

CITY AND COUNTY OF SAN FRANCISCO  
DEPARTMENT OF PUBLIC WORKS  
DIRECTOR'S HEARING ON PROPOSED REFUSE RATES  
2013 REFUSE RATE APPLICATION

CITY HALL  
1 DR. CARLTON B. GOODLETT PLACE, ROOM 416  
SAN FRANCISCO, CA 94102

Monday, April 22, 2013

(pp. 282-426)

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1 Monday, April 22, 2013

1:04 p.m.

2 P R O C E E D I N G S

3 DIRECTOR NURU: I'd like to call the hearing  
4 to order.

5 Good afternoon, everyone. I am Mohamed Nuru,  
6 Director of the Department of Public Works, City and  
7 County of San Francisco. This is a continuation of the  
8 Director's Hearing on Recology's application for an  
9 increase in residential refuse collection and disposal  
10 rates. Today is Monday, April 22nd. The agenda for  
11 today's meeting should be on the table. No? We are  
12 working on getting it.

13 MR. LEGG: We're getting copies.

14 DIRECTOR NURU: Okay. As in every hearing, we  
15 will reserve the last period for public comment. Speaker  
16 cards are available at the table and I will ask you to  
17 fill them out so that I have an indication on the number  
18 of people wishing to speak today. You may also convey  
19 your comments to the Ratepayer Advocate, Mr. Peter  
20 Deibler. I appreciate your patience as we wade through  
21 the details.

22 Once again, we have Mr. Freddie Reppond  
23 transcribing our meeting today. I want to remind  
24 everyone wishing to speak today to come forward and  
25 speak clearly into the microphone so that we can take

1 your entire testimony. Please don't speak from your  
2 seat to the audience.

3 Today's hearing will begin with a brief  
4 presentation by the companies on abandoned materials  
5 collection and city cans. And the Ratepayer Advocate  
6 will be conducting an examination of DPW staff on the  
7 impound account. After that, City staff will conduct  
8 cross-examination of the company's representatives on a  
9 number of topics which are listed on the agenda. The  
10 Ratepayer Advocate will also be given an opportunity to  
11 cross-examine company representatives as well as City  
12 staff. We have a lot of items to cover. And I will ask  
13 Mr. Legg to direct the proceedings and keep things in  
14 order.

15 Before we start, does the company have any  
16 additional comments it would like to make as a follow-up  
17 to last week's hearing or materials you'd like to enter  
18 into the record?

19 MR. BAKER: Good afternoon, Mr. Nuru. We have  
20 one housekeeping matter. Exhibit 11 has a typo on it.  
21 And so we have a revised Exhibit 11 that corrects it. If  
22 I might hand that forward.

23 The error was -- this was one of the charts  
24 that was used, as you may recall. And whereas the  
25 quantity for each of the bins should have been in one

1 place, it was mistakenly two, so we made it one again.  
2 So this would be the accurate one which I will now hand  
3 forward.

4 Other than that, we're ready to proceed on  
5 abandoned waste.

6 DIRECTOR NURU: Okay. And I'm assuming you'll  
7 be representing the company on the presentation?

8 MR. BAKER: My colleague Mr. White will. And  
9 our witnesses -- our witness on this subject will be  
10 Maurice Quillen.

11 DIRECTOR NURU: Okay. You may begin.

12 MR. BAKER: Where would you like the witness  
13 to sit today?

14 DPW CLERK: Please raise your right hand. Do  
15 you solemnly swear that the testimony you are about to  
16 give is the truth, to the best of your knowledge?

17 THE WITNESS: I do.

18 DPW CLERK: Thank you.

19 MAURICE QUILLEN,  
20 having been placed under oath, testified as follows:

21 DIRECT EXAMINATION

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

23 Q. Mr. Quillen, would you please state your name  
24 for the record and spell it for the court reporter  
25 please.

1           A.    Maurice Quillen. M-a-u-r-i-c-e Q-u-i-l-l-e-n.

2           MR. WHITE:   Okay.  I have an exhibit on  
3 abandoned waste that I will go ahead and hand around now.

4           MR. OWEN:  We will mark the document as  
5 Exhibit 41 and receive it into evidence.  The document is  
6 a single sheet with the title "Abandoned Materials  
7 Collection."

8                                 (The document referred to was marked for  
9 identification and received into  
10 evidence as Exhibit 41.)

11 BY MR. WHITE:

12           Q.    Mr. Quillen, you're familiar with the  
13 abandoned materials collection program proposed in the  
14 rate application?

15           A.    Yes, I am.

16           Q.    Starting at a very broad level, what do you  
17 mean by "abandoned materials" in this context?

18           A.    Abandoned materials are items that are left on  
19 or about city streets in San Francisco.

20           Q.    Now, how would you distinguish these abandoned  
21 materials from just litter?

22           A.    Abandoned materials would represent larger  
23 items -- couches, sofas, things of that sort.  Litter  
24 would be paper, cans, bottles, cigarette butts --  
25 smaller items.

1 Q. Okay. Now, at the broadest level, what is the  
2 proposal related to abandoned materials collection in  
3 this rate application?

4 A. At the request of the City, the company has  
5 proposed to assume a greater role in the collection of  
6 abandoned materials throughout the city of San  
7 Francisco. Most of the abandoned materials collection  
8 is currently performed by DPW at this point. DPW  
9 utilizes compactor trucks and Recology supports the DPW.  
10 It's our intention to play a greater role in the  
11 collection of abandoned waste. The collection of  
12 abandoned waste dovetails nicely into Recology's bulky  
13 item collection program.

14 Q. Okay. Let me just sneak in a question here  
15 and there and we'll proceed. So what is the difference  
16 between the abandoned waste program and bulky item  
17 collection program?

18 A. The bulky item collection program is an  
19 on-call program where our customers have the opportunity  
20 to call the collection company and schedule the  
21 collection of bulky item collection material. The  
22 abandoned waste collection would basically be the  
23 Recology trucks driving throughout San Francisco picking  
24 up material that's abandoned on the street and also  
25 fielding calls from 311 operators.

1 Q. Now, you mentioned driving the trucks. What  
2 is the additional equipment that Recology is putting  
3 into play for the abandoned materials program?

4 A. Recology is proposing putting in five  
5 rear-loader trucks and five cargo vans, breaking the  
6 city up into five geographic districts, and operating  
7 those trucks in those districts.

8 Q. Now, what are the goals of having Recology  
9 take this process over from the City? How is Recology  
10 going to be able to do it differently?

11 A. Well, currently Recology operates trucks  
12 throughout the city of San Francisco. We also operate  
13 bulky item collection, so we believe that there will be  
14 some synergies between bulky item collection, our  
15 standard collection operations, and the abandoned  
16 material collection.

17 Q. Do you expect to be able to achieve a higher  
18 level of diversion through this new program?

19 A. It's our intent to put out five rear-loaders  
20 and five cargo vans. The intention of putting the cargo  
21 vans would be to try to pull the recyclable materials  
22 out of the waste stream and get them into our operations  
23 so that we can process them and recycle them  
24 appropriately.

25 Q. Now, in the rate application narrative, it

1 discusses response-time goals. Could you say a word  
2 about those?

3 A. Yeah. The company is committed to a four-hour  
4 weekday response goal and an eight-hour weekend response  
5 goal. Response goal would generally be during our  
6 normal collection operation of 7:30 in the morning to  
7 4:30 in the afternoon.

8 Q. Now, what are the assumptions that underlie  
9 putting together that time period? What facts -- let me  
10 back up.

11 If anything changes, would you still be able  
12 to meet those response goals?

13 A. Yeah. When the company looked at what type of  
14 resources we would have to employ in order to accomplish  
15 the collection of the abandoned materials, we identified  
16 the amount of tons that are currently being collected, a  
17 little over 3,000 tons per year. And we put an  
18 operational assumption out there for five trucks and  
19 five vans. In the event that those numbers were to  
20 increase significantly, we probably would not have the  
21 resources. But given that the historical averages have  
22 been about 3,000 tons, we believe that we've put enough  
23 vehicles there to handle it.

24 We are looking at integrating this  
25 collection operation directly into the City's 311 call

1 center. And we would like all of the calls to come  
2 from 311 so that we can track them as far as the time  
3 the call was received, when it gets to the route, and  
4 when we have closure on the ticket.

5 Q. So the goals wouldn't apply to calls that come  
6 from other routes? The goal applies to the 311 calls?

7 A. The goal would generally apply to 311. While  
8 we would probably take calls from other individuals, I  
9 would think that we would apply the timing to the calls  
10 that are tracked through the electronic system.

11 Q. Okay. And if there was a huge increase in  
12 waste or a huge increase in telephone calls for whatever  
13 reason, the goals might have to be adjusted or equipment  
14 added?

15 A. If for some reason the calls were to go up  
16 beyond what we're currently seeing or the tonnage would  
17 increase significantly, we could potentially not have  
18 adequate resources to deal with the material in the  
19 four- or eight-hour window.

20 Q. Now, I'd direct your attention to the exhibit  
21 I handed around. On the first page there's a narrative.  
22 On the rear side there's cost information. Are you  
23 familiar with that cost information?

24 A. Yes, I am.

25 Q. Are these numbers in the rate application?

1           A.    Yes, they are.

2           Q.    Have these numbers changed at all between the  
3 final rate application and this exhibit?

4           A.    There's been a slight change in the numbers.  
5 The initial proposal is about \$3.8 million; and we're at  
6 \$3.6 million now. The reason for the differential is  
7 the change in the truck-leasing conventions. We used a  
8 mid-year lease for the current assumptions, whereas the  
9 other, initial application assumed the trucks being in  
10 there for a full year. There's also a slight reduction  
11 in some operational expenses associated with the  
12 compressed natural gas trucks.

13          Q.    Okay. Is there anything else you'd like to  
14 add with regard to the abandoned materials collection  
15 program?

16          A.    Not at this time.

17               MR. WHITE: Mr. Nuru, would you like us to  
18 move on to the public cans or would you like to do cross  
19 on abandoned waste first?

20               DIRECTOR NURU: Let's go with public cans and  
21 we can do cross on both of them.

22               MR. WHITE: Okay. Mr. Quillen is also going  
23 to testify about the public litter cans program.

24          Q.    Mr. Quillen, at the broadest level what are  
25 the companies' proposals with respect to public litter

1 cans in the rate application?

2 A. The collection companies currently operate ten  
3 full-time City can routes throughout the city of San  
4 Francisco. We also have a half-time rover position that  
5 works in the transit corridors during commute hours.  
6 And we run a half-time equivalent rover for the holiday  
7 season and during the summer at various parts of town to  
8 deal with special events.

9 Q. Just backing up just a bit, we were talking  
10 about picking up the public cans that are owned by the  
11 City and placed in public areas; is that correct?

12 A. Correct.

13 Q. Now. The companies currently service those  
14 cans, correct?

15 A. Yes, we do.

16 Q. How is that servicing changing under the  
17 proposal?

18 A. Under the proposal we would be collecting the  
19 cans with higher frequency.

20 Q. Okay. In addition to collecting cans, is  
21 there anything related to maintenance of those cans that  
22 Recology is currently responsible for?

23 A. Recology is proposing to repair the locks,  
24 doors, and replace liners on the City cans.

25 Q. Is that something the company currently does

1 or is that a future program?

2 A. We've been doing it for the last two months,  
3 just replacing liners. Our proposal would be to look at  
4 replacing the doors and locks in the future.

5 Q. Now, have the companies had to hire any  
6 additional employees to do this?

7 A. No, we have not.

8 Q. Where do you get the materials for those  
9 repairs and replacements?

10 A. Currently, we are getting the materials  
11 directly from DPW.

12 Q. Now, the funding for this program is in the  
13 rate application; is that correct?

14 A. Correct.

15 Q. With respect to the rate application, were  
16 there assumptions about how many public cans there were  
17 in developing the rate application?

18 A. Our initial count show that there was about  
19 3,800 public litter cans; and we were told by DPW that  
20 they believed the number was slightly under 3,000. So  
21 what he did was we took four of our employees and over a  
22 two-week period we audited the location of the City cans  
23 and we determined that there were 3,222 City cans out  
24 there, about 578-can difference from what our initial  
25 assumptions were.

1                   To summarize that, 549 cans were not present  
2                   in the locations where we believed that they were and  
3                   344 cans were found in new locations. So there's been  
4                   quite a bit of movement with the city cans over the  
5                   course of the last couple of years.

6                   Q.     So the cans have moved, but let me ask you  
7                   about the money. How has this audit changed the numbers  
8                   in terms of the cost of the program?

9                   A.     It really hasn't changed the cost of the  
10                  program. The numbers that are currently out there are  
11                  collected by our current complement of trucks and  
12                  drivers so there would be no change.

13                  Q.     So the bottom-line cost to the ratepayer at  
14                  the end of the day is the same?

15                  A.     It will be the same, correct.

16                  Q.     Got it. Do you have anything else to add  
17                  about public cans?

18                  A.     Yeah. We also looked at enhancing the way we  
19                  route the trucks. We're now utilizing the City's 311  
20                  system to track the trucks. It's very important now  
21                  that we have the ability to have the general public call  
22                  311 and identify an overflowing city cans that we can  
23                  dispatch our trucks directly to location rather quickly.

24                  Q.     I see. So if you get a 311 call a City can is  
25                  overflowing, you can respond to it better?

1           A.    Correct.

2           MR. WHITE:  Got it.

3           I don't have any further questions at this  
4   time.

5           DIRECTOR NURU:  Okay.  Will the Ratepayer  
6   Advocate come up for cross-examination, Mr. Deibler?

7           MR. DEIBLER:  Mr. Nuru, thank you.  I have no  
8   questions at this time.

9           DIRECTOR NURU:  Will the City come for  
10  cross-examination?

11                           CROSS-EXAMINATION BY THE CITY

12           MR. LEGG:  I have a few questions and I  
13  believe Robert Haley has a couple of questions after I  
14  speak.

15           Q.    Maurice, with the abandoned materials  
16  collection program, you're going to be using two  
17  different trucks in each of the five zones -- a box  
18  truck and a packer truck; is that correct?

19           A.    Yes, it is.

20           Q.    As your patch unit dispatch unit is sending  
21  them information about where to go based on the calls  
22  that are coming into 311, are those trucks always going  
23  to be going in tandem or will they go to separate  
24  locations depending on information that you have?

25           A.    I think it depends on the type of material

1 that the trucks are being dispatched to collect. We'll  
2 be putting them out in pairs. And whether they operate  
3 as a pair throughout the whole day will be difficult to  
4 determine at this time. If for some reason there's  
5 large items that one person can't get into the trucks, I  
6 could imagine that the second truck would assist.  
7 Likewise, the packer driver might assist the box-truck  
8 driver if there's a large item that they can't  
9 physically deal with.

10 Q. But at times they may actually be able to be  
11 operating independently geographically relatively  
12 nearby?

13 A. Correct.

14 Q. Okay. As Recology takes over this job of  
15 collecting abandoned materials, do you foresee any  
16 changes in the bulky item collection program? Or does  
17 Recology have ideas about ways to try to move more waste  
18 or material collection to bulky item collection?

19 A. At this point in time we don't have a plan to  
20 move the material to bulky item collection or to the  
21 abandoned waste collection. We've got tonnage  
22 assumptions for the abandoned material collection  
23 specific to the tons and trucks. The bulky item  
24 collection trucks currently operate given the complement  
25 or the number of calls that we receive on a daily basis.

1           Q.    Do you think that, as you're actually  
2 providing the service though, that you may be able to  
3 with that experience figure out better ways to be  
4 keeping these kinds of materials off the streets or to  
5 be collecting them more efficiently?

6           A.    Potentially, we could see some operational  
7 efficiencies.  But at this point I can't determine what  
8 those operational efficiencies would be.

9           Q.    Okay.  Shifting to the public litter cans,  
10 when you did the cost estimates that are included in the  
11 rate application, it sounds like they were not based on  
12 the total number of City cans, as those costs did not  
13 change even though the number of City cans out there was  
14 lower than what you had estimated; is that correct?

15          A.    Yes.  The cost associated with the routes was  
16 geographically driven.  The trucks are assigned a route  
17 and they drive the route and collect the cans.  At a  
18 minimum every can is picked up once a day.  Generally,  
19 that occurs in the residential parts of town.  But when  
20 you start to move into the downtown transit corridor,  
21 Chinatown, Union Square, some of the cans are picked up  
22 five times a day.  So it's not a question of how many  
23 cans they pick up; it's just how many cans are on the  
24 street that are full and what do they receive from the  
25 331 dispatch center.

1                   MR. LEGG: All right. Those are all the  
2 questions I have right now.

3 BY MR. HALEY:

4                   Q. I just have one question. In the application  
5 narrative at page 8, paragraph 3, it says, "The  
6 companies currently operate 10.5 dedicated public litter  
7 can collection routes." And then in Recology Sunset  
8 Golden Gate Schedule C, page 2, paragraph 3, it says,  
9 "The companies currently operate ten dedicated public  
10 litter can routes." My understanding is the correct  
11 numbers are 10.5; is that correct?

12                   A. Correct. 10.5.

13                   DIRECTOR NURU: Okay. That concludes the  
14 cross-examination.

15                   Mr. Deibler, would you like to ask questions  
16 of Mr. Legg now?

17   DOUGLAS LEGG,  
18 having previously been sworn, testified as follows:

19   CROSS-EXAMINATION BY THE RATEPAYER ADVOCATE

20 BY MR. DEIBLER:

21                   Q. Good afternoon.

22                   A. Good afternoon.

23                   Q. I have a few questions on abandoned materials  
24 and City litter cans and then a few more general  
25 questions.

1           On abandoned materials, how would you  
2 summarize how Recology's proposed costs to take over the  
3 abandoned materials program compare to our current costs  
4 to the department?

5           A.    The full-time equivalents that both the City  
6 and Recology are proposing are roughly equivalent. We  
7 have not -- in the DPW expenses that we detail on the  
8 exhibit that I presented on the first day of these  
9 hearings, we do not include hours for supervision or  
10 administrative support as direct charges. And Recology  
11 is showing those as separate expenses.

12           Likewise, I don't think either one of us are  
13 showing the kind of marginal costs of dispatch which is  
14 part -- which would be part of both of our costs. But  
15 because there's dispatchers basically doing all kinds  
16 of things, which you have to have a radio room staff at  
17 all times, we haven't shown those.

18           The other significant difference between our  
19 costs those that the companies have proposed are  
20 they're including tip fee for tons that are collected;  
21 and DPW has not had to pay that tip fee directly to the  
22 companies when we have delivered those wastes, but they  
23 have been -- the costs have been accounted for in the  
24 entire system. So, even though DPW has not been  
25 writing a check for those disposal tons, they have been

1 accounted for in the system as a whole.

2 Recology's presentation, I believe, is a  
3 more transparent presentation of those costs to the  
4 Ratepayer than what we've actually been having to pay.

5 So those are the primary differences. And  
6 they show that Recology's costs are somewhat higher  
7 though. As I said, they've included a lot of costs  
8 that we have not. I think they're fairly comparable in  
9 terms of costs.

10 Q. Good. Thank you.

11 How does the proposal from Recology compare to  
12 expectations you might have had? Were you thinking they  
13 would be comparable or were you hoping for savings?

14 A. We asked to see what the costs would be and we  
15 provided Recology with performance standards that we  
16 expected them to meet. And so the performance standards  
17 that they are proposing to meet are actually much more  
18 stringent than those that the City has been able to meet  
19 over the last couple of years.

20 During the week, as you heard Mr. Quillen  
21 say, they are proposing collecting materials within  
22 either four or eight hours of receiving the call,  
23 depending on when the call comes in. We have a -- we  
24 at DPW do collect most of materials in those time  
25 frames, but our service level agreement, as we call

1 it -- our standard -- is actually to collect wastes  
2 within 48 hours of getting the call 90 percent of the  
3 time. We are not able to meet that standard. So we're  
4 only able to get things within 48 hours -- everything  
5 within 48 hours something like 85 percent of the time,  
6 which means that there's a lot of junk left out on  
7 street.

8 The model that the companies are proposing,  
9 I think, is going to be much more effective than our  
10 model. They're going to have many more trucks on the  
11 street. They testified that they're going to have  
12 twice the number of trucks on the street.

13 And, finally, this is really their core  
14 business -- collecting materials; and it's not a core  
15 business of DPW's.

16 Let me just say one more thing about why DPW  
17 has not able to meet its service standard and why the  
18 fact that Recology has a dedicated group of people is  
19 going to mean better service for people in San  
20 Francisco, I believe.

21 We often have difficulty meeting -- having  
22 enough drivers available on any given day. And so the  
23 same drivers that are driving these routes on our --  
24 what we call our packer truck routes, the abandoned  
25 materials collection routes are often getting called

1 off and shifted to street-sweeping routes, where  
2 they're going to be parking-control officers issuing  
3 tickets. That's a higher priority for us, because  
4 citizens in San Francisco really do not like to move  
5 their car and find out that the street-sweeper never  
6 came. Or, even worse, get a ticket for not moving  
7 their car and the street-sweeper never came.

8 So we have a real challenge with our budget  
9 and with the places that we get called off. So it's  
10 not an ideal service for DPW to provide unless we have  
11 a lot of extra money so we have more on-call drivers;  
12 and we just don't have the budget for that.

13 Q. Thank you.

14 I have the same two questions for the litter  
15 cans. Again, how do Recology's proposed costs for the  
16 litter-can program -- again, it's not directly  
17 comparable; they're going to be providing some other  
18 services, I understand. But how do those compare to  
19 your current costs?

20 A. Recology currently is responsible for  
21 collecting the City cans; and so that's been part of the  
22 rate base for many years. Through 311, we are seeing  
23 much more use of those City cans. And I think Recology  
24 would also agree that there are places where they're  
25 being emptied much more frequently; and so their costs

1 for collecting have gone up.

2 Q. One comment. This may be more appropriate for  
3 the May hearing. But as you're looking at implementing  
4 a shift of some of those responsibilities, I think in  
5 Recology's presentation that they just made they  
6 indicated that there are some parameters where they're  
7 concerned about increased costs? Certain things happen,  
8 costs might go up.

9 So I assume that you would address that in the  
10 rate order in terms of how those increases might be  
11 measured in terms of cost and how they would be  
12 addressed.

13 More of a statement than a question, perhaps.

14 A. Yeah. We wouldn't be approving increased  
15 costs in the rate order; but we are contemplating,  
16 because they are proposing to meet certain standards,  
17 establishing some kind of performance standards that may  
18 include penalties if they are not able to meet the  
19 standards that they've proposed.

20 But I think we would have to have a  
21 mechanism that we agree to and that would be part of  
22 the rate order for how those standards would change  
23 based on increasing numbers of calls or significant  
24 changes in the amount of materials that are on the  
25 streets. So that's how we are going to have to deal

1 with that issue.

2 Q. Okay. Thank you.

3 If we could turn now to some more specific --  
4 or I should say more general -- comments and questions  
5 about the impound account. I just want to make a quick  
6 statement, which is that you've heard a concern  
7 expressed over time and it's come up at various  
8 hearings -- this isn't the first one -- about programs  
9 and related costs being shifted from the general fund or  
10 other sources of monies to the residential rate base  
11 over time. Are there longer-term plans for reallocation  
12 of funding between the various sources of monies  
13 overall -- the cigarette tax, the general fund, the  
14 residential rate base -- moving forward.

15 A. There are no plans to move anything else into  
16 the rate base at this point.

17 I do -- I have a couple of comments about  
18 what is in the rate base, though. It's not just the  
19 residential rate base. It's the residential,  
20 apartment, and commercial rate base, because impound  
21 account dollars are collected from all of those  
22 segments that are parts of the rate base.

23 It is true that we believe that a larger  
24 percentage of our costs are potentially eligible to be  
25 paid for through the impound account, but as I said we

1 have no plans to increase the percentage that we're  
2 seeking from the rate base.

3 Mr. Deibler, at some point, I do have  
4 another exhibit that relates to this that I want to  
5 introduce. Maybe I'll do that at the end of your  
6 questions.

7 Q. Okay. As you make those -- maybe this has to  
8 do with your exhibit, I'm not sure -- but in Exhibit 14,  
9 which is the 2012 hearing report, there's a reference to  
10 allocating residential rate base share of expenses based  
11 on relative tons of overall material collected; and it's  
12 47.5 percent or something like that of total tons of  
13 residential enhanced costs allocated in that manner.  
14 Would that continue to be the likely method?

15 A. My recollection is that it wasn't -- that we  
16 weren't doing the allocation based on tons. But I think  
17 that was the percentage that was coming from revenue  
18 from the residential sector. And we said that, to the  
19 best of our knowledge and based on our evaluation of  
20 where we are doing litter collection and where we are  
21 picking things up, that approximately represented land  
22 use and zoning in the city. And, as you can imagine, we  
23 can't trace every chewing gum wrapper or everything to  
24 find out which sector was responsible for that litter,  
25 but we did as best as we could. We were looking at the

1 types of materials that were being collected and  
2 delivered to the transfer station, the locations where  
3 we were doing that. And we felt that they were roughly  
4 equivalent to the residential, apartment, and commercial  
5 rate bases. And I don't anticipate that any of those  
6 things are going to change significantly in the years to  
7 come.

8 Q. So, for instance, Exhibit 17, where you did  
9 sort of a pretty detailed collection of data for the  
10 bulky item program, sort of showing support for the  
11 allocation of those costs, that you would do something  
12 similar in terms of looking at any future programs'  
13 acquiring a share of the residential rate base?

14 A. I believe that if we were to do any further  
15 programs, we would do this analysis -- this type of  
16 analysis, yes.

17 Q. Okay. And perhaps you answered this question,  
18 but let me just ask directly. Are there any plans in  
19 the works to shift any other programs to Recology at  
20 this point in time or over the next planning horizon?

21 A. I don't foresee anything else. As you know,  
22 we're trying to improve enforcement, compliance,  
23 education, and outreach. And that is kind of the last  
24 thing that we really feel like we need to be doing.  
25 It's our desire that we don't have -- that neither the

1 City nor DPW has to be picking up the volumes of litter  
2 and abandoned materials as we.

3 MR. DEIBLER: Thank you. That's all my  
4 questions on this topic.

5 You mentioned you had an exhibit.

6 MR. LEGG: Oh, I just wanted to -- and this  
7 relates to the questions that you were asking about  
8 what's included in the rate base. And there was a study  
9 that was done that I would like to introduce as an  
10 exhibit. It's a report that was done for the San  
11 Francisco Local Agency Formation Commission in 2001. And  
12 it describes all the services that other cities in the  
13 Bay Area include in their rate base, either through  
14 payments to the City for services or services that are  
15 provided by the collection companies -- things like  
16 collection from City cans in the rate base. And this is  
17 useful because it is another example to show these kinds  
18 of services -- abandoned waste collection, enforce street  
19 cleaning -- are all things that are commonly paid for by  
20 Ratepayers in the Bay Area.

21 It's 2011, not 2001. Sorry.

22 MR. OWEN: We will mark the document as  
23 Exhibit 42 and receive it into evidence. The document is  
24 approximately 22 sheets, bearing the title "Final Report  
25 Phase Two of Study to Examine Practices for Selecting

1 Refuse Collection, Hauling, and Disposal Providers."

2 (The document referred to was marked for  
3 identification and received into  
4 evidence as Exhibit 42.)

5 MR. DEIBLER: Thank you very much. No further  
6 questions.

7 DIRECTOR NURU: Thank you.

8 Now, the City's cross-examination of the  
9 companies.

10 MR. BAKER: Do you have an extra copy of that  
11 last exhibit?

12 When you described it, I think you might have  
13 said it was 2001.

14 MR. LEGG: Yeah. And then I was told to  
15 correct it as 2011. Thanks.

16 Mr. Nuru, to the extent possible, we are going  
17 to follow the order of issues that are on the agenda  
18 today. And the first topic that we want to do that the  
19 City has questions about are head counts in our  
20 collection and sorting programs. And I believe Mr.  
21 Quillen and Mr. Crosetti are going to answer those  
22 questions; and I believe Mr. Drew and Mr. Dmitriew have  
23 questions.

24 DIRECTOR NURU: So the companies can take the  
25 stand. And, Mr. Drew, you may sit and ask questions.

1 MR. LEGG: Why don't we just have the company  
2 representatives stand where you are, Mr. Baker.

3 DIRECTOR NURU: Yeah. You do need to be sworn  
4 in.

5 So at this time I would ask that anybody that  
6 hasn't been sworn can be sworn in and then we can  
7 proceed.

8 DPW CLERK: Can you please raise your right  
9 hand?

10 Do you solemnly swear that the testimony  
11 you're about to give today is the truth, to the best of  
12 your knowledge?

13 MR. DREW: Yes.

14 DPW CLERK: Thank you.

15 DIRECTOR NURU: Would you state your name for  
16 the record, please.

17 MR. DREW: I'm Kevin Drew. I'm the  
18 residential and special projects zero waste coordinator  
19 for city of San Francisco.

20 DIRECTOR NURU: Thank you.

21 MAURICE QUILLEN,  
22 having previously been sworn, testified as follows:

23 CROSS-EXAMINATION

24 BY MR. DREW:

25 Q. And Mr. Quillen and Mr. Crosetti, I wanted to

1 ask some questions about Schedule G-1 from the  
2 collection companies first on the head count and payroll  
3 head count and expenses. Are you familiar with that  
4 schedule?

5 A. Yes, I am.

6 Q. The total payroll head count for Recology  
7 Sunset Scavenger and Golden Gate has ranged from about  
8 584 to 594 for Rate Years 10, 11, 12, and 13, the last  
9 four years, for an average of about 590 FTEs over that  
10 period of time. The final application that we're  
11 looking at proposes 623 FTEs for Rate Year 14, an  
12 increase of 39 FTEs from where we were in Rate Year 12;  
13 is this correct?

14 A. Yes, it is correct.

15 Q. And total tonnage collected over that period  
16 and projected is relatively flat; is that right?

17 A. Yes, it is.

18 Q. Okay. Let me focus now on three specific  
19 areas. In Fantastic 3, co-collection section of G-1,  
20 page 6, Rate Year 14 shows an increase of about three  
21 FTEs over Rate Year 13 that we're in; is that right?

22 A. Correct, it is.

23 Q. And the RSF Schedule E shows that Fantastic  
24 3 tons again is essentially flat during this time  
25 period; is that right?

1           A.    Yes.  I don't have that schedule in front of  
2 me.

3           Q.    Yeah.  It's in the RSF.  Mike's got it, I  
4 think, there.

5                   My question then is just then why the  
6 additional three FTEs would be required?

7           A.    Currently the companies are working with the  
8 City on the compliance issues associated with mandatory  
9 recycling.  There's about 5,000 customers out there who  
10 are noncompliant.  And the company, in conjunction with  
11 the Department of Environment, are working on getting  
12 those customers into compliance.  So we have put in  
13 three additional FTEs, or routes, to deal with the  
14 compliance issues associated with those 5,000 customers.

15                   Currently, two of those routes are in ahead  
16 of schedule.  And we will probably be putting the third  
17 route in, I would imagine, very soon.  So our reality  
18 is that we are exceeding the assumptions in the rate  
19 application at this point.

20           Q.    Is the compliance -- is that residential or  
21 commercial?

22           A.    It's a combination of both.  Generally, we  
23 don't have residential routes that are purely  
24 residential.  So these would be the smaller customers  
25 and tend to be the mixed residential routes.

1 Q. Okay. Moving to page 10 on the same schedule,  
2 Schedule G-1, in general administrative, there's an  
3 increase of 5.8 regular payroll FTEs from Rate Year 12  
4 to Rate Year 14 including a 3.3 FTE increase in the year  
5 that we're in, Rate Year 13; is this correct?

6 A. Yes, it is.

7 Q. And those additional 3.3 FTEs in Rate Year 13,  
8 have those positions been filled?

9 A. I'm probably not the best person to talk to  
10 general administrative issues. I can deal with the  
11 operational questions. So if you've got questions  
12 concerning the routes and head count associated with the  
13 routes, I can answer those questions. General admin  
14 questions would probably be directed to Mr. Braslaw.

15 Q. Okay. Then we'll save that, I guess, and ask  
16 Mr. Braslaw those. I have truck and garage questions  
17 next. Would that be more in your area?

18 A. Yeah, I can answer those questions.

19 Q. So we'll ask Mr. Braslaw to answer that  
20 section in a second here.

21 So moving to truck and garage, on page 11, the  
22 Schedule G-1 shows an 8.5 FTE increase from Rate Year 12  
23 to Rate Year 14; and 6.6 of those occur in Rate Year 13,  
24 again, the year that we're in. Sort of the same  
25 question: Have those 6.6 FTEs been hired?

1           A.    We're in the process of hiring.  It's  
2           difficult to hire mechanics for a refuse-fleet  
3           operation.  It's not quite the same as hiring mechanics  
4           for a general truck operation.  In addition to being  
5           proficient in the drive train and brakes and suspension,  
6           you have to be proficient in the hydraulics.  So hiring  
7           mechanics for refuse-fleet operations is quite  
8           challenging.  We're currently looking at filling some of  
9           those positions.

10          Q.    How many of those positions are mechanics?

11          A.    Well, the positions are split between our cart  
12          department and mechanics.  We've got 14 positions in the  
13          cart departments, about 12 currently.  So two of the  
14          positions would be for the cart department.  The  
15          remainder of the positions would be for mechanics.

16          Q.    Yeah, I guess that was my next question is  
17          what are those positions and activities?  So the 6.6 are  
18          split between carts and mechanics?

19          A.    Correct, of which two would be for the cart  
20          department and the mechanics would be the remainder.

21          Q.    Then of the 1.9 FTEs that you're going to hire  
22          in the next year, in Rate Year 14, what are those  
23          positions?

24          A.    They'll be all mechanics.

25          Q.    All mechanics.  And can you just tell us a

1 little bit about the need for the mechanics. I  
2 understand it's difficult to hire them, but are you  
3 filling a backlog?

4 A. Yeah. We had some issues in 2010 and 2011  
5 with retirements, so we were always chasing an optimal  
6 head count number and we're getting closer to that  
7 number. Currently in the rate application we're at  
8 73.3; and that's the number that we're striving to  
9 attain.

10 Some of the issues associated with the  
11 increase in head count have to do with the PMs  
12 associated with our trucks. As fleets are getting  
13 larger and we've had some challenges with head counts,  
14 we're having to do the PMs on the trucks typically on  
15 overtime. And we want to make sure that we've got  
16 enough mechanics to do the preventive maintenance  
17 inspections.

18 In addition to that, we've also got some  
19 other issues associated with the carb equipment  
20 associated with the trucks. We don't have particulate  
21 traps on our whole fleet. And the particulate traps  
22 require additional maintenance, two to three hours'  
23 additional maintenance per truck. We've also got some  
24 increases in operational expenses associated with the  
25 fuel delivery, more specifically the compressed natural

1 gas and the liquid natural gas trucks. Generally, we  
2 look at what we have for industry standards as it  
3 relates to the head counts. Our piers are seeing 15-  
4 to 20-percent increases in head count as a result of  
5 the conversion from the diesel fleet to the LNG or CNG  
6 fleet.

7 One of the examples of this would represent  
8 changing spark plugs and having to adjust the valves.  
9 Currently, we have to do a tune-up, if you will, at  
10 every thousand-hour service interval; and that would  
11 include spark plugs and a valve adjustment. With the  
12 diesel trucks, we never had to experience that type of  
13 service interval before.

14 Q. Just that 15- to 20-percent increment, that is  
15 not just a one-time increment; that's an ongoing  
16 increment for mechanics?

17 A. It would be ongoing. And then we look at our  
18 current fleet. Our aspirations are to move to  
19 completely 100-percent CNG or LNG an alternatively  
20 fueled fleet.

21 MR. DREW: Okay. Thank you.

22 I guess can we go back to Mr. Braslaw for the  
23 questions on general administrative?

24 JON BRASLAW,

25 having previously been placed under oath, testified as

1 follows:

2 BY MR. DREW:

3 Q. Hello.

4 Regarding page 10 of schedule G-1, in general  
5 administrative there's an increase of 5.8 regular FTEs  
6 from Rate Year 12 to Rate Year 14; and 3.3 of those FTEs  
7 were in Rate Year 13, the year we are in; is this  
8 correct?

9 A. That's correct.

10 Q. And of those additional 3.3 in this year, have  
11 they been hired?

12 A. They have.

13 Q. And what are those positions and activities?

14 A. Those are -- two of the positions are zero  
15 waste positions. So we brought in a manager and staff  
16 person to help work on sustainability issues -- zero  
17 waste initiatives, pay per setout. That's Malika Thorne  
18 and Kristen Watkins, who works with the City. They  
19 participate in some of our zero waste planning work.

20 Q. What are the proposed positions and activities  
21 for the 2.5 additional that are coming on in Rate Year  
22 14?

23 A. The 2.5 additional, actually one of those was  
24 also hired in '13 as kind of split between. She's  
25 involved in community outreach. She works for Paul

1 Giusti and works to address customer issues that come up  
2 through City staff and the Board of Supervisors. She  
3 also works with community groups and organizes community  
4 meetings and presentations and such.

5 The people that are coming on in Rate Year  
6 14, one of them is an administrative position that we  
7 included in our proposal for the pay per set out  
8 program, that we assumed as we went through and  
9 implemented additional routes that we needed a  
10 full-time administrative person to essentially manage  
11 the paperwork to deal with customer issues specifically  
12 related to that program and to really keep track and do  
13 the recordkeeping that would allow us to use the data  
14 that we gather to make future decisions.

15 The other two positions are customer service  
16 reps. We anticipate that in 2014 and probably over the  
17 next few years we'll see an increase in the volume of  
18 inquiries and calls as we implement the new rate  
19 structures as we go out with our staff and get our  
20 customers used to the program. There are going to be  
21 more calls, more activity related to service changes to  
22 service audits -- things like that. So we've included  
23 two additional CSRs in that program.

24 MR. DREW: Okay. Thank you. That's it.

25 DIRECTOR NURU: That concludes your

1 cross-examination, Mr. Drew.

2 MR. LEGG: So then we have some questions  
3 about head count at RSF. And that's going to be Alex  
4 Dmitriew asking questions of Mr. Crosetti.

5 MR. DMITRIEW: I think I need to be sworn in.

6 DIRECTOR NURU: Yes, you do.

7 DPW CLERK: Please state your full name and  
8 your position.

9 MR. DMITRIEW: Alex Dmitriew, commercial  
10 recycling coordinator, City of San Francisco.

11 DPW CLERK: Please raise your right hand.

12 Do you solemnly swear that the testimony  
13 you're about to give today is the truth, to the best of  
14 your knowledge?

15 MR. DMITRIEW: I do.

16 DPW CLERK: Thank you.

17 MR. DMITRIEW: Want me to spell my name?

18 First name is A-l-e-x. The last name is Dmitriew,  
19 D-m-i-t-r-i-e-w.

20 MICHAEL CROSETTI,

21 Having previously been placed under oath, testified as  
22 follows:

23 DIRECT EXAMINATION

24 BY MR. DMITRIEW:

25 Q. Good afternoon, Mike.

1 A. Good afternoon.

2 Q. I just have a couple of questions on RSF.

3 In the draft application RSF, Schedule G-1,  
4 page 9, "Recycle central regular payroll FTE," there was  
5 an increase of four sorter material handlers from 63.5  
6 to 67.5 from Rate Year 12 to 14; is that correct?

7 A. That's correct.

8 Q. Now, from Rate Year 12 to 14 do total tons  
9 processed at recycle central increase or decrease?

10 A. It decreased.

11 Q. So given declining tonnage and that none of  
12 the four sorters have been hired to date, I recommended  
13 that two sorters not be added in Rate Year 14. Did you  
14 agree with this recommendation?

15 A. Yes, I did.

16 Q. In the final application on RSF, Schedule G-1,  
17 page 8, "Recycle central total payroll," there was a  
18 reduction of two sorter material handlers in Rate Year  
19 14 to 88 from 90 in the draft application, but no  
20 reduction in regular payroll FTE. Shouldn't this  
21 reduction also be reflected in the FTE table?

22 A. Yes, it should.

23 MR. DMITRIEW: I have no further questions.

24 DIRECTOR NURU: Okay. Thank you.

25 So we will begin -- go ahead.

1 MR. LEGG: So the next item on the agenda was  
2 trash processing and the East Bay MUD tip fee. I don't  
3 believe the City has any questions on this at this time.

4 Do the companies have any other information  
5 that they want to place on the record?

6 MR. BAKER: No, we do not.

7 MR. LEGG: All right. Then next up are  
8 composting tip fees. I understand the companies have a  
9 representative here to present on those and also at least  
10 one exhibit.

11 MR. BAKER: Yes, we're ready. Our witness on  
12 this subject is Paul Yamamoto.

13 MR. LEGG: Mr. Yamamoto, why don't you come to  
14 the front of the room and we'll have you sit where  
15 Maurice was sitting.

16 MR. BAKER: All right.

17 DPW CLERK: Please state your name and your  
18 position.

19 THE WITNESS: Paul Yamamoto, vice-president of  
20 landfill and composting operations.

21 DPW CLERK: Please raise your right hand.

22 Do you solemnly swear that the testimony  
23 you're about to give today is the truth, to the best of  
24 your knowledge?

25 THE WITNESS: I do.

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DPW CLERK: Thank you.

MR. BAKER: We have an exhibit I'm going to pass up.

MR. OWEN: We will mark this document as Exhibit 43 and receive it into evidence. The document is two sheets with the title "Recology organics infrastructure and operations."

(The document referred to was marked for identification and received into evidence as Exhibit 43.)

PAUL YAMAMOTO,

Having been placed under oath, testified as follows:

DIRECT EXAMINATION

BY MR. BAKER:

Q. Good afternoon, Mr. Yamamoto. What is your job at Recology?

A. My responsibilities are to oversee the general operations, everything from finance to human resources to the ongoing operations of both landfill and composting operations for the corporation.

Q. And how many landfills are you responsible for?

A. We have three operating landfills that we own and operate and responsible for operating two under contract.

1 Q. And how many composting facilities are you  
2 responsible for?

3 A. We have seven operating compost facilities  
4 throughout the state of California and Oregon.

5 Q. How long have you worked for Recology?

6 A. Seven years.

7 Q. When did Recology get into the composting  
8 business?

9 A. Approximately 1995-1996.

10 Q. So that was before you joined the company?

11 A. Yes, it was.

12 Q. Do you know what prompted Recology to get into  
13 that business?

14 A. The City as well as Recology's intent on  
15 diverting organics from the landfill to eliminate the  
16 process of degradation and production of landfill  
17 gases -- greenhouse gases.

18 Q. Did you say "the City"?

19 A. Yes.

20 Q. Are you talking about San Francisco?

21 A. Yes, I am.

22 Q. All right. The document that is marked as --  
23 What exhibit is that, Mr. Owen, again?

24 MR. OWEN: 43.

25 MR. BAKER: 43.

1 Q. Is this a summary of various issues relating  
2 to organics processing?

3 A. Yes. It's a high-level summary of our  
4 processes and the infrastructure.

5 Q. Did you prepare this with the assistance from  
6 others in your group?

7 A. Yes, I did.

8 Q. What materials -- well, first of all, San  
9 Francisco organics are sent to what facilities?

10 A. They're sent to three different facilities  
11 within our infrastructure. And that's Jepson Prairie  
12 Organics near Vacaville, the Grover Environmental  
13 Products operations near Modesto, and our South Valley  
14 organics facility near Gilroy.

15 Q. And how is it decided which facility to send  
16 San Francisco organics to?

17 A. It's a combination of things, but primarily  
18 the intent is to manage the concentration or ratio of  
19 food waste to available green waste for the process.

20 Q. Why is that important?

21 A. The combination of food waste with green waste  
22 is key for the whole composting process. Food waste in  
23 and of itself is extremely challenging to process and  
24 compost and in an efficient manner without green waste.

25 Q. Why is that? Why is food waste challenging?

1           A.    It's higher-strength material.  It takes a  
2 much longer time to process.  It has lower porosity, so  
3 it does not -- air for the availability of microbes is  
4 not as effective or efficient as it is with green waste  
5 and other higher-porosity materials.  It also produces a  
6 higher-strength leachate, so the liquids produced from  
7 the composting process also are challenging to manage in  
8 terms of their strength and the odor and the need to  
9 process those liquids.

10           Q.    What is leachate?

11           A.    Leachate is the liquid that is either produced  
12 or passes through the composting material; free liquids  
13 that can be collected at the surface of the operation.

14           Q.    What is done with the end-product of the  
15 composting process?

16           A.    The finished compost itself?

17           Q.    Yes.

18           A.    In our case we produce an organically listed  
19 material, so we can sell this finished compost to  
20 organically certified farmers.  And we do that in the  
21 agricultural business throughout the Central Valley,  
22 Napa, Sonoma.  But we also sell directly into landscape  
23 yards.  In fact, I think we're one of the only producers  
24 of food-based waste compost that sells into retail  
25 landscape yards.

1 Q. How many jurisdictions send organics to your  
2 three composting facilities other than San Francisco?

3 A. Approximately a half dozen others. I would  
4 have to get a list to be exactly certain.

5 Q. Where does most of your food waste come from?

6 A. The City and County of San Francisco. It's an  
7 exceptional program, one-of-a-kind in the nation. So  
8 the volume and the concentration are like no other  
9 community.

10 Q. How does -- which corporate entity, by the  
11 way, operates the composting facilities?

12 A. Recology Environmental Solutions.

13 Q. So how is Recology Environmental Solutions  
14 paid for material that is delivered from San Francisco?

15 A. Through our sister company.

16 Q. And Recology Environmental charges a tip fee?

17 A. Correct.

18 Q. And that's based on tonnage?

19 A. On a per-ton basis, yes.

20 Q. And then the San Francisco collection  
21 companies pay that?

22 A. Correct.

23 Q. In order to process food waste has Recology  
24 had to make any capital improvements or other  
25 investments at its three composting facilities?

1           A.    Yes.  Quite a few improvements have been made  
2           to our operations, strictly -- almost exclusively  
3           related to the management of commercial food waste.  
4           Improved services in the way of concrete or asphalt,  
5           leachate collection drains that convey surface liquids  
6           underground to a leachate-treatment facility,  
7           bio-aeration, intensive aeration, then treatment in a  
8           polishing pond -- about a six-acre polishing pond --  
9           specifically at our Jepson Prairie Organics site in  
10          Vacaville.

11          Q.    Jepson Prairie?

12          A.    We recirculate those liquids and reintroduce  
13          them back into the feedstock for moisture conditioning,  
14          so it's a closed loop.

15                Many other practices related to properly  
16          sizing the material.  As I mentioned before, blending  
17          properly sized green waste with the food waste to  
18          ensure proper porosity.  We do have -- we employ a  
19          state-of-the-art technology, the engineered compost  
20          system, to introduce air into the mass, into the  
21          material.  So it's forced aeration via exhaust gases  
22          run through a bio-filtration system, all of this to  
23          make sure that we manage the process properly, control  
24          odors, control liquids, and produce a marketable  
25          material.

1 Q. And have you also developed best management  
2 practices for the different operations?

3 A. Yes, we have. It's as much an art as it is a  
4 science in terms of managing commercial food waste,  
5 probably no less than a couple of dozen operating  
6 practices that we've instituted, kind of learned through  
7 the college of hard knocks, so to speak.

8 So lime treatment of surfaces to control the  
9 pH. Food waste tends to be a more acidic material.  
10 That affects the maintenance on the equipment. We also  
11 place a bed of green waste underneath the food waste  
12 when we receive it so that it can absorb any liquids  
13 and also enhance the porosity of the material. We have  
14 enhanced contaminate removal. Even though the fraction  
15 of contaminants may be minimal in terms of weight, film  
16 plastic can be very significant in terms of compost  
17 quality; and it's extremely labor-intensive and  
18 capital-intensive to remove that material. So we have  
19 on-going litter picking. We have quite a system, a  
20 network of litter screens and sorters to manage that  
21 material and that contamination.

22 Q. What type of investment in dollars has  
23 Recology made in its composting facilities to improve  
24 them in the last few years?

25 A. Just within the past years at Jepson Prairie

1 approximately \$4 million for leachate collection and  
2 treatment, the forced aeration system, enhanced odor  
3 mitigation measures, vector control in the way of  
4 falconry, pheromone traps to minimize fly production and  
5 so on.

6 At our Grover operation near Modesto we have  
7 scheduled a \$4.4 million project to essentially  
8 implement many of the same things that we have done at  
9 Jepson Prairie. And that is intended to conclude at  
10 the end of this year.

11 Q. Is the terminology -- can you explain the  
12 difference in your business between green waste on the  
13 one hand and food waste on the other hand?

14 A. Certainly. Probably the simplest distinction  
15 is that the commercial food waste would be something  
16 that comes out of the back door of a restaurant -- food  
17 scraps, post-consumer food waste. Green waste would be  
18 those types of green materials produced from residential  
19 yards or perhaps commercial landscape businesses.

20 Q. Is it more expensive to process food waste  
21 than green waste?

22 A. Dramatically so, yes.

23 Q. And why is that?

24 A. For all the reasons that I've mentioned.

25 Pretty much all the additional precautions and

1 infrastructure, all the best management practices that  
2 we engage in were developed specifically to manage  
3 commercial food waste. Green waste, although not  
4 trivial in terms of the processes necessary to produce a  
5 quality product, do not compare whatsoever to challenges  
6 and the innovation needed to manage commercial food  
7 waste.

8 Q. With regard to the capital investments that  
9 you've described that have already been made at Jepson  
10 and are planned for Grover, would those capital  
11 expenditures have been required if you were only  
12 processing green waste?

13 A. Improved surfaces in the way of, perhaps,  
14 asphalt at this point. Pretty much all the other things  
15 that I mentioned are driven by the need to manage  
16 commercial food wastes in an environmentally sound  
17 manner.

18 Q. Are there other of your customers who deliver  
19 to you significant quantities of food waste?

20 A. There are other customers who do. We have a  
21 contract with Safeway that is pre-consumer food waste,  
22 so slightly different but also challenging in its nature  
23 and composition to process.

24 Q. Any other customers send significant  
25 quantities of food waste?

1           A.     None like San Francisco. We do receive some  
2 commercial food waste from other customers. It tends to  
3 be blended in with green waste at a much smaller  
4 percentage. South Bayside Waste Management Authority is  
5 one customer who we do accept material from.

6           Q.     Can you give us an estimate of the total  
7 tonnage that you handle a year in food waste from San  
8 Francisco, as opposed to Safeway, or a ratio?

9           A.     Safeway delivers about 27,000 tons a year.  
10 San Francisco -- you're going to ask me to do math --  
11 approximately 70 to 100 -- about 70,000, 75,000 tons a  
12 year.

13           MR. BAKER: I have some photos that I wanted  
14 you to describe to us. I guess our overhead is not  
15 working today; is that right?

16           DIRECTOR NURU: We don't have an overhead.

17           MR. BAKER: I have copies of them, but the  
18 audience won't be able to see them.

19           MR. OWEN: We'll mark the document as Exhibit  
20 44 and receive it into evidence. The document consists  
21 of nine sheets with the title "SF Feedstock."

22                   (The document referred to was marked for  
23 identification and received into  
24 evidence as Exhibit 44.)

25       /////

1 BY MR. BAKER:

2 Q. So, Mr. Yamamoto, we have nine photos here  
3 that we're going to walk through of feedstock from  
4 different of your customers. San Francisco is the one  
5 on top, but then there are other sources as we go  
6 through the photos. But can you just describe generally  
7 where these photos come from.

8 A. This is from our Grover operation near  
9 Modesto.

10 Q. Were these photos taken recently?

11 A. Yes, they were.

12 Q. Were they taken under your direction.

13 A. Yes.

14 Q. Did you take the photos yourself?

15 A. I did not.

16 Q. Okay. The pages are numbered, so if you could  
17 look at the first photo and tell us what that is.

18 A. I believe this is possibly a trailer from our  
19 San Francisco operations, the inside of a trailer.

20 Q. And what's the source of this material, as  
21 best you know?

22 A. Combination of commercial food waste primarily  
23 from -- it appears to be restaurants as well as possibly  
24 grocery stores. Not exactly certain. There also  
25 appears to be a fraction of green waste in here as well.

1 Q. What is Photo 2?

2 A. It's another example of commercial food waste  
3 vegetables and other post-consumer food waste.

4 Q. From what location?

5 A. San Francisco.

6 Q. So tell us what is notable about what we see  
7 in Pictures 1 and 2 as it relates to what we've been  
8 talking about?

9 A. Again, it's the predominance of commercial  
10 food waste as a fraction of total volume of material  
11 within those trailers. Again, San Francisco has an  
12 exceptional program, generates a significant volume of  
13 commercial food waste at a high percentage and ratio.  
14 The material that we're looking at, particularly in  
15 Slide 2, is vegetation, vegetables, some film plastic.  
16 I had mentioned earlier on that, though it was a very  
17 small fraction weight- or volume-wise, it is fairly  
18 labor-intensive to manage.

19 Q. You note that the film plastic, the plastic  
20 bags in Photo 2 in particular, what steps do you have to  
21 employ in order to deal with that material?

22 A. It's combination of processes. We -- the  
23 material can be ground or shredded to open the bags.  
24 Then it's run through a trommel or a screen to make sure  
25 that the organic fraction drops out or a portion of the

1 organic fraction drops out. And the overs, the larger  
2 material, is run across a sort line where we have  
3 anywhere from four to eight sorters picking the  
4 noncompostables and plastics -- the film plastics -- and  
5 the other things out of the feedstock.

6 Q. And that's done manually by people who are  
7 doing this -- sorters?

8 A. That's done manually. Toward the middle and  
9 the end of the process we have airlift separation, a  
10 series of airlift separators, that use the difference  
11 and the density of the material. The film plastic tends  
12 to be much lighter, has much greater surface area. So  
13 it can be drawn off under a vacuum, essentially.

14 Q. Photos 3 and 4, what do they show?

15 A. This is the Safeway feedstock, so a higher  
16 ratio of cardboard. But still within those containers  
17 is generally food waste from the retail outlets.

18 Q. What about Photo 5? What does that show?

19 A. That's another photo of Safeway.

20 Q. No, 5. look at the bottom left-hand corner,  
21 the numbers.

22 A. SBWMA, so South Bayside Waste Management  
23 Authority.

24 Q. What region is that?

25 A. San Mateo County, in general.

1 Q. Do you get much food waste from those  
2 customers?

3 A. We don't receive a high percentage of food  
4 waste. There is some contained within this material  
5 through residential programs by comparison not much.  
6 And what I mean by that is by comparison to San  
7 Francisco.

8 Q. And Photo 6 is also the SBWMA?

9 A. That is correct.

10 Q. So what is notable in terms of what we've been  
11 talking about Photos 5 and 6?

12 A. Predominantly green waste, which is actually  
13 helpful to the process.

14 Q. Helpful in what regard?

15 A. Again, porosity management through the  
16 equipment that we use to receive the material and screen  
17 and grind.

18 Q. Is the material that is predominantly green  
19 waste as we see in Photos 5 and 6 -- is that easier and  
20 less expensive to process?

21 A. Yes, it is.

22 Q. Okay. What about Photo 7? What does that  
23 show?

24 A. That's green waste from Waste Management.  
25 Actually, it's residential food waste and green waste.

1 But it has the least amount of food waste of any of the  
2 feedstocks that we receive from any customer.

3 Q. Where does that material come from?

4 A. Alameda County.

5 Q. Then we have Photo 8 is Berkeley; is that  
6 right?

7 A. Yes.

8 Q. Again what's the typical composition of the  
9 Berkeley feedstock?

10 A. It's primarily green waste.

11 Q. And what is notable about this photo, Photo 8?

12 A. Yes.

13 Q. Then Photo 9, what does that show?

14 A. The City of Livermore. We have a contract  
15 with the City of Livermore as well.

16 Q. Do you get much food waste from Livermore?

17 A. No. That's a residential program  
18 predominantly and primarily as well.

19 Q. What is the tip fee that Recology  
20 Environmental charges the San Francisco collection  
21 companies for material from the green cans?

22 A. I believe the current rate is \$49.18 a ton.

23 Q. What about Safeway? What is Safeway charged?

24 A. Slightly above that. \$49.88.

25 Q. What about the SBWMA? How are they charged?

1           A.    I believe their rate is 46.55 per ton, so  
2 slightly less.

3           Q.    And is that a charge for food waste or for  
4 green waste?

5           A.    That's a charge for residential organics mixed  
6 with food waste.

7           Q.    Okay.  Do you get much food waste at all from  
8 the SBWMA?

9           A.    We do receive some periodically.  But, again,  
10 the majority of material that we receive is green waste  
11 that has residential food scraps in it.

