we get that truck**
 8 **on route on time to make sure that we maintain our**
 9 **customers and efficiency standards.**
 10 Q. And is all of the natural gas you're using
 11 odorized?
 12 **A. The compressed natural gas is odorized and the**
 13 **liquid natural gas is not odorized. And we are going to**
 14 **be required as a result of space constraints to employ**
 15 **both types of fuel in our collection fleet. Some of the**
 16 **trucks are not conducive to the CNG because of the space**
 17 **requirements. So in those situations we will employ the**
 18 **LNG. And the LNG is, obviously, a little different fuel**
 19 **in the sense it has the ability to off-gas and the trucks**
 20 **do vent overnight.**
 21 Q. So what I'm understanding is the long-haul
 22 fleet is LNG. Some of your collection trucks may need to
 23 be LNG. And those are non-odorized; is that correct?
 24 **A. That is correct.**
 25 Q. And do the maintenance facilities service both

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1 types of vehicles -- LNG and CNG -- at the same facility?
 2 **A. The long-haul fleet is currently servicing the**
 3 **majority of the LNG trucks. We currently are in the**
 4 **process of moving some LNG trucks into the commercial**
 5 **fleet at both Sunset and Golden Gate. So one would**
 6 **assume that the distribution would be somewhat leveled**
 7 **over time. At this point I don't have any idea what the**
 8 **exact numbers are.**
 9 Q. Let me ask the question a little differently.
 10 Are the long-haul LNG trucks serviced at a different
 11 location than the collection vehicles?
 12 **A. Yes, they are.**
 13 Q. Okay. But if a collection vehicle is LNG,
 14 would it be serviced with the CNG collection vehicles or
 15 would it be serviced with the long-haul LNG vehicles?
 16 **A. The LNG long-haul trucks are serviced by SF**
 17 **Recycling. Any LNG route trucks would be serviced by**
 18 **either Recology Sunset or Recology Golden Gate at the**
 19 **facility which they are dispatched from.**
 20 **FURTHER CROSS-EXAMINATION**
 21 MR. DREW: Thanks, Maurice.
 22 Q. Along the same lines, LNG fleet -- the
 23 long-haul fleet -- has gotten smaller recently, has it
 24 not?
 25 **A. To my understanding, we are changing those**

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1 **trucks.**
 2 Q. In some respects you're filling in the
 3 collection vehicles -- some LNG collection vehicles --
 4 into those slots?
 5 **A. No, we are not.**
 6 Q. But the LNG facility that has been doing the
 7 long-haul maintenance is still in operation?
 8 **A. Yes, it is.**
 9 Q. And it will service the LNG new collection
 10 vehicles for maintenance?
 11 **A. The LNG fueling facility is in place and will**
 12 **serve as the fueling facility for the new LNG vehicles.**
 13 **And Recology Golden Gate and Recology Sunset will serve**
 14 **as maintenance facility for the LNG vehicles.**
 15 Q. I see, not the existing RSF LNG maintenance
 16 facility?
 17 **A. The RSF maintenance facility is where we**
 18 **maintain our long-haul trucks. We generally have**
 19 **different parts inventories and different truck service**
 20 **at those locations.**
 21 Q. I see, yeah, because I couldn't help but
 22 notice on the Clean Energy -- the exhibit from Clean
 23 Energy -- that all of the requirements for LNG and CNG
 24 were the same and therefore you had an existing facility
 25 that was meeting the standards necessary. But you're

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1 saying that it's the -- they ensure the maintenance
 2 operation and the inventory that they have to maintain,
 3 that makes it difficult?
 4 **A. Correct.**
 5 MR. HALEY: That's all the questions we have
 6 on that subject.
 7 **FURTHER DIRECT EXAMINATION**
 8 MR. WHITE: Just a brief redirect for
 9 Mr. Quillen.
 10 **THE COURT: Okay. Proceed.**
 11 **BY MR. WHITE:**
 12 Q. Mr. Quillen, I believe this is in your area of
 13 expertise.
 14 There were several questions that suggested
 15 the possibility of moving maintenance workers between
 16 Golden Gate and Sunset Scavenger. Is that a possibility
 17 under the collective bargaining agreement?
 18 **A. Currently that would not be a possibility**
 19 **under our existing collective bargaining agreements.**
 20 Q. Can you say a few words about why that
 21 couldn't happen.
 22 **A. Well, the Recology Golden Gate and Recology**
 23 **Sunset are two specific companies. And while we have a**
 24 **combined collective bargaining agreement, we do apply the**
 25 **collective bargaining agreement in two different**

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1 **companies.**
 2 **Also, there's some workers comp issues. The**
 3 **employees who work for, let's say, Recology Sunset could**
 4 **not be moved to Recology Golden Gate and still be**
 5 **provided all the workers protections under the workers**
 6 **comp; and the company is aware of the liability**
 7 **associated with that. So we try to maintain the Recology**
 8 **Golden Gate workforce at Recology Golden Gate and**
 9 **Recology workforce at Sunset at Sunset. In addition, the**
 10 **union typically objects to these types of movements.**
 11 Q. Now, there were some other questions that
 12 suggested the possibility of switching jobs within the
 13 company. So taking, for example, the job of fueling the
 14 trucks from the driver to some other employee at the same
 15 company, does -- are there any problems with that idea?
 16 **A. Currently we don't have any position in the**
 17 **company that would represent a significant cost savings.**
 18 **So having a driver fuel the truck and a mechanic fuel the**
 19 **truck, in my mind, would be very similar.**
 20 **Personally, I have issues with the mechanics**
 21 **fueling the trucks. In the course of my many years with**
 22 **the company, I've had to experience issues associated**
 23 **with mechanics who have for whatever reason left a job**
 24 **and forgot to put a gasket in or a bolt or created some**
 25 **sort of issue as a result of inattentiveness. So we try**

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1 very hard to keep a mechanic working on one specific job
2 until he's finished and that at that point he knows that
3 he's responsible for the work and he signs off on it and
4 ultimately the safety of that truck; and that employee is
5 based on that mechanic's work. I would not be in favor
6 of having mechanics moving about the facility fueling
7 trucks, working on trucks, changing tires, and doing
8 multiple tasks.

9 Q. And there just isn't anybody else in the
10 company who would represent any sort of cost savings who
11 could perform that job instead of a mechanic?

12 A. At this point there is not. We have multiple
13 classifications in the shop -- foreman, mechanic, and
14 shop person. But generally they're very similar in price
15 to cost of the driver.

