

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,	)	DOCKET TG-121484
	)	
	)	ORDER 02
	)	
Complainant,	)	ORDER OF CONSOLIDATION; AND
	)	AUTHORIZING TARIFF FILINGS
	)	
v.	)	
	)	DOCKET TG-121822
	)	
WASTE MANAGEMENT OF WASHINGTON, INC., D/B/A BREM-AIR DISPOSAL,	)	ORDER 01
	)	
	)	ORDER OF CONSOLIDATION; AND
	)	COMPLAINT AND ORDER
Respondent.	)	SUSPENDING TARIFF REVISION
.....	)	

**BACKGROUND**

- 1     On October 25, 2012, by Order 01 entered in Docket TG-121484, the Washington Utilities and Transportation Commission (Commission) suspended 10th Revised Page No. 2, 7th Revised Page No. 22, and 6th Revised Page No. 25 to Tariff No. 20, which had been filed by Waste Management of Washington, Inc., dba Brem-Air Disposal (Brem-Air or company), on September 10, 2012. The Commission ordered that Brem-Air must not change or alter the tariffs filed in Docket TG-121484 during the suspension period, unless authorized by the Commission.
  
- 2     On November 16, 2012, in Docket TG-121822, Brem-Air filed with the Commission revisions to its currently effective Tariff WN U-20, designated as 12th Revised Page No. 2, 8th Revised Page No. 22, 3rd Revised Page No. 23, and 7th Revised Page No. 25. On December 14, 2012, the company filed a replacement page, 3rd Revised Page No. 23, to correct a clerical error. The stated effective date is January 1, 2013.
  
- 3     Pages 22 and 25 included in the Company’s filing in Docket TG-121882 seek to revise pages 22 and 25 that the Commission suspended pending investigation in Docket TG-121484. Brem-Air nevertheless requests that the Commission authorize the Company to file changes to those pages for the purpose of filing a general rate case to increase rates for the collection of residential recycling and yard waste, and to revise the recycling commodity adjustment credit.

## **DISCUSSION**

- 4 In Docket TG-121882, Brem-Air proposes to increase charges and rates for service it provides by approximately \$1,600,000 or 10.8 percent. Because those increases might injuriously affect the rights and interests of the public and Brem-Air has not demonstrated that the increases would ultimately result in rates that are fair, just, reasonable, and sufficient, the Commission suspends the tariff filing and will hold public hearings if necessary, to determine whether the proposed increases are fair, just, reasonable and sufficient.
- 5 Because we are suspending the tariff pages in Docket TG-121882, we will permit the Company to propose additional revisions to previously suspended pages 22 and 25. The Commission suspended those pages in Docket TG-121484 to review Brem-Air's proposed revisions to its recycling commodity credits, and the Company now also proposes to revise the rates on those pages for its residential recycling and yard waste services. Not only are these same pages at issue in both dockets, but there is or may be an interrelationship between the commodity credits and the recycling rates. Accordingly, we find that the issues in these two dockets are sufficiently related that the dockets should be consolidated.

## **FINDINGS AND CONCLUSIONS**

- 6 (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.
- 7 (2) Brem-Air is a solid waste company and a public service company subject to Commission jurisdiction.
- 8 (3) This matter came before the Commission at its regularly scheduled meeting on December 27, 2012.

- 9 (5) Because revised Page Nos. 22 and 25 are at issue in both Docket TG-121822 and Docket TG-121844 and the proposed revised recycling commodity credit is or may be related to the proposed revised rates for residential recycling service on those pages, the Commission should permit the Company to propose additional revisions to those pages and should consolidate the two dockets.
- 10 (6) The tariff revisions Brem-Air filed on November 16, 2012, and on December 14, 2012, would increase charges and rates for service provided by Brem-Air, and might injuriously affect the rights and interest of the public.
- 11 (7) Brem-Air has not yet demonstrated that the tariff revisions would ultimately result in rates that are fair, just, reasonable and sufficient.
- 12 (8) In order to carry out the duties imposed upon the Commission by law, and as authorized in RCW 81.04.130 and RCW 81.04.220, the Commission believes it is necessary to investigate Brem-Air's books, accounts, practices and activities, and to investigate and appraise various phases of Brem-Air's operations.
- 13 (9) As required by RCW 81.04.130, Brem-Air bears the burden of proof to show that the proposed increases are just, reasonable and sufficient.
- 14 (10) Brem-Air may be required to pay the expenses reasonably attributable and allocable to such an investigation consistent with the provisions of RCW 81.20.

**ORDER**

**THE COMMISSION ORDERS:**

- 15 (1) These matters are consolidated for purposes of hearing and determination. The Commission reserves the right to hold separate hearings and to enter separate orders in the individual dockets as it deems appropriate.
- 16 (2) Waste Management of Washington, Inc., d/b/a Brem-Air Disposal is authorized to file revised pages that change or alter the tariffs filed in Docket TG-121484.

- 17 (3) The tariff revisions filed by Waste Management of Washington, Inc., d/b/a Brem-Air Disposal on November 16, 2012, and on December 14, 2012, in Docket TG-121822 are suspended.
- 18 (4) The Commission will hold hearings at such times and places as may be required.
- 19 (5) Waste Management of Washington, Inc., d/b/a Brem-Air Disposal must not change or alter the tariffs filed in these Dockets during the suspension periods, unless authorized by the Commission.
- 20 (6) The Commission will institute an investigation of Waste Management of Washington, Inc., d/b/a Brem-Air Disposal's books, accounts, practices, activities and operations as described above.
- 21 (7) Waste Management of Washington, Inc., d/b/a Brem-Air Disposal shall pay the expenses reasonably attributable and allocable to the Commission's investigation consistent with RCW 81.20.

DATED at Olympia, Washington, and effective December 27, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

JEFFREY D. GOLTZ, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner