

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Tariff to Increase Rates	)	DOCKET TG-091745
Due to a Disposal Fee Increase Filed By	)	
	)	ORDER 01
EXCESS DISPOSAL, INC., d/b/a	)	
EXCESS DISPOSAL SERVICE, G-107	)	
	)	ORDER GRANTