

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Request of

MURREY'S DISPOSAL COMPANY,
INC.,

Petitioner,

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

DOCKET TG-190608

ORDER 01

ORDER GRANTING EXEMPTION
FROM RULE; ALLOWING TARIFF
REVISIONS TO BECOME
EFFECTIVE BY OPERATION OF
LAW

BACKGROUND

- 1 On July 12, 2019, Murrey's Disposal Company, Inc., (Murrey's Disposal or Company) filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting an exemption from WAC 480-70-351(2) rates, recycling programs, credits, or charges (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, the Company asserts that the recycling commodity markets remain volatile, and the Company seeks approval to continue using a six-month, rather than 12-month, average to calculate its proposed recycling commodity adjustment.
- 4 Commission Staff (Staff) reviewed the Petition and determined that the request for an exemption from the 12-month historical period requirement is reasonable. Staff recommends granting Murrey's Disposal's Petition.

DISCUSSION

- 5 We agree with Staff's recommendation and grant Murrey's Disposal's Petition for exemption from WAC 480-70-351(2). Using the most recent six-month historical period to estimate revenues is reasonable because it reflects a more realistic estimate of

recyclable commodity revenue. Accordingly, we find that granting the Company's request for an exemption is consistent with the public interest, the purposes underlying regulation, and applicable statutes.¹

FINDINGS AND CONCLUSIONS

- 6 (1) The 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.
- 7 (2) Murrey's Disposal is a solid waste company and a public service company subject to Commission jurisdiction.
- 8 (3) Murrey's 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.
- 9 (4) Under WAC 480-70-051 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.²
- 10 (5) Staff recommends the Commission grant Murrey's Disposal's request for exemption from WAC 480-70-351(2).
- 11 (6) This matter came before the Commission at its regularly scheduled meeting on August 29, 2019.
- 12 (7) After reviewing Murrey's Disposal's proposed tariff revisions filed on July 12, 2019, in this docket and giving due consideration to all relevant matters and for good cause shown, the Commission finds that the requested exemption is in the public interest, is consistent with both the purposes underlying the regulation and applicable statutes, and that it should be granted. The proposed tariff revisions should therefore become effective September 1, 2019, by operation of law.

¹ See WAC 480-70-051; WAC 480-07-110.

² See WAC 480-07-110.

ORDER

THE COMMISSION ORDERS:

- 13 (1) Murrey's Disposal Co., Inc.'s petition for an exemption from WAC 480-70-351(2) is granted. Murrey's Disposal Co., Inc., is authorized to use the most recent six months of historical revenues to calculate its recycling commodity adjustment.
- 14 (2) The tariff revisions Murrey's Disposal Company, Inc., filed on July 12, 2019, will become effective on September 1, 2019, by operation of law.

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

DATED at Lacey, Washington, and effective August 29, 2019.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON, Executive Director and Secretary