12          Q.    Does the SBWMA send commercial food waste to  
13 another location?

14          A.    They do.  At this point the majority if not  
15 all of that material is sent to a competitor's site.  
16 And unless that competitor has some challenges, we do  
17 not receive that material.

18          Q.    When did Recology acquire the Grover site?

19          A.    Early 2010.

20          Q.    Does the SBWMA material mostly go to Grover?

21          A.    Again, it is split.  So I would think that a  
22 slightly higher volume of material ends up at our Grover  
23 operation because it's mainly green waste.

24          Q.    Was the Grover contract bid and obtained by  
25 Recology or by a predecessor company?

1           A.    The management from the company that we  
2 purchased the operation from submitted that, so it was a  
3 non-Recology bid response.

4           Q.    What company was that?

5           A.    Grover Landscape Services.

6           Q.    Was that the company you bought the Grover  
7 facility from?

8           A.    That's correct.

9           Q.    So the \$46.55-per-ton figure, which is about  
10 two and a half bucks less than Recology charges to San  
11 Francisco companies, that was bid by another company?

12          A.    Correct.

13          Q.    Did Recology bid on that contract to get food  
14 waste from SBWMA?

15          A.    We did, into our Jepson Prairie site near  
16 Vacaville.

17          Q.    And was Recology's bid higher or low than the  
18 one that was accepted from Grover?

19          A.    It was higher.

20          Q.    So Recology didn't get that bid?

21          A.    Correct.

22          Q.    So Recology has a Grover contract only because  
23 they bought the Grover facility?

24          A.    That is correct.

25          Q.    Or the SBWMA contract.

1                   Why did Recology bid more than the winning  
2 bid?

3           A.    Perhaps maybe a better question would be, Why  
4 did Grover bid less?

5           Q.    I'll accept that one.

6           A.    They had never received commercial food waste  
7 before.

8                   I take that back. They did at one time  
9 receive Safeway and because of the contamination they  
10 rejected it. But they did not have the level of  
11 experience that Recology has in processing commercial  
12 organics.

13           Q.    So when Recology put together it's bid for  
14 SBWMA, did Recology assume that some improvements would  
15 have to be made in its facilities in order to accept the  
16 food waste from SBWMA?

17           A.    Our intent was to leverage the existing  
18 facility as best as possible. But because of the volume  
19 we would have had a need to expand the existing  
20 facilities that accommodated commercial food wastes.  
21 Yes.

22           Q.    And I think you mentioned that there are now  
23 improvements being made at Grover that are planned in  
24 the near future; is that right?

25           A.    That is correct.

1 Q. And are those improvements to provide  
2 facilities appropriate for food waste?

3 A. That is correct.

4 Q. And to bring it up to the Jepson Prairie  
5 standard. Is that a fair way to put it?

6 A. Two different processes, but the very same  
7 challenges.

8 Q. Have I left anything out?

9 A. I think you've covered things fairly well.

10 MR. BAKER: All right. We have one other  
11 item. I understand that the City would like to reserve  
12 cross-examination for Mr. Yamamoto till Wednesday?

13 MR. LEGG: Yeah, I have a couple of clarifying  
14 questions. But we would like to have Mr. Yamamoto come  
15 back on Wednesday.

16 And I understand that the Ratepayer Advocate  
17 has some questions that I think he's ready with today.

18 MR. BAKER: All right. Let me put another  
19 document into evidence that you can utilize. This is a  
20 report that was prepared by a company called Integrated  
21 Waste Management Consulting -- Bay Area composting  
22 operations and comparing them. A draft of this report, I  
23 think, was provided to the City earlier. There have been  
24 some changes made in it since then. So this is the  
25 current version. So I'll offer that up and we can mark

1 that as Exhibit 45.

2 MR. LEGG: Mr. Baker, can I ask, if the City  
3 has questions about this report, will Mr. Yamamoto be  
4 responding to those also?

5 MR. BAKER: About the Integrated Waste  
6 Management report?

7 MR. LEGG: Yes.

8 MR. BAKER: He may, but I think we may have  
9 others as well. Either Mr. Glaub or Mr. Braslaw may as  
10 well.

11 MR. OWEN: This document will be Exhibit 45 in  
12 evidence. The document is six sheets with the title  
13 "Food Scraps Capacity in the Bay Area 2013 Benchmark  
14 Data."

15 (The document referred to was marked for  
16 identification and marked into evidence  
17 as Exhibit 45.)

18 MR. BAKER: So I have no further questions of  
19 Mr. Yamamoto.

20 DIRECTOR NURU: Okay.

21 CROSS-EXAMINATION BY THE CITY

22 MR. LEGG: I have a couple of questions that  
23 I'd like to ask today and I may be that Mr. Yamamoto  
24 needs to provide some other information back on  
25 Wednesday.

1 Q. You said that there were about a half-dozen  
2 other jurisdiction that use Grover and Jepson Prairie?

3 A. Yes.

4 Q. If it's possible, we'd like to see that list;  
5 and also what the tip fees are that are charged to all  
6 of those public jurisdictions.

7 A. Understood.

8 Q. If I wanted to know -- and I may have missed  
9 it -- but what percentage of San Francisco's food waste  
10 currently goes to Grover versus going to Jepson Prairie?

11 A. In terms of a percentage, I would have to say  
12 about 75 percent. And that's an approximation. I can  
13 get a more accurate number if that would be needed.

14 Q. That would be helpful to me. And that would  
15 be 75 percent going to which facility?

16 A. To Grover.

17 Q. Okay. That's despite the fact that all these  
18 improvements haven't yet been implemented at Grover?  
19 You are able to handle all of that food? That's what's  
20 confusing to me a little bit. It sounds like you're  
21 about to make a lot of investments, but there's a lot of  
22 food waste that's being processed already at Grover.

23 A. We ran into some challenges at our Hay Road  
24 operation because of the volume of commercial food  
25 wastes that the City produces. Again, the success of

1 the program. So to make sure that we had a proper ratio  
2 of food wastes to green waste, we diverted more of the  
3 commercial food waste to our Grover operations. The key  
4 there is that Grover had a large percentage, or a large  
5 volume, of green waste. All of that green waste is now  
6 blended with commercial food wastes at that operation.  
7 That was a good first step, but we're not done. So we  
8 have to make an additional 4.4 million in improvements  
9 to make sure it's properly managed.

10 Q. In our public workshops we had a number of  
11 questions about the fact that Recology receives from  
12 selling it's high-quality compost products. And is  
13 there a difference between prices that you are able to  
14 charge for material that's processed at Jepson Prairie  
15 versus Grover? Can you describe if there's a difference  
16 or are the prices essentially equivalent at this point?

17 A. The bigger distinction is between pure green  
18 waste compost, dry compost, and commercial  
19 food-waste-derived compost. These are just ranges, but  
20 a pristine green waste compost could sell for anywhere  
21 between \$10 to \$15 per cubic yard. Commercial  
22 food-waste-based compost can sell anywhere from \$2 to  
23 \$10 at the most, per cubic yard.

24 Q. So the food waste actually results in a less  
25 valuable product?

1           A.    In the marketplace, correct.

2           MR. LEGG:  Okay.  I may have more questions.  
3  And I know Department of Environment will have questions  
4  on Wednesday for you.

5           But, Mr. Deibler, are you ready?  Great.

6           CROSS-EXAMINATION BY THE RATEPAYER ADVOCATE

7           MR. DEIBLER:  Thank you.  I have a few  
8  questions.  Thank you, Mr. Yamamoto.

9           Q.    First of all, you mentioned pretty significant  
10  investments into the facilities over recent years to  
11  meet a variety of needs related to organics.  What share  
12  of those investments has been paid by San Francisco  
13  Ratepayers?  Do you have an estimate?

14          A.    I don't have that available, but I could  
15  provide that at a later time.

16          Q.    Okay.  Thank you.  Following up on -- Douglas  
17  just asked a little bit about products.  Several  
18  questions on that.

19                You develop and generate and sell a range of  
20  products.  And are those sold at different prices per  
21  cubic yard?

22          A.    Yes.

23          Q.    What is a general number -- is there one --  
24  for revenue per ton in terms of off-setting costs and  
25  the tip fee for sale of materials?

1           A.    I can tell that you the percent of revenue  
2 produced by compost sales is about 10 percent of total  
3 revenue that we receive. Does that answer your  
4 question?

5           Q.    Total revenue relative to the tip fee?

6           A.    Total gross revenue.

7           Q.    Four dollars per ton? Is that what you're  
8 saying, ballpark?

9           A.    Again, I'm going to have to do some math in my  
10 head. So if you'll bear with me, I may be able to come  
11 up with an approximation.

12          Q.    That's okay. If you are going to be back on  
13 Wednesday, maybe you can think about it for then.

14                   Does the mix of materials change over time --  
15 or the products, I should say, that you sell? You have  
16 a range of products. You're selling different amounts  
17 of them at different times?

18          A.    The largest volume of material that we sell is  
19 into the agricultural business. It's bulk sales, so  
20 that's pure compost. There are other materials that we  
21 do sell periodically based on the market demand, the  
22 needs of customers. But predominantly bulk sales into  
23 the agricultural industry.

24          Q.    Thank you. Is that a fairly static component  
25 of sales, a large portion going to agriculture in bulk?

1           A.    It's a large percentage.  And I wouldn't say  
2           that it's static.  But, relatively speaking, in terms of  
3           an order of magnitude, it's probably somewhat constant.

4           Q.    Okay.  Well, you mentioned Wednesday you'll  
5           tell us what sort of an average dollar per ton is on the  
6           revenue side for sale of materials.  From the point of  
7           view of the rate process --

8           A.    Oh, I'm sorry.  On a per-ton basis, it could  
9           be -- per ton of material of finished compost, it could  
10          be on the order of maybe \$20 per ton, possibly \$15 per  
11          ton, if you're talking about sale of finished compost on  
12          a per-ton basis.

13          Q.    Okay.  Thank you.

14                    And I guess there's moisture loss -- and I  
15          don't want to get into the details here -- but if you,  
16          for Wednesday, could sort of equate that back to how  
17          that relates to the incoming -- the tip fee that's paid?  
18          I don't think it's a one-to-one.

19          A.    Sure.  It is not.

20          Q.    Thank you.

21                    What happens if actual revenues are lower than  
22          whatever that number is for -- going to be here on  
23          Wednesday.  Does the City's relative net tip fee  
24          increase?  If the sale of products generate a certain  
25          revenue, but that revenue may vary over time?

1           A.    Well, the rates that we charge our collection  
2 companies is set for the year and reevaluated at the  
3 beginning of every year.

4           Q.    Annually.  So do the Ratepayers either pay  
5 more if that revenue goes down or, correspondingly, do  
6 they benefit if sales had gone up and more than offset  
7 costs?

8           A.    That is incorporated into the evaluation of  
9 our rates to our collection companies.

10          Q.    Okay.  Thank you.

11                I have a few questions on anaerobic digestion.  
12 I don't know if you're the right person to ask.  It's  
13 with relation to composting in particular.  I was asked  
14 to ask several questions and you can tell me if this is  
15 the wrong time to ask them.

16                But food waste generates volatile organic  
17 compounds, VOCs, that are climate-change gases?

18          A.    Correct.

19          Q.    Is it true that they generate more of those  
20 than green waste?

21          A.    Food waste?

22          Q.    Would it be accurate that food waste generates  
23 more?

24          A.    Yes, it does.

25          Q.    Uh-huh.  And would anaerobic digestion in

1 front of composting -- would that be a way to capture  
2 and reduce those VOCs?

3 A. Well, actually, anaerobic digestion enhances  
4 the production of methane gases and VOCs. Composting  
5 minimizes that. But, overall, anaerobic digestion with  
6 the intent of capturing methane would probably capture a  
7 significant portion of the gases. But as I mentioned  
8 before, we do have bio-filtration at our compost  
9 facilities, so we are capturing and destroying volatile  
10 organic compounds.

11 Q. When you say "destroying," are you --

12 A. It's a biological process.

13 Q. Biological. Okay.

14 I also want to ask one question about the East  
15 Bay MUD, if I could, just for a moment. The East Bay  
16 MUD pilot program. And I'm not extremely familiar with  
17 this. But could you tell us, just for a minute, a  
18 little bit about that program? And, again, I'm not sure  
19 you're the right person. I hope you are.

20 A. I've been involved a bit. So at a high level  
21 I can describe the process for you.

22 We received some select loads of commercial  
23 food waste at our Jepson Prairie site. Because we have  
24 the equipment there. We're capable of processing that  
25 material -- essentially pulverizing it into what we

1 called manufactured bio-mass -- and then delivering  
2 that at a point in the system that East Bay MUD, where  
3 they take that material, run it through excess digester  
4 capacity to produce methane, and from that methane they  
5 produce electricity.

6 Q. And that's at a pilot scale; is that correct?

7 A. It is. The difference between a commercial  
8 scale and a pilot scale is kind of vague, but it's a  
9 smaller operation.

10 Q. Do you have plans or does the company have  
11 plans to increase its size or hope to do that?

12 A. There are currently plans right now to work  
13 more closely with East Bay MUD; and that would include  
14 an increase in volumes.

15 Q. Okay. And do you know offhand what the tip  
16 fee is for that -- I was trying to find it in the forms  
17 and I was having a little trouble.

18 A. That actually I do not have off the top of my  
19 head. In fact, maybe it is still part of the  
20 discussions with East Bay MUD.

21 MR. DEIBLER: Okay. Maybe someone else knows  
22 the number.

23 Thank you very much. Thank you, Mr. Yamamoto.

24 DIRECTOR NURU: Thank you. I think we should  
25 probably take a 15-minute break and reconvene at 3:00

1 o'clock, if that works for everyone. Thank you.

2 (Break from 2:43 to 3:03 p.m.)

3 DIRECTOR NURU: Okay. We should resume. I  
4 know we have quite a bit of areas to cover.

5 Mr. Legg, could you indicate the topics you  
6 would like to take up next.

7 MR. LEGG: Sure. The companies have some  
8 presentation. And we may or may not have questions about  
9 workers' compensation expenses and liability insurance.

10 The City does have some questions -- I'm just  
11 going to give a quick preview of how we're dealing with  
12 this two-day agenda over the rest of today and  
13 Wednesday. We do have questions about sustainability  
14 that we'd like to ask today. And then the companies  
15 will have some presentation on revenue projections. And  
16 then we'll hold, based on giving us a little bit of time  
17 to review those materials, we'll have some questions  
18 about that, the revenue projections and the rest of  
19 what's on the agenda on Wednesday, as well as circling  
20 back to the compost programs.

21 So I anticipate that we'll actually finish a  
22 little bit early today and be able to take public  
23 comment before 4:30. But that's the plan.

24 So if the companies are ready on workers'  
25 compensation and liability insurance, we're ready.

1                   MR. BAKER: All right. We're ready to proceed  
2 on that. We have two witnesses on that on those two  
3 issues. It would probably make sense for both of them to  
4 come up at the same time. So maybe Mr. Haley could  
5 briefly migrate over to the other side and we would have  
6 two seats right there.

7                   It will be Aaron Newhoff and Adam Tabak.

8                   DPW CLERK: Please state your name and your  
9 position.

10                  MR. NEWHOFF: Aaron Newhoff, chief actuary  
11 with Beecher Carlson. Aaron, A-a-r-o-n, Newhoff,  
12 N-e-w-h-o-f-f.

13                  DPW CLERK: Please raise your right hand.

14                  Do you solemnly swear that the testimony  
15 you're about to give today is the truth, to the best of  
16 your knowledge?

17                  MR. NEWHOFF: Yes.

18                  DPW CLERK: Thank you.

19                                 AARON NEWHOFF,  
20 having been placed under oath, and

21                                 ADAM TABAK,  
22 having previously been placed under oath, both testified  
23 as follows:

24                   /////

25                   /////

1 DIRECT EXAMINATION

2 MR. BAKER: Mr. Newhoff, tell us a little bit  
3 about what you do and where you work.

4 MR. NEWHOFF: I work for an insurance  
5 brokerage and risk management consultant company called  
6 Beecher Carlson. We have been working with Recology for  
7 the past several years in working on their workers'  
8 compensation program. I in the actuarial unit, look at  
9 their loss experience over time; and based on that loss  
10 experience, tend to make forecasts for what future loss  
11 emergence will look like in their workers' compensation  
12 program.

13 MR. BAKER: What is your training?

14 MR. NEWHOFF: I'm a fellow of the Casualty  
15 Actuarial Society and a member of the American Academy of  
16 Actuaries.

17 MR. BAKER: Okay. You might have to slow down  
18 just a little so the court reporter gets everything that  
19 you say.

20 Mr. Tabak has been here before. And, again,  
21 just to remind everyone, what is your position?

22 MR. TABAK: I'm Recology's corporate  
23 controller.

24 MR. BAKER: So let me start with you,  
25 Mr. Tabak. How does workers' compensation expense fit

1 into this application?

2 MR. TABAK: The workers' compensation expenses  
3 included on Schedule D and G-4.

4 MR. BAKER: So Schedule D is a schedule of  
5 expenses?

6 MR. TABAK: Yes.

7 MR. BAKER: And workers' compensation is a  
8 line item on that schedule?

9 MR. TABAK: Yes.

10 MR. BAKER: And for Rate Year 13, for example,  
11 what's the expense for workers' compensation?

12 MR. TABAK: 5,830,596.

13 MR. BAKER: So Rate Year 13 takes us through  
14 June 30 of 2013; is that right?

15 MR. TABAK: Right.

16 MR. BAKER: And then there's also a number  
17 that's for Rate Year 2014, the rate year that we're  
18 seeking a rate increase, correct?

19 MR. TABAK: Right, yes.

20 MR. BAKER: And what's that number?

21 MR. TABAK: 6,247,068.

22 MR. BAKER: Let's look at Rate Year 13, the  
23 year that we're currently in. How was that number  
24 calculated, as a general matter, just as a broad  
25 methodology?

1                   And if I should be asking Mr. Newhoff this  
2                   question instead of you, turn his way, please.

3                   MR. TABAK:   Okay.  Well, I can just start with  
4                   the big picture, which is that we estimated the cost for  
5                   2013.  We broke it out into a couple of different  
6                   component, being the claims; our excess premium -- we're  
7                   self-insured up to a million dollars in pay premiums in  
8                   excess of a million; and reserves and professional  
9                   services.  The largest component of that was the claim  
10                  costs and the reserves where we did rely on actuarial  
11                  estimates.

12                  MR. BAKER:  And you said that more detail is  
13                  provided on this subject on Schedule G-4?

14                  MR. TABAK:  Yes.

15                  MR. BAKER:  You mentioned self-insured.  Can  
16                  you explain what that means in this context?

17                  MR. TABAK:  Right.  So the company pays for  
18                  claims out of pocket up to a million dollars.  Claims in  
19                  excess of a million dollars we're fully insured for,  
20                  which means that we have a third party that insures those  
21                  costs.

