

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

In the Matter of the Petition of)	DOCKET TG-100630
)	
FIORITO ENTERPRISES, INC., &)	ORDER 01
RABANCO COMPANIES D/B/A)	
KENT MERIDIAN DISPOSAL CO.,)	
)	
Petitioner,)	
)	
Requesting Tariff Revisions To)	
Become Effective April 30, 2010, on)	ORDER APPROVING TARIFF
Less Than Statutory Notice, and)	REVISIONS ON LESS THAN
Seeking Exemption from the)	STATUTORY NOTICE; AND
Provisions of WAC 480-70-286)	GRANTING EXEMPTION FROM
Relating to the Marking of Changes on)	WAC 480-70-266, TARIFFS
Revised Tariff Pages for Each Change)	REQUIRING FORTY-FIVE-DAY
in Rates, Charges or Rules)	NOTICE TO THE COMMISSION
.....)	

BACKGROUND

- 1 On April 16, 2010, Fiorito Enterprises, Inc., & Rabanco Companies d/b/a Kent Meridian Disposal Co. (Kent Meridian or Company) filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting that revised pages 1, 21 and 25 of its Tariff No. 27 be made effective on less than 45 days statutory notice required by WAC 480-70-266. Kent Meridian also requests an exemption from WAC 480-70-286.

- 2 WAC 480-70-286 requires solid waste companies to mark each change on revised tariff pages using a specific set of code symbols which signify the nature of the change.

- 3 Kent Meridian stated that it recently identified errors in its current Tariff No. 27. The Company had previously published appropriate tariff rates pursuant to the Commission's last general rate Order No. 3 in TG-081071 which became effective November 1, 2008. However, when the Company filed revised tariff pages in July, 2009, to revise the Company's commodity revenue adjustment (TG-090737), the Company inadvertently published the rate levels that were in effect prior to November 1, 2008. The Company continued to charge customers the rates approved by the Commission in TG-081071, not the rates published in its effective tariff.

4 Commission reviewed the request and recommended granting Kent Meridian's request for exemption, subject to the following conditions:

(a) The Company file a 14th revised page 21 and 15th revised page 25, to its Tariff 27, with rates corrected to reflect those approved by the Commission in Order No. 3 Docket TG-081071 and marked with the Code Symbol "H"; and

(b) On the top margin of revised pages 21 and 25, Kent Meridian include the following statement:

This page is published to reinstate rates inadvertently changed by a tariff publication error. All rates on this page, marked by an "H" symbol, are higher than the rates published on (insert revision) Revised Page No. (insert page number), and reflect the rates that became effective November 1, 2008, as ordered by the Commission in Docket No. TG-081071, Order 03.

FINDINGS AND CONCLUSIONS

5 (1) The Washington Utilities and Transportation 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. RCW 80.01.040, RCW 81.01, RCW 81.04, RCW 81.16, RCW 81.28 *and* RCW 81.77.

6 (2) Kent Meridian 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.

7 (3) Kent Meridian is subject to WAC 480-70-286, which requires solid waste companies to mark each change on revised tariff pages using a specific set of code symbols which signify the nature of the change.

8 (4) Kent Meridian is also subject to WAC 480-70-266 which requires solid waste companies to provide at least forty-five calendar days notice to the Commission on any filing that will result in an increase in rates or charges to customers.

- 9 (5) Kent Meridian requests an exemption from WAC 480-70-286, to allow publication of specific language describing the purpose of the tariff revisions and an exemption from WAC 480-70-266, to allow the proposed tariff revisions to become effective April 30, 2010, on less than statutory notice.
- 10 (6) 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.
- 11 (7) This matter came before the Commission at its regularly scheduled meeting on April 29, 2010.
- 12 (8) After review of the petition filed in Docket TG-100630 by Kent Meridian on April 16, 2010, and giving due consideration, the Commission finds that the requested exemptions are in the public interest and are consistent with the purposes underlying the regulation and applicable statutes and should be granted.

ORDER

THE COMMISSION ORDERS:

- 13 (1) After the effective date of this Order, Fiorito Enterprises, Inc., & Rabanco Companies d/b/a Kent Meridian Disposal Co. is granted an exemption from WAC 480-70-286, which requires solid waste companies to mark each change on revised tariff pages using a specific set of code symbols to explain the tariff changes.
- 14 (2) This exemption is subject to the following conditions:
- (a) The Company file a 14th revised page 21 and 15th revised page 25, to their Tariff 27, with rates corrected to reflect those approved by the Commission in Order No. 3 Docket TG-081071 and marked with the Code Symbol "H"; and
 - (b) On the top margin of revised pages 21 and 25, Kent Meridian include the following statement:

This page is published to reinstate rates inadvertently changed by a tariff publication error. All rates on this page, marked by an "H" symbol, are higher than the rates published on (insert revision) Revised Page No. (insert page number), and reflect the rates that became effective November 1, 2008, as ordered by the Commission in Docket No. TG-081071, Order 03.

- 15 (3) Fiorito Enterprises, Inc., & Rabanco Companies d/b/a Kent Meridian Disposal Co.'s request for the tariffs to go into effect on a less than statutory notice is granted, subject to the conditions stated in this Order.
- 16 (4) The Commission retains jurisdiction over the subject matter and Fiorito Enterprises, Inc., & Rabanco Companies d/b/a Kent Meridian Disposal Co. 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 Olympia, Washington, and effective April 29, 2010.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary