

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

TORRE REFUSE AND RECYCLING,
LLC d/b/a SUNSHINE DISPOSAL,

Petitioner,

Seeking Exemption from the Provisions of
WAC 480-70-351(2) Relating to
Recycling Credits or Charges

DOCKET TG-171137

ORDER 01

GRANTING
EXEMPTION FROM RULE

BACKGROUND

- 1 On November 16, 2017, Torre Refuse and Recycling, LLC d/b/a Sunshine Disposal (Sunshine Disposal or Company) filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting an exemption from WAC 480-70-351(2) (Petition).
- 2 WAC 480-70-351(2) states that solid waste companies that estimate the revenue from the sales of recyclable materials collected in residential curbside programs as part of a deferred accounting program to return recycling revenues or charges to customers must use the most recent 12-month historical period to estimate the revenue for the next 12 months.
- 3 In its Petition, Sunshine Disposal states that, due to the anticipated changes in the demand for recyclable commodities expected in early 2018, commodity values are projected to decline significantly over the next 12 months. The Company provided information illustrating a decrease in net revenues from \$15.30 per ton in August 2017, to a charge to the Company of \$14.30 in September 2017, followed by a substantially increased charge of \$54.60 per ton in October 2017. Due to the decreased value of recyclable commodities, Sunshine Disposal seeks approval to use a five-month, rather than 12-month, average to calculate its proposed annual recycling commodity credit.
- 4 Commission staff (Staff) reviewed the Company's Petition and determined that the request for an exemption from the 12-month historical period requirement is reasonable.

Using the most recent 12-month period to estimate future revenues would include the time period prior to the disclosure of the change in recycling markets, when revenue from the sale of recyclable commodities provided a net positive amount (a credit back to the customers), and would not accurately reflect the anticipated down-turn. Changing the calculation should also decrease customer rate shock. Instead of receiving a small credit for 12 months followed by a much larger charge, customers will see a small charge for the first six months, which will increase gradually for the next six months thereafter. It will also prevent the Company from providing a credit it will not actually receive while incurring significant processing charges.

- 5 Based on these factors, Staff recommends granting Sunshine Disposal's request for exemption, subject to the following condition(s):
- (a) The Company will calculate the true-up for the commodity credit paid in 2017 using the full 12 months of actual revenue received from the sale of recyclable commodities;
 - (b) The Company will use the most recent six months of historical revenue to calculate the commodity credit or debit that will go into effect January 1, 2018;
 - (c) The Company will file another commodity credit adjustment to be effective July 1, 2018, at which time it will include the previous six month's actual revenue in the calculation and estimation of the credit. This filing can be for a six month period or 12 month period at the Company's discretion.

DISCUSSION

- 6 We agree with Staff's recommendation and grant Sunshine Disposal's Petition subject to the conditions set out in paragraph 5, above. Using the most recent six month historical period to estimate revenues is reasonable because it reflects a more realistic estimate of recyclable commodity revenue.

FINDINGS AND CONCLUSIONS

- 7 (1) The 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.

- 8 (2) Sunshine Disposal 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.
- 9 (3) Sunshine Disposal is subject to WAC 480-70-351(2), which requires solid waste companies that estimate the revenue from the sales of recyclable materials collected in residential curbside programs as part of a deferred accounting program to return recycling revenues or charges to customers to use the most recent 12-month historical period to estimate the revenue for the next 12 months.
- 10 (4) Under WAC 480-70-051, the Commission may grant an exemption from the provisions of any rule in WAC 480-70 if doing so is consistent with the public interest, the purposes underlying regulation, and applicable statutes. See also WAC 480-07-110.
- 11 (5) This matter came before the Commission at its regularly scheduled meeting on December 28, 2017.
- 12 (6) After reviewing the Petition filed in Docket TG-171137 by Sunshine Disposal on November 16, 2017, and giving due consideration, the Commission finds that the requested exemption is in the public interest, is consistent with the purposes underlying the regulation and applicable statutes, and should be granted.

ORDER

THE COMMISSION ORDERS:

- 13 (1) The Commission grants Torre Refuse and Recycling, LLC d/b/a Sunshine Disposal's Petition for an exemption from WAC 480-70-351(2), Torre Refuse and Recycling, LLC d/b/a Sunshine Disposal may use the most recent six-month historical revenues to calculate its recycling commodity credit.
- 14 (2) The tariff pages implementing this credit, filed on November 16, 2017, and revised on December 22, 2017, will become effective by operation of law on January 1, 2018, subject to the conditions set out in paragraph 5 of this Order.
- 15 (3) The Commission retains jurisdiction over the subject matter and Torre Refuse and Recycling, LLC d/b/a Sunshine Disposal 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 December 28, 2017.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING, Executive Director and Secretary