

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

In the Matter of the Petition of

MASON COUNTY GARBAGE CO.,
INC. d/b/a MASON COUNTY
GARBAGE, G-88,

Requesting Authority to Retain Thirty
Percent of the Revenue Received From the
Sale of Recyclable Materials Collected in
Residential Recycling Service

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In the Matter of the Petition of

MURREY'S DISPOSAL COMPANY,
INC., G-9,

Requesting Authority to Retain Fifty
Percent of the Revenue Received From the
Sale of Recyclable Materials Collected in
Residential Recycling Service

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In the Matter of the Petition of

AMERICAN DISPOSAL COMPANY,
INC., G-87,

Requesting Authority to Retain Fifty
Percent of the Revenue Received From the
Sale of Recyclable Materials Collected in
Residential Recycling Service

DOCKETS TG-101542, TG-101545
and TG-101548 (*consolidated*)

COMMISSION STAFF REQUEST
FOR ORDER CONFERENCE
UNDER WAC 480-07-840

I The Washington Utilities and Transportation Commission Staff ("Commission Staff") hereby requests an order conference under WAC 480-07-840 to clarify the meaning of Order 05 entered in these consolidated dockets on May 6, 2011.

I. BACKGROUND

2 In orders entered in Dockets TG-090899, TG-091463, and TG-091467, the Washington Utilities and Transportation Commission (“Commission”) authorized the petitioners in each of these consolidated dockets (collectively “the Companies”) to retain thirty percent of the revenue they received from the sale of recyclable materials between the dates of the orders and October 31, 2010. The orders directed the Companies to report to the Commission the amount of revenue they retained, the amount of money they spent on the activities identified in their recycling plans, and the effect the activities had on increasing recycling.¹ When the Companies provided that information a year later, it showed they had not spent all of the revenue they had retained.²

Company (reporting period)	Recycling Revenue Retained	Recycling Plan Expenditures	Revenue Retained Minus Expenditures
Mason County Garbage (Aug. 16, 2009 – Aug. 31, 2010)	\$71,937	\$82,672	(\$10,735)
Murrey’s Disposal Co. and American Disposal Co. (Sept. 1, 2009 – Aug. 31, 2010)	\$487,961	\$408,277	\$79,684 unspent revenues

3 In the first orders entered in these consolidated dockets, the Commission ordered the unspent revenues to be carried over into the next reporting period, as follows:³

¹ *In re Mason County Garbage Co., Inc.*, G-88, Docket TG-090899, Order 02 ¶ 13 (Aug. 13, 2009); *In re Murrey’s Disposal Co., Inc.*, G-9, Docket TG-091463, Order 01 ¶ 12 (Oct. 29, 2009); *In re American Disposal Co., Inc.*, G-87, Docket TG-091467, Order 01 ¶ 12 (Oct. 29, 2009).

² *See In re Mason County Garbage Co., Inc. d/b/a/ Mason County Garbage*, G-88, Docket TG-101542, Staff Open Meeting Memo at 3 (Oct. 28, 2010); *In re Murrey’s Disposal Co., Inc.*, G-9, Docket TG-101545, Staff Open Meeting Memo at 3 (Oct. 28, 2010); *In re American Disposal Co., Inc.*, G-87, Docket TG-101548, Staff Open Meeting Memo at 3 (Oct. 28, 2010).

³ *In re Mason County Garbage Co., Inc. d/b/a/ Mason County Garbage*, G-88, Docket TG-101542, Order 01 ¶ 19 (Oct. 28, 2010); *In re Murrey’s Disposal Co., Inc.*, G-9, Docket TG-101545, Order 01 ¶ 20 (Oct. 28, 2010); *In re American Disposal Co., Inc.*, G-87, Docket TG-101548, Order 01 ¶ 20 (Oct. 28, 2010).

Revenues retained by [the Companies], not spent during the previous plan period [August or September 2009 through October 31, 2010] are to be carried over into the next year, and revenues from this plan period [November 1, 2010 through October 31, 2011] that are not spent are to be carried over to the following year, unless the Commission orders some other treatment.

4 The Companies sought reconsideration, asking the Commission to revise the paragraph quoted above and to authorize the Companies to keep the unspent revenues from 2009-2010 and not require carryover in future years. On May 6, 2011, the Commission issued Order 05 granting reconsideration in part. The Commission deleted the paragraph quoted above and substituted the following:⁴

Revenues retained by [the Companies] that are not used to increase recycling must be passed on to residential customers, including but not necessarily limited to revenues allocated to undertaking specific tasks or meeting performance goals established in the recycling plan if [the Companies] do not complete those tasks or meet those performance goals to the satisfaction of the County and the Commission.

5 Order 05 does not specifically state whether the \$79,684 in unspent recycling revenues that Murrey's Disposal Company and American Disposal Company collectively retained from the 2009-2010 plan period were "used to increase recycling." Thus, it is unclear whether the Companies may keep the \$79,684, or whether the Commission expects the Companies to pass that money to residential customers.

II. REQUEST FOR ORDER CONFERENCE

6 According to WAC 480-07-840(1), "The purpose of an order conference is to clarify the meaning of a final order when parties disagree about the order's meaning or requirements." Here, the Companies read Order 05 as permitting them to keep the \$79,684 in unspent recycling revenues that they retained from the 2009-2010 plan period.

⁴ Dockets TG-101542/TG-101545/TG-101548, Order 05 ¶ 54 (May 6, 2011).


Commission Staff reads Order 05 as requiring the Companies to pass the \$79,684 to residential customers.

7 The October 28, 2010 orders in these dockets require the Companies to file compliance reports no later than September 16, 2011.⁵ Commission Staff believes the issue of what happens to the unspent \$79,684 needs to be resolved before then. Staff requests an order conference under WAC 480-07-840 for that purpose.

DATED this 25th day of May, 2011.

Respectfully submitted,

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⁵ Docket TG-101542, Order 01 ¶ 17 (Oct. 28, 2010); Docket TG-101545, Order 01 ¶ 18 (Oct. 28, 2010); Docket TG-101548, Order 01 ¶ 18 (Oct. 28, 2010).