

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

PENINSULA SANITATION SERVICE,  
INC.,

Respondent.

DOCKET TG-190476

ORDER 03

GRANTING REQUEST TO EXTEND  
FILING DEADLINE; AMENDING  
ORDER 01 TO REQUIRE  
COMPLIANCE FILING BY  
DECEMBER 15, 2020

**BACKGROUND**

- 1 On July 17, 2019, the Washington Utilities and Transportation Commission (Commission) issued a Complaint for Penalties and Notice of Brief Adjudicative Proceeding; Setting Time for Oral Statements on August 20, 2019, at 9:30 a.m. (Complaint) against Peninsula Sanitation Service, Inc., (Peninsula or Company) for alleged violations of Title 81 RCW and Chapter 480-70 WAC. The brief adjudicative proceeding was rescheduled and then subsequently cancelled pursuant to a joint request filed by Peninsula and Commission staff (Staff).
- 2 On December 10, 2019, the Commission entered in this Docket Order 01, approving a settlement agreement between the Company and Staff. Order 01, and the settlement agreement it approved, required the Company to file a general rate case with the Commission by July 1, 2020.
- 3 On April 10, 2020, pursuant to a request filed by the Company and unopposed by Staff, the Commission granted a 60-day extension to the deadline by which the Company must file its general rate case due to the ongoing COVID-19 pandemic and the difficulties it created for the Company.

4 On August 17, 2020, the Company filed with the Commission another request to extend the date by which it must file its general rate case. The Company explained that its request is based on several factors, including the Company's regulatory accountant's unforeseen need take medical leave, as well as the ongoing COVID-19 pandemic and the resulting disruptions, including an inability to access certain Company records. The Company requests a new deadline of December 15, 2020.

5 On August 18, 2020, Staff filed a letter responding to the Company's request, indicating that Staff does not object to the Company's request.

6 Daniel J. Teimouri, Assistant Attorney General, Lacey, Washington, represents Staff. David W. Wiley and Sean Leake, Williams Kastner & Gibbs, PLLC, Seattle, Washington, represent Peninsula.

#### DISCUSSION AND DECISION

7 The Commission may alter, amend, or rescind any order it has entered, or do so in response to a petition.<sup>1</sup> The Commission must give all parties an opportunity to respond to the petition or to the Commission's proposal to alter, amend, or rescind.<sup>2</sup>

8 We grant the Company's request for an extension to file its general rate case. Staff does not object to the Company's request. On February 29, 2020, the Governor issued Proclamation 20-05 declaring a state of emergency and noting the health and economic impacts to Washington citizens resulting from the outbreak of COVID-19. Due to the particular circumstances explained by the Company as well as the ongoing COVID-19 pandemic and the difficulties it presents to many of the companies the Commission regulates, we find that extending the deadline for the Company to file its general rate case is in the public interest and consistent with public policy, not contrary to law, and reasonable in light of all circumstances known to the Commission. Accordingly, we find good cause to grant the Company's request and thus amend Order 01 to require that the Company file its general rate case by December 15, 2020. We expect, even with the difficulties presented by the COVID-19 pandemic, this new deadline affords the Company adequate time to regain access to certain records that are currently inaccessible and prepare its filing.

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<sup>1</sup> WAC 480-07-875(1).

<sup>2</sup> WAC 480-07-875(1)(b).

### FINDINGS AND CONCLUSIONS

- 9 (1) The Commission is an agency of the state of Washington vested by statute with the authority to regulate the rates, rules, regulations, and practices of solid waste collection companies.
- 10 (2) Peninsula is a solid waste collection company subject to regulation by the Commission.
- 11 (3) On December 10, 2019, the Commission entered Order 01, Approving Settlement Agreement between the Company and Staff. Order 01 and the settlement agreement required the Company to file a general rate case with the Commission by July 1, 2020.
- 12 (4) On April 7, 2020, the Company filed with the Commission a request to extend the date for filing its general rate case by 60 days, from July 1, 2020, to at least September 1, 2020.
- 13 (5) On April 10, 2020, the Commission granted the Company's unopposed request to modify Order 01 to extend the deadline for filing its general rate case to September 1, 2020.
- 14 (6) On August 17, 2020, the Company filed with the Commission a request to extend the date for filing its general rate case from September 1, 2020, and December 15, 2020.
- 15 (7) On August 18, 2020, Staff filed a letter responding to the Company's request, indicating that Staff does not object to the Company's request.
- 16 (8) The Commission may alter, amend, or rescind any order it has entered, or do so in response to a petition. The Commission must give all parties an opportunity to respond to the petition or to the Commission's proposal to alter, amend, or rescind.
- 17 (9) On February 29, 2020, the Governor issued Proclamation 20-05 declaring a state of emergency, noting the health and economic impacts to Washington citizens resulting from the outbreak of COVID-19.
- 18 (10) COVID-19 is affecting the Company by causing continued disruptions to its operations, including an inability to access Company records. The Company is

also facing particularly challenging circumstances due to its regulatory accountant's medical issues.

- 19 (9) The difficulties caused by COVID-19 and the specific circumstances faced by the Company provide good cause to extend the deadline for the Company to file its general rate case.
- 20 (10) The Commission should grant the Company's request to amend Order 01 to extend the deadline for filing its general rate case to December 15, 2020.

### ORDER

#### THE COMMISSION ORDERS:

- 21 (1) The request filed by Peninsula Sanitation Service, Inc., on August 17, 2020, to extend the deadline for filing its general rate case to December 15, 2020, is granted.
- 22 (2) Order 01 is amended to reflect that Peninsula Sanitation Service, Inc., must file a general rate case by December 15, 2020. All other terms of Order 01 remain in full force and effect.
- 23 (3) The Commission retains jurisdiction to effectuate the terms of this Order.

DATED at Lacey, Washington, and effective August 19, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ *Andrew J. O'Connell*  
ANDREW J. O'CONNELL  
Administrative Law Judge