

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

RABANCO LTD d/b/a TRI-COUNTY DISPOSAL  
BASIN DISPOSAL INC.  
ED'S DISPOSAL, INC.  
BASIN DISPOSAL OF YAKIMA, LLC  
BASIN DISPOSAL of WAHINGTON, LLC d/b/a BASIN DISPOSAL  
of WALLA WALLA  
RUBATINO REFUSE REMOVAL INC.  
EXCESS DISPOSAL SERVICE  
METHOW VALLEY SANITATION, INC.  
WASTE CONNECTIONS OF WASHINGTON, INC.  
MURREY'S DISPOSAL CO., INC.  
MASON COUNTY GARBAGE CO., INC.  
HAROLD LEMAY ENTERPRISES, INC. d/b/a PACIFIC DISPOSAL,  
BUTLERS COVE REFUSE SERVICE, AND RURAL GARBAGE SERVICE  
MURREY'S DISPOSAL CO., INC. d/b/a OLYMPIC DISPOSAL  
HAROLD LEMAY ENTERPRISES, INC. d/b/a PIERCE COUNTY REFUSE  
EMPIRE DISPOSAL, INC.  
AMERICAN DISPOSAL CO., INC. d/b/a VASHON DISPOSAL  
HAROLD LEMAY ENTERPRISES, INC. d/b/a CITY SANITARY,  
JOE'S REFUSE, WHITE PASS GARBAGE  
ISLAND DISPOSAL INC.  
BAINBRIDGE DISPOSAL, INC.  
PULLMAN DISPOSAL SERVICE, INC.  
YAKIMA WASTE SYSTEMS, INC.  
COLUMBIA RIVER DISPOSAL SERVICE, INC.  
  
COLUMBIA RIVER DISPOSAL, INC.  
CARROL-NASLUND DISPOSAL SERVICE, INC.  
HAROLD LEMAY ENTERPRISES, INC. d/b/a HARBOR DISPOSAL AND  
EASTERN GRAYS HARBOR DISPOSAL

Petitioners,

Seeking Less than Statutory Notice handling for tariff revisions

DOCKETS

TG-200207  
TG-200209  
TG-200210  
TG-200211  
TG-200212  
  
TG-200217  
TG-200220  
TG-200221  
TG-200237  
TG-200238  
TG-200239  
TG-200240  
  
TG-200241  
TG-200242  
TG-200243  
TG-200244  
TG-200245  
TG-200246  
TG-200249  
TG-200252  
TG-200253  
TG-200254  
  
TG-200258  
TG-200261  
TG-200263

ORDER 01

GRANTING  
EXEMPTION FROM  
RULE; ALLOWING  
TARIFF REVISIONS  
TO BECOME  
EFFECTIVE LESS  
THAN STATUTORY  
NOTICE

## BACKGROUND

- 1 On March 13, 2020, the Washington Utilities and Transportation Commission (Commission) issued a Notice of Special Open Meeting set for Tuesday, March 17, 2020. The purpose of the Special Open Meeting was to allow regulated solid waste companies to file revisions to each of their respective Tariffs Item 30, Limitations of Service, to address missed pickups due to the COVID-19 pandemic. During the Special Open Meeting, solid waste companies were advised that the Commission would again consider these issues at its next regularly scheduled open meeting on March 26, 2020.
  
- 2 Subsequently, multiple companies made filings to revise their individual Tariffs Item 30 to address missed pickups due to the COVID-19 pandemic, and also filed petitions requesting less than statutory notice handling of those tariff revisions. Each of the following companies, however, filed tariff revisions that bore effective dates prior to the date the filing was made. Those companies are:
  - a. Rabanco LTD, d/b/a Tri-County Disposal
  - b. Basin Disposal Inc.
  - c. Ed's Disposal, Inc.
  - d. Basin Disposal of Yakima, LLC
  - e. Basin Disposal of Washington, LLC, d/b/a Basin Disposal of Walla Walla
  - f. Rubatino Refuse Removal Inc.
  - g. Excess Disposal Service
  - h. Methow Valley Sanitation, Inc.
  - i. Waste Connections of Washington, Inc.
  - j. Murrey's Disposal Co., Inc.
  - k. Mason County Garbage Co., Inc.
  - l. Harold Lemay Enterprises, Inc., d/b/a Pacific Disposal, Butlers Cove Refuse Service, and Rural Garbage Service
  - m. Murrey's Disposal Co., Inc., d/b/a Olympic Disposal
  - n. Harold Lemay Enterprises, Inc., d/b/a Pierce County Refuse
  - o. Empire Disposal, Inc.
  - p. American Disposal Co., Inc., d/b/a Vashon Disposal
  - q. Harold Lemay Enterprises, Inc., d/b/a City Sanitary, Joe's Refuse, White Pass Garbage
  - r. Island Disposal Inc.
  - s. Bainbridge Disposal, Inc.
  - t. Pullman Disposal Service, Inc.
  - u. Yakima Waste Systems, Inc.

- v. Columbia River Disposal Service, Inc.
- w. Columbia River Disposal Service, Inc.
- x. Carrol-Naslund Disposal Service, Inc.
- y. Harold Lemay Enterprises, Inc., d/b/a Harbor Disposal and Eastern Grays Harbor Disposal

3 WAC 480-70-276 authorizes the Commission to allow tariff filings to become effective with less than statutory notice in the event of an emergency or when merit is shown. Commission staff (Staff) reviewed each of the proposed tariff revisions and agrees that they are appropriate in light of the emergent circumstances related to the COVID-19 pandemic. Staff notes, however, that the companies listed in paragraph 2, above, submitted filings the bear an effective date prior to the date of the actual filing. Rather than requiring each company to refile its petition, Staff recommends allowing these tariff filings to become effective on less than statutory notice on March 27, 2020, as intended by each of the companies.