16 Q. And those classifications are set by the
17 collective bargaining agreement?

18 A. Yes, they are. They are negotiated in
19 collective bargaining.

20 MR. WHITE: No further questions.

21 MR. HALEY: I have a couple of follow-up
22 questions.

23 We were discussing the possibility of
24 nondrivers fueling vehicles and if they did that, even if
25 they're at the same pay rate, would you agree there might

1 and off-site, which would then be offset by an
2 additional head count to fuel the vehicles in a separate
3 shift; is that correct?

4 MR. HALEY: That was one of the items. But I
5 think you'd agree that if you had someone fuel the
6 vehicle, it frees up some driver time so you would need
7 less drivers for a certain number of routes, so that
8 could essentially balance out.

9 MR. GLAUB: No, we have not analyzed all those
10 impacts. But I think Mr. Quillen is correct, that the
11 labor rates are really much more closer than dissimilar.

12 MR. HALEY: And is there anything in the
13 collective bargaining agreement that precludes a
14 nondriver from fueling a truck?

15 MR. QUILLEN: There's nothing in the
16 collective bargaining agreement that would preclude
17 that. Generally, these things are argued from a basis
18 of past practice. So the past practice has been that
19 the drivers have fueled the trucks. And I imagine, if
20 they were to lose that responsibility, there could
21 potentially be an objection to that reassignment.

22 MR. HALEY: And the collective bargaining
23 agreement -- they're an exhibit that we have -- so
24 there's no section that you can cite that says it would
25 preclude that or might lead to such a protest?

1 be other savings potentially, like the electricity
2 savings during the evening, the ability to fill more
3 trucks -- some of those kinds? So beyond the wage
4 savings, there would be some other savings; is that
5 correct?

6 MR. GLAUB: We would have to investigate that.
7 The schedules that we have with on-peak and off-peak
8 rates at our facility now are actually higher -- the
9 average cost per kilowatt hour is higher than the cost
10 that's used from the medium-duty schedule, which is not
11 a time-of-day service. As you may be aware, PG&E has a
12 variety of commercial industrial schedules similar -- to
13 actually more -- but similar in concept to residential
14 that fit the needs. We'd have to look at other
15 schedules. But the schedules that we have that have
16 on-peak and off-peak, their average kilowatt hour cost
17 is actually higher than the medium duty schedule. In
18 our calculation, here we used 15.4 cents, which I
19 believe was at the bottom of the range that Mr. Drew
20 mentioned for a time-of-day schedule.

21 MR. HALEY: Have you investigated the other
22 kinds of savings that Mr. Drew discussed?

23 MR. GLAUB: Those would be savings? I can
24 summarize what I think he suggested, was those would be
25 savings in the fuel costs differential between on-site

1 MR. QUILLEN: I cannot cite a section. But
2 based on experience I have a good understanding of how
3 past practice is established and how the union uses past
4 practice in these situations. And I think it would be
5 very difficult to change procedures at this point in
6 time unless it was negotiated.

7 MR. HALEY: Okay. That's all the questions I
8 have on that. Thanks.

9 DIRECTOR NURU: Okay, Jon, I think we have
10 some questions -- staff has questions for both of you.
11 Thank you.

12 JON BRASLAW,
13 having previously been sworn, appeared and testified as
14 follows:

15 FURTHER CROSS-EXAMINATION

16 MR. LEGG: Welcome back, Mr. Braslaw.

17 Q. I just have a couple of questions regarding
18 apartment revenues and tonnage and then we'll have
19 Mr. Deibler come up to ask you a couple of questions.

20 As staff is evaluating all of the evidence
21 that's been provided at these hearings about numbers of
22 units and average gallons of service per unit, as you had
23 pointed out on Monday, if we are showing additional
24 revenues, with that will come additional tons. And you
25 had some exhibits that you presented on Monday that

1 showed those additional tons based on your Exhibit 79?
 2 **A. Correct.**
 3 Q. Can you just tell us very briefly the
 4 methodology you used to calculate those tonnage figures?
 5 **A. Actually, I'd like to defer to Mr. Glaub. He**
 6 **did the calculations.**
 7 MR. LEGG: Excellent, Mr. Glaub.
 8 MR. GLAUB: Okay. With respect to the
 9 increase tonnage associated with growth, it was based on
 10 the assumption of minimum service volume per unit. And
 11 multiplied by number of units to arrive at total volume
 12 of service. And then the three streams -- the black,
 13 blue, and green -- were converted to tonnage using bulk
 14 densities. And then annual tonnages were calculated as
 15 well as tons per day.
 16 MR. LEGG: Okay. Thank you.
 17 MR. DEIBLER, are you ready?
 18 CROSS-EXAMINATION BY THE RATEPAYER ADVOCATE
 19 MR. DEIBLER: Thank you. I'd like to ask a
 20 few questions about the operating ratio, or cost, really
 21 of pass-through or not a pass-through of the Brisbane
 22 tax. Based on Mr. Baker's comments, who should I
 23 address them to?
 24 MR. BRASLAW: You can address them to me.
 25 Q. Okay. Thanks, Jon. So is it correct that the

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1 company is arguing that this is effectively not a
 2 pass-through expense?
 3 **A. That's correct. The company is requesting**
 4 **that it be considered as a general expense that's subject**
 5 **to the operating ratio.**
 6 Q. Okay. And is it accurate that
 7 unpredictability, if you will, is really the reason why
 8 it's not a pass-through expense in the sense that it was
 9 instituted between rate orders?
 10 **A. That's one of the reasons, one of the**
 11 **criteria, that we used in evaluating it.**
 12 Q. What other criteria would there be for why it
 13 wouldn't be a pass-through?
 14 **A. I think in the regulatory process there's**
 15 **risks that the companies are subject to with respect to**
 16 **rates and rate recovery. As we testified at the**
 17 **beginning of this process, in the last rate proceeding we**
 18 **had anticipated a certain level of revenue. And, in**
 19 **fact, where we are today is essentially lower than where**
 20 **that revenue was. So had we included this fee in a**
 21 **revenue schedule cycle, the companies, in fact, would be**
 22 **collecting less than 2.1 million because our overall**
 23 **revenue collected is less than what we expected when we**
 24 **set the rates. So by going through the proceeding, it**
 25 **creates essentially revenue risk because the rates are**

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1 **projected on a future basis and they may not materialize**
 2 **to the extent that we project them to.**
 3 Q. But wouldn't that argument apply to other
 4 pass-through expenses that you've agreed are pass-through
 5 expenses, such as those related to disposal in Alameda
 6 County, I mean --
 7 **A. Yes.**
 8 Q. It would apply?
 9 **A. That's correct. It would apply.**
 10 Q. So why would one type of expense be a
 11 pass-through and another not? I have a little trouble
 12 with that, understanding the distinction.
 13 **A. I guess it should be included in the operating**
 14 **ratio. I guess under that theory -- again, I think what**
 15 **we did is went through the analysis specifically related**
 16 **to this fee. And one of the components, again, of our**
 17 **analysis was the fact that when you set revenues you may**
 18 **not collect a hundred percent of those that you project**
 19 **to collect.**
 20 Q. Okay. I appreciate that. That argument was
 21 not made previously. That's an additional argument.
 22 Focusing on the Brisbane fee itself, the 2.1
 23 million, when did that concept first get raised in any
 24 public sense or when did the company first become aware
 25 there was a consideration of such a fee or tax?

