

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Tariff Revisions to
Increase Rates Due to a Disposal Fee
Increase Filed by

EMPIRE DISPOSAL, INC.,

Certificate G-75

DOCKET TG-161199

ORDER 01

ORDER GRANTING EXEMPTION
FROM RULE

BACKGROUND

- 1 On November 14, 2016, Empire Disposal, Inc. (Empire or Company) filed with the Washington Utilities and Transportation Commission (Commission) revisions to Tariff 15 to recover the increased cost of disposal fees. The Company serves approximately 4,000 customers in Whitman. The Company's last general rate increase became effective on October 1, 2016.
- 2 On January 1, 2017, Whitman County Department of Public Works will increase disposal fees from \$102.00 per ton to \$106.00 per ton at the Whitman County Transfer Station. Staff's analysis shows the Company's proposed rate increase to recover these increased fees would generate approximately \$24,000 (1.2 percent) additional annual revenue and become effective January 1, 2017.
- 3 A disposal fee increase falls within the definition of a general rate increase pursuant to WAC 480-07-505. WAC 480-07-520 lists the minimum required information the Company must provide in a general rate increase filing. The Company provided information pertinent to the disposal fee increase but did not provide the remainder of the information required by the rule and did not request an exemption from the work paper filing requirements of WAC 480-07-520(4).
- 4 WAC 480-07-110 allows the Commission to grant an exemption from, or modify the application of, its rules if consistent with the public interest, the purposes underlying regulation, and applicable statutes. See also WAC 480-70-051.
- 5 WAC 480-07-370(1)(b)(i) states, in part, that the Commission may undertake an action that would be the proper subject of a party's petition, such as authorizing exemption from a Commission rule, without receiving a petition from a party.

- 6 Commission Staff reviewed the proposed tariff request together with other factors and recommends the Commission allow the tariff to become effective by operation of law, and, on its own motion, grant the Company an exemption from WAC 480-07-520(4), work paper filing requirements for this filing for the following reasons:
- (a) There have not been any significant changes since the last rate case that became effective on October 1, 2016. Reviewing the rate case documents, customer numbers are relatively unchanged, inflation has been low, and the Company has not changed its collection methods.
 - (b) The increased disposal fees are set by Whitman County Department of Public Works and are required as a part of the Company's operations.
 - (c) The Company's financial information supports the proposed revenue requirement and the proposed rates.
 - (d) Staff concluded the proposed rate increase, by reason of the increase in disposal fees, is fair, just, and reasonable.

DISCUSSION

- 7 The Commission concurs with Staff's recommendation. The purpose of the work paper filing requirements in WAC 480-07-520(4) is to provide the Commission with information to determine whether a proposed rate increase is fair, just, reasonable, and sufficient. Here, the Company has provided sufficient information to enable the Commission to make that determination, and providing the additional information the rule requires would be unnecessary and unduly burdensome. Accordingly, an exemption from this requirement for purposes of the filing in this docket is consistent with the public interest and the purposes underlying the rule 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, and accounts of public service companies, including solid waste companies.

- 9 (2) Empire 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) Empire is subject to the filing requirements of WAC 480-07-520, for general rate increase proposals. The Company did not file the work papers required by WAC 480-07-520(4) and did not request an exemption from WAC 480-07-520(4).
- 11 (4) This matter came before the Commission at its regularly scheduled meeting on December 22, 2016.
- 12 (5) An exemption from the general rate increase filing requirements set forth in WAC 480-07-520(4) for the filing in this docket is in the public interest and is consistent with the purposes underlying the regulation and applicable statutes and should, on the Commission's own motion, be granted.
- 13 (6) It is in the public interest to allow the revisions to Tariff 15 filed on November 14, 2016, to become effective on January 1, 2017, by operation of law.

ORDER

- 14 **THE COMMISSION ORDERS**, on its own motion, that Empire Disposal, Inc., is exempt from WAC 480-07-520(4), for purposes of the tariff revisions filed in Docket TG-161199 on November 14, 2016.

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 22, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING, Executive Director and Secretary