

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

UTILITIES AND)	DOCKET NO. TG-051904
TRANSPORTATION COMMISSION,)	
)	ORDER NO. 01
Complainant,)	
)	
v.)	
)	
RABANCO LTD. AND RABANCO)	COMPLAINT AND ORDER
RECYCLING, INC., D/B/A)	SUSPENDING TARIFF AND
EASTSIDE DISPOSAL CO., INC.)	ALLOWING RATES ON A
G-12)	TEMPORARY BASIS, TO BECOME
)	EFFECTIVE ON LESS THAN
Respondent.)	STATUTORY NOTICE
.....)	

BACKGROUND

- 1 On December 7, 2005, Rabanco LTD. and Rabanco Recycling, Inc., d/b/a Eastside Disposal Co., Inc. (Eastside) filed with the Commission changes to its Tariff No. 11. The stated effective date is January 1, 2006, per less than statutory notice.

- 2 The filing proposes to increase the recycling commodity credit in the Eastside service area from \$1.55 to \$1.84 per month, in the Issaquah service area from \$1.34 to \$1.50 per month, and decrease the multi-family commodity credit from \$.34 to \$.14 per yard.

- 3 RCW 81.77.185 allows a company collecting recyclable materials to retain up to thirty percent of the revenue paid to the company for the material if the company submits a plan to the Commission that is certified by the appropriate local government authority as being consistent with the local government solid waste plan and that demonstrates how the revenues will be used to increase recycling. Eastside and King County are currently in discussions relating to the recycling plan and renewal of the revenue sharing. The proposed commodity credits are

calculated using a 30% revenue sharing component, which may not be appropriate. King County may choose not to renew the revenue sharing or may determine that a percentage less than 30% is appropriate.

- 4 Following review of the filing, Eastside has not demonstrated that the proposed recycle commodity credits are fair, just, and reasonable. Not just for the unresolved revenue sharing issue discussed above but the underlying statistical factors used to calculate the credit amount. Those items are contained in Item 100, Page 21, Item 100, Page 23, Item 105, Page 27, Item 106, Page 30, Item 107, Page 31, and Item 110, Page 32. Because those items might injuriously affect the rights and interests of the public, the commission suspends the tariff filings, but allows the rates to become effective on January 1, 2006, on a temporary basis subject to refund, on less than statutory notice, and will hold public hearings if necessary to determine whether the proposed increases are fair, just, and reasonable.

FINDINGS AND CONCLUSIONS

- 5 (1) The Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the authority to regulate rates, regulations, practices, accounts, securities, affiliated transactions, and transfers of public service companies, including solid waste companies. *RCW 80.01.040; Chapter 81.01 RCW; Chapter 81.04 RCW; Chapter 81.28 R;, Chapter 81.16 RCW; and Chapter 81.77 RCW.*
- 6 (2) Eastside is a solid waste company and is a public service company subject to the jurisdiction of the Commission.

- 7 (3) This matter was brought before the Commission at its regularly scheduled meeting on December 28, 2005.
- 8 (5) The tariff revisions filed by Eastside on December 7, 2005, would amend residential and multi-family recycling commodity credits.
- 9 (6) Eastside has not yet demonstrated that the provisions for residential curbside recycle collection and deferred credits, and deferred credits for multi-family recycling are fair, just, reasonable, and sufficient. Those rates are in Item 100, Page 21, Item 100, Page 23, Item 105, Page 27, Item 106, Page 30, Item 107, Page 31, and Item 110, Page 32. The Commission finds it reasonable to allow the rates to become effective January 1, 2006, on a temporary basis subject to refund, on less than statutory notice.
- 10 (7) In order to carry out the duties imposed upon the Commission by law, and as authorized in RCW 81.04.130, the Commission believes it is necessary to investigate Eastside's books and records to verify the valuation of Eastside's recycle commodities.
- 11 (8) As required by RCW 81.04.130, Eastside bears the burden of proof to show that the proposed commodity credits are fair, just and reasonable.
- 12 (9) Eastside may be required to pay the expenses reasonably attributable and allocable to such an investigation to the extent the requirements for such payment are in accordance with the provisions of Chapter 81.20 RCW.

ORDER

THE COMMISSION ORDERS:

- 13 (1) The tariff revision(s) filed on December 7, 2005, related to changes in the recycle commodity credits as contained in Item 100, Page 21, Item 100, Page 23, Item 105, Page 27, Item 106, Page 30, Item 107, Page 31, and Item 110, Page 32 are suspended.
- 14 (3) The suspended rates and commodity credits should be allowed to become effective January 1, 2006, on a temporary basis subject to refund, on less than statutory notice.
- 15 (4) The commission will hold hearings at such times and places as may be required.
- 16 (5) Eastside must not change or alter the tariffs filed in this docket during the suspension period, unless authorized by the Commission.
- 17 (6) The Commission will institute an investigation of Eastside's books and records as necessary. Eastside will make its books and records available to the Commission or its representatives upon request.

DATED at Olympia, Washington, and effective this 28th day of December, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, Commissioner