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1 MR. GLAUB: I don't remember the exact year,
 2 but it would be more than one year ago. I don't have
 3 with me the ballot initiative or the date. I believe it
 4 was -- was it fall of 2011? There's an exhibit with the
 5 date of the ballot initiative, so that would identify
 6 when it was initially approved.
 7 BY MR. DEIBLER:
 8 Q. Was anyone in the company aware of it
 9 unofficially prior to that --
 10 **A. Yes.**
 11 Q. I mean certainly there was a great deal of
 12 discussion before it --
 13 **A. Yes, we were.**
 14 Q. -- was on the ballot --
 15 **A. Yes, we were.**
 16 Q. I would imagine.
 17 Okay. And when did it become effective? The
 18 actual date, that's fine. I'm trying to make a point
 19 here; and I don't know what the actual date is.
 20 MR. GLAUB: There is an exhibit that provides
 21 that information.
 22 MR. OWEN: The election was held on
 23 November 8, 2011, according to Exhibit 31.
 24 MR. DEIBLER: And then the fee took effect --
 25 or the tax took effect immediately or when --

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1 MR. BRASLAW: The tax took effect on
2 October 15th, 2012. It represented an annual payment.
3 The first payment is due by June 30th of 2013. So it's
4 due by the end of next month.
5 MR. DEIBLER: Okay. That's the payment you're
6 arguing you will not be reimbursed for?
7 MR. BRASLAW: That's correct.
8 MR. DEIBLER: And your company is absorbing?
9 MR. BRASLAW: That's correct.
10 MR. DEIBLER: Okay. Did you discuss the
11 concept with the City when it first came up of, Gee,
12 Brisbane is talking about this tax. Was that something
13 that was discussed at that time?
14 MR. GLAUB: Yes, we did.
15 MR. DEIBLER: The City -- you informed them?
16 MR. GLAUB: Yes, we did.
17 MR. DEIBLER: Okay. Given the period in
18 between, wouldn't there have been an opportunity for
19 this to -- I'm sorry -- for the company to request a
20 rate adjustment in order to avoid paying this
21 2.1 million?
22 MR. BRASLAW: Given the extent, the
23 comprehensiveness, and the time period associated with
24 the rate process, this specific fee on its own was not of
25 sufficient magnitude to warrant a rate process. The

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1 company knew that eventually we would be coming in with
2 a rate application. But the timing was such that we
3 were not able to do it prior to the time that the first
4 payment was due under Brisbane tax.
5 MR. DEIBLER: So is it accurate you made a
6 business decision that this was not a sufficient cost in
7 and of itself for you to request a rate adjustment as
8 soon as you first became aware of its possible
9 existence?
10 MR. BRASLAW: I actually wasn't involved in
11 the issue at that time.
12 MR. DEIBLER: It was a choice. It was a
13 choice?
14 MR. GLAUB: You're saying it was a choice not
15 to file a rate application just on the new tax?
16 MR. DEIBLER: Correct, when it became either a
17 reality --
18 MR. GLAUB: As you've observed, this is a very
19 involved process. So I think you can understand why one
20 would not just file this extensive 11-month rate
21 application with this 11-month process on that tax.
22 MR. DEIBLER: Thank you. I think that it
23 could be called a choice.
24 MR. GLAUB: I think also there are many
25 expenses associated with the rate application, as you

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1 may also be able to understand.
2 MR. DEIBLER: I am able to understand that.
3 Thank you.
4 MR. BRASLAW: I think it was a choice. It
5 was -- the companies felt it was in our best interests
6 and in the City's best interests, because again the
7 extent of this process involves a lot of time, effort,
8 and cost, not only on the part of the company but also
9 on the part of the City.
10 MR. DEIBLER: I understand that. So you made
11 that choice for that one year of tax -- had made a
12 different choice, which you may or may not have been
13 able to make. You would have been reimbursed that; and
14 then the argument that it's a pass-through would still
15 apply going forward, I would suggest, and there would be
16 no rationale for applying an operating ratio.
17 MR. BRASLAW: No, actually the -- I believe
18 that the point that Mr. Baker was making was the fact
19 that the tax came about in an interim period between a
20 rate-setting period, or rate-setting processes, is
21 indicative of the fact that the companies would be
22 subject to new tax. Potentially, it could be changed in
23 another interim period. So if it's changed next year,
24 then that's a risk that the companies incur operating
25 the facility that we operate in Brisbane and now being

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1 subject to the tax. So I believe what -- I believe the
2 discussion was intended to demonstrate that there's a
3 risk involved with respect to the tax as using the
4 setting of that tax as the example.
5 MR. DEIBLER: Okay. But what level of risk
6 that will entail, I guess, is very hard to know moving
7 forward.
8 Okay. Thank you. I'm done.
9 DIRECTOR NURU: Continue with your report.
10 MR. DEIBLER: What I'd like to, if Douglas had
11 mentioned, if would you like me to -- I want to talk a
12 little bit about the concept of having a cap on
13 adjustments. Should I do that now?
14 MR. LEGG: We should just find out. I don't
15 think the City has any other evidence. I have one
16 exhibit at the end about outreach efforts that I wanted
17 to introduce. I don't know if the company has any
18 other.
19 MR. BAKER: We have nothing further.
20 DIRECTOR NURU: Nothing from the companies?
21 Okay. So why don't you go ahead.
22 MR. DEIBLER: Okay. I'll try to be quick. I
23 wanted to talk about one substantive issue and then I
24 have some closing remarks.
25 The substantive issue was the concept of a cap

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1 on adjustments, a percentage cap. This is certainly a
2 fairly common practice in contractual relationships
3 between cities and service providers in the refuse
4 collection industry. And this type of cap can occur
5 either when there's a detailed adjustment sort of similar
6 to what's being envisioned here or during a year where
7 there's a COLA adjustment. Both can apply.

8 And the idea of a cap is it provides a general
9 incentive to control costs. We've talked about some key
10 areas where it's very hard to really understand the
11 details. And maybe it's not even productive to
12 understand the details of what costs are being controlled
13 and in what way. Maybe it's best to set an incentive for
14 the company to be able to decide itself where are the
15 best places to achieve those savings.

