

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

MURREY'S DISPOSAL COMPANY,
INC., d/b/a OLYMPIC DISPOSAL,

Petitioner,

Petitioning for Exemption from the
Provisions of WAC 480-70-266 Relating
to Notice to Commission; Requesting
Revision to Tariff be Allowed for the
Collection of Underbilled Revenue

DOCKET TG-200129

ORDER 01

GRANTING EXEMPTION FROM
RULE; ALLOWING TARIFF
REVISIONS TO BECOME
EFFECTIVE BY OPERATION OF
LAW

BACKGROUND

- 1 On February 26, 2020, Murrey's Disposal Company, Inc., d/b/a Olympic Disposal, (Murrey's Disposal or Company) filed a tariff revision for its Pierce County operation with the Washington Utilities and Transportation Commission (Commission) requesting to collect under-billed revenues. The Company also filed a petition requesting an exemption from WAC 480-70-266, which requires 45 calendar-days' notice to the Commission for filings that result in increases in charges or rates to customers (Petition). Murrey's Disposal notified affected customers by letter dated February 14, 2020.
- 2 Murrey's Disposal explains in its filing that a billing error was discovered during the preparation of its last commodity price adjustment. Between October 21, 2018, and August 31, 2019, the Company incorrectly billed customers, applying one weekly pickup charge per month to multi-family customers billed by the yard. The Company should have been billing 4.33 times the weekly rate. This discrepancy led the Company to under-bill customers by approximately \$70,432, which the tariff revisions would permit the Company to collect at \$0.99 per yard, per month, over a one-year period.
- 3 Commission staff (Staff) has reviewed the information provided by the Company. Staff agrees that collecting under-billed revenue over a one-year period is fair, just, and reasonable. The Company has also added language to the tariff identifying this charge separately from the general commodity price adjustment, and has also specified the duration of the charge. Accordingly, Staff recommends the tariff revisions should become effective by operation of law.

4 Murrey’s Disposal also petitioned for exemption from WAC 480-70-266, which requires that companies submit tariff changes to the Commission 45 calendar-days before the effective date. Murrey’s Disposal explains in its request that “[t]his filing was initially filed on January 24, 2020, and substantially reviewed by Staff under TG-200062. The Company has experienced staffing shortages and heavy workload that delayed the resubmission of this filing.”

5 Staff reviewed the request and recommends granting the Petition because the Company provided statutorily required notice to customers in a timely manner. Staff requested that the issues addressed in this filing be separated from those in docket TG-200062 to ensure the tariff was structured in a way that facilitates customer understanding of applicable rates.

DISCUSSION

6 The Commission agrees with Staff’s recommendation that the tariff should be allowed to become effective by operation of law. The Company found an error in its billing and now seeks recovery of those funds it is entitled to collect. The proposed tariff revision provides additional time for recovery than the period of under-billing that occurred, which decreases the impact on its customers. It has also clarified the information in its tariff so customers can understand their bills. As such, the Commission finds allowing the tariff revisions being allowed to become effective by operation of law is consistent with the public interest.

7 The Commission agrees with Staff’s recommendation and grants Murrey’s Disposal an exemption from WAC 480-70-266. 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. WAC 480-70-266 requires notice to the Commission, which was sufficient in these circumstances to afford an adequate opportunity for review. Notice to customers was unaffected. Accordingly, we find that granting the Company’s request for an exemption is consistent with the public interest, the purposes underlying regulation, and applicable statutes.

FINDINGS AND CONCLUSIONS

8 (1) The 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.

- 9 (2) Murrey's Disposal 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) Murrey's Disposal seeks to collect revenues that it is entitled to collect, but which it did not collect due to a billing error.
- 11 (4) The Company will collect the revenue over a one-year period from April 1, 2020, to March 31, 2021, at a rate of \$0.99 per yard, per month.
- 12 (5) Staff recommends the Commission allow the tariff revisions to go into effect by operation of law.
- 13 (6) Murrey's Disposal is subject to WAC 480-70-266, which requires solid waste companies notify the Commission 45 calendar-days before any filing that increases rates or charges to customers.
- 14 (7) 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.
- 15 (8) Staff recommends the Commission grant Murrey's Disposal an exemption from WAC 480-70-266.
- 16 (9) This matter came before the Commission at its regularly scheduled meeting on March 26, 2020.
- 17 (10) After reviewing the Petition filed in Docket TG-200129 by Murrey's Disposal on January 24, 2020, and giving due consideration, the Commission finds that the exemption is in the public interest, is consistent with the purposes underlying the regulation and applicable statutes, and should be granted.

ORDER

THE COMMISSION ORDERS:

- 18 (1) Murrey's Disposal Company, Inc., d/b/a Olympic Disposal, is granted an exemption from WAC 480-70-266. Murrey's Disposal Company, Inc., d/b/a

Olympic Disposal, may use less statutory notice to the Commission for this filing only.

- 19 (2) The tariff filed by Murrey's Disposal Company, Inc., d/b/a Olympic Disposal, on February 26, 2020, will become effective on April 1, 2020, by operation of law.
- 20 (3) The Commission retains jurisdiction over the subject matter and Murrey's Disposal Company, Inc., d/b/a Olympic Disposal, 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 Lacey, Washington, and effective March 26, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Mark L. Johnson

MARK L. JOHNSON
Executive Director and Secretary