

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of)	DOCKET TG-111230
)	
WASTE MANAGEMENT OF)	ORDER 01
WASHINGTON, INC., DBA WASTE)	
MANAGEMENT - SPOKANE,)	
G-237,)	
)	
Petitioner,)	ORDER GRANTING EXEMPTION
)	FROM RULE AND ALLOWING
Seeking Exemption from the)	TARIFF TO BECOME
Provisions of WAC 480-07-520(4))	EFFECTIVE BY OPERATION OF
Relating to Supporting Work Papers)	LAW
.....)	

BACKGROUND

- 1 Docket TG-111230 involves a proposed tariff revision filed on July 7, 2011, with the Washington Utilities and Transportation Commission (Commission) by Waste Management of Washington, Inc., dba Waste Management – Spokane (Waste Management or Company).
- 2 Waste Management filed tariff revisions to Tariff No. 16, to increase Item 230 disposal fees for drop-box service to become effective September 1, 2011. The rates charged at the Graham Road Landfill operated by Waste Management Landfill Group, an affiliate of Waste Management, have increased for Construction and Demolition Waste from \$32.98 per ton to \$34.62 per ton, Industrial Processing Waste from \$24.05 per ton to \$26.45 per ton, Foundry Casting Slag from \$17.00 per ton to \$18.70 per ton and Special Wastes (requiring a permit to dispose) from \$29.95 per ton to \$31.44 per ton. These rates are the same as those charged to other non-affiliated solid waste companies.
- 3 On August 10, 2011, the Company filed a petition seeking an exemption to WAC 480-07-520 (4) since WAC 480-07-505 (3) (b) states that disposal fee pass-through charges for drop-box service, where an affiliated interest relationship exists, is considered a general rate proceeding.
- 4 WAC 480-07-520 lists the minimum required information the Company must provide in a general rate increase filing. The Company provided information pertinent to the

disposal fee increase but did not provide the remainder of the information required by the rule.

- 5 WAC 480-07-110 allows the Commission to grant an exemption from or modify the application of its rules if consistent with the public interest, the purposes underlying regulation, and applicable statutes.
- 6 Commission Staff (Staff) reviewed the tariff request together with other factors and recommends the Commission approve the petition filed by Waste Management on August 10, 2011, for an exemption from the rule for this filing for the following reason(s):
- There have not been any significant changes since the last rate case that became effective January 1, 2009.¹ Since that date there has not been any customer growth, inflation has been low, and the Company has not changed its collection methods; and
 - Disposal fees are set by the affiliate and are the same disposal fees charged to other non-affiliate companies.
- 7 Staff recommends that the Commission grant Waste Management's petition for an exemption to the work paper requirements specified in WAC 480-07-520 and allow the proposed revisions to the Company's Tariff 16, Item 230, to go into effect on September 1, 2011, by operation of law.

FINDINGS AND CONCLUSIONS

- 8 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the authority to regulate the rates, rules, regulations, practices, accounts and affiliated interests of public service companies, including solid waste companies. *RCW 80.01.040, RCW 81.01, RCW 81.04, RCW 81.16, RCW 81.28 and RCW 81.77.*
- 9 (2) Waste Management is engaged in the business of providing solid waste services within the state of Washington and is a public service company subject to Commission jurisdiction.

¹ TG-081969

- 10 (3) Waste Management is subject to the filing requirements of WAC 480-07-520, for general rate increase proposals.
- 11 (4) Under WAC 480-07-110, the Commission may grant an exemption from the provisions of any rule if consistent with the public interest, the purposes underlying regulation and applicable statutes.
- 12 (5) This matter came before the Commission at its regularly scheduled meeting on August 25, 2011.
- 13 (6) After review of the petition filed in Docket TG-111230 by Waste Management on August 10, 2011, and giving due consideration, the Commission finds that the exemption is in the public interest and is consistent with the purposes underlying the regulation and applicable statutes and should be granted.

ORDER

THE COMMISSION ORDERS:

- 14 (1) The Commission takes no action on the tariff implementing the disposal fee increase and allows it to become effective on September 1, 2010, by operation of law.
- 15 (2) After the effective date of this Order, Waste Management of Washington, Inc., dba Waste Management – Spokane’s Petition for Exemption from WAC 480-07-520(4) is granted, in part, consistent with the terms of this Order.
- 16 (3) The exemption granted to Waste Management of Washington, Inc., dba Waste Management – Spokane, in this Order applies only to the general rate proceeding in Docket TG-111230.
- 17 (4) The Commission retains jurisdiction over the subject matter and Waste Management of Washington, Inc., dba Waste Management – Spokane, to effectuate the provisions of this Order.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective August 25, 2011.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary