

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,)	DOCKET TG-112144
)	
Complainant,)	ORDER 01
)	
v.)	
)	
TORRE REFUSE AND RECYCLING, LLC, d/b/a SUNSHINE DISPOSAL & RECYCLING, G-260)	COMPLAINT AND ORDER SUSPENDING TARIFF; ALLOWING RATES ON A TEMPORARY BASIS, SUBJECT TO REFUND
)	
Respondent.)	
.....)	

BACKGROUND

- 1 On December 14, 2011, Torre Refuse and Recycling, LLC, d/b/a Sunshine Disposal & Recycling, (Torre or Company), filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective Tariff No. 3 designated as 3rd Revised Page 2, 1st Revised Page 14, 1st Revised Page 15, 1st Revised Page 16, 1st Revised Page 18, 1st Revised Page 20, 1st Revised Page 21, 1st Revised Page 24, 1st Revised Page 25, 1st Revised Page 27, 1st Revised Page 30, 1st Revised Page 31, 1st Revised Page 32, 1st Revised Page 33, 1st Revised Page 34 and 1st Revised Page 35. The stated effective date is February 1, 2012.
- 2 In this filing, Torre proposes a general rate increase for residential, commercial and drop box garbage service, due, in part, to a February 1, 2012, increase in Spokane County disposal fees. Torre’s proposed rates are designed to generate approximately \$153,000 (5 percent) additional annual revenue.
- 3 Staff has not completed its analysis of the Company’s proposed rates and recommended that the Commission suspend the December 14, 2011, tariff filing.
- 4 If the Commission suspends a tariff that includes rates to recover disposal fees, RCW 81.77.160 requires the Commission to allow the rates related to the disposal fees to

become effective on the originally filed effective date on an interim basis, subject to refund, pending the Commission's final order.

- 5 On January 10, 2012, and on January 17, 2012, the Company filed revised rates to recover only the disposal increase portion of the proposed. The revised rates are designated as 4th Revised Page 2, 2nd Revised Page 20, 2nd Revised Page 21, 2nd Revised Page 24, 2nd Revised Page 30, 2nd Revised Page 31, 2nd Revised Page 32 and 2nd Revised Page 33. The revenue impact of the disposal increase is approximately \$64,000 additional annual revenue. Staff recommends that the Commission also suspend these pages and allow them to become effective on a temporary basis, subject to refund.
- 6 Torre notified its customers of the proposed rate increase by mail on December 26, 2011. The Commission received comments from seven customers concerning Torre's original December 14, 2011, filing. The customers believe that the Commission should not allow the Company to increase rates in the current economic conditions.
- 7 The proposed revised rates might injuriously affect the rights and interests of the public. The Commission therefore suspends all of the tariff filings and allows the revised pages filed on January 10, 2012, and January 17, 2012, to become effective on a temporary basis, subject to refund.

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, 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 a solid waste company and public service company subject to Commission jurisdiction.
- 10 (3) These matters came before the Commission at its regularly scheduled meeting on January 26, 2012.

- 11 (4) The tariff revisions Torre filed on December 14, 2011, increase rates for residential and commercial garbage and drop box collection services. The revised tariff pages filed on January 10, 2012, and January 17, 2012, increase rates to recover just disposal fees.
- 12 (5) Torre has not yet demonstrated that the proposed rates are fair, just, reasonable and sufficient. The Commission finds it reasonable to allow the revised rates that recover only the increased disposal fees as filed on January 10, 2012, and January 17, 2012, to become effective February 1, 2012, on a temporary basis, subject to refund.
- 13 (6) In addition, the Commission invokes the rights, remedies and procedures contained in the reparations statute, [RCW 81.04.220](#), to the extent the Commission finds that any rate subject to this investigation is excessive or exorbitant.
- 14 (7) Torre may be required to pay the expenses reasonably attributable and allocable to such an investigation consistent with the provisions of [RCW 81.20.020](#).

ORDER

THE COMMISSION ORDERS:

- 15 (1) The tariff revisions Torre Refuse and Recycling, LLC, d/b/a Sunshine Disposal & Recycling filed on December 14, 2011, and the revised pages filed on January 10, 2012, and January 17, 2012, are suspended.
- 16 (2) The revised tariffs pages Torre Refuse and Recycling, LLC, d/b/a Sunshine Disposal & Recycling filed on January 10, 2012, and January 17, 2012, shall become effective on February 1, 2012, on a temporary basis, subject to refund if the Commission determines that different rates will be fair, just, reasonable and sufficient.
- 17 (3) The Commission may hold hearings if needed at such times and places as required.

- 18 (4) Torre Refuse and Recycling, LLC, d/b/a Sunshine Disposal & Recycling must not change or alter the tariff pages filed in this docket during the suspension period, unless the Commission authorizes the change in this docket.
- 19 (5) The Commission will institute an investigation of Torre Refuse and Recycling, LLC, d/b/a Sunshine Disposal & Recycling 's books, accounts, practices, activities, property and operations as necessary and as described above.
- 20 (6) Torre Refuse and Recycling, LLC, d/b/a Sunshine Disposal & Recycling shall pay the expenses reasonably attributable and allocable to the Commission's investigation, consistent with [RCW 81.20.020](#).

DATED at Olympia, Washington, and effective January 26, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

JEFFREY D. GOLTZ, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner