BEFORE THE WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of) DOCKET TG-080770
POINTS RECYCLING AND REFUSE, LLC d/b/a POINT RECYCLING & REFUSE; POINT RECYCLING AND REFUSE,) ORDER 02))
Petitioner,)) ORDER GRANTING EXEMPTION
Seeking Exemption from the provisions of WAC 480-70-071 Relating to Filing of Annual Reports by Solid Waste Companies	 ORDER GRANTING EXEMITION FROM RULE; GRANTING COMPANY ADDITIONAL TIME TO FILE ANNUAL REPORT
)

BACKGROUND

- On April 30, 2008, Points Recycling and Refuse, LLC d/b/a Point Recycling & Refuse and Point Recycling and Refuse (Point Recycling and Refuse or Company) filed a petition requesting an extension of time to file its 2007 annual report until July 1, 2008. The Company stated that it had not yet closed its books for 2007. The Commission granted the request.
- On July 11, 2008, Point Recycling and Refuse filed a petition requesting an additional extension of time until August 14, 2008, to file its 2007 annual report. The Company stated that it needs to "focus on existing issues and actions." The Commission opened Docket TG-081089 on June 19, 2008, to consider a request from Whatcom County asking the Commission to schedule a hearing to determine whether Point Recycling and Refuse's operating authority should be revoked for failure to provide curbside recycling as required by the County's code and Comprehensive Solid Waste Management Plan.
- Commission Staff reviewed the request and recommended granting the Company's request for exemption, subject to the following condition: that Point Recycling and Refuse file its 2007 annual report no later than August 14, 2008.

FINDINGS AND CONCLUSIONS

4 (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, 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.

- 5 (2) Point Recycling and Refuse is a solid waste company and a public service company subject to Commission jurisdiction.
- 6 (3) Point Recycling and Refuse is subject to WAC 480-70-071, which requires solid waste companies to file an annual report by May 1 of each year.
- 7 (4) Under WAC 480-70-071 (1)(c), the Commission may grant an extension of time allowing the Company to file its annual report.
- 8 (5) This matter came before the Commission at its regularly scheduled meeting on July 31, 2008.
- 9 (6) After reviewing Point Recycling and Refuse's petition filed in Docket TG-080770 on July 11, 2008, and giving due consideration, the Commission finds that the exemption is reasonable and should be granted.

ORDER

THE COMMISSION ORDERS:

- 10 (1) The exemption Points Recycling and Refuse, LLC d/b/a Point Recycling & Refuse and Point Recycling and Refuse, requests for an extension of time until August 14, 2008, to file its 2007 annual report is granted.
- Failure of Points Recycling and Refuse, LLC d/b/a Point Recycling & Refuse and Point Recycling and Refuse to file its 2007 annual report by August 14, 2008, may result in the Commission invoking RCW 81.04.405, which allows the Commission to assess penalties for violations of statute, rule, and Commission orders.

12 (3) The Commission retains jurisdiction over the subject matter and Points Recycling and Refuse, LLC d/b/a Point Recycling & Refuse and Point Recycling and Refuse to effectuate the provisions of this Order.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Executive Director and Secretary to enter this Order.

DATED at Olympia, Washington, and effective July 31, 2008.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary