

November 15, 2012

**NOTICE REQUESTING POSITION STATEMENTS
(Due by 5:00 p.m., Monday, November 26, 2012)**

RE: *Washington Utilities and Transportation Commission v. Murrey's Disposal Company, Inc., et al.*, Dockets TG-111672, TG-111674, TG-111681 & TG-120073 (consolidated)

TO ALL PARTIES:

On October 31, 2011, the Washington Utilities and Transportation Commission (Commission) issued Order 01, Complaint and Order Suspending Tariff; Allowing Revenue Sharing on a Temporary Basis, Subject to Refund or Credit (Order 01) in Dockets TG-111672, TG-111674, and TG-111681. In those orders, the Commission stated the need for further inquiry to address, among other issues, the concerns that the 2011-12 recycling revenue sharing plans submitted for Commission approval provide the companies "an unknown amount of revenue in compensation for incurring unspecified costs to accomplish the stated but otherwise inexplicit tasks and goals," some of which "do not appear to be reasonably designed to increase recycling."¹

The parties completed briefing on the disputed issues in Dockets TG-111672, TG-111674, TG-111681, and TG-120073 (Consolidated Dockets) on November 14, 2012, but no party addressed this issue. On November 18, 2012, the companies in Dockets TG-111672, TG-111674, and TG-111681 submitted responses to Commission bench requests seeking additional information but none of the parties in the Consolidated Dockets have filed substitute plans or proposed any changes to the plans originally submitted to address the Commission's concerns.

¹ Order 01 ¶ 13.

The statute requires the Commission to allow a company to retain up to 50 percent of the revenues from the sale of recyclable materials only if the company submits a plan “that demonstrates how the revenues will be used to increase recycling.”² The Commission, therefore, requests that the parties provide statements of their respective positions on whether and how the proposed recycling revenue sharing plans in the Consolidated Dockets make the requisite demonstration and if not, whether the Commission should refuse to permit the companies to retain any recycling revenues generated during the current plan period. These statements should include a complete copy of each company’s proposed plan certified by the county as consistent with the county’s solid waste plan and should explain how specific provisions, as written, demonstrate how the retained revenues will be used to increase recycling.

NOTICE IS GIVEN that the Commission requests position statements from the parties on the issues identified in this Notice by 5:00 p.m., on Monday, November 26, 2012.

GREGORY J. KOPTA
Administrative Law Judge

² RCW 81.77.185.