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6 BEFORE THE WASHINGTON STATE
7 UTILITIES AND TRANSPORTATION COMMISSION

8 WASHINGTON UTILITIES AND
9 TRANSPORTATION COMMISSION,

10 Complainant,

11 vs.

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

14 Respondent.
.....

15 WASHINGTON UTILITIES AND
16 TRANSPORTATION COMMISSION,

17 Complainant,

18 vs.

19 AMERICAN DISPOSAL COMPANY, INC.,
20 G-87,

21 Respondent.
.....

22 WASHINGTON UTILITIES AND
23 TRANSPORTATION COMMISSION,

24 Complainant,

25 vs.

26 MASON COUNTY GARBAGE CO., INC.,
d/b/a MASON COUNTY GARBAGE, G-88,

Respondent.

Dockets TG-111672,
TG-111674, TG-111681 and
TG-120073 CONSOLIDATED

INTERVENOR WASHINGTON
REFUSE AND RECYCLING
ASSOCIATION'S JOINDER
IN RESPONDENTS' MOTION
FOR SUMMARY
DETERMINATION

1
2 WASHINGTON UTILITIES AND
3 TRANSPORTATION COMMISSION,

4 Complainant,

5 vs.

6 HAROLD LEMAY ENTERPRISES, INC.,
7 d/b/a PIECE COUNTY REFUSE, G-98,

8 Respondent.

9 **COMES NOW** Intervenor Washington Refuse and Recycling Association
10 (WRRRA) and respectfully submits the following:

11 1) WRRRA joins in Respondents' Motion for Summary Determination
12 and urges the Commission to grant same, while rejecting Staff's Motion for
13 Summary Determination.

14 2) WRRRA's position on this issue is set forth in its letter to the
15 Commission dated February 23, 2012. The observations and opinions
16 contained in that correspondence express WRRRA's position on this issue, and
17 need not be repeated here. Suffice it to say that we are in agreement with the
18 arguments made by Respondents in their Motion, and are concerned that
19 Staff's position in its Motion is not in harmony with either the intent or clear
20 wording of RCW 81.77.185.


21 3) It seems clear that this statute was adopted to encourage
22 recycling; of that there is no dispute. It also would seem that the Legislature
23 recognized (twice) that there must be a financial incentive for the company if
24 the various programs are to be successful. Our concern with these dockets is
25 that Staff does not appreciate the necessity of that incentive being sufficient
26 enough to allow a publicly-traded company to justify the expenditures, and
the risk, to its shareholders. The retention rate proposed by Staff here simply
is not enough to take the risk on a regular, or even irregular, basis.

4) WRRRA is also concerned, as we have frequently expressed, that
the Commission may not be giving appropriate deference to counties. The

1 counties are the primary driving force here and, in the case of these dockets,
2 have spent a great deal of time and effort to come up with plans which reflect
3 the legislative intent to provide incentives to enhance and increase recycling
4 at the local level. Again, the use of the word "shall" twice in a very short
5 statute seems to be given short shrift by Staff.

6 5) The Commission must also give consideration to the effect its
7 rulings on large county (and large company) plans will have in the smaller,
8 more rural areas of our state. Increased recycling is a goal for the entire
9 state, not just the urban areas in Western Washington. Other counties,
10 understandably, are going to be reluctant to invest time, energy and funds in
11 these programs if they believe the Commission will simply overrule their
12 efforts. Similarly, the companies in these areas can be excused if they have
13 the belief that a reasonable profit proposal will be opposed by Staff and
14 rejected by the Commission. In short, Staff's position in these dockets sends
15 the wrong message to counties and companies who are considering
16 investments in these programs. The goal is to enhance and encourage
17 recycling, not to discourage innovation, which the Legislature clearly believed
18 is one of the keys to these goals.

19 DATED this 5th day of November, 2012.

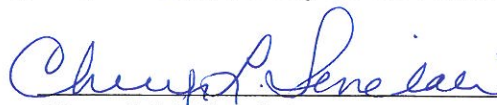
20 
21 JAMES K. SELLS, WSBA No. 6040
22 Attorney for Washington Refuse and
23 Recycling Association

CERTIFICATE OF SERVICE

I hereby certify that I have this day served this document upon all parties of record in this proceeding, by the method as indicated below, pursuant to WAC 480-07-150.

David W. Wiley Williams, Kastner & Gibbs, PLLC Two Union Square 601 Union Street, Suite 4100 Seattle, WA 98101 206.233.2895 dwiley@williamskastner.com	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input checked="" type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email
Washington Utilities and Transportation Commission 1300 S. Evergreen Park Dr. SW PO Box 47250 Olympia, WA 98504-7250 360.664.1160 records@utc.wa.gov	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input checked="" type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email
Administrative Law Judge Gregory Kopta gkopta@utc.wa.gov	<input checked="" type="checkbox"/> Via Email
Gregory J. Trautman Assistant Attorney General 1400 S. Evergreen Park Dr. SW PO Box 40128 Olympia, WA 98504-0218 360.664.1187 gtrautma@utc.wa.gov	<input type="checkbox"/> Via Legal Messenger <input type="checkbox"/> Via Facsimile <input checked="" type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via Email

DATED at Silverdale, Washington, this 5th day of November 2012.


Cheryl L. Sinclair