

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of)	DOCKET TG-132101
)	
TORRE REFUSE & RECYCLING,)	ORDER 01
LLC DBA SUNSHINE DISPOSAL &)	
RECYCLING,)	
)	
Petitioner,)	
)	
Seeking Exemption from the)	
Provisions of WAC 480-07-520(4)(e))	ORDER GRANTING PARTIAL
Relating to Providing Non-regulated-)	EXEMPTION FROM RULE
Operation Pricing Rates)	
.....)	

BACKGROUND

- 1 On November 15, 2013, Torre Refuse & Recycling (Torre or Company), dba Sunshine Disposal, filed tariff revisions with the Washington Utilities and Transportation Commission (Commission) that would generate approximately \$77,500 (3.4 percent) additional annual revenue. The proposed increases are prompted by increased operating costs and a disposal fee increase. The test period involved in this filing is October 1, 2012, through September 30, 2013. The Company’s last general rate increase became effective on August 1, 2009. The Company serves approximately 4,500 customers in Spokane and Stevens Counties.
- 2 WAC 480-07-520 requires solid waste companies to include certain information in general rate increase filings. WAC 480-07-520(4) requires companies to file all supporting documentation known as “work papers” for the test period set out in the proposed rate increase. WAC 480-07-520(4)(e) explains that work papers must include:
 - A detailed list of all non-regulated operations, including the rates charged for the services rendered. Copies of all contracts must be provided on request.
- 3 On November 15, 2013, the Company petitioned for exemptions from multiple filing requirements listed under WAC 480-07-520(4). On December 4, 2013, the Company revised its request to include only an exemption from that portion of WAC 480-07-520(4)(e) that requires the Company to file pricing information for its non-regulated

operations in the City of Colville, the City of Medical Lake, and as related to septic tank pumping and commercial recycling operations.

4 Torre stated that providing pricing for its non-regulated operations would be cumbersome and disclose data that would put the Company at a competitive disadvantage.

5 Commission Staff has reviewed the revised request and recommends the Commission grant the exemption because the data for which the exemption is sought is not relevant to this tariff filing and granting the exemption is not inconsistent with the underlying purposes of the general rate filing rule stated in WAC 480-07-520(4).

DISCUSSION

6 WAC 480-07-110 provides that the Commission may grant an exemption from or modify the application of its rules in individual cases if consistent with the public interest and the purposes of the underlying regulation:

The standard for consideration is the public interest standard. Factors the commission may consider include whether application of the rule would impose undue hardship on the requesting person, of a degree or a kind different from hardships imposed on other similarly situated persons, and whether the effect of applying the rule would be contrary to the underlying purposes of the rule.

7 We agree with the Company and Staff that the data for which this exemption is sought is not relevant to this tariff filing. We therefore find that the requested exemption is consistent with the purpose of the rule and the public interest and should be granted.

FINDINGS AND CONCLUSIONS

8 (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.

9 (2) Torre 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.

- 10 (3) Torre is subject to WAC 480-07-520(4)(e), which requires solid waste companies to provide, in part, “a detailed list of all non-regulated operations, including the rates charged for the services rendered.”
- 11 (4) Under WAC 480-70-051 and WAC 480-07-110, the Commission may grant an exemption from the provisions of its rules if consistent with the public interest, the purposes underlying regulation and applicable statutes.
- 12 (5) This matter came before the Commission at its regularly scheduled meeting on December 12, 2013.
- 13 (6) Because the non-regulated pricing data for which the Company seeks an exemption is not relevant to this tariff filing, the Commission need not require such data as part of the initial filing.
- 14 (7) Torre’s requested partial exemption from WAC 480-07-520(4)(e) is consistent with the public interest, the purposes underlying regulation, and applicable statutes and should be granted.

ORDER

THE COMMISSION ORDERS:

- 15 THE COMMISSION ORDERS that Torre Refuse & Recycling is granted a partial exemption from WAC 480-07-520(4)(e) for the limited purpose of relieving the Company of the initial obligation to provide pricing data for non-regulated operations in the City of Colville, the City of Medical Lake, and as related to septic tank pumping and commercial recycling operations.
- 16 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 December 12, 2013.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING, Executive Director and Secretary