22                  MR. BAKER:  So you pay premiums for the  
23                  insurance -- the third party insurance portion of it; is  
24                  that right?

25                  MR. TABAK:  Yes.

1                   MR. BAKER: And so the premiums, am I correct,  
2 that you get a bill from the insurance company and you  
3 pay the bill, so it's pretty easy to calculate what that  
4 cost is?

5                   MR. TABAK: Yes.

6                   MR. BAKER: How do you calculate the  
7 self-insured portion up to the million dollars per claim?

8                   MR. TABAK: The self-insured portion is more  
9 difficult to calculate, which is why we turn to experts  
10 who are able to do that for a living.

11                  MR. BAKER: So, Mr. Newhoff, that seems to be  
12 your cue. What do you do to assist the company in  
13 calculating the expense that it needs to include in its  
14 rate application for workers' compensation?

15                  MR. NEWHOFF: We collect historical loss  
16 information from Recology so these payments that Adam  
17 mentioned, we look at the entire history over several  
18 years, over approximately a decade. Based on the  
19 information contained in these loss runs that are  
20 provided to us by Recology, we make forecasts based on  
21 the historic development patterns. We try to anticipate  
22 what the future payments will look like. Based on those  
23 future payments, we then spread that out over periods of  
24 time -- in this case the forecasted policy years. And  
25 that's the payment information we provide to Adam.

1                   MR. BAKER:  If someone, let's say, was injured  
2                   in Year 2005 and made a claim under workers'  
3                   compensation, is it possible that the payments required  
4                   for that claim might show up in Rate Year 13 or 14?

5                   MR. NEWHOFF:  Absolutely.  Workers'  
6                   compensation is what we refer to as a long-tailed line of  
7                   business.

8                   MR. BAKER:  It's referred to as what?

9                   MR. NEWHOFF:  Long-tailed.

10                  MR. BAKER:  Long-tailed?

11                  MR. NEWHOFF:  Yes.  It can run over several  
12                  years -- decades, actually.

13                  So once an injury occurs, all the costs  
14                  associated with compensating that employee are  
15                  associated back with the 2005 year in your example, but  
16                  then those payments can come over the course of several  
17                  years.  So there could be additional medical payment, if  
18                  there was a future surgery that was required, if this  
19                  person is out of work for an expended period of time,  
20                  the compensation that they're getting for their lack of  
21                  wages is paid out over several years.  So, yeah, all  
22                  those payments can take place over a fairly long period  
23                  of time.

24                  MR. BAKER:  And am I correct that what you're  
25                  trying to calculate are the estimated paid losses and

1 reserves for the period of time that you're focused on,  
2 in this case, Rate Year 13?

3 MR. NEWHOFF: That's correct. All the  
4 payments that will be made on all the claims that have  
5 occurred throughout history, as well as the changes in  
6 reserves. So if, for example, the information that we're  
7 provided shows not only the payments that are made, but  
8 also a claims administrator's estimate of what those  
9 future payments will be, so if they say, "Okay, we expect  
10 that maybe this particular employee might need a surgery  
11 in the future," that's part of the calculation as well.

12 MR. BAKER: I haven't handed up an exhibit for  
13 this witness, have I, Mr. Owen? Okay.

14 MR. OWEN: We will mark the document as  
15 Exhibit 46. The document consists of two sheets. And it  
16 is a memo to Bill Lyons from Aaron Newhoff, dated  
17 February 25, 2013, "Subject: Recology Allocation and  
18 Trends."

19 (The document referred to was marked for  
20 identification and admitted into  
21 evidence as Exhibit 46.)

22 MR. BAKER: You said it was 47?

23 MR. OWEN: 46.

24 MR. BAKER: Mr. Newhoff, can you tell us what  
25 Exhibit 46 is, please?

1                   MR. NEWHOFF: 46 is an outline of the process  
2 that we go through to come up with the numbers that we  
3 were describing a minute ago. So the payments that we  
4 expect in the future year, as well as the changes in  
5 reserves.

6                   And then there's an additional portion of that  
7 process. When we look at Recology, we look at it in  
8 total. So we look at the company in aggregate. It  
9 provides us with kind of law of large numbers, a  
10 credible database from which to make projections. Once  
11 that overall projection has been made, we then allocate  
12 it to the various entities within Recology. In this  
13 case we're talking about the San Francisco entities. So  
14 once we've come up with the overall size of the pie, we  
15 figure out how to segment the pieces of the pie. And  
16 this memo is referring to both parts of that process.

17                  MR. BAKER: Before we get to the allocations,  
18 what data do you obtain -- or what data do you rely on in  
19 order to make your projections?

20                  MR. NEWHOFF: We obtain loss runs from  
21 Recology, which contain --

22                  MR. BAKER: Obtain what?

23                  MR. NEWHOFF: Loss runs from Recology, which  
24 contain both the paid and incurred loss information for  
25 all of their claims throughout history. It also tells us

1 the number of open and closed claims. And then we also,  
2 in addition to the loss information, we relate that to an  
3 exposure base, which in the case of workers'  
4 compensation, the exposure base is typically payroll.

5 MR. BAKER: And do you have data from Recology  
6 going back many years to assist this?

7 MR. NEWHOFF: Yes, we do.

8 MR. BAKER: How many years did you say your  
9 company has been doing this?

10 MR. NEWHOFF: We've been working with Recology  
11 for, I think, three or four years now, but we receive  
12 data going back much further than that.

13 MR. BAKER: And do you rely on any data from  
14 the industry, that is data from other than Recology  
15 itself?

16 MR. NEWHOFF: Yes, we do. The data that we  
17 receive from Recology is quite voluminous. There's a lot  
18 of credibility to it, but in instances where we're  
19 looking at pieces that are smaller, we try to supplement  
20 that with industry information. In this case, it's  
21 workers' compensation industry information promulgated by  
22 the California Rating Bureau.

23 MR. BAKER: By the what?

24 MR. NEWHOFF: By the California Rating Bureau,  
25 known as the WCIRB.

1 MR. BAKER: Is that a state agency?

2 MR. NEWHOFF: Yes, it is.

3 MR. BAKER: Does any part of Exhibit 46 show  
4 how you calculated the allocation to the San Francisco  
5 collection companies, as opposed to the entire company?

6 MR. NEWHOFF: The details of the allocation  
7 are not shown here, but the results of the allocation are  
8 shown here, that very last page.

9 MR. BAKER: The very last page?

10 MR. NEWHOFF: Yes.

11 MR. BAKER: And can you just walk us through  
12 what that number is for 2013?

13 By the way, that 2013 -- is that Rate Year  
14 2013?

15 MR. NEWHOFF: That actually is Policy Year  
16 2013. Adam's group did some interpolation of the  
17 information we gave, because the rate year and policy  
18 year don't mesh exactly, so they're about three months  
19 off. So there was an interpolation to get to the exact  
20 number.

21 MR. BAKER: So the number that appears on the  
22 last page of Exhibit 46 is for the policy year?

23 MR. NEWHOFF: Right.

24 MR. BAKER: And the policy years runs from  
25 when to when?

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MR. NEWHOFF: From 10/1 to 10/1.

MR. BAKER: October 1 to October 1?

MR. NEWHOFF: Yes.

MR. BAKER: So you say there were some adjustments made so that those numbers correlated to the rate year for San Francisco rate-making; is that right?

MR. NEWHOFF: Yes.

MR. BAKER: What was the total for Policy Year 2013? And how much of that was allocated to the San Francisco collection companies for that year?

MR. NEWHOFF: The total was approximately \$14 million. The portion allocated to San Francisco collect was approximately 6.2 million. That allocation process was based on their actual loss shift and also their exposure as well their payroll.

MR. BAKER: When you say "their exposure, their payroll," what do you mean by that?

MR. NEWHOFF: The amount of money that they paid to their employees. There was some adjustment -- again, talking about the WCIRB, there was some adjustment made to that based on what type of work the employees did. So in other words, you wouldn't want to put a collections worker on the same basis as, say, a clerical workers'. So there was an adjustment made to the payroll to account for that.

1 MR. BAKER: And from your analysis, how does  
2 the workers' compensation experience for workers for  
3 collection companies compare to the other operations that  
4 Recology has?

5 MR. NEWHOFF: It's pretty scary. You get some  
6 big numbers there.

7 MR. BAKER: What do you mean by that?

8 MR. NEWHOFF: Well, we actually look at -- in  
9 terms of San Francisco collections, their exposure --  
10 first of all, back up a second.

11 The rate for collections is relatively high,  
12 relative to other classes of employment. In the case of  
13 San Francisco collections, even after we adjusted for  
14 that difference in payroll -- the payroll coming from  
15 collections -- we saw that approximately -- that San  
16 Francisco collections represented approximately  
17 20 percent of the payroll, the adjusted payroll; but it  
18 actually represented approximately 37 percent of the  
19 loss history, the losses. So they were paying a lot  
20 more than their share of losses.

21 MR. BAKER: And did your company perform any  
22 sort of analysis as to why the collection companies bore  
23 a disproportionate portion of the workers' comp burden?

24 MR. NEWHOFF: That's really more of a "why"  
25 question, which is typically not within the actuarial

1 purview. So, no, we just -- we aggregated the data, did  
2 our analysis on it. But in terms of the nuts and bolts  
3 as to the "why's," no, we did not.

4 MR. BAKER: If I could turn back to Mr. Tabak  
5 for a minute. How did you convert the policy year  
6 numbers that were provided to you by Mr. Newhoff and his  
7 firm into rate year numbers for the application?

8 MR. TABAK: So we prorated it using nine  
9 months of the 2013 policy year and three months of the  
10 2012 policy year.

11 MR. BAKER: I can move now to the direct on  
12 liability insurance and then complete that and then turn  
13 it over to cross.

14 DIRECTOR NURU: That's fine with us.

15 MR. BAKER: All right. So on liability  
16 insurance, Mr. Tabak, where does that appear on the  
17 application?

18 MR. TABAK: Schedule D again and Schedule I.

19 MR. BAKER: Schedule D, again, is the schedule  
20 of expenses?

21 MR. TABAK: Correct.

22 MR. BAKER: And is there a line item for  
23 liability insurance?

24 MR. TABAK: Yes, there is.

25 MR. BAKER: And that's kind of in the middle

1 of the page, isn't it?

2 MR. TABAK: Yes.

3 MR. BAKER: And then Schedule I has some  
4 detail?

5 MR. TABAK: Yes.

6 MR. BAKER: How was the number for liability  
7 insurance arrived at? Well, first of all, what does that  
8 represent? When it says "liability insurance," what  
9 types of insurance are covered by that category?

10 MR. TABAK: The coverage would include auto  
11 and general liability risks up to 500,000. We're  
12 self-insured for that portion. In excess of the 500,000,  
13 we have, again, the excess insurance. So it's fully  
14 insured, premium based. The overall cost also includes  
15 other types of insurance, such as DNO, environmental,  
16 IT-types of insurance, which are -- those are fully  
17 insured as well. In addition, it would include the  
18 overall costs to run the program.

19 MR. BAKER: Is it correct to say it includes  
20 all insurance other than health insurance?

21 MR. TABAK: Health insurance and workers'  
22 comp, that would be correct.

23 MR. BAKER: And how did you -- and that's for  
24 the entire Recology company, not just the collection  
25 companies and RSF, but all operations; is that right?

1 MR. TABAK: That's correct.

2 MR. BAKER: So how did you allocate the  
3 portion attributable to RSF and the collection companies  
4 for purposes of this application?

5 MR. TABAK: We allocated the amounts to the  
6 San Francisco companies based on a number of factors,  
7 including head count, number of facilities, claims  
8 history, and property values -- insured values.

9 MR. BAKER: Did you have any outside  
10 consultants assist you?

11 MR. TABAK: Yes, we did. We relied on  
12 Bickmore Risk Services for the actuarial estimates and  
13 expected future paid claims.

14 MR. BAKER: What's the name of that company  
15 again?

16 MR. TABAK: Bickmore.

17 MR. BAKER: And what did they do for you?

18 MR. TABAK: They projected the 2013 claim  
19 payments and reserves.

20 MR. BAKER: Did you share the consultant's  
21 work with the City and the City's consultants?

22 MR. TABAK: Yes, we did.

23 MR. BAKER: Who at the City in particular did  
24 you share with?

25 MR. TABAK: With William Schoen.

1                   MR. BAKER: Okay. And William Schoen is an  
2 outside consultant hired by the City for this rate  
3 application so far as you know?

4                   MR. TABAK: Yes.

5                   MR. BAKER: All right. And did he have some  
6 questions for you that you passed onto the Bickmore firm?

7                   MR. TABAK: Yes.

8                   MR. BAKER: What in particular was his  
9 question?

10                  MR. TABAK: One of his questions was how  
11 Recology's experience relates to the -- how the industry  
12 ties to Recology's experience.

13                  MR. BAKER: And what did you understand that  
14 to mean?

15                  MR. TABAK: What I meant that to mean was are  
16 we in line with what's happening in the industry or are  
17 out of sync.

18                  MR. BAKER: What was the response from  
19 Bickmore?

20                  MR. TABAK: The response was that Recology's  
21 experience is very much in line with what's happening in  
22 the industry, where the industry is seeing an increase in  
23 costs.

24                  MR. BAKER: Was the question asked by the City  
25 as to what period of time would be an appropriate

1 historic period to evaluate in deciding what the  
2 projections would be going forward?

3 MR. TABAK: That was one of the questions,  
4 yes.

5 MR. BAKER: What was that question?

6 MR. TABAK: Well, the question was whether the  
7 actuary used the most recent couple or two years to  
8 project trends going forward. And the question was  
9 whether using a more historic view would be more  
10 appropriate. And their response from the actuary was  
11 that in fact the two years is the more appropriate way to  
12 project going forward and, again, is in line with trends  
13 in the industry.

14 MR. BAKER: Are you satisfied that approach  
15 was appropriate in this case?

16 MR. TABAK: I believe so.

17 MR. BAKER: Let me mark as next in order,  
18 which would be Exhibit 47 an email from Mike Harrington  
19 at the Bickmore firm to Adam Tabak.

20 Was this email passed on to Mr. Schoen?

21 MR. TABAK: No, not yet.

22 MR. BAKER: Oh, this is the first time he's  
23 going to see it?

24 MR. TABAK: First time. Yeah.

25 MR. BAKER: Wow. Okay.

1 My surprise was genuine. I didn't realize it.

2 MR. OWEN: We'll mark the document as Exhibit  
3 47 and receive it into evidence. The document is two  
4 sheets and it's a printout of an email from Mike  
5 Harrington to Adam Tabak.

6 (The document referred to was marked for  
7 identification and received into  
8 evidence as Exhibit 47.)

9 MR. BAKER: And, again, who is Mike  
10 Harrington?

11 MR. TABAK: Mike Harrington works for  
12 Bickmore.

13 MR. BAKER: And is he the specific consultant  
14 who you called with regard to the liability insurance  
15 matters?

16 MR. TABAK: Yes, he is.

17 MR. BAKER: I have nothing further of these  
18 two witnesses.

19 DIRECTOR NURU: Thank you.

20 We'll go for cross-examination.

21 CROSS-EXAMINATION BY THE CITY

22 MR. LEGG: I'm going to ask a couple of  
23 questions. And then William Schoen, our consultant, is  
24 going to come up also.

25 William, you can come on up here, because I

1 just have a couple of quick questions.

2 First, on Exhibit 46, Mr. Baker, would it be  
3 possible for you guys to make a cleaner copy? This one,  
4 the page 3 in particular, is very hard to make out.  
5 Just a housekeeping thing for later.

6 I just have a couple of questions about the  
7 rate of payroll and especially what appears to be a  
8 pretty significant jump in costs allocated to the San  
9 Francisco collection companies in Year 2013, where  
10 overall allocations went up by nearly \$2 million; and  
11 the share that's allocated to the collection companies  
12 went from 39 percent to 44 percent.

13 I'm curious what's going on at the collection  
14 companies that would claim -- that would cause that jump  
15 in claims, whether it's older claims or whether there  
16 are new injuries to employees? Or where is that cost  
17 increase coming from?

18 MR. TABAK: I believe that some of that  
19 increase is from the aging work force, higher workloads,  
20 medical inflation rates, and then also driven from the  
21 changes in the WCIRB and the job classification.

22 MR. NEWHOFF: There are a couple of items. I  
23 just want to add a little color to that is there are sort  
24 of two aspects to the increase in the overall costs for  
25 the collection agency.

1           One is the fact that we're allocating a larger  
2 number. So the overall cost for Recology in total has  
3 increased fairly significantly. That is, to a large  
4 extent, attributable to the California workers' comp  
5 environment. California workers' comp environment has  
6 become a lot more challenging over the past couple of  
7 years between the economy, between medical inflation  
8 ramping up, some legal decisions that are sort of  
9 undoing some of the good things that happened in the  
10 early 2000s. SB 899 really helped comp costs in  
11 California. That has sort of unraveled. So California  
12 comp costs overall have gone up.

13           And then, as Adam said, specifically to  
14 collections, the other component that's driving them to  
15 be a higher percentage of that bigger pie is their own  
16 loss history. So we weight against their exposure.

17           Again, I mention the fact that they were  
18 20 percent of exposure but 37 percent of loss. We  
19 don't -- we didn't fully allocate the 37 percent. We  
20 took a credibility weighting of those two numbers to  
21 arrive at a final percentage to allocate to -- actually  
22 those specific numbers relate to Sunset Scavenger -- one  
23 piece of collections. But they did see some pretty  
24 dismal loss experience over the last few years that led  
25 to that allocation.

1 MR. LEGG: And I guess what I'm trying to get  
2 at is what's the cause of the loss at the collection  
3 companies, which seems to be proportionately much greater  
4 than the rest of Recology's operation. I assume all of  
5 your workforce is aging. I am.

6 MR. TABAK: Some of it's also the job  
7 classification, because these are collection companies.

8 MR. LEGG: But the job classification  
9 hasn't -- to go from 37 percent of the company's -- the  
10 percentage of total allocated in 2011 to 44 percent. I'm  
11 assuming that the job classifications haven't changed  
12 significantly during that time.

13 MR. NEWHOFF: The California rates actually --  
14 the California loss costs actually have. If you look at  
15 the last column of that last exhibit, that's just  
16 California industry rates. It's actually a loss cost,  
17 not a rate. It's only the loss portion. But you can see  
18 those last two numbers. They're going from 5.32 to 7.63.  
19 That is a whopping increase and it even far outstrips  
20 what the increase was for Recology specifically. It is  
21 indicative of the problem that not just California but  
22 this particular class code is experiencing.

23 MR. LEGG: But for the industry rates for  
24 Recology SF are also going up significantly. But  
25 Recology SF's percentage of the total -- and part of that

1 is clearly moving from one company to the other. It just  
2 seems like -- maybe it is -- is it all in the industry  
3 rate, that big difference that the industry rate for  
4 collection versus -- and the job classification is  
5 different and that's what's driving the big increase with  
6 the collection companies?

7 MR. NEWHOFF: I think that's certainly an  
8 indicator you can look to and say, obviously relative to  
9 other job classifications, that one seems to be  
10 increasing more. And then you'd have to do some digging  
11 that wouldn't be particularly actuarial to figure out  
12 what's actually driving that. But I think that is a  
13 driver.

14 And then once you kind of know that, then you  
15 look to the actual experience, because the San Francisco  
16 collections operations is fairly large. Its own data  
17 has a fair amount of credibility. So we can actually  
18 look at their own loss experience and say, "Does this  
19 seem to be tracking with these California rates?" And  
20 it's actually not as bad as the California rates, but it  
21 is tracking on an upward trend for sure.

22 MR. LEGG: Are the number of claims filed with  
23 the collection companies going up particularly fast or  
24 the severity of injuries?

25 MR. NEWHOFF: It's primarily a severity issue.

1 Frequency has been relatively flat.

2 MR. LEGG: So I guess my last question is what  
3 steps is the company taking to prevent the rate of  
4 serious injuries from going up?

5 MR. TABAK: Right. So some of the things that  
6 our risk director is doing is he's put in a score card  
7 for us to monitor claims. He's also implementing new  
8 training programs. He's realigned the resources within  
9 the safety groups so they're now reporting up through  
10 him. And we've also reassessed our vendor partners to  
11 better maintain the costs, or control the costs.

12 MR. LEGG: When have these changes taken  
13 place?

14 MR. NEWHOFF: Some of them just in the last  
15 six months. And in talking to him, we won't see the  
16 results for another year or two out. But we're hoping to  
17 control the costs.

18 MR. LEGG: Okay. Thank you very much.

19 William Schoen has some questions also.

20 CROSS-EXAMINATION BY MR. SCHOEN

21 MR. SCHOEN: Thank you.

22 My questions are very similar to Mr. Legg's.  
23 You were looking at about a 20-percent increase over the  
24 two-year period. And I'm wondering if you can talk a  
25 little bit more, expand upon how much of that is

1 industry-specific increased costs industry-wide versus  
2 Recology's performance. You kind of touched on that,  
3 but I think that's a key aspect of this that we need to  
4 understand.

5 MR. TABAK: Right.

6 MR. NEWHOFF: Yeah. As I've said, we've  
7 looked at Recology's experience over multiple years.  
8 Maybe want to kind of put it in the context of  
9 chicken-and-the-egg a little bit, because really what  
10 we're doing today is we're collecting the data today and  
11 sort of letting it tell us where it takes us.

12 So how much the increase is, we're not really  
13 looking at a historical number and saying, "How much  
14 should we increase that for our new projection?" We're  
15 really just looking at the information as it stands  
16 today and saying, "What is our best estimate?" And then  
17 we can sort of back into it and say what does that mean  
18 as far as an increase.

19 But the numbers that we've come up with here  
20 that we show on this allocation, this \$6.22 million to  
21 the collections operation, that is our best estimate  
22 based on today's information.

23 Now, I understand your point that that does  
24 represent a fairly substantial increase from historical.  
25 And there were some general comments you can make,

1 again, about workers' compensation in California, some  
2 poor loss history within Recology specifically. But I  
3 guess I just want to make it clear that we have made our  
4 best estimate based on the most current data as to what  
5 the appropriate allocated amount is for this operation.

6 MR. SCHOEN: You mentioned the poor loss  
7 history. Can you explain? What does that mean? Are  
8 they not performing well? Is their trend a negative  
9 trend? Is that something that should be factored into a  
10 projection in terms of looking at a more reasonable, if  
11 you will, performance for purposes of projections?

12 MR. NEWHOFF: Well, again, the one statistic  
13 that I kind of pointed out earlier on was that Sunset  
14 Scavenger had 20 percent of the exposure but 37 percent  
15 of the loss content, which indicates that they are  
16 performing relatively poorly, based on what you would  
17 expect from their exposure. It does appear to be a  
18 relatively consistent poor performance. Some of the  
19 reason it's factoring in more now is because, as you get  
20 more years of information and more years of data, the  
21 actual loss information becomes more credible. So when  
22 we're weighting this 37 versus this 20, the 37 is getting  
23 more weight now, because we have more years of experience  
24 and we have a larger population of data, a more credible  
25 population of data to work from. So it's not just that

1 it's trending poorly. It's that it's more credible.  
2 It's that we're using their own loss history as a  
3 stronger indicator of the current situation.

4 MR. SCHOEN: Okay. Mr. Tabak, maybe you can  
5 speak a little bit more to the performance and any  
6 diagnostic review that the company has done in terms of  
7 what's driving the injuries. We realize San Francisco is  
8 a unique environment, so we did look at your MOD factors  
9 relative to the industry and they're higher than the  
10 standard that's expected.

11 But what, if anything has the company done? I  
12 understand you're looking at safety going forward. But  
13 looking back at those industries -- or those injuries --  
14 what's the driving factor and what, if any, actions have  
15 been taken to try to address those and minimize those  
16 going forward?

17 MR. TABAK: Yeah. It's like you said, it's  
18 the environment that we operate in. I mentioned some of  
19 the things that we're doing going forward. Anything  
20 beyond that I'd probably need to go back to the director  
21 of risks and insurance about that.

22 MR. SCHOEN: And I know we touched on that a  
23 little bit when we talked last time. And perhaps you  
24 could go back -- again, it's sort of a diagnostic review.  
25 What are those injuries? And is it just a factor of the

1 workplace? Or are there specifics that you've been able  
2 to specifically identify and actions that can be taken to  
3 minimize those?

4 Mr. Newhoff, getting back in terms of the  
5 company's performance and understanding it's somewhat  
6 unique. But to what extent are you able or have you  
7 been able to benchmark their performance to the industry  
8 as a means for assessing how well they're doing relative  
9 to the industry?

10 MR. NEWHOFF: Relative to the similar class  
11 codes in the workers' compensation in general, we look at  
12 what we call the MOD factor, which basically is saying  
13 what is your rate relative to the California rate for  
14 that type of employment overall.

15 And, again, it's kind of interesting to note  
16 that, while, specifically in the case of collections,  
17 where we do see this large increase, even though we have  
18 seen an increase, their increase relative to the  
19 California overall increase they have not gone up as  
20 much. We are seeing something in the neighborhood of a  
21 40-percent increase in the California rates primarily  
22 for collections. But for that overall rate for  
23 Recology, the rate has increased substantially; it  
24 hasn't increased 40 percent. So really swimming  
25 upstream here. Really in a tough environment in

1 California. And while the increases are not ideal,  
2 they're not on the order of magnitude that they could  
3 be.

4 MR. SCHOEN: You were stating that the  
5 40 percent. What was that specifically in terms of a  
6 factor? Because I know we had also talked about the loss  
7 costs.

8 MR. NEWHOFF: Yeah. If you look at that last  
9 page of Exhibit 46, the last column there, and you look  
10 under the collections section, you see the rate for  
11 California. That's the industry factor, went from 532 to  
12 763. So, like I say, that's in the neighborhood of  
13 40 percent.

14 MR. SCHOEN: What about the loss costs,  
15 because I know that --

16 MR. NEWHOFF: That's actually is confusingly  
17 labeled. That actually is a loss cost.

18 MR. SCHOEN: That is the same. So when we  
19 looked at the historical, this is just an abbreviated  
20 portion of that. Okay.

21 Can you talk a little bit about SB 863 and  
22 what that is and how it might impact comp costs now or  
23 into the future and if that's been considered in the  
24 projections?

25 MR. NEWHOFF: Yes. It's relatively new

1 legislation that came across in California. That's gone  
2 into effect now. Again, WCIRB, the California bureau,  
3 they have been pontificating on what they think the  
4 outcome of that might be. I think it is still very much  
5 in the air.

6           There are some aspects of it that are  
7 anticipated to control costs. They are supposed to  
8 strengthen the medical provider networks so that  
9 employers have more control over the medical care of  
10 their employees and you can kind of weed out some of the  
11 docs that have a bad reputation for running up costs.  
12 On the other hand, there are some increases to the fee  
13 schedules. So the schedule amounts that employees will  
14 get if they're disabled, there's some increases there.  
15 So that's somewhat offsetting.

16           I believe at this point WCRIB's best estimate  
17 is they think maybe somewhere in the neighborhood of a  
18 three-percent improvement in overall costs, based on the  
19 outcome of this legislation. But there are other  
20 onlookers who believe that that may be overly  
21 optimistic.

22           So has it specifically been factored into my  
23 analysis? No, at this point not, because it seems like  
24 almost a wash at this point.

25           MR. SCHOEN: And the impacts when do we expect

1 to know what the results might be? Is it a year? Two  
2 years?

3 MR. NEWHOFF: Again, given the nature of  
4 workers' compensation, that it is a fairly long-tailed  
5 business and that it takes time for these things to kind  
6 of flow through the numbers, it won't be like flipping a  
7 switch. It will be a gradual process. But over the next  
8 couple of years, you should start to see if it's having  
9 the intended impacts.

10 MR. SCHOEN: Can you just go back to the loss  
11 rate and the company performance relative to the  
12 industry? So if we look at this, their loss rate is  
13 higher but it's increased at a lesser rate than the  
14 industry. Can you perhaps explain what's going on in the  
15 industry and the extent to which Recology is not  
16 experiencing as big an increase? So it sounds like,  
17 while they are high, they're controlling their factors  
18 better over recent time.

19 MR. NEWHOFF: Right. As we've mentioned a  
20 couple of times, there are some very specific challenges  
21 within the California environment at this time. I have  
22 to admit I don't know within a certain class code what  
23 might make the situation worse in this class code versus  
24 that other class code. Obviously, this increase on  
25 collections is appalling and dramatic.

1           But just California, in general, we've seen  
2           substantial increases in medical inflation. So it's  
3           back in double digits again. So medical costs are  
4           rising significantly.

5           We had a piece of legislation, SB 899, back in  
6           the early 2000s, which had a marvelous impact on  
7           California workers' compensation cost. We saw them  
8           almost cut in half in the earlier 2000s, but a lot of  
9           those gains have been unraveled. So increases in  
10          litigation and some of the controls that that law was  
11          able to put on as far as -- I'm going to be a little  
12          fuzzy on the specifics -- but as far as, like, adding on  
13          body parts. Once you got one thing got injured, adding  
14          on another part, and saying, "Oh, well this part is  
15          injured too." Some of that was controlled. And now  
16          those controls are weakening. So all that is of a piece  
17          that's caused a pretty difficult California comp  
18          environment. And we've seen across -- we work for a lot  
19          of different clients and across the board we've seen  
20          substantial increases in comp costs for the majority of  
21          our clients.

22                   MR. SCHOEN: Similar to what we're seeing  
23                   here?

24                   MR. NEWHOFF: This is -- overall, yes.  
25                   Overall, yes. The specifics within San Francisco

1 collections that was a bigger increase than I would call  
2 normal, but --

3 MR. SCHOEN: Than Recology as a whole?

4 MR. NEWHOFF: Recology as a whole.

5 MR. SCHOEN: Where we take into account the  
6 allocations between the two?

7 MR. NEWHOFF: Exactly, yes.

8 MR. SCHOEN: So what we're seeing here is not  
9 atypical of what the industry is experiencing going  
10 forward as projected.

11 Can you talk briefly about self-insurance and  
12 the benefits or detriments of that in terms of the  
13 overall costs?

14 MR. NEWHOFF: I guess there are a couple of  
15 issues there. There's self-insurance, which is kind of a  
16 process you have to qualify for. There's having a high  
17 deductible, which they're similar. They both mean you  
18 sort of pay out of your own pocket, but self-insurance is  
19 something you have to go through in California; and  
20 there's some costs associated with that.

21 But if we're just talking about the basic idea  
22 of paying your own losses versus buying insurance, the  
23 self-insurance program is almost always beneficial.

24 There have been some rare instances in California where  
25 insurance writers have been willing to really take it in

1 the shorts and write for way less than the expected  
2 losses. We're not in that environment right now. And  
3 so, as opposed to paying all of the insurance companies'  
4 frictional costs, companies are generally much better  
5 off retaining some of that risk themselves.

6 MR. SCHOEN: That's all I have. If I can  
7 reserve to come and talk about the liability, I just want  
8 to read what we were given and we'll go from there.  
9 Thank you.

10 MR. LEGG: Peter?

11 CROSS-EXAMINATION BY THE RATEPAYER ADVOCATE

12 MR. DEIBLER: Just one or two questions.

13 Mr. Newhoff, I want to see if I can try a  
14 different angle of attack here, seeing IF we can  
15 understand this a little bit better -- or I can  
16 understand it better.

17 So I'm familiar with MOD factors and this data  
18 over here on the back of exhibit 46. Can you hazard a  
19 guesstimate of the percentage of MOD factor that is  
20 really a function of factors outside of a company's  
21 control? Have to do with the market. Have to do with  
22 regulatory issues, legislative, et cetera. And the  
23 percentage that have to do with how that company manages  
24 safety itself and its own safety record. Is there any  
25 way to do that?

1                   MR. NEWHOFF: It's an interesting question. I  
2 think it would vary so much from company to company.  
3 Some companies have done a very good job of sort of  
4 capturing the low-hanging fruit and instituting programs  
5 that reduce their costs so when the market-driven forces  
6 start moving the other direction, they have sort of  
7 already captured the things that they could do to  
8 mitigate those market forces. If they have not done  
9 those things and if there is still some low-hanging  
10 fruit, then they have an opportunity to mitigate the  
11 market factors. So apportioning between the two, I'm  
12 afraid I'm going to punt on that one.

13                   MR. DEIBLER: Well, following up on that, one  
14 other question: Do you have any thoughts about how the  
15 City could best incentivize Recology to keep these costs  
16 as low as possible or to set a benchmark and minimize or  
17 reduce from that point forward, focusing on the things  
18 that they can control, because obviously they don't  
19 control the external environment, like to the degree they  
20 can control certain things, what would an incentive look  
21 like?

22                   MR. NEWHOFF: Absolutely. I think some of the  
23 things that Adam mentioned previously about some of the  
24 controls that Bill Lyons is attempting to institute are  
25 good examples. The one thing that I think we've seen,

1 kind from an analytical standpoint -- and I think  
2 Recology is already doing this to a certain extent -- I  
3 don't want to speak out of school if I'm missing  
4 something that's already going on. But we have seen  
5 allocation programs -- real carrot-and-stick allocation  
6 programs -- go a long way toward mitigating costs.

7 So if you tell an individual location where  
8 you get down to a person who really has some control of  
9 the day-to-day corporations and can really make some  
10 inroads in those things and you tell them your bonus or  
11 your -- some portion of your livelihood depends on you  
12 getting these costs under control, we've seen that work  
13 to good advantage.

14 And maybe Adam can speak a little more about  
15 what's actually instituted at this point.

16 MR. TABAK: You're talking about tying  
17 employee compensation?

18 MR. NEWHOFF: Yeah.

19 MR. TABAK: We have not done that yet.

20 MR. DEIBLER: And to the extent that would be  
21 helpful for San Francisco, that would need to be a  
22 corporate policy, right. Recology has 20-plus  
23 affiliates, I believe. Each of them would need to be  
24 looking at that sort of program ideally.

25 MR. NEWHOFF: Right.

1                   MR. DEIBLER: But even if it was just here in  
2 San Francisco, it could help, because this is probably  
3 the largest single operation.

4                   MR. NEWHOFF: I guess it's hard to do on a  
5 piecemeal basis. You kind of need to get buy-in from the  
6 group in general to do a proper allocation, but that's --

7                   MR. DEIBLER: Thank you. No further  
8 questions.

9                   Thank you, Mr. Nuru.

10                  DIRECTOR NURU: Thank you.

11                  Any other cross-examination?

12                  MR. LEGG: No, I think that's all.

13                  MR. BAKER: May I ask a couple more questions,  
14 please?

15                  MR. LEGG: Absolutely.

16                  MR. BAKER: Thank you.

17                                 FURTHER DIRECT EXAMINATION

18                  MR. BAKER: Mr. Tabak, Mr. Deibler was asking  
19 about programs. And you talked about that a little bit  
20 as well. Can you -- and then Mr. Newhoff talked about  
21 different things companies can do.

22                                 Can you go into a little more detail as to  
23 what Recology is doing with regard to, say, performance  
24 measures as a way of addressing workers' compensation  
25 cost issues? Or am I asking the wrong person?

1 MR. TABAK: You might be.

2 MR. BAKER: All right. We will maybe have  
3 somebody else who can follow up on that.

4 Mr. Newhoff, during your testimony -- I want  
5 to ask you some questions about some terminology. You  
6 testified that -- you used the word "poor," "poor  
7 performance," that Recology or that the workers'  
8 compensation in the collection companies was poor.

9 Do you mean -- and Mr. Schoen went into that a  
10 little bit with you.

11 Do you mean to say that Recology is performing  
12 poorly in this area in relation to its industry peers?

13 MR. NEWHOFF: No.

14 MR. BAKER: So when you use the word "poor," I  
15 guess that's an actuarial term. What does that mean?

16 MR. NEWHOFF: Yes, very technical. What I was  
17 referring was, actually specifically in the case of  
18 Sunset Scavenger, sort of the spread between what their  
19 exposure sort of on a very broad-based indication would  
20 have suggested their loss history would have been, versus  
21 what their loss history actually was.

22 So just within Recology, Sunset Scavenger  
23 appears to be creating more loss content than,  
24 quote/unquote, their share, just based on the amount of  
25 payroll that they have.

1 MR. BAKER: Okay. So when you talk about  
2 expectations --

3 MR. NEWHOFF: Yes.

4 MR. BAKER: -- is that purely a quantitative  
5 expectation based upon the number of people working for a  
6 company?

7 MR. NEWHOFF: And the type of work they're  
8 doing, yes.

9 MR. BAKER: And when you say "the type of  
10 work" --

11 MR. NEWHOFF: Within the class -- collections  
12 or, again, if it was clerical or whatever else it might  
13 be.

14 MR. BAKER: And you mentioned that the State  
15 has come up with different ratings for different types of  
16 jobs; is that right?

17 MR. NEWHOFF: That's correct.

18 MR. BAKER: In particular, what is the  
19 industry rating that you're referring to in comparing  
20 Recology's performance for its collection companies?

21 MR. NEWHOFF: We're looking at them relative  
22 to the rates promulgated by the WCIRB.

23 MR. BAKER: For what category of workers'?

24 MR. NEWHOFF: It's a blend of all the various  
25 class codes. Again, in the case of collections, there is

1 a class code for collections; and that is the predominant  
2 payroll for those operations. There's a smattering of  
3 others and we weight those all together, but collections  
4 is the predominant one.

5 MR. BAKER: So it's refuse collection?

6 MR. NEWHOFF: Yes, correct.

7 MR. BAKER: We'll have another witness on  
8 Wednesday to address in particular what the company is  
9 seeing as to the type of additional injuries, the  
10 severity of injuries, et cetera, and go into that in a  
11 little more detail. And we'll address some of the  
12 programs as well, some of the remedial programs that  
13 Mr. Tabak touched on. We'll address those in more detail  
14 as well.

15 DIRECTOR NURU: Okay. That's fine.

16 Mr. Legg, do we have any other topic?

17 MR. LEGG: Mr. Schoen has some questions about  
18 Recology's request in an area called sustainability. And  
19 I believe Mr. Braslaw probably is going to be --

20 JON BRASLAW,

21 having previously been placed under oath, testified as  
22 follows:

23 FURTHER CROSS-EXAMINATION BY THE CITY

24 BY MR. SCHOEN:

25 Q. The sustainability line item. Can you explain

1 what's covered under that that's in the overall cost?

2 A. Sustainability is one of the Recology  
3 corporate departments that has a cost allocation  
4 contained in the rate application.

5 Q. What costs -- specific costs -- are included?  
6 Labor? Other?

7 A. Primarily labor and related costs in addition.  
8 There are some -- a small amount of professional  
9 services and then general overhead costs for rent --  
10 office rent, office supplies -- stuff like that.

11 Q. And of the direct labor, how many positions  
12 are we talking about that are included in  
13 sustainability?

14 A. Two.

15 Q. And those two staff, specifically can you talk  
16 about what their duties are. I understand one of those  
17 is Chris Chote and Mary Suwai?

18 A. Correct. Christ Chote is Recology's director  
19 of technology. He works on -- primarily on zero waste  
20 initiatives, anaerobic digestion. He's looking at  
21 different technologies related to plastics processing.  
22 He works with the Climate Action Registry. He works,  
23 again, extensively with our composting operations,  
24 primarily to evaluate emerging technologies and help  
25 guide the company toward its composting initiatives.

1 Q. And what portion of his labor costs are  
2 included in sustainability in the rate application?

3 A. All of his cost.

4 Q. All of his costs?

5 Does that make sense to include all of his  
6 costs, given his sort of broader responsibilities to  
7 anaerobic digestion, emerging technologies, plastics  
8 processing, all of which would apply to, I would think,  
9 most if not all of Recology's other operations?

10 A. Well, he is part of the corporate departments  
11 and corporate allocations. So, in fact, his costs are  
12 treated the same way as other corporate costs which have  
13 been included in the rate and rates for all the years  
14 that I've been involved. As an example, Adam who was up  
15 here testifying, is the corporate controller. He works  
16 on corporate activities that are specifically related to  
17 San Francisco but also related to all of the other  
18 Recology subs. His costs are allocated to San Francisco  
19 along with the other subs.

20 Chris Chote is allocated a similar way; but,  
21 in fact, Chris Chote's activities are much more  
22 specifically related to San Francisco than Adam's. The  
23 reason is that in San Francisco we are pushing towards  
24 zero waste. We need to understand emerging  
25 technologies. We need to develop our expertise in

1 anaerobic digestion. We need to move forward with our  
2 composting operations in terms of having those that  
3 knowledge so that we can more effectively collect  
4 materials, process them, divert from landfills. So I  
5 believe actually Chris's activities are very much  
6 related to the goals that we have set and that the city  
7 has set to move toward zero waste because we need that  
8 knowledge in order to take those additional steps.

9 Q. So is it about 50 percent for his allocations  
10 similar to the other allocations of corporate to the San  
11 Francisco collection and RSF?

12 A. Correct.

13 Q. Okay.

14 A. Yes. So it's allocation of the department.

15 Q. And all of his costs are included in that  
16 allocation, which is a percentage to the rate base?

17 A. Correct.

18 Q. And how about Mary's responsibilities and what  
19 she does?

20 A. Again, Mary's costs are recognized and  
21 allocated the same way. And, again, Mary is a corporate  
22 employee and there's several things that she does that  
23 are primarily at the corporate level, but there are  
24 things that impact and affect the San Francisco  
25 corporations.

1           So, as an example, Mary does a lot of work  
2 with outreach. So she works on some of the outreach  
3 activity at the corporate level but also some of the  
4 things that happen in San Francisco at the San  
5 Francisco level. So she's been involved in some of the  
6 media activities where people have come in from  
7 different places. They've filmed San Francisco  
8 operations. She's brought a lot of publicity and a lot  
9 of what we believe is beneficial information about San  
10 Francisco out.

11           She also works on company uniforms. She  
12 works on developing things that the company provides as  
13 part of its outreach like recycled bags. So we  
14 provided a bunch of bags in various events around San  
15 Francisco and other communities. These are reusable  
16 tote bags with Recology information on them. She's  
17 done a lot of work on that.

18           A lot of what she does is work that really  
19 is focused on education. So basically, again, in order  
20 to meet the zero waste goals, the companies believe  
21 it's very important to have a robust information flow  
22 to help educate our customers and to the general public  
23 as to why these goals are important.

24           She also works on the Websites, company  
25 Websites. So the San Francisco Websites which we

1 provide to our customers, she does lot of work there.  
2 She also works on the corporate level sustainability  
3 reports, so we do sustainability reporting. It's one  
4 of the things that, again, we communicate out to our  
5 customers that we are conscious of that activity and we  
6 think it's important.

7 Q. What's her title?

8 A. I don't know. I'd have to find out.

9 Q. Some of those things you just described seems  
10 like corporate branding. Is that a correct assessment?

11 A. Yes. I'd say that's a reasonable  
12 characterization. And, again, this is another example.  
13 Again, if we think about the corporate activities and  
14 then the fact that those activities result in costs that  
15 are allocated to basically all of the Recology  
16 subsidiaries -- and it's been pretty much -- it's an  
17 industry standard practice and it's been a standard and  
18 accepted practice here for many, many years.

19 She does work on branding. We believe that  
20 branding is also very important to bring the zero waste  
21 message forward and to educate our customers and the  
22 public on the kinds of things that we do.

23 As you're aware, over the last few years we  
24 went through a project and we rebranded as Recology.  
25 One of the real benefits is that it allowed us to talk

1 about recycling, to talk about zero waste, to talk  
2 about the kinds of things that we need people to be  
3 educated about in order to change their behavior and  
4 move them towards those pretty difficult diversion  
5 goals. And we think that branding is a critical  
6 component of that, that without that I think you would  
7 have a much more difficult time reaching people.

8 Q. But there's a direct benefit to Recology as a  
9 whole outside of the companies in terms of landing,  
10 looking for new business, that type of thing that you  
11 could question whether all those costs are appropriate  
12 to include in the rate base because there is that, I  
13 think, potentially significant benefit corporate-wide as  
14 you expand and go out and seek to increase your  
15 business. Is that a fair assessment?

16 A. Well, any costs that we incur associated with  
17 business development -- new business -- are excluded  
18 from the allocations. That's true. But also producing  
19 audited financial statements is a critical component of  
20 going out and bidding on business, but the costs of  
21 producing those audited financial statements is a  
22 recognized requirement for running a corporation that  
23 is, again, recognized in this process as a component of  
24 the an allocated cost.

25 So I guess from my perspective I don't

1 really see a significant difference between the nature  
2 of that as an allocated cost from, again, financial or  
3 environmental compliance. We have a director of  
4 environmental compliance. He provides services  
5 sometimes directly to San Francisco, but he also does a  
6 lot of general oversight work that we believe is  
7 important to maintaining an environmentally responsible  
8 company.

9 Q. Can you get us her job title and sort of a  
10 project or job description and percentage of time she  
11 spends on those different types of things so we get a  
12 better sense of what she does?

13 A. Absolutely.

14 MR. SCHOEN: Okay. Thank you.

15 That's all I have.

16 DIRECTOR NURU: Thank you.

17 MR. LEGG: Before -- oh, Ratepayer Advocate  
18 has some questions.

19 CROSS-EXAMINATION BY THE RATEPAYER ADVOCATE

20 MR. DEIBLER: Thank you, Mr. Legg, Mr. Nuru.  
21 I'll try to keep it to one. Or one train of thought  
22 anyway.

23 Q. Mr. Braslaw, Recology has, I think,  
24 approximately 20 affiliates. Does that sound right  
25 or --

1           A.    I believe there are more.

2           Q.    If we look at the different operations, maybe  
3 more.  Some of those are collections.  Some of those are  
4 composting facilities or landfills, et cetera, right?  
5 They each operate as a separate cost center?

6           A.    Correct.  I don't know exactly how many there  
7 are, but I believe there are probably more than 20.

8           Q.    Okay.  So quite a few of those are collection  
9 contracts with municipal entities, right?  Cities,  
10 counties, joint powers authorities?

11          A.    Correct.

12          Q.    Correct.  And do any of those have zero waste  
13 goals?

14          A.    Do any of the municipalities?  I actually  
15 don't have the knowledge to speak definitively whether  
16 they have zero waste goals or not.  I know they have --  
17 generally most of the communities that we operate in are  
18 interested in diversion, so they may have diversion  
19 goals and there are state-mandated diversion goals.  But  
20 to my knowledge, I don't know that any of those  
21 communities have a zero waste goal consistent with San  
22 Francisco's.

23          Q.    Okay.  But there's a number of communities on  
24 the Peninsula that are Recology companies, Recology  
25 cities.  Recology is the collector that do have zero

1 waste goals. So maybe they're not quite as lofty. I  
2 don't know how you measure that. But they're certainly  
3 interested in the outcomes of the same issues that  
4 you're looking at for San Francisco.

5 So my point being I'm not sure why San  
6 Francisco Ratepayers should bear the full cost of  
7 developing those programs and of the thought process  
8 that goes into it.

9 I think you've commented, but if you want to  
10 comment more, that's fine.

11 A. Actually I need a clarification. The full  
12 cost of the sustainability?

13 Q. The sustainability. We're specifically  
14 talking about sustainability and in particular the first  
15 gentleman I think that you were talking about.

16 A. Right. Chris Chote.

17 Actually, the San Francisco companies done  
18 bare the full cost of his service. They have an  
19 allocation, as does the South Bay companies -- SBWMA.  
20 They also have an allocation of his costs. So his cost  
21 is, in fact, allocated across all the Recology  
22 entities. And there may be some entities that are  
23 really not interested in some of the kinds of programs  
24 that we are interested in in San Francisco, but his  
25 cost is allocated to them nonetheless.

1 Q. Okay. Is that done on revenue?

2 A. The sustainability department is allocated on  
3 revenue, correct.

4 MR. DEIBLER: Okay. Thank you.

5 MR. LEGG: All right. At this time I'd like  
6 the companies, if you have any other information or  
7 exhibits that you want to present.

8 I think we will withhold any further  
9 cross-examination until Wednesday, but I would like to  
10 have you introduce anything that you're planning to  
11 introduce and ready to introduce on revenue projections,  
12 apartment services, and the caps or anything else that  
13 will allow the City to prepare for Wednesday.

14 MR. BAKER: All right. So, first of all, on  
15 the question of revenue and waste generation, do you want  
16 any testimony at all or should I just get the document in  
17 so you have a chance to look at them and then testimony  
18 would be on Wednesday?

19 MR. LEGG: No. Why don't you do testimony  
20 today. It look like your people are ready to answer are  
21 your questions.

22 MR. BAKER: Eager almost, wouldn't you say?

23 JOHN GLAUB and JON BRASLAW,  
24 having individually previously appeared and placed under  
25 oath, testified as follows:

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FURTHER DIRECT EXAMINATION

MR. BAKER: We have Mr. Braslaw and Mr. Glaub both back on the stand, both of whom have previously been sworn.

Let me first ask you, Mr. Braslaw, these rate proceedings are to set rates for residential and apartment customers, correct?

MR. BRASLAW: That's correct.

MR. BAKER: Does the revenue that Recology San Francisco operations receives from commercial customers commercial customers play a role in the calculation of residential rates?

MR. BRASLAW: It does. It offsets the costs so that the remainder, which is residential and apartment rates, cover the remainder of the revenue requirement.

MR. BAKER: And how about revenue that Recology San Francisco operations earn from compactor and debris-box services?

MR. BRASLAW: Those are also used to offset the costs. So those revenues are included and the costs are likewise included.

MR. BAKER: So does the rate application include projections for net commercial revenue and net compactor and debris-box revenue in San Francisco to aid you in performing this calculation?

1 MR. BRASLAW: They do.

2 MR. BAKER: In making the projections for the  
3 next year, do you have to make assumptions regarding what  
4 the trend direction of commercial and compactor and  
5 debris-box revenue in the coming year?

6 MR. BRASLAW: We do.

7 MR. BAKER: And how do you go about making  
8 that projection?

9 MR. BRASLAW: Generally, we look at historical  
10 data and look at if there's other information about  
11 anticipated changes, if we think there are program  
12 changes; and then we use that data and make a projection,  
13 look at -- also, potentially look at economic factors.  
14 And we think that could provide information about what  
15 the future looks like. We also look at migration  
16 patterns. Given the last few years and changes in the  
17 program, we also take that into account.

18 MR. BAKER: Let me show you a chart that  
19 you've prepared; and we will mark this as next in order.

20 MR. OWEN: We will mark the document as  
21 Exhibit No. 48. It's a single sheet, a chart with the  
22 title "Recology Sunset Scavenger, Recology Golden Gate  
23 Revenue Trend."

24 (The document referred to was marked for  
25 identification and admitted into

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evidence as Exhibit 48.)

MR. BAKER: Can you tell us what Exhibit 48 is, Mr. Braslaw?

MR. BRASLAW: Exhibit 48 is a monthly revenue trend for the various customer segments. It shows the revenue by month for each of those segments from December 2010 through December 2012.

MR. BAKER: And what did you conclude from this exercise?

MR. BRASLAW: I concluded that for each of the revenue segments, when looking at the revenue levels in December 2010, residential, apartment, commercial and compactor and debris box were all lower in December of 2012 than they were in December of 2010.

Further, if you look at the annual numbers basically taking 12 months from January through December, the 2012 numbers for residential and apartment and commercial are, in fact, lower than they are in 2011.

MR. BAKER: So what sort of trending are you projecting for the coming rate year?

MR. BRASLAW: For the coming rate year, we included in the rate application revenues -- base revenues -- that reflect the latest 12 months. That was from February 2012 through January 2013. And even though

1 the revenues are trending down slightly, we felt that the  
2 last 12 months can cover seasonal fluctuations and was  
3 the best representation of what the revenue we pictured  
4 to be going forward into the future.

5 MR. BAKER: So you're are saying that your  
6 projections are flat, that is you're not projecting  
7 revenues from the commercial sources to either go up or  
8 down?

9 MR. BRASLAW: That's correct.

10 MR. BAKER: And if it turns out that the  
11 revenues continue to trend downward, what impact would  
12 that have on the company?

13 MR. BRASLAW: The companies would not receive  
14 the same revenue that's included in the rate application  
15 and would create a revenue shortfall and lower the  
16 companies' earnings.

17 MR. BAKER: Let me hand out another document  
18 here and then ask Mr. Glaub about this one.

19 MR. OWEN: We will mark this document as  
20 Exhibit No. 49 in evidence. It's three sheets bearing  
21 the title "Revenue and Waste Generation versus Economic  
22 Indicators, San Francisco."

23 (The document referred to was marked for  
24 identification and received into  
25 evidence as Exhibit 49.)

1                   MR. BAKER: Mr. Glaub, is this an analysis you  
2 prepared, Exhibit 49?

3                   MR. GLAUB: Yes, it is.

4                   MR. BAKER: And what is that analysis?

5                   MR. GLAUB: To determine the impact of  
6 economic changes in San Francisco on Recology's business,  
7 we undertook an analysis where we compared various  
8 published economic indicators with Recology's collection  
9 company revenues and the total tonnage handled in  
10 Recology's operations in San Francisco. And we conducted  
11 that analysis over the last two full calendar years, 2011  
12 and 2012. Five different economic indicators were  
13 included in this analysis; and they were office  
14 occupancy, hotel occupancy, employment, tourism, and  
15 population. And we configured -- we used the economic  
16 indicators in such a way that they're presented on a  
17 basis so that an increase in the indicator corresponded  
18 to increased economic activity. And then we compared  
19 that, as I've mentioned, to our collection company  
20 revenues over that two-year period and also the total  
21 waste that we handled through our operations.

22                   MR. BAKER: So what principle were you testing  
23 here by doing this exercise?

24                   MR. GLAUB: We were testing the correlation of  
25 these economic indicators with the actual state of our

1 business.

2 MR. BAKER: Did you find, for example -- well,  
3 not for example -- did you find that economic activity in  
4 the city as a whole has been trending upward since  
5 December of 2010?

6 MR. GLAUB: Yes, we have. All five economic  
7 indicators have trended upward over this last two-year  
8 period -- again, office occupancy, hotel occupancy,  
9 tourism, employment, and population. At the same time,  
10 our revenues have decreased over this two-year period and  
11 the total amount of waste that we handled from our  
12 customers decreased over this same period.

13 MR. BAKER: So do you, Mr. Glaub, or you,  
14 Mr. Braslaw, have an explanation as to why there's not a  
15 correlation, at least during this period of time?

16 MR. BRASLAW: I believe that the reduction in  
17 revenue is driven in part by the migration to more  
18 diversion services. But as Mr. Glaub said, there's also  
19 an overall reduction in waste generation.

20 I think in part it's a reflection of the  
21 changing demographics of the city and the changing kind  
22 of functional activity. As new commercial businesses  
23 come on, they tend to be wide-open offices, people with  
24 laptops at tables. They don't generate a lot of  
25 material. I think, also, as businesses leave and new

1 ones come, they tend to come in with more diversion  
2 service than trash service. And so that's a reduction  
3 in revenue that's reflected there.

4 MR. BAKER: Mr. Glaub, the first page of  
5 Exhibit 49 is a summary of your analysis; is that true?

6 MR. GLAUB: Yes.

7 MR. BAKER: Then the chart that I have  
8 projected on the screen is the second page of Exhibit 49.  
9 What's the third page?

10 MR. GLAUB: The third page is the raw data  
11 behind the chart. And the chart is presented in  
12 graphical form on a normalized basis, so with everything  
13 normalized to the end of December of 2010/beginning of  
14 January 2011.

15 MR. BAKER: Thank you. I have nothing further  
16 on that subject.

17 DIRECTOR NURU: Okay.

18 MR. BAKER: We have a couple of other exhibits  
19 that we will introduce now and save cross-examination for  
20 later.

21 MR. OWEN: Exhibit 50 in evidence is a single  
22 sheet with the title "Zero Waste Incentives."

23 (The document referred to was marked for  
24 identification and received into  
25 evidence as Exhibit 50.)

1 MR. BAKER: Mr. Glaub, what is Exhibit 50?

2 MR. GLAUB: Exhibit 50 is a tabulation of the  
3 zero waste incentive tonnage goals. This table is  
4 consistent with the verbal description of these goals as  
5 contained in the narrative summary of the rate  
6 application. We were told to present a quantitative  
7 table year by year with the four tiers of the tonnages;  
8 and that's what this table represents.

9 MR. OWEN: All right.

10 MR. OWEN: Exhibit 51 in evidence. This is a  
11 single sheet with the title "Recology San Francisco  
12 Weighted Average Cost of Capital Calculations,  
13 Calculation of Small Company Size Adjustment."

14 (The document referred to was marked for  
15 identification and received into  
16 evidence as Exhibit 51.)

17 MR. BAKER: This one is for Mr. Braslaw.

18 Mr. Braslaw, can you tell us what Exhibit 51  
19 is, please?

20 MR. BRASLAW: Exhibit 51 is a calculation of  
21 the small company adjustment that was included in the  
22 weighted average cost of capital calculation associated  
23 with Contingent Schedule 1.

24 MR. BAKER: I was just trying to get the  
25 exhibit number so that we have the reference to that.

1 This relates to Contingent Schedule 1?

2 MR. BRASLAW: Correct.

3 MR. OWEN: Exhibit 52 in evidence is a single  
4 sheet with the title "Recology Sunset, Recology Golden  
5 Gate Analysis of Apartment Caps and Migration, Apartment  
6 and Commercial Migration to Date."

7 (The document referred to was marked for  
8 identification and received into  
9 evidence as Exhibit 52.)

10 MR. BAKER: And just for further reference,  
11 Exhibit 51 provides the -- that we just talked about --  
12 provides the further explanation of the weighted average  
13 cost of capital that's set forth in Exhibit 27.

14 All right. Now, Exhibit 52. Mr. Glaub could  
15 you tell us what this is --

16 MR. BRASLAW: Actually, I'll --

17 MR. BAKER: I mean Mr. Braslaw. Pardon me.

18 MR. BRASLAW: This is a table that shows some  
19 migration over the last few years from 2009 through 2013  
20 for apartment and commercial customers. It's a table of  
21 volumes of the various streams and how they've changed  
22 during that period.

23 MR. BAKER: And how does that bear on the  
24 application?

25 MR. BRASLAW: It's an indication of some of

1 the migration that's taken place. It also indicates  
2 that, at the time that mandatory recycling came in, there  
3 was a considerable amount of migration. It slowed. And  
4 at this point we believe, once we introduce a new rate  
5 structure, it will then reinvigorate the process.

6 Again, it's intended to show that some  
7 migration has gone on, but we anticipate there's more to  
8 come.

9 There's a second page on the back side of that  
10 exhibit which shows the number of apartment customers in  
11 each category that has more than minimum service that's  
12 required. So there's minimum service required. Those  
13 service levels were set by the City. They provided the  
14 guidance and we measured the number of customers that in  
15 fact have service in excess of that. You can see it's  
16 pretty considerable. Almost 87 percent of customers  
17 have more than the minimum required trash service.  
18 About 75 percent have more than the minimum required  
19 recycling service.

20 So it's our expectation that, especially in  
21 the apartment sector, when we implement the new rate  
22 structure, we'll see a good bit of right-sizing, which  
23 is some of those service levels will now come down  
24 towards the minimums.

25 MR. BAKER: And you testified about this on

1 the first day of the hearings, did you not?

2 MR. BRASLAW: I did.

3 MR. BAKER: And that the rate application  
4 assumes a certain amount of migration among apartment  
5 customers?

6 MR. BRASLAW: That's correct.

7 MR. BAKER: And this provides further backup  
8 for that?

9 MR. BRASLAW: That's correct.

10 MR. BAKER: Okay. So we have one final  
11 document we'd like to introduce today and then we'll be  
12 done.

13 MR. OWEN: Exhibit 53 in evidence. It's a  
14 single sheet with the title "Reconciliation of Rate  
15 Application Revised versus Original Recology Sunset  
16 Scavenger Recology Golden Gate."

17 (The document referred to was marked for  
18 identification and received into  
19 evidence as Exhibit 53.)

20 MR. BAKER: Mr. Braslaw, what is Exhibit 53?

21 MR. BRASLAW: Exhibit 53 is a reconciliation  
22 of the rate application, the final application as  
23 submitted, as compared to the original draft application.

24 MR. BAKER: And for what purpose are we  
25 offering this exhibit?

1           MR. BRASLAW: This information was provided to  
2 the City staff and consultants, but this is an indication  
3 of some of the work that was done during the period  
4 between submission of the draft application and the  
5 submission of the final application.

6           There was considerable amount of work done  
7 between City consultants, the City staff, company  
8 employees, and company representatives to evaluate all  
9 the line items to examine the assumptions underlying the  
10 application to identify areas where changes were  
11 appropriate or things that were of concern to the City  
12 and the companies went through and made modifications to  
13 the application before submitting the final.

14           Again, this reconciliation -- and there's two  
15 pages for Sunset and Golden Gate, on the back is for  
16 Recology San Francisco -- is an indication of some of  
17 the work that was done, again, by City staff and  
18 consultants to examine the draft and to make changes.

19           MR. BAKER: And to briefly review, were there  
20 community workshops where members of the public could  
21 attend before the final application was submitted?

22           MR. BRASLAW: There was. There was a  
23 workshop. Members of the public attended, provided input  
24 and comments.

25           MR. BAKER: And were the changes from the

1 draft application and the final application a subject of  
2 at least one of those workshops?

3 MR. BRASLAW: Yes. Yes, they were.

4 MR. BAKER: Okay. So we have nothing further  
5 today.

6 DIRECTOR NURU: Okay. I believe the City is  
7 reserving cross-examination till Wednesday.

8 Does the Ratepayer want to ask any questions  
9 or wait till Wednesday?

10 Okay. So at this time I would like to open  
11 the public comment period. Could everyone wishing to  
12 speak, please give me a show of hands so that I can  
13 allow time for everyone to speak. Okay so it looks like  
14 we have about four or five. I will allow five minutes  
15 per person for public comment.

16 Since this is public comment only, you do not  
17 need to be sworn in unless you also intend to present  
18 material you'd like placed into the record. If that is  
19 the case, I'll have the clerk swear you in. Also, when  
20 you come forward, please state your name so that the  
21 court reporter can enter it into the record.

22 Thank you. Let's proceed with the first  
23 speaker, who I believe is Mr. Jim Haas.

24 MR. HAAS: Thank you. I'm Jim Haas,  
25 H-double-a-s. I've been involved in affairs at Civic

1 Center nearly 30 years and am on the board of directors  
2 of the Civic Center Community Benefit District, although  
3 I'm here today speaking for myself.

4 I'm not here to protest the proposed rates and  
5 I have no reason to know that they are not properly  
6 prepared. I'm here to put into the record my view that  
7 the -- there is a default of City policy which allows  
8 significant amounts of recyclable materials to be  
9 diverted from the Recology official stream into the  
10 hands of other people.

11 Now, I'm not talking about the little old  
12 Chinese lady that usually pops up when this issue  
13 becomes into public discussion. I am talking about an  
14 organized racket, an illegal syndicate, if you will,  
15 which hires numerous pickup trucks, stations them at  
16 various places, and then aggressively -- or then  
17 recruits the drug addicts and other desperate people who  
18 in the evenings aggressively go through the trash of  
19 apartment houses, restaurants, commercial buildings, and  
20 homeowners and bring the cans and bottles particularly  
21 to the pickup trucks, which are then consolidated and  
22 taken out of the city for sale.

23 Now, we have at the Civic Center been in the  
24 epicenter of this since we actually discovered what was  
25 going on about a year ago. And just to give you a brief

1 summary, we discovered this going on at Van Ness across  
2 from Davies Hall at Lech Walesa Alley from anywhere from  
3 5:00 in the evening till 3:00 in the morning. I was  
4 appalled one day by attending an event at Davies Hall  
5 and looking out the window and seeing two trucks and a  
6 half a dozen guys with shopping carts doing  
7 transactions, dumping materials from the shopping carts  
8 into the trucks, and making a great deal of racket.

9 Now, the guys who go out and collect this  
10 stuff, some of them steal the Recology bins from  
11 apartment houses and other places. And I once just  
12 saw -- and they bring them to where the trucks are and  
13 sometimes they abandoned them there. I once saw over 18  
14 of these abandoned bins on Market and Grove Street with  
15 addresses like Post Street and Gough Street and Folsom  
16 Street.

17 I complained to the police chief about what  
18 was going on at Van Ness. Whatever he did, they moved.  
19 And they moved to Grove and Hyde. They did their  
20 business there for a while; and then the library  
21 complained; and they moved to 8th Street. And I have --  
22 when we got deeper into this we realized that there  
23 needed to be concerted action.

24 I talked to the District Attorney. He has  
25 assigned an investigator to this matter and asked,

1 because I said I would monitor what was going on at 8th  
2 Street, I would send once, twice, sometimes a week when  
3 I happened to be down there, reports on what trucks I  
4 saw. And sometimes I was able to collect their license  
5 plates. One night there were six trucks on 8th Street  
6 waiting to collect materials. And they collect the  
7 bottles and cans until the trucks are loaded to the top  
8 of the wooden partitions and then leave and another one  
9 comes.

10 Recology has shared with me videos of the  
11 activities that were going on in Lech Walesa Alley; and  
12 it gives you a really good sense of the magnitude of the  
13 material that was collected and transferred. The  
14 collateral problem of what this activity does is that  
15 the guys with the carts and the bins bring the stuff  
16 down. They often produce a lot of extra trash that gets  
17 put on the street that has to be cleaned up. They leave  
18 the bins after they have delivered their goods. Many of  
19 them hang around the transit station entrances at Grove  
20 and Market, panhandle people going to performances, sell  
21 stolen goods, engage in drinking, and getting into  
22 arguments and making a scene which is very deleterious  
23 to performing arts groups and other institutions in the  
24 area whose patrons may be are not as thick-skinned as  
25 someone like myself but come from Livermore with their

1 children for "The Nutcracker."

2 Now, Recology has been working with us and  
3 they've hired some 10-B officers who swept the area on  
4 several occasions. They've done it sufficiently so the  
5 trucks have left 8th Street. And for the last month we  
6 have been freed of the trucks. We've been freed of the  
7 carts, by and large. Certainly freed of the bins and  
8 freed of the excess trash.

9 But Recology has told me informally that we're  
10 talking about a diversion of perhaps as much as  
11 \$6 million worth of goods. What we have done at Civic  
12 Center has solved the problem for the moment, but that  
13 does not mean it cannot come back. And I am eager to  
14 have the City crush this racket and eliminate the  
15 problem so that the neighborhoods are cleared of it and  
16 also that the income goes to Recology, where it should.  
17 And perhaps the rates can be lower.

18 Thank you.

19 DIRECTOR NURU: Thank you.

20 Next speaker listed here, Mr. John Wilkerson.

21 MR. WILKERSON: Good afternoon, Mr. Director.

22 I'm speaking today representing the San  
23 Francisco Housing Authority. And what I'm really coming  
24 for today is relief. We have been hammered by budget  
25 reduction after budget reduction from HUD. And with

1 sequestration, we've hit bottom almost.

2 We would -- we've been working with Recology.  
3 And they have worked with us very, very well. We meet  
4 weekly. We've reduced our trash bill somewhat, due to  
5 recycling and with Recology's help and working with  
6 their staff and also the staff of the Department of the  
7 Environment. And we're doing a pretty good job right  
8 now and doing better.

9 But we would like to know if we are eligible  
10 and if we could get on the life-line rate, as we present  
11 and house some of poorest of the poor in the City and  
12 County of San Francisco. And, like us, they can no  
13 longer take on any additional costs to their budgets as  
14 well. Our population in public housing in San  
15 Francisco, the average income is less than \$11,000 a  
16 year. And we don't want to charge more in rent, but we  
17 would like to get some more relief. We've had a little  
18 through, as I said, recycling, but we need more. And  
19 that's why I'm here today. And any help that you and  
20 the Board can give us is greatly appreciated.

21 Thank you.

22 DIRECTOR NURU: Next speaker, Nancy Wuerfel.

23 MS. WUERFEL: Good afternoon, again. Nancy  
24 Wuerfel.

25 My topic today is to request transparency in

1 the money that DPW will be receiving through the impound  
2 account as well as the relief that you'll be getting  
3 when the abandoned waste is taken over by Recology.

4 I would like just to make sure that we all  
5 have an understanding of where this is going. I  
6 appreciate the comments of the Ratepayer when it was  
7 asked will there be any more programs that are  
8 transferred from the City onto Recology and the answer  
9 was no. I appreciate that very much. But what I don't  
10 hear is of the money that is currently spent by DPW for  
11 litter-related and refuse-related programs, which is in  
12 the neighborhood of 20 million, how much of that is  
13 moving over into the rates.

14 And at the moment I want to remind you that a  
15 year ago right around this time there was another Rate  
16 Board hearing and the question was the extent to which  
17 the garbage rate funds should pay for litter and other  
18 street-related collection and disposal going forward.

19 I read the report from Greg Wagner, who at the  
20 time was responding to this. But I didn't see an actual  
21 answer of what is the extent to which. Am I to expect  
22 that over time we will have a hundred percent of what  
23 today's view of DPW is so that all of the money that is  
24 now currently spent from the general fund to this  
25 department's budget will then somehow be transferred

1 over to the Ratepayers. I really want a line in the  
2 sand about how much money is going to be ebbing over and  
3 how much money is going to be then maintained as a  
4 requirement for the general fund to fund this  
5 department.

6 I'm both a Ratepayer and a taxpayer, so I am  
7 going to get hit one way or the other. But I also want  
8 to make sure that, as money is saved by this department,  
9 it is either returned to me and the general fund and I  
10 can put it into either another part of your  
11 department -- as I mentioned before, I'm a big fan of  
12 street trees and I want you all to take care of them,  
13 not the people who don't care or who will cut them down.  
14 But I want to make sure that if DPW isn't going to be  
15 using this money for its intended purposes that it gets  
16 returned so that something like the library or Rec and  
17 Park has use of it.

18 I think it's pretty clear where I'm headed on  
19 this. I don't want to have a transparency where there's  
20 windfall that comes back to you because it's on the  
21 rates and that we don't know what then happened. And  
22 it's not just holding the pattern. Any money that goes  
23 into the rates, which at the moment I'm seeing is about  
24 \$9 million over time, is something that I would like you  
25 to either acknowledge that you have that money and what

1 you're going to do with it or return it.

2 These are hard times and I understand I'm  
3 asking a lot, but I also want to make sure that I'm  
4 watching and that you know that we're paying attention  
5 to all of the nickels and dimes here. And I don't want  
6 migration to happen. Transparency is your best friend.  
7 We might give you what you ask for if you let us know  
8 that you've got it.

9 Thank you very much.

10 DIRECTOR NURU: Thank you. Would you fill out  
11 a speaker card, please?

12 MR. PILPEL: David Pilpel. I've got a  
13 potpourri of issues so let me just run through them,  
14 starting with the abandoned waste issue.

15 DPW has existing packer trucks that perform  
16 this function. What is the proposed disposition of  
17 those vehicles? Would they be sold to Recology? Would  
18 they be retired? What's the status of those trucks?

19 With respect to the City can maintenance  
20 proposed transfer, the -- it was represented earlier  
21 that for the last two months the companies have already  
22 been performing that function. Was there some agreement  
23 by which that occurred? And I'm really thinking more  
24 and more that that's either a contracting-out function  
25 of Prop J that civil service or Board of Supervisors

1 approval was probably required for that. It seems like  
2 it's work that's been done by existing City employees  
3 and now would not be. And I think that would give rise  
4 to a grievance or some other process in the City.

5 It was also represented that tonnage from City  
6 cans continues to increase, as opposed to the general  
7 flat line or decline of waste generation. And I know in  
8 the past when we've reduced the number of City cans,  
9 that has resulted in a reduction in waste generation  
10 from that stream. So it seems to me that continued  
11 targeted reduction of City cans would be going in the  
12 right direction. And I didn't hear discussion about  
13 that.

14 With respect to the service level, if DPW now  
15 has a 48-hour service level and the companies are  
16 proposing a four-to-eight-hour requirement, that seems  
17 ambitious and good on the one hand, but it doesn't allow  
18 for overnight routing of significant stops. So if it's  
19 known that there's an abandoned mattress somewhere, it  
20 doesn't seem to me like it's a priority to go scoop up  
21 in the next four hours. If items like that could be  
22 logged and scheduled with their Routesmart software,  
23 which I'm told is really cool, that seems like a  
24 reasonable service level. So 24 hours for nonsensitive  
25 waste would seem appropriate perhaps in general and

1 reserving the four-to-eight-hour window for only  
2 priority items.

3 I believe that there's some supervision  
4 proposed for the City can and abandoned waste program.  
5 Wasn't clear who would be producing that supervision  
6 within Recology. And, actually, that leads to a later  
7 point. I asked at one of the workshops for the  
8 organization charts for the company so that one can  
9 follow the supervision and management positions and if  
10 there's a way to track those positions to where they are  
11 in the head-count portion of the rate application, that  
12 would be good. So I would encourage production of those  
13 organization charts so that we can follow supervision  
14 and management issues.

15 With respect -- that is a new topic that  
16 hasn't come up yet in this process. Public disposal and  
17 recycling area and the bulky item collection programs  
18 result in significant items that have reuse value. And  
19 some of those items are collected and redistributed to  
20 Saint Vincent de Paul, to other programs, and can be  
21 reused. But I'm not aware that there's any current  
22 tracking or incentive for those items. If it's not  
23 possible to create an incentive during this cycle, at a  
24 minimum I would ask that there be tracking of the  
25 tonnage or dollar value -- probably the tonnage -- of

1 those items that can go to reuse and those that do from  
2 those or other programs of the companies. It seems to  
3 me that we should not just be attempting to recycle and  
4 divert but to, in fact, reuse items that can be so  
5 reused.

6 With respect to truck and garage, there were a  
7 couple of brief questions about that today. My  
8 understanding is that the company has two different  
9 maintenance locations at Tunnel Road and at Seventh and  
10 Berry. What would be the practicalities of combining  
11 those two maintenance locations into one? Would that  
12 have short-term costs for more facilities and  
13 transferring functions and long-term savings both for  
14 the companies and for the Ratepayers? I would like to  
15 hear more about the truck and garage issue.

16 With respect to customer service, it was  
17 suggested that two new customer-service representatives  
18 would be added. I believe there's been some efficiency  
19 from consolidating the Golden Gate and Sunset  
20 customer-service operations. How have those  
21 efficiencies been reflected in the rate application?

22 And just, finally, on the Recology San  
23 Francisco Pier 96 operations, it seems to me that there  
24 are three streams of recyclable commodity that come  
25 through California redemption value items through

1 buy-back, non-CRV items through buy-back, newspaper and  
2 paper and cardboard and what not; and third is through  
3 Fan 3 and curbside. It's not clear how much of the  
4 tonnage comes from each of those three streams. And if  
5 that's reflected in one of the schedules that I didn't  
6 find somewhere, it would be great if someone could point  
7 to that. If not, it would be nice if the companies  
8 could show the tonnage from those three sources and,  
9 ultimately, if we could track back the costs and  
10 revenues, because they differ for those three programs  
11 because of the program parameters.

12 More next time. Thank you.

13 DIRECTOR NURU: Thank you.

14 If that's all our last speaker, then I will  
15 close public comment and close the hearing for today.  
16 Our next hearing is on Wednesday, the 24th. What room  
17 are we in? We'll be in Room 400, Wednesday, the 24th,  
18 at 1:00 p.m.

19 Thank you everyone for coming.

20 (The hearing adjourned at 4:48 p.m.)

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