#### DISCUSSION

4 We agree with Staff's recommendation and grant the petitions filed by each of the solid waste companies listed in paragraph 2, above. RCW 80.01.040 and WAC 480-70-276 authorize the Commission to allow tariff filings to become effective with less than statutory notice in the event of an emergency or when merit for such treatment is demonstrated. Here, we find that the COVID-19 pandemic and the issues associated with providing solid waste collection service during a state of emergency unequivocally constitute good cause to allow the tariff revisions to become effective on less than statutory notice.

5 Because it is not legally permissible for tariffs to become effective prior to the date they are filed, the Commission construes the filings made by each of the companies listed in paragraph 2 to request an effective date of March 27, 2020, the day immediately following the Commission's next regularly scheduled open meeting.<sup>1</sup> In light of the emergent circumstances related to the COVID-19 pandemic, we find that disregarding the companies' errors and allowing them to appropriately respond to a public health emergency without any further delay is in the public interest.

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<sup>1</sup> See WAC 480-07-395(4). The Commission will liberally construe pleadings and motions with a view to effect justice among the parties, and will disregard errors or defects in documents that do not affect the substantial rights of the parties.

6 Accordingly, we find that granting the Companies' request for less than statutory notice  
handling of the filed tariff revisions is consistent with the public interest, the purposes  
underlying regulation, and applicable statutes. We therefore allow the proposed tariff  
revisions to become effective with less than statutory notice on March 27, 2020.

### FINDINGS AND CONCLUSIONS

- 7 (1) The 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.
- 8 (2) Each of the companies listed in paragraph 2 of this Order are engaged in the  
business of providing solid waste services within the state of Washington and are  
public service companies subject to Commission jurisdiction.
- 9 (3) This matter came before the Commission at its regularly scheduled meeting on  
March 26, 2020.
- 10 (4) Each of the companies listed in paragraph 2 of this Order are subject to WAC  
480-70-262, which requires solid waste companies to provide at least seven  
calendar-days' notice to the Commission for filings whose only purpose is: (1) to  
implement decreases in rates or charges; or (2) to add a new service option or  
service level that has not been previously included in the company's tariff.
- 11 (5) Each of the companies listed in paragraph 2 of this Order filed proposed tariff  
revisions that erroneously bear an effective date prior to the date the filing was  
made.
- 12 (6) Pursuant to WAC 480-07-395(4), the Commission liberally construes filings to  
effect just results, and will disregard errors or defects in documents that do not  
affect the substantial rights of the parties.
- 13 (7) The companies' errors do not affect the substantial rights of any party. As such,  
the Commission construes each filing as bearing an effective date of March 27,  
2020.
- 14 (8) Pursuant to RCW 80.01.040 and WAC 480-70-276, the Commission may allow  
tariff revisions to become effective with less than statutory notice in the event of  
an emergency or upon a showing of merit.

- 15 (9) Based on the COVID-19 pandemic and resulting state of emergency, the Commission finds good cause to allow the tariff revisions filed by each of the companies listed in paragraph 2 of this order to become effective with less than statutory notice on March 27, 2020.

## ORDER

### THE COMMISSION ORDERS:

- 16 (1) The Commission grants the Petitions for less than statutory notice treatment of the tariff revisions filed by each of the following solid waste companies between March 17, 2020, and March 24, 2020:
- a. Rabanco LTD, d/b/a Tri-County Disposal
  - b. Basin Disposal Inc.
  - c. Ed's Disposal, Inc.
  - d. Basin Disposal of Yakima, LLC
  - e. Basin Disposal of Washington, LLC, d/b/a Basin Disposal of Walla Walla
  - f. Rubatino Refuse Removal Inc.
  - g. Excess Disposal Service
  - h. Methow Valley Sanitation, Inc.
  - i. Waste Connections of Washington, Inc.
  - j. Murrey's Disposal Co., Inc.
  - k. Mason County Garbage Co., Inc.
  - l. Harold Lemay Enterprises, Inc., d/b/a Pacific Disposal, Butlers Cove Refuse Service, and Rural Garbage Service
  - m. Murrey's Disposal Co., Inc., d/b/a Olympic Disposal
  - n. Harold Lemay Enterprises, Inc., d/b/a Pierce County Refuse
  - o. Empire Disposal, Inc.
  - p. American Disposal Co., Inc., d/b/a Vashon Disposal
  - q. Harold Lemay Enterprises, Inc., d/b/a City Sanitary, Joe's Refuse, White Pass Garbage
  - r. Island Disposal Inc.
  - s. Bainbridge Disposal, Inc.
  - t. Pullman Disposal Service, Inc.
  - u. Yakima Waste Systems, Inc.
  - v. Columbia River Disposal Service, Inc.
  - w. Columbia River Disposal Service, Inc.

- x. Carrol-Naslund Disposal Service, Inc.
- y. Harold Lemay Enterprises, Inc., d/b/a Harbor Disposal and Eastern Grays Harbor Disposal

- 17 (2) The tariff revisions filed by the companies listed in paragraph 16 of this Order between March 17, 2020, and March 24, 2020, will become effective on March 27, 2020.
- 18 (3) The Commission retains jurisdiction over the subject matter and the companies listed in paragraph 16 of this Order, 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 Lacey, Washington, and effective March 26, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

*/s/ Mark L. Johnson*

MARK L. JOHNSON  
Executive Director and Secretary