

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND)	DOCKETS TG-121366, TG-121367,
TRANSPORTATION COMMISSION,)	TG-121369, TG-121370 and
)	TG-121371
Complainant,)	
)	
v.)	
)	
RABANCO LTD, D/B/A)	
CONTAINER HAULING, EASTSIDE)	
DISPOSAL, RABANCO)	NOTICE OF HEARING
COMPANIES, RABANCO)	(Set for Friday, June 14, 2013, at
CONNECTIONS, LYNNWOOD)	9:30 a.m.)
DISPOSAL, ALLIED WASTE)	
SERVICES OF LYNNWOOD,)	
ALLIED WASTE SERVICES OF)	
KLICKITAT COUNTY, TRI-)	
COUNTY DISPOSAL, ALLIED)	
WASTE SERVICES OF KENT &)	
RABANCO COMPANIES, AND)	
SEATAC DISPOSAL (G-12), AND)	
FIORITO ENTERPRISES, INC. &)	
RABANCO COMPANIES D/B/A)	
KENT MERIDIAN DISPOSAL)	
COMPANY (G-60).)	
)	
Respondents.)	
.....)	

- 1 On August 17, 2012, Rabanco LTD and Fiorito Enterprises, Inc. (Rabanco or Company), filed tariff revisions with the Washington Utilities and Transportation Commission (Commission). The proposed filings add language regarding missed pickups due to a labor dispute, to Item 30 - Limitations of Service, in its five separate tariffs.

- 2 WAC 480-70-281 requires all solid waste collection companies to file proposed tariffs on forms available from the Commission or on comparable forms or templates approved by the Commission. The Commission adopted the current template and Item 30 - Limitations of Service, in 2001 in Docket TG-010374. However, Item 30 did not contain provisions for service in the event of disruptions due to labor disputes.

- 3 On May 18, 2012, the Commission sent a letter to Rabanco reminding the Company that its tariffs do not address labor disputes. Rabanco worked with Commission staff to craft proposed tariff language; however the Company added a new sentence stating the Company may extend credits in the event of a prolonged work stoppage.
- 4 Rabanco's proposed tariff language is slightly different than what was filed by Waste Management, Inc., in June, 2012. Rabanco added a sentence that states, "...In the event of any more prolonged work stoppage, and the Company may extend credit or otherwise appropriately prorate customer invoices as provided in Item 17, above." The Company explained to staff that "prolonged" means "residential service disruptions in excess of one calendar week. For instance, if a customer is missed on the 1st of the month but is picked up on the 8th, additional set-outs ("extras") matching the customer's regular service level would be picked up for free. Service disruptions in excess of one calendar week will trigger credits for missed pickups." The Commission suspended operation of the tariffs on September 27, 2012, by Order 01 entered in the above-referenced dockets,¹ and reopened Docket TG-010374 to consider whether to amend Item 30 – Limitations of Service, which the Commission adopted as part of the standard tariff template for traditional solid waste collection companies.
- 5 **STATUTORY AUTHORITY:** The Commission has jurisdiction over this matter under RCW Title 81, and has legal authority to regulate the rates, services, and practices of solid waste collection companies pursuant to RCW 81.77. The statutes that apply to this matter include RCW 81.04 and RCW 81.28 relating to rates, including but not limited to RCW 81.01.010 and RCW 81.04.020. The rules that apply to this matter include those within WAC 480-70, relating to solid waste collection companies.
- 6 The Commission will hear this matter under the Administrative Procedure Act (APA), particularly Part IV of RCW 34.05 relating to adjudications. The provisions of the APA that relate to this proceeding include, but are not limited to RCW 34.05.413, RCW 34.05.422, RCW 34.05.431, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452. The Commission will also follow its procedural rules in WAC 480-07 in this proceeding.

¹ The suspension period expires on August 1, 2013.

7 The Commission finds there is good cause to hear this matter on shortened notice.
See WAC 480-07-440(1)(a).

8 **THE COMMISSION GIVES NOTICE That it will hold a hearing in this matter at 9:30 a.m., on Friday, June 14, 2013, in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.** The hearing is set at the same time as a hearing in Dockets TG-120840, TG-120842, and TG-120843.²

9 **INTERVENTION:** Persons who wish to intervene should file a petition to intervene in writing no later than Tuesday, **June 11, 2013**. See WAC 480-07-355(a). The Commission will consider oral petitions to intervene during the hearing, but strongly prefers written petitions to intervene. Party representatives must file a notice of appearance with the Commission no later than the business day before the hearing. See WAC 480-07-345(2). Any party or witness in need of an interpreter or other assistance should fill out the form attached to this notice and return it to the Commission.

10 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the hearing set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**

11 The names and mailing addresses of all known parties and their known representatives are as follows:

Complainant: Washington Utilities and Transportation
Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

² *Washington Utilities and Transportation Commission v. Waste Management of Washington, Inc. d/b/a Waste Management of the Northwest, Waste Management of Seattle and South Sound, and Waste Management of Sno-King, G-237.*

Representative: Sally Brown
Senior Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1193
sbrown@utc.wa.gov

Respondents: Rabanco Ltd.
1600 127th Avenue NE
Bellevue, WA 98005

Fiorito Enterprises, Inc. and Rabanco Companies
1600 127th Avenue NE
Bellevue, WA 98005

Representative: David W. Wiley
Attorney at Law
Williams, Kastner & Gibbs PLLC
Two Union Square
601 Union Street, Suite 4100
Seattle, WA 98101
(206) 233-2895
dwiley@williamskastner.com

- 12 The Commissioners of the Washington Utilities and Transportation Commission and Administrative Law Judge Marguerite E. Friedlander, from the Commission's Administrative Law Division, will preside during this proceeding.
- 13 The Commission will give parties notice of any other procedural phase of the proceeding in writing or on the record, as appropriate during this proceeding.

DATED at Olympia, Washington, and effective June 6, 2013.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING
Acting Executive Director and Secretary

Inquiries may be addressed to:

Executive Director and Secretary
Washington State Utilities and
Transportation Commission
Richard Hemstad Building
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

NOTICE

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

If you need an interpreter, or have other special needs, please fill out this form and return it to Washington State Utilities and Transportation Commission, Attention: Steven V. King, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket : _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.: (____) _____