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BEFORE THE WASHINGTON UTILITIES
AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

Complainant,

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

Respondent.

DOCKET NOS.

TG-111672
(Consolidated)

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

Complainant,

AMERICAN DISPOSAL COMPANY, INC.,
G-87,

Respondent.

DOCKET NOS.

TG-111674
(Consolidated)

PETITION FOR LEAVE TO EXTEND
REVENUE SHARING PROGRAMS AND
RECYCLING COMMODITY PRICE
ADJUSTMENTS

I. INTRODUCTION

1. COME NOW Murrey's Disposal Company, Inc., G-9, 3600 Port of Tacoma Road, Ste. 505, Tacoma, Washington, 98424 and American Disposal Company, Inc., G-87, 3600 Port of Tacoma Road, Ste. 505, Tacoma, Washington, 98424 ("Petitioners" or "Companies"), by and through counsel David W. Wiley of Williams Kastner & Gibbs PLLC, 601 Union Street, Suite 4100, Seattle, Washington, 98101, pursuant to WAC 480-07-371(b), and file the below Petition seeking leave from the Commission to extend current revenue share programs which are now set to expire October 31, 2012 to February 28, 2013, effectively continuing the plans for an additional three month reporting period from the period ending August 31,

1 2012 to that ending November 30, 2012, in order to synchronize current recycling reporting
2 periods amongst Pierce County regulated solid waste collection Companies, and streamline
3 the County's reporting preferences and plan features as elaborated upon in Docket TG-
4 112162's Interpretive and Policy Statement on RCW 81.77.185.

5 II. FACTUAL BACKGROUND

6 2. Without now providing the entirety of the rather protracted chronology leading to this
7 request, Petitioners would note that they filed the current plans at issue on or about
8 September 15, 2011 under subsequently consolidated Dockets TG-101542, Mason County
9 Garbage Co., Inc. d/b/a Mason County Garbage, G-88, TG-101545, Murrey's Disposal
10 Company, Inc., G-9 and TG-101548, American Disposal Company, Inc., G 87. As was the
11 annual practice, Petitioners requested an effective date for the recycling commodity price
12 adjustments and tariff effective dates of November 1, 2011.

13 3. At its Open Meeting on October 26, 2011 in review of those plans, and on the
14 recommendation of Staff, the Commission suspended the filings and in Order No. 1, of
15 October 31, 2011, granted the increased commodity credits to affected ratepayers on an
16 interim basis subject to refund.

17 4. In Order No. 1, the Commission also set the suspended proceedings for hearing which have
18 been repeatedly delayed on joint request of the Companies and Staff in order to allow full
19 participation in stakeholder sessions which began in January, 2012, after a late December,
20 2011 decision to initiate the sessions to develop an industry-wide statement by the
21 Commission on RCW 81.77.185 mechanics and to seek comments from all affected parties,
22 which inquiries continued to a March 28 session and culminated in TG-112162, *Interpretive*
23 *and Policy Statement on RCW 81.77.185* of May 30, 2012, cited above, (the "IPS").

24 5. Since May 30, 2012, the Companies and Pierce County have met numerous times to confer
25 about the implications of the current and prospective plans in light of the IPS and to discuss
26

1 some of the complicated policy parameters and challenges posed by the IPS on a going
2 forward basis.

3 6. As the declaration of Steve Wamback, Pierce County Solid Waste Administrator, in support
4 of the plan amendment attached hereto as Exhibit "A" makes clear, the Companies' request
5 for an extension is responsive to a number of different factors, the primary being the desire
6 by Pierce County to finally synchronize Murrey's, American and Harold LeMay Enterprises,
7 Inc.'s plan reporting periods and commodity credit revision effective dates. In the IPS, the
8 Commission noted the primary role of county legislative policies as expressed in county
9 comprehensive solid waste management plans and that primary role in negotiating revenue
10 share plans, conditions and oversight of company compliance with those plans. *See*, IPS,
11 §§ 19 and 38 at 6, 11.

12 III. REQUEST FOR EXTENSION

13 7. As noted above, the impetus for this request is Pierce County's previously-expressed desire
14 that all Pierce County regulated Companies "synch-up" to the same reporting date. Here,
15 that would mean that Murrey's and American extend their reporting interval from August
16 31, 2012 to November 30, 2012, or a three-month period, in order to allow convergence of
17 their two reporting periods with Harold LeMay Enterprises, Inc. d/b/a Pierce County
18 Refuse, whose commodity credit program currently concludes on November 30, 2012 and
19 whose new rates with adjusted commodity credit and revenue share provisions would be
20 effective on Commission action on or before March 1, 2013.

21 8. As noted as well, the IPS was issued at the end of May 2012 and the intervening few months
22 have involved numerous discussions among the Companies and the county as well as the
23 Commission staff in attempting to both reconcile past suspended programs for potential
24 resolution and consider the specific implications of the new policy directives announced in
25 the IPS.

1 9. Particularly for the prospective period 2012/2013, Pierce County and Murrey's/American
2 have not yet finalized any new expenditure program initiatives consistent with the IPS, nor
3 have they refined the mandated budget associated therewith. In order to report on
4 2011/2012 expenditures and recap, the prospective plan activities must also be completed in
5 order to perfect a revenue share filing that has yet to be fully accomplished.

6 10. The additional three months time period will presumably allow the county and
7 Murrey's/American additional time to resolve recent discussions about any new revenue
8 share expenditures, new revenue share initiatives and resolve priorities, scope and
9 comprehensiveness of plans to initiate revised programs to increase recycling that can be
10 agreed to by the County and Companies.

11 11. The Companies also have, upon deciding to seek Commission approval for the extension,
12 consulted with staff of the Commission and are informed that the staff does not object to an
13 extension so as to allow the synchronization of the reporting period amongst all regulated
14 Pierce County haulers.

15 12. Finally, as noted, the increased time interval may potentially allow the parties sufficient time
16 to attempt to reconcile the prospective true-up and computations devolving from the
17 suspension of the revenue share tariffs since 2010 and may ultimately achieve a moderation
18 of the effect of the adjustments necessary on a going forward basis to true-up commodity
19 credits for past expenditures and plan incentives and to project forward for upcoming
20 secondary recyclable commodity sales.

21 IV. CONCLUSION

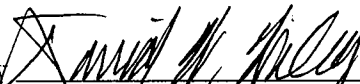
22 13. Based on the foregoing statements, Murrey's/American respectfully requests the
23 Commission to: (1) authorize extension of the recycling commodity price adjustment rates
24 set forth in the Murrey's/American tariffs at issue in this proceeding by allowing the
25 Companies to file revised tariff rates with an expiration date of February 28, 2013, and a
26 reporting period conclusion of November 30, 2012; and (2) continue in effect the current

1 revenue share plans, as simply amended by a three-month extension of the reporting period
2 for the plans originally certified by Pierce County.

3 Respectfully submitted,

4
5
6 DATED this 21st day of September, 2012.

7 WILLIAMS, KASTNER & GIBBS PLLC

8
9 By 
10 David W. Wiley, WSBA #08614
11 dwiley@williamskastner.com
12 Attorneys for Petitioners
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CERTIFICATE OF SERVICE

I hereby certify that on September 24, 2012, I caused to be served the original and four (4) copies of the foregoing document to the following address via first class mail, postage prepaid to:

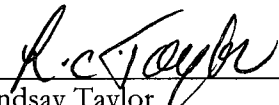
David Danner, Executive Director and Secretary
Washington Utilities and Transportation Commission
Attn.: Records Center
P.O. Box 47250
1300 S. Evergreen Park Dr. SW
Olympia, WA 98504-7250

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

and an electronic copy via email and first class mail, postage prepaid, to:

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