

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

COLUMBIA RIVER DISPOSAL, INC.,

Petitioner,

Seeking Exemption from the Provisions of
WAC 480-07-900 Relating to the Less
than Statutory Notice Submission to the
Commission 7-Day Prior Open Meeting
on Commission’s Own Motion; Request
Relief from Provisions of RCW 81.28.050
Relating to 45-Day Notice to Commission
and Customers for Good Cause

DOCKET TG-240049

ORDER 01

GRANTING EXEMPTION FROM
RULE; GRANTING LESS THAN
STATUTORY NOTICE;
GRANTING FUEL SURCHARGE

BACKGROUND

- 1 On January 17, 2024, Columbia River Disposal, Inc. (Columbia or Company) filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting less than statutory notice.
- 2 WAC 480-70-900 requires solid waste companies that request a filing become effective on less than statutory or other required notice must make that request and a complete filing at least seven business days prior to the next regular open meeting to have the Commission consider the filing at that meeting.
- 3 Commission staff (Staff) reviewed the Company’s filing and recommends granting an exemption from WAC 480-70-900. Staff recommends the Commission grant an exemption by its own motion to Columbia, as the Company did not receive the information necessary for the Company to make a submission to the Commission until after the deadline for less than statutory notice had already passed. The Company submitted the tariff revisions and less than statutory notice requests as soon as practical after receiving the documents from Staff.
- 4 RCW 81.28.050 requires solid waste companies to notify the Commission and customers 45 days prior to any tariff revision.

5 The Company requests relief from the 45-day notice requirement, allowing less than
statutory notice and allowing notification customers on the first invoice after approval by
the Commission as previously allowed under WAC 480-70-471(2)(a).

6 The Company further requests approval of a fuel surcharge in the amount of 0.43 percent
to take effect February 1, 2024, and expire on February 29, 2024, to recover fuel
expenses incurred during the month of December 2023.

DISCUSSION

7 On review of Staff’s request to waive the less than statutory notice to the Commission,
we agree that the Company made efforts to submit the filing as soon practical after
receiving information from Staff necessary to complete the filing. Pursuant to WAC 480-
07-110, the Commission may, in response to a request or on its own motion, grant an
exemption from its own rules when “consistent with the public interest, the purposes
underlying regulation, and applicable statutes.” The waiver of WAC 480-70-900 is
approved in this case, but the Company should be aware this will not be granted in all
instances.

8 Per RCW 81.28.050, the Commission may by order allow changes to the tariff with less
than 45-day notice for good cause shown. Pursuant to WAC 480-70-271(2)(a), the
Commission permits companies to notice customers of fuel surcharge changes on the first
invoice. The Commission finds there is good cause to allow the Company to provide
notice after approval on the first invoice, and the requested relief is granted.

9 The Commission further grants the Company’s request to implement the fuel surcharge
requested in its January 17, 2024, filing.

FINDINGS AND CONCLUSIONS

10 (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.

11 (2) Columbia 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.

- 12 (3) Columbia is subject to WAC 480-70-900, which requires solid waste companies requests for less than statutory be at least seven business days prior to the next regular open meeting to have the Commission consider the filing at that meeting.
- 13 (4) Under WAC 480-70-051, the Commission may grant an exemption from the provisions of any rule in WAC 480-70, if consistent with the public interest, the purposes underlying regulation and applicable statutes. See also WAC 480-07-110.
- 14 (5) Columbia is subject to RCW 81.28.050, which requires solid waste companies to provide 45-day notice to the Commission and customers before a tariff revision can take effect.
- 15 (6) Under RCW 81.28.050, the Commission may allow tariff changes to rates with less than 45-day notice for good cause shown.
- 16 (7) The Commission allows the tariff rate revision filed on January 17, 2024, to take effect on February 1, 2024, and expire on February 29, 2024, in the amount of a surcharge of 0.64 percent on all rates and charges for increased fuel costs incurred by the Company during the months of November 2023 and December 2023.
- 17 (8) This matter came before the Commission at its regularly scheduled meeting on January 25, 2024.
- 18 (9) After review of the petition filed in Docket TG-240049 by Columbia on January 17, 2024, and giving due consideration, the Commission finds that the exemption and relief requested 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:

- 19 (1) After the effective date of this Order, Columbia River Disposal, Inc. is granted an exemption from WAC 480-70-900, which requires less than statutory notice 7 days prior to an open meeting for the fuel surcharge filing received January 17, 2024.

- 20 (2) Columbia River Disposal, Inc. is granted relief from RCW 81.28.050, for good cause shown.
- 21 (3) Columbia River Disposal, Inc. is required to notify customers of the surcharge in compliance with WAC 480-70-471(2)(a), by noticing customers of the changes on the first billing invoice.
- 22 (4) Columbia River Disposal, Inc.'s Tariff No. 14, Fuel Surcharge No.1 rates will become effective on February 1, 2024, in the amount of 0.64 percent fuel surcharge on all rates and charges.
- 23 (5) Columbia River Disposal, Inc.'s Tariff No. 14, Fuel Surcharge No.1 rates will expire on February 29, 2024.
- 24 (6) The Commission retains jurisdiction over the subject matter and Columbia River Disposal, Inc. 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 January 25, 2024.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

KATHY HUNTER
Acting Executive Director and Secretary