

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND	)	DOCKETS TG-120840, TG-120842 and
TRANSPORTATION COMMISSION,	)	TG-120843
)	
Complainant,)	
)	
v.)	
)	
WASTE MANAGEMENT OF	)	RABANCO'S REPLY STATEMENT IN
WASHINGTON, INC. D/B/A WASTE	)	SUPPORT OF INDUSTRY PROPOSAL
MANAGEMENT OF THE NORTHWEST,	)	REVISING TARIFF ITEM 30
WASTE MANAGEMENT OF SEATTLE)	
AND SOUTH SOUND, AND WASTE)	
MANAGEMENT OF SNO-KING, G-237,)	
)	
Respondent.)	
.....)	
)	
WASHINGTON UTILITIES AND	)	DOCKETS TG-121366, TG-121367,
TRANSPORTATION COMMISSION,	)	TG-121369, TG-121370 and TG-121371
)	
Complainant,)	
)	
v.)	
)	
RABANCO LTD, D/B/A CONTAINER	)	RABANCO'S REPLY STATEMENT IN
HAULING, EASTSIDE DISPOSAL,	)	SUPPORT OF INDUSTRY PROPOSAL
RABANCO COMPANIES, RABANCO	)	REVISING TARIFF ITEM 30
CONNECTIONS, LYNNWOOD)	
DISPOSAL, ALLIED WASTE SERVICES)	
OF LYNNWOOD, ALLIED WASTE)	
SERVICES OF KLINKITAT COUNTY,)	
TRI-COUNTY DISPOSAL, ALLIED)	
WASTE SERVICES OF KENT &)	
RABANCO COMPANIES, AND SEATAC)	
DISPOSAL (G-12), AND FIORITO)	
ENTERPRISES, INC. & RABANCO)	
COMPANIES D/B/A KENT MERIDIAN)	
DISPOSAL COMPANY (G-60).)	
)	
Respondent.)	
.....)	

1 Rabanco files this brief Reply Statement in support of the industry proposal revising
Tariff Item 30 to encompass the circumstance of work stoppages precipitating missed
solid waste and recycling collection pick-ups. As all parties¹ observed, the current solid
waste tariff template “contains no provisions for labor disruptions.”² That is a
circumstance which should change, not only for the two respondents in these dockets
whose individual tariffs generally addressing work stoppages have, by operation of law,
become effective with some form of generalized recognition of work stoppages on
regulated service, but for the other solid waste collection companies whose operations
could be subject to disruption by work stoppages.

1. Agreement Points

2 As the initial Statements/Briefs filed in support of the Industry/”Haulers” proposal and
the WUTC Staff proposed Item 30 Tariff language reflect, all parties to these proceedings
advocate additional detail, communication and description in the Commission tariff
template specifying some generalized performance standards for responses by the
regulated service providers to work stoppages who must use, *inter alia*, all “reasonable,
practical” means to resume service and specifying criteria the Commission will use to
evaluate that response.

3 There was also uniform agreement on the need to provide customer credits when
regulated service is not resumed by “the next regularly-scheduled service date.” All
parties agree that credits must be issued and no extras (if tendered at reasonably
equivalent amounts) charged if service is not resumed by that next scheduled pick-up

¹ Waste Management of Washington, Inc. (“WMW”), the Washington Refuse and Recycling Association (“WRRRA”) and the Commission Staff.

² For example, the Commission Staff Brief in Support of Staff’s Proposed Item 30 Tariff language at 3.

date be it weekly, bi-weekly (i.e. for yard waste and/or curbside recycling) or more than once a week for commercial accounts.

2. Service Resumption Interval – Fluid or Defined?

- 4 After the initial briefing stage, the material disagreement remains in defining when the interval Respondents and the WUTC Staff believe service resumption should begin. The WUTC Staff does not define or quantify when “a ‘deadline’ to resume regularly-scheduled service” should occur,³ arguing that labor disruption should be addressed on a case-by-case basis and essentially that “one size does not fit all” and that it would somehow be counter-productive to identify a service lapse interval.
- 5 Rabanco believes this argument ultimately misses the point. While generalized discretionary language on performance during a work stoppage interval is concisely set forth at paragraph 6(f), Exhibit A of Rabanco’s Statement in Support of the Industry Proposal, also included there is the oft-discussed metric for service resumption of five business days not including the day of the strike. For all of the reasons articulated by Rabanco, WMW and Rabanco in their opening submissions in support, Rabanco believes that specification and quantification of a service resumption interval is critical for organization, planning, public safety and customer service reasons and failure to so articulate perpetuates uncertainty and lack of transparency as to obligations/expectations during service disruption intervals and will contribute generally to confusion and an overall lack of practical information for customers and county governments alike in confronting the various issues raised by solid waste service suspension.

³ Commission Staff Brief in Support of Staff’s Proposed Item 30 Tariff Language ¶ 11 at 4.

6 The Staff's underlying rationale for not quantifying any service disruption interval seems to be reflected at ¶ 11 of its Brief:

Staff's proposal places the burden on the company to act in the public interest when making decisions during the labor negotiations and provides the company with an opportunity to provide a detailed explanation of its actions to the Commission when the labor disruption has ended.⁴

3. Rationale for Articulating a Reasonable Interval for Service Resumption

7 What Staff fails to acknowledge here is that one vital dimension of the public interest is negotiation of labor agreements which maintain reasonable costs for labor that are in turn reflected in regulated rates. Failing to provide for a specified interval of time in which service can be resumed is actually inconsistent with the public interest by constraining company operational responses to work stoppages and by increasing uncertainty on the part of regulated providers and customers alike in failing to acknowledge any reasonable interval in which service could be expected to be restored. In the guise of enhancing "fluidity" and discretion, the case-by-case approach advocated by the Staff confuses an individual post-strike performance evaluation which the companies support with a vacuum of no prescription of any reasonable specified interval during which service can be suspended without regulatory sanctions. Staff's position here seems particularly ironic in the context of tariff templates which, after all, are comprised of a myriad of rules and quantification of highly detailed service issues (i.e. description of allowable distance to curbs before additional changes are imposed, etc.). Leaving service disruption intervals undefined as to anticipated time parameters contravenes the spirit of tariff rules and templates which aim to specify, clarify and objectify conditions of service, not make them more opaque.

⁴ Commission Staff Brief in Support of Staff's Proposed Item 30 tariff language ¶ 11 at 5.
RABANCO'S REPLY STATEMENT IN SUPPORT OF INDUSTRY PROPOSAL REVISING TARIFF ITEM 30

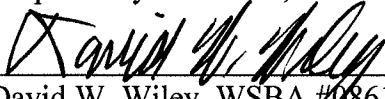
8 Also highlighted in the industry Statements is the obvious need for internal company coordination in the wake of a strike, the identification and deployment of operating resources and the important safety and regulatory compliance concerns in assigning alternate, appropriately licensed personnel and familiarization of them with various routing and service level attributes unique to solid waste collection operations. Some respite for allowance of same seems particularly consistent with the public health and safety when dealing with accumulation of uncollected solid waste and recyclables. Providing coherent time parameters to solid waste collection companies only assists in clarifying operational circumstances confronting those companies and their customers in the face of a work stoppage.

CONCLUSION

9 As parties to these proceedings have all noted, the Commission has afforded ample opportunity at various stakeholder sessions, written comment rounds, Open Meetings and now, adjudicative proceedings, for all interested parties to comment upon and, at times, debate the regulatory policy implications of articulating the circumstances of missed pick-ups for regulated solid waste collection service. For its part, Rabanco is confident the Commission has a comprehensive record before it to make a fully-informed decision and thus urges the Commission after its review to adopt the Industry Proposal providing customers, Staff, county governments and the regulated industry more definitional guidance in the application of Item 30 in unfortunate work stoppage circumstances.

DATED this 30th day of August, 2013.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2013, I caused to be served the original and six (6) copies of the foregoing document to the following address via first class mail:

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I certify I have also provided to the Washington Utilities and Transportation Commission's Secretary an official electronic file containing the foregoing document via email to: records@utc.wa.gov.


I also certify that I have served via email and first class mail the foregoing document on:

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