

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

Rulemaking to consider changes and improvements to solid waste rules related to customer notice requirements, electronic filing and billing, low-income residential rates, missed pickups, residential customer deposits and fees, and other ministerial changes.

DOCKET TG-220140

INITIAL COMMENTS OF PUBLIC COUNSEL

June 3, 2022

I. INTRODUCTION

1. The Public Counsel Unit of the Washington Attorney General's Office (Public Counsel) files these comments in response to the Washington Utilities and Transportation Commission's (Commission or UTC) Notice of Opportunity to File Written Comments dated April 28, 2022 (Notice). The purpose of the current docket is to examine various aspects of the provision of solid waste service, including missed pick-ups, notice requirements for tariff changes, low-income rates, electronic billing, deposits, late fees, and disconnection notices.
2. Public Counsel provides comments below related to the Notice topics and questions. We appreciate Commission Staff's efforts to raise these important issues for solid waste haulers. We look forward to reviewing the comments of companies and other stakeholders. Public Counsel reserves the right to modify its positions or make additional arguments following further discussions, analyses, or reflection.

II. COMMENTS IN RESPONSE TO NOTICE QUESTIONS

A. Missed Pick-ups

3. Public Counsel understands that there is no current specification in the UTC rules for when a missed pick-up should be resolved for a customer or group of customers. We also understand that for collection schedules that are not weekly, one missed pick-up with no time limit for resolution can lead to large accumulation of uncollected solid waste, leading to public health and safety risks. Specifying a time limit in the rules might remedy the accumulation of excess solid waste, provided that the rules also include appropriate flexibility for extraordinary circumstances that reasonably prevent pick-up within a given time period despite a solid waste company's best efforts to remedy a missed collection.

4. For these reasons, more information is needed from solid waste collection companies to understand better how to set such time limits in a way that accounts for extenuating circumstances beyond the company's control. More communication from the solid waste companies to customers experiencing missed pick-ups to explain the reason for missed collections could be one step towards improving resolution of these issues. We look forward to reviewing the data and information provided by solid waste companies regarding events leading to missed pick-ups and how companies remedied the missed pick-ups.

B. Notice Requirements, Generally

5. RCW 81.28.050 provides notice requirements applicable to common carriers and solid waste companies. It states, “[i]n the case of a solid waste collection company, a change may not be made except after forty-five days' notice to the commission and to the public.” This conflicts with WAC 480-70-271, which sets different time requirements for customer notice, all of which are shorter than 45 days. Because the 45-day requirement is set out in statute, it should supersede the WAC requirements. Public Counsel understands that this would be a change in operations for many companies and is looking forward to reviewing the information submitted by companies about possible impacts to their operations.

6. Commission Staff also ask companies if they would be likely to provide customer notice electronically, if allowed.¹ Public Counsel believes that if companies wish to provide notice electronically, customers should opt-in to receiving notices this way. We believe that customers should be able to choose how they prefer to receive this type of notice, rather than the company

¹ WAC 480-70-271(2)(d) currently requires notice to be provided by bill insert, bill message, message printed on the back of the billing envelope, separate mailing, or by can tag.

choosing for them.

C. Low-Income Rates

7. Public Counsel believes that expanding low-income rate programs to solid waste companies could benefit consumers. We understand that some companies have reservedly expressed interest in developing low-income rate programs, and we recommend Staff gather information from municipal solid waste agencies that currently offer low-income rate programs. We understand several of these agencies, including Seattle Public Utilities and Tacoma Public Utilities, may possess valuable information to share regarding their development of methods by which they make low-income determinations for single- and multi-family customers, and also regarding their contracting and payments process with private solid waste companies to carry out collection and disposal for these customers.

D. Electronic Billing

8. Similar to our comments on electronic notice, Public Counsel believes that if companies offer electronic billings or statements, customers must be able to opt-in to electronic billing or payment. Public Counsel continues to believe that solid waste companies must provide a cash payment option for unbanked consumers. We look forward to reviewing the data provided by companies regarding electronic payments.

E. Deposits, Late Fees, and Disconnection Notices

9. Public Counsel looks forward to reviewing company information regarding customer deposits, late fees, and disconnection notices. Public Counsel has filed comments in Docket

U-210800², which is considering possible changes to customer notice, credit and collection rules, late fees, disconnection fees, reconnection fees, and deposits. We have included our comments in Docket U-210800 as Attachment A to this set of comments because they offer resources from the National Consumer Law Center and NAACP addressing these important topics.

10. We are also particularly interested in examining whether solid waste companies separate out certain fees or whether those costs are already included in base rates. We are also interested in obtaining more information about how solid waste companies deal with multifamily housing and renters. Often property owners, rather than renters, are responsible for paying for solid waste collection. How do solid waste companies work to make sure that renters or those in multifamily housing are receiving notice of tariff changes?

III. CONCLUSION

11. Public Counsel looks forward to continuing discussions on the important topics raised in this rulemaking with solid waste companies, Commission Staff, and other stakeholders. Questions about these comments should be directed to Ann Paisner at the contact information below, or Stephanie Chase at Stephanie.Chase@ATG.WA.GOV.

Dated this 3rd day of June 2022.

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² Initial Comments of Public Counsel, *Rulemaking to Consider Potential Long-term Changes and Improvements to Customer Notice, Credit, and Collections Rules, Including Permanent Elimination of Late Fees, Disconnection and Reconnection Fees, and Deposits* (Docket U-210800) (filed on Apr. 29, 2022) (enclosed as Attachment A).