16 So Exhibit 66, which is the operating ratio
17 study exhibit that was introduced, I guess, on Monday,
18 cites a number of cities. And it cites in that case
19 operating ratios. Those are profit mechanisms that are
20 contained in various agreements with the cities listed in
21 the exhibit. And a number of these cities have some form
22 of cap on adjustment. Two of them include Union City,
23 which is not a Recology service provider; but also the
24 city of Pacifica, which is served by Recology. So it's
25 certainly a concept that the companies are familiar with

1 a cap mechanism.

2 So that's all I wanted to say about that.

3 MR. LEGG: May I ask a question? How would
4 you recommend we determine what that cap should be? I
5 guess we've established a COLA mechanism. And staff
6 recommended some changes to that COLA mechanism, which
7 are tying costs to -- or cost increases -- to various
8 very specific indices and other rates. The two
9 exceptions are the healthcare index, which is tied to
10 actual costs, as the company proposed. But the other is
11 tied to the pension -- the actuary for the pension plan,
12 which showed very low annual increase in contribution
13 rates. So we've already -- in my mind, we've already
14 kind of established a cap based on real-world cost
15 indices. And I don't know what Union City or
16 Pacifica -- what their adjustments are based on. But
17 how would we determine what the cap should be, whether
18 it be 3 percent or 6 percent or 15 percent, if the
19 indices are different?

20 MR. DEIBLER: Well, first we indicate -- you
21 mentioned use of an index. I think there's two sort of
22 adjustments in a COLA, if I understand. One are based
23 on actual costs incurred by the company that are deemed
24 to be reasonable; in which case those are probably
25 allowable reasonable costs. To the extent you're

1 also.

2 Just briefly, the idea is fairly simply. You
3 cap an annual increase at a certain percentage and then
4 you may allow or not allow recovery of the increment
5 above that cap. And that could occur in a variety of
6 ways. In some cases, there's no opportunity for
7 recouping it. It's 5 percent or 6 percent or whatever it
8 is. That's it. In others, there may be an opportunity
9 for the contractor to demonstrate that actual costs were
10 incurred above the cap and that those actual costs were
11 reasonable and they could be reimbursed or -- and/or, I
12 might say -- that that additional amount might be spread
13 over more than one year into the future.

14 So let's say six percent and there's an extra
15 three percent. Maybe the three percent occurs in the
16 second or even is spread across the second and third
17 year. As examples.

18 So my goals for now is, one, to get concept of
19 a cap in the record and hope that it will be addressed in
20 some form in the rate order -- the request be considered
21 in the rate order and moving forward in future processes.
22 And that one area where it might be particularly valid to
23 consider is when there are multiple years during which
24 COLA is going to be applied. When you get beyond a
25 second year of COLA, that it would really consider having

1 adjusting any components of COLA based on an index, then
2 that's an index. It not's a measure of actual expense
3 incurred by the company. So I would think of
4 applying -- potentially applying the cap concept to
5 those aspects of COLA -- maybe not total COLA in that
6 example -- that you had in terms of what a percentage
7 should be. There's wide range of them. And in a
8 contractual situation those are often the result of a
9 negotiation, first of all. And, secondly, they're part
10 of the overall risk-reward picture in an agreement.
11 There's many other moving parts.

12 So looking at them in isolation is a little
13 difficult and say this is the right number. I would
14 suggest maybe you use Exhibit 66 and the underlying
15 referenced documents -- the agreements -- as a source of
16 information. You can get a sense of the range that might
17 be out there.

18 I think 5, 6 percent is not uncommon though.
19 I could maybe say that as an annual amount. I think in
20 years of high inflation, which obviously we haven't seen
21 in a while, then you might think of a different number.
22 You might think of a higher number. So there's nothing
23 etched in stone. And I think it's important to think of
24 it in the concept of the overall package.

25 So I hope that helps.

1 MR. LEGG: Thank you.
 2 DIRECTOR NURU: Okay. Any other staff
 3 questions of the companies? Any other questions?
 4 If not, I will move to public comment, if
 5 there are no questions. Okay.
 6 So I would like to open --
 7 MR. LEGG: Do you want the Ratepayer Advocate
 8 to sum up his findings or --
 9 MR. DEIBLER: That was the substantive matter.
 10 I mean not that this isn't substantive. A few quick
 11 close remarks, if I might?
 12 DIRECTOR NURU: Yes, you may go ahead.
 13 MR. DEIBLER: Thank you.
 14 So I have one exhibit -- I am doing my best to
 15 help us get up to three digits here. But I only have
 16 one.
 17 One very quick other comment, if I might, I
 18 was asked to make, just to reinforce. On the abandoned
 19 materials issue, which we talked about a little bit
 20 earlier, just that I mention the concern about waiting
 21 till the next rate order to figure this out -- the next
 22 rate review process; and that, in fact, to take it one
 23 step further, to request that this rate order be explicit
 24 about what the process and mechanism will be -- as
 25 explicit as it can be for what happens after that first

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1 year of data and when that data comes in.
 2 I would like to enter this exhibit. And this
 3 gives an update from the exhibit we entered -- I believe
 4 it was No. 64, but I'm not sure. I think it was 64, at
 5 the end of the April hearings.
 6 And what this does is really provide a
 7 compilation of the public outreach that has occurred and
 8 the comments that we receive from the public. As of
 9 Friday we had over 1,200 views of the Website. And a
 10 combination between phone calls and emails of about 60
 11 contacts, with a total of about 45 individuals 044
 12 individuals. So it's been a high level of interest. And
 13 there's some copies of this over there. It will also be
 14 on the Ratepayer Website.
 15 Several very quick closing comments. And then
 16 I will be done.
 17 In the closing remarks I made on April 24th,
 18 which are, I think, pages 584 to 588 in the transcripts,
 19 I made a couple of points. I'd like to reiterate those.
 20 One is to really address the scavenging issue
 21 head-on and make the argument for why or why it doesn't
 22 make sense to be thinking about that lost revenue in a
 23 more specific way. And I want the echo the comments that
 24 Nancy Wuerfel made on Monday on that. It is a visceral
 25 issue. People see it every day. It's just not going to

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1 go away all by itself.
 2 The second is to please bring the public
 3 along. And there were a couple of aspects of this I
 4 won't reiterate. But in my prior comments, one, I really
 5 suggested to both the companies and the City really
 6 informing the public of the underlying economics of the
 7 application process and disposal in a clear, colorful
 8 graphic way. If you need some help doing that, let me
 9 know. I think it can be done in a way that can help
 10 people understand why things are headed where they're
 11 headed and helps provide background for zero waste rate
 12 structure changes. And then, regarding those changes, to
 13 really be as open and transparent with the public as you
 14 move forward about where are we now, where are we headed,
 15 why are we headed there? I think we benefit zero waste
 16 goals, frankly, being achieved in this city.
 17 So I think with that, I'd really like to thank
 18 staff. Thank you, Mr. Nuru, for the opportunity to
 19 provide this role during this process. And I want to
 20 very much thank the interested and involved members of
 21 the public. So thank you.
 22 DIRECTOR NURU: Thank you.
 23 MR. LEGG: I'd like to introduce one more
 24 exhibit which describes the outreach effort DPW has
 25 performed. I think it's important that it be on the

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1 record.
 2 As you can see, we've done quite a few
 3 outreach efforts to both the public and various interest
 4 groups on this rate application and the Director's
 5 Hearings and the service of the Ratepayer Advocate. And,
 6 as you can see in the exhibit, our new director of
 7 communication has really stepped up the effort to
 8 publicize these hearings, using both traditional press
 9 release as well as social media; and has tried to reach a
 10 broader audience by directly contacting stakeholder
 11 groups such as housing and apartment organizations,
 12 neighborhood groups, community newspapers; and has worked
 13 to publicize these process and the Ratepayer Advocate;
 14 also through members of the Board of Supervisors and
 15 Mayor, extensive mailing lists and newsletters.
 16 I think that the number of inquiries and
 17 comments received by the Ratepayer Advocate is indicative
 18 of the success of these outreach efforts perhaps more
 19 than the turn out at these hearings themselves.
 20 MR. OWEN: The Ratepayer Advocate's exhibit
 21 will be numbered 97.
 22 The DPW exhibit will be No. 98.
 23 (The documents referred to were marked
 24 for identification and received in
 25 evidence as Exhibits 97 and 98,

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1 respectively.)
 2 DIRECTOR NURU: Mr. Baker.
 3 MR. BAKER: I am sorry. Mr. Nuru, there is
 4 actually one additional piece of evidence that we want
 5 to get in in response to Mr. Drew's Exhibit 96.
 6 Mr. Braslaw is the witness on that, if he could come
 7 back up for a moment.
 8 DIRECTOR NURU: Okay. We'll do that.
 9 Mr. Braslaw, if you would take the stand, Mr.
 10 Baker will examine you.
 11 JON BRASLAW
 12 FURTHER DIRECT EXAMINATION
 13 BY MR. BAKER:
 14 Q. Mr. Braslaw, I have Exhibit 96 on the screen,
 15 which is the document that Mr. Drew introduced earlier.
 16 And Mr. Drew's presentation was that the rate calculation
 17 should account for 350,097 additional units coming online
 18 during the next 12 months. Is that what you understood
 19 him to say?
 20 A. Yes.
 21 Q. Or over the next rate year.
 22 Now, you did an analysis that Mr. Drew built
 23 on here. And in your analysis, Exhibit 79, your
 24 calculation was 900 additional units, correct?
 25 A. That's correct.

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1 Q. And I think you testified that for 900
 2 additional units you did not believe that additional
 3 routes would be required, am I right?
 4 A. That's correct.
 5 Q. For 3,597 additional units would additional
 6 routes and therefore expenditures be necessary?
 7 A. Absolutely.
 8 Q. Can you explain that, please.
 9 A. Yeah. Actually, I believe it's Exhibit 81 is
 10 the exhibit that showed the additional tonnage that we
 11 anticipated from the 900 additional units --
 12 approximately a thousand tons. If you correlate that to
 13 the 3,600 units shown in this exhibit and use about
 14 3.500 tons -- so slightly less on the overall -- some of
 15 these are larger buildings; you get about 15 tons a day,
 16 based on our operating days. 15 tons a day is about two
 17 routes. The trucks hold about 8 tons. And probably,
 18 given this number of customers, probably would have two
 19 full trucks. The exact number, you'd have to see how
 20 many customers it represents, because these are units
 21 within buildings and so it may be slightly more or
 22 slightly less. Approximately two routes.
 23 Q. So if you have additional customers that
 24 require the adding of routes, let's say, in the example,
 25 you've given two routes, how do you add two routes? Do

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1 you add trucks just to go out in locations or do you
 2 reorganize the geography?
 3 A. We would reorganize the geography. And we've
 4 seen over time, as our customer base has grown,
 5 especially with respect to composting, we've had to go
 6 through area by area and reroute. So you don't get a set
 7 of customers that represents a new route. You get them
 8 on all the existing routes to the point where you have
 9 your routes become too long; and then you have to
 10 essentially reroute the area. The number of units --
 11 therefore, customers -- we said by this level of growth
 12 would require that we add additional service to support
 13 them.
 14 Q. Does an additional route mean additional cost?
 15 A. Yes.
 16 Q. In what way?
 17 A. It includes additional vehicles, fuel,
 18 disposal costs, driver time -- all of those things
 19 together.
 20 Q. Is there a way to estimate what the
 21 incremental costs would be of an additional route?
 22 A. The cost is determined to some extent by the
 23 nature of the route, whether it's a commercial or a
 24 residential route. We did an analysis and looked. And
 25 on an average basis the cost of a single route is between

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1 \$225,000 and \$250,000.
 2 Q. And you testified earlier that 900 additional
 3 customers would not necessitate an additional route. Do
 4 you have a threshold at which you believe an additional
 5 route would be required?
 6 A. I believe it's between 1,200 and 1,500 units.
 7 And, again, it would really be determined to some extent
 8 by the number of dollars that those units represent.
 9 MR. BAKER: Thank you.
 10 DIRECTOR NURU: Does the City want to ask any
 11 questions?
 12 MR. LEGG: No.
 13 DIRECTOR NURU: No questions.
 14 Mr. Deibler, you look like you want to ask a
 15 question.
 16 FURTHER CROSS-EXAMINATION BY THE RATEPAYER ADVOCATE
 17 BY MR. DEIBLER:
 18 Q. Mr. Braslaw, you're suggesting that you would
 19 be incurring a marginal cost that would not be covered by
 20 the additional revenues that would be coming in with the
 21 additional units represented?
 22 MR. BRASLAW: No, I wasn't suggesting that. I
 23 was suggesting that the analysis -- my understanding of
 24 the analysis Mr. Drew prepared showed additional revenue
 25 that will be generated by those additional customers.

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1 So the point that I was trying to make was there are, in
 2 fact, additional costs also associated with servicing
 3 those customers. So that the marginal revenue -- I
 4 believe the marginal revenue will exceed a marginal
 5 cost, but there are certainly is a marginal cost
 6 associated with providing that service.
 7 MR. DEIBLER: Okay. Thank you.
 8 DIRECTOR NURU: Okay. No more questions.
 9 Thank you. Okay.
 10 We will go to public comment. I would like to
 11 open the public comment period. Could everyone wishing
 12 to speak, please show your hands so that I can allow
 13 enough time so we have -- okay. I'll allow five minutes
 14 per person for public comment.
 15 Since this is public comment only you do not
 16 need to be sworn in, unless you also intend to present
 17 material you'd like also to be placed into the record.
 18 If that is the case, I'll have the clerk swear you in.
 19 Also, when you come forward, please state your
 20 name so that the court reporter can enter it into the
 21 record. Thank you.
 22 Let's proceed with the first speaker, who will
 23 be Eileen Bokun. She couldn't stay. So they wrote down
 24 her comment. We'll put it into the record.
 25 We have people who are here to speak. Okay.

1 "just and reasonable" that I think that the Director of
 2 Public Works is going to have a real hard time convincing
 3 anybody that these rates are just and reasonable. We've
 4 really crossed the line.
 5 There's also a better example of this, which
 6 has to do with the ten highest cities. When you see
 7 where we are, at the second from the bottom, on the ten
 8 largest cities, we're going to move right under San Jose.
 9 We're going to be third in line. And I'm not even sure
 10 that this is a comparable chart in terms of apples to
 11 apples, but I really want to put it out there.
 12 "Just and reasonable" needs a definition. And
 13 I want to make sure that at some point I understand when
 14 we top Hayward is that going to be unreasonable? What is
 15 going to be the measure in San Francisco? It's never
 16 been talked about. And it shouldn't have to be just
 17 subjective ad infinitum.
 18 The other thing I want to mention is that
 19 today we had a very valuable discussion having to do with
 20 the difficulty in understanding the impacts of
 21 transferring a city process of collection of abandoned
 22 waste from a civil service city activity to a contract.
 23 I am going to put it out there right now. I'm opposed to
 24 this kind of migration. And we have just experienced the
 25 difficulty.

1 Nancy Wuerfel.
 2 MS. COHEN: Please raise your right hand. Do
 3 you solemnly swear that the testimony you are about to
 4 give today is the truth, to the best of your knowledge?
 5 MS. WUERFEL: Yes.
 6 MS. COHEN: Thank you.
 7 MS. WUERFEL: Can I ask the clock to be
 8 stopped while I give you this information?
 9 DIRECTOR NURU: Stop the clock.
 10 MS. WUERFEL: Thank you very much.
 11 My name is Nancy Wuerfel. And I want to thank
 12 you for concluding these hearings today.
 13 What I am submitting for my exhibit is a
 14 document that identifies that we are going to increase
 15 the garbage rates from the third quartile to the first
 16 quartile. I bring this up for the simple reason that we
 17 need to define what is "just and reasonable."
 18 (The document referred to was marked for
 19 identification and received into
 20 evidence as Exhibit 99.)
 21 This document is from Exhibit 35. And it's
 22 always been stated that the rates are so cheap in San
 23 Francisco, we can afford to have other additional costs.
 24 Well, I think we've crossed a threshold here that is now
 25 letting us understand that without a clear definition of

1 I'm sympathetic with both of you. But when
 2 there's a situation, Mr. Nuru, that came to your
 3 attention -- if the Mayor called and said, "Pick up all
 4 that crap over on X Street," you would have the resources
 5 to do it and you wouldn't have to go back to the Board of
 6 Supervisors for a supplemental. You would make it happen
 7 within your organization. But that's now things happen
 8 with a contract. They have to be nailed down with time
 9 and parameters. So I want you to think really carefully
 10 that this is going to be a big lessons-learned. And I
 11 really don't want to have any future contracts of
 12 contracting out City work.
 13 Also, you know I'm not happy about the
 14 windfall profits. I really need to know where your money
 15 is going. And that's one of the reasons why I don't like
 16 general fund costs shifted on to the ratepayers, because
 17 you have money and I still don't know where it's going.
 18 I know I'm a broken record on that, but I feel very
 19 strongly.
 20 I also want to bring up the fact that it's
 21 very important to do something about the stealing. I
 22 have been given this by Supervisor Tang's office. And I
 23 would like to recommend that this document be placed on
 24 every blue bin in the city so that people know. And it
 25 shouldn't be done because somebody called up Supervisor

1 Tang and said what am I doing to do about it and this is
 2 handed out. Should be handed out and stuck on by the
 3 garbage rate people -- by the garbage people -- because
 4 they have access to these cans. And that's very
 5 important.
 6 Also, I would very much urge that the rate
 7 order includes enforcement laws against stealing. We
 8 have the laws on the books. What we don't have is the
 9 will of this town. I think with the strength of your
 10 rate orders, if you were to put in a sentence urging the
 11 District Attorney to do whatever is necessary and let him
 12 decide how this works, to work with the police department
 13 and with the public. If you urge that, then at least
 14 we're on record in an official document that this is a
 15 big deal.
 16 So we've got something that Recology can do,
 17 we have something for you to do, and of course I'll be
 18 back.
 19 So I thank you very much for all of your good
 20 will. I want to also thank staff. I mean some of my
 21 suggestions have actually been worked into the staff
 22 report and I want to acknowledge that and thank you. And
 23 I want to make sure that everybody appreciates that you
 24 worked very hard to try to get these rates down. But
 25 they're still too high.

1 program. I understand that.
 2 I know these are questions for another time.
 3 But is the program too aggressive at this time? Is it
 4 realistic at this time? Should it be implemented in its
 5 fullest capacity at this time? But that's a question for
 6 another time. Food for thought.
 7 Recology says that they aren't meeting their
 8 goals. They need more money.
 9 I'm not against big business. I'm for
 10 business. I want to see businesses succeed. I want to
 11 see them profit. But at the same time they have to do
 12 their due diligence. They have to take care of their own
 13 house first before they come to the public in this case.
 14 Recology hasn't done that, in my opinion.
 15 Specifically, lost revenue in the theft of
 16 recyclables. There's been all kinds of figures thrown
 17 around from one million all the way up to ten million. I
 18 heard a figure directly from Recology representative Bob
 19 Besso, who said the figure was between five and ten
 20 million dollars annually. I don't know how he came
 21 across that figure. Regardless, it's a huge amount of
 22 money. So they aren't sure how much they lost.
 23 If Recology is an employee-owned company, why
 24 aren't the employees incensed? Really? One million
 25 annually? Ten million annually? That's a huge amount of

1 Thank you.
 2 DIRECTOR NURU: Thank you.
 3 Our next speaker, Mr. Kehoe.
 4 MR. KEHOE: Good afternoon. My name is Robert
 5 Kehoe.
 6 I want to thank you for the opportunity for
 7 public comment. I'm here solely as a ratepayer and I
 8 want to specifically address the recycling aspect
 9 specific to the theft of recycling.
 10 To back up just a little bit, this program
 11 started -- recycling started -- 30 years ago, to the best
 12 of my knowledge, with the promise that there was going to
 13 be a rebate if the citizens were diligent in their
 14 recycling. And coming in here today, I had never seen,
 15 at least on my bills, any rebate. but I was corrected
 16 here by Nancy. She said she had seen 25 and 30 cents on
 17 her bill. So perhaps I overlooked it. But, nonetheless,
 18 that program no longer exists.
 19 So now here we are 2013 and the citizens of
 20 San Francisco now are asked to absorb a 21.5 percent rate
 21 increase. As best as I understand, is that correct?
 22 DIRECTOR NURU: Correct.
 23 MR. KEHOE: Thank you.
 24 21.5 percent in one fell swoop. That is a
 25 huge increase. But San Francisco does have a zero waste

1 money that the employees lost. Recology needs \$6.2
 2 million, as I had heard when I sat in on another day for
 3 a new facility, which I'm sure they need. But if they
 4 recoupled their recyclables, if they were able to limit
 5 the amount of theft, how soon could they pay that debt
 6 off? For 30 years, they've been hemorrhaging millions of
 7 dollars. And in my opinion, as a ratepayer, they haven't
 8 done anything about it. They go to the community. They
 9 go to community meetings. They ask the police department
 10 to do something about it. They want the D.A. and the
 11 courts to do something about it. Well, that's all part
 12 of it. But is that the total answer? No, it's not. I
 13 realize that there's organized crime in the city. And I
 14 realize that you'll never completely stop theft. But
 15 it's not my job as a ratepayer to be calling the police.
 16 It's not the police department's job to be running after
 17 people that are stealing recyclables because they're
 18 hurting. And many people are hurting. And that's the
 19 way they do it. But, also, as I said, there's organized
 20 crime? So what's the fix? What do we do about it?
 21 Well, here we are -- is my time over?
 22 MS. COHEN: Thirty seconds.
 23 MR. KEHOE: This is the 21st century. We've
 24 been to the moon and back. Build a better bin. Hire an
 25 engineering firm that can design a bin that will serve

1 the purposes. Zero waste is a wonderful idea. How about
 2 zero theft?
 3 Recology, step up to the plate. Do something
 4 on your own instead of throwing it on the community.
 5 Thank you.
 6 DIRECTOR NURU: Thank you.
 7 Next speaker is Mr. Kermit Kubitz.
 8 MR. KUBITZ: I have some documents for the
 9 record, so you'll have to swear me in.
 10 MS. COHEN: Can you please state your name for
 11 the record?
 12 MR. KUBITZ: My name is Kermit R. Kubitz.
 13 MS. COHEN: Please raise your right hand. Do
 14 you solemnly swear that the testimony you are about to
 15 give is the truth, to the best of your knowledge?
 16 MR. KUBITZ: Yes.
 17 MS. COHEN: Thank you.
 18 MR. KUBITZ: Let me give you copies. I have
 19 multiple copies of a ten-page letter. And,
 20 unfortunately, I only have two more copies of a separate
 21 attachment that goes to the number of units being served.
 22 I'll try to get through four issues in four
 23 minutes.
 24 My first issue, I think, was raised by Ms.
 25 Wuerfel, but in a different sense. I have a comment

1 about transferring abandoned material pickup to Recology.
 2 I have a question as to whether that's permissible under
 3 Proposition 218.
 4 I've tried to look at your materials. I
 5 haven't seen any opinion from the City Attorney, but
 6 fundamentally this appears to be transfer of an existing
 7 public general service not directly related to my house
 8 or my residence or my refuse to Recology. And general
 9 public services can't be funded from project or home
 10 specific fees under Proposition 218. I give some cite to
 11 that 1996 analyst's opinion. So I think you'd better
 12 take a close look.
 13 Another reason I took a close look at that is
 14 because unfortunately it says we're going to transfer
 15 this function to Recology, but we're not going to accrue
 16 any savings to the people of the City of San Francisco
 17 and the Department of Public Works, because we're not
 18 going to reduce the budget; we're just going to reassign
 19 people. So I don't know how much adding two million or
 20 three million dollars to Recology's rates without any
 21 savings on DPW's side does for me or for the rest of the
 22 citizens of San Francisco.
 23 The second issue: The reserve amount of \$29
 24 million, which has been funded by a 1.3-percent
 25 surcharge. The staff report -- and I haven't been in the

1 whole hearing -- says \$15 million is enough. I think you
 2 ought to use some of that reserve. I know the Department
 3 of Public Works has been using 1.3 percent since 2010 for
 4 some purposes. I'd say set the rates using at least
 5 couple million, maybe five million, of that. Work it
 6 down till you're at the \$15 million level and then look
 7 at the rates in a couple of years after you've used up
 8 some of that reserve.
 9 The third issue is inclusion of other future
 10 costs. Generally, I'm opposed to this on an automatic
 11 basis or a contingent basis. There was discussion of
 12 buying some land in Brisbane. Well, if the Brisbane tax
 13 situation or fee situation is so up in the air, how can
 14 you have a contingent cost thrown in for future
 15 facilities in Brisbane? I'm not making this as a real
 16 suggestion, but you can always use that atoll on the
 17 Olympic Club that's part of Harding Park if you need some
 18 property in the city of San Francisco.
 19 Take that out of the transcript. They'll give
 20 me a hard time.
 21 And, finally, the second document that I
 22 didn't have multiple copies of, I'd like to support the
 23 Ratepayer Advocate's adjustments for revenue, because
 24 they made a fairly lucid case for additional apartment
 25 buildings. I drove past 1190 Mission; and it looks like

1 it's got all eight or nine stories up there right now.
 2 So it's well on the way to being developed. I looked at
 3 the residential and the commercial numbers in these
 4 projections. I find it implausible that it shows no
 5 growth in residential. It shows a flat number of
 6 \$141,244 for 2012, 2013, and 2014. I know personally
 7 that a guy is building on Portola, maybe St. Francis
 8 Woods, in-fill lot. I know people were putting two lots
 9 together so they can build new residential. Each of
 10 those is only like 400 bucks of revenue. But on the
 11 commercial side, I see that there's only an increase of
 12 -- it looks to me -- like 31 on the commercial side in
 13 Exhibit F-1; and the average for the last five years was
 14 81 new commercial units. The average for the last two
 15 years was 294 new commercial units. So I find the number
 16 of 31 new commercial units pretty low. When I adjusted,
 17 using the lowest of either the five-year or the two-year
 18 average, I got additional revenue of about 700,000, which
 19 would be in addition to the Ratepayer Advocate's revenue
 20 of a million something from commercial.
 21 So those are my four issues. Thank you very
 22 much for your time.
 23 DIRECTOR NURU: Thank you.
 24 I don't have any more speaker cards at this
 25 time.

1 Would you like to speak, sir?
 2 MR. PILPEL: David Pilpel. I'm wearing my
 3 Recology outfit just to distract you. I came to speak
 4 about process, reporting, and tracking.
 5 As to process, I found in my review of the
 6 staff report the short answers to questions at the end in
 7 some cases to be flippy and dismissive of serious public
 8 concerns raised throughout this process. I thought that
 9 didn't speak well of this process; and that troubled me.
 10 Going forward, I continue to believe that we
 11 should have further discussions outside rate application
 12 proceedings about refuse collection and disposal, zero
 13 waste issues. I've been urging this for many years; and
 14 I would strongly urge you to include in your recommended
 15 order and report that there be an ongoing process --
 16 whether it's annually, every six months, every quarter --
 17 that involves DPW staff, Department of Environment staff,
 18 Recology, and any other interested persons so that we can
 19 talk about these issues; and that the rate application
 20 process is more about allowable costs than policy
 21 considerations.
 22 And it's become conflated so that we talk
 23 about both costs and policy issues here when there isn't
 24 an established process to talk about those policy issues.
 25 And I believe there absolutely should be. There will be

1 more difficulty getting to zero waste. There will be
 2 more questions about how to do it; and we should have
 3 those discussions in public, not in this somewhat
 4 adversarial context.
 5 With respect to reporting, the quarterly and
 6 annual reports that the company submits, I would ask you
 7 to look very carefully at the content requirements, that
 8 they be added to also report where recyclable material is
 9 going to, what markets, whether they are domestic or
 10 international markets, how much of that material is kept
 11 in Northern California for processing jobs here rather
 12 than elsewhere, even if that means a perhaps diminished
 13 rate of return.
 14 I think that there are other items that could
 15 be reported on. The pilot less-than-weekly pay per set
 16 out program, other pilot programs, the development of the
 17 west wing project, other things that were asked for in
 18 this rate application and past rate applications. There
 19 should be some narrative explanation in the quarterly and
 20 annual reports as to company progress on that. Perhaps
 21 with the opportunity for the City to also respond
 22 formally as to how that -- how those programs and
 23 projects are developing.
 24 In addition, with respect to reporting, I
 25 think those quarterly and annual reports should be

1 available publicly and posted probably on DPW's refuse
 2 rates Website. Right now they are available, but you
 3 need to know that they exist and go to somebody and ask
 4 for them. It's not the easiest thing in the world.
 5 Finally, with regard to tracking, in addition
 6 to those items that are in the public quarterly --
 7 proposing to be public quarterly and annual report --
 8 additional tracking should be done with respect to, as
 9 I've suggested before, reusable items at the PDRA and
 10 other allocation of costs so that in future rate
 11 proceedings we can understand better how much of the
 12 bluestream is attributable and allocable -- allocatable
 13 -- to residential versus the commercial, to be able to
 14 disaggregate the costs and revenues by stream in ways
 15 that aren't possible now.
 16 The purchase of materials at Pier 96 and the
 17 sale of materials at Pier 96 doesn't clearly indicate
 18 which are CRV materials and which are non-CRV materials.
 19 Those sorts of items could be better tracked so as to
 20 facilitate future rate procedures. To the extent that
 21 your report and recommended order addresses those
 22 concerns, that would alleviate my need to appeal the
 23 matter to the Rate Board, which I think we should try to
 24 avoid.
 25 I look forward to your report and recommended

1 order. Thank you.
 2 DIRECTOR NURU: Okay. Thank you.
 3 So I believe that is our last public speaker.
 4 I will close the public comment at this time.
 5 And I will also conclude our hearing. It
 6 appears that we have covered all of the items on the
 7 agenda. So as the Hearing Officer, I will close the
 8 Director's Hearings on Recology's 2013 application for an
 9 increase in residential refuse collection and disposal
 10 rates.
 11 I want to thank the company for a very clear
 12 presentation of the application and for providing
 13 additional information and explanations in response to
 14 many of our questions.
 15 I'd like to thank City staff and their
 16 consultants for your in-depth review of the application
 17 and your examination of all underlying assumptions and
 18 factors that go into determining fair and reasonable
 19 rates. Staff from the Department of Environment
 20 demonstrated a considerable expertise and understanding
 21 of municipal solid-waste management issues.
 22 I'd like to acknowledge Douglas Legg from
 23 Department of Public Works and thank him for his
 24 leadership of the review team's work throughout all these
 25 proceedings.

1 I also want to thank the Ratepayer Advocate
2 for your efforts to engage and inform the public on this
3 somewhat complicated topic. You have done an exemplary
4 job of conveying the public's concern and seeking greater
5 clarity from the company as well from the city staff. I
6 believe the role of the Ratepayer Advocate has once again
7 added considerable value to this process.

8 Finally, I want to thank the members of the
9 public who sat through hours of testimony and
10 cross-examination and were still here at the end of each
11 day to offer their public comment. Your issues and
12 concerns are important and will be taken into
13 consideration as I prepare my report and recommended
14 order.

15 The next step in the process is for me to
16 consider all the evidence that is before me, including
17 the original application, the supporting documents,
18 exhibits, the staff report, and all testimony and
19 cross-examination offered in these hearings as well as
20 public comment. Before making my recommendation I will
21 issue my report and recommended order in early June. It
22 will be posted on DPW's Website, so check the Website or
23 the ratepayer advocate Website for notice when this
24 report is available.

25 As a final item, the Proposition 218 hearing

1 CERTIFICATE OF REPORTER

2
3 I, FREDDIE REPPOND, a duly authorized Shorthand
4 Reporter and licensed Notary Public, do hereby certify
5 that on the date indicated herein that the above
6 proceedings were taken down by me in stenotype and
7 thereafter transcribed into typewriting and that this
8 transcript is a true record of the said proceedings.

9 IN WITNESS WHEREOF I have hereunto set my hand on
10 this 17th day of June, 2013.

11 
12

13 FREDDIE REPPOND



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1 to consider written protests will be held on Friday, June
2 14th, at 1:00 p.m. in Room 400. Under this provision,
3 any residential customer or property owner may submit a
4 written protest against the application to me. If more
5 than half of the ratepayers file a written protest
6 against the application by the date of the hearing, the
7 City will not approve the application. Instructions and
8 guidelines for the submission of written protests are
9 available on the DPW Website.

10 Again, I want to thank you for participating
11 in these proceedings. As I indicated earlier, the record
12 is now closed and we are adjourned. Thank you very much,
13 everyone.

14 (The rate hearing was concluded at 4:41
15 p.m.)
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