

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

In the Matter of a Tariff to Increase Rates)	DOCKET TG-100754
Due to a Disposal Fee Increase Filed By)	
)	ORDER 01
)	
)	
WASTE MANAGEMENT OF)	ORDER GRANTING EXEMPTION
WASHINGTON, INC. d/b/a WASTE)	FROM RULE AND ALLOWING
MANAGEMENT OF ELLENSBURG,)	TARIFF TO BECOME EFFECTIVE
G-237)	BY OPERATION OF LAW
.....)	

BACKGROUND

- 1 On May 3, 2010, Waste Management of Washington, Inc. dba Waste Management of Ellensburg (Waste Management or Company), filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective Tariff No. 11, pages 2, 16, 21, 22, 23, 28, 29, 30 and 31 to increase rates due to a disposal fee increase. On May 13, 2010, Waste Management filed a substitute page designated as 1st revised page 29. A disposal fee increase falls within the definition of a general rate increase pursuant to WAC 480-07-505.

- 2 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.

- 3 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.*

- 4 Commission Staff reviewed the tariff request together with other factors and recommended the Commission allow the tariff to become effective by operation of law, and on its own motion, grant an exemption from the rule for this filing for the following reason(s):

- (a) Upon reviewing the last rate case documents, Staff notes no significant changes since the last rate case that became effective November 11, 2009, Docket TG-091472.
- (b) The increased disposal fees are set by Kittitas County and are required as a part of Waste Management'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.

FINDINGS AND CONCLUSIONS

- 5 (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.*
- 6 (2) Waste Management 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.
- 7 (3) Waste Management is subject to the filing requirements of WAC 480-07-520, for general rate increase proposals.
- 8 (4) Under WAC 480-07-110, the Commission may grant an exemption from the provisions of any rule in WAC 480-70, if consistent with the public interest, the purposes underlying regulation and applicable statutes. *See also WAC 480-70-051.*
- 9 (5) This matter came before the Commission at its regularly scheduled meeting on June 24, 2010.

- 10 (6) After reviewing the tariff revisions Waste Management filed in Docket TG-100754 on May 3, 2010, and May 13, 2010, and giving due consideration, the Commission finds:
- (a) An exemption from the general rate increase filing requirements set forth in WAC 480-07-520 is in the public interest and consistent with the purposes underlying regulation, and applicable statutes and should be granted; and
 - (b) It is in the public interest to allow the tariff revisions to Tariff 11 to become effective on July 1, 2010, by operation of law.

O R D E R

THE COMMISSION ORDERS:

- 11 (1) On the effective date of this Order, Waste Management of Washington, Inc. dba Waste Management of Ellensburg, is granted an exemption from WAC 480-07-520 for purposes of the revised tariff pages filed in Docket TG-100754 on May 3, 2010, and May 13, 2010.
- 12 (2) The Commission takes no action on the tariff implementing the disposal fee increase and allows it to become effective on July 1, 2010, by operation of law.
- 13 (3) The Commission delegates to the Secretary the authority to approve by letter all compliance filings required by this Order.
- 14 (4) The Commission retains jurisdiction over the subject matter and Waste Management of Washington, Inc. dba Waste Management of Ellensburg to effectuate the provisions of this Order.

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 June 24, 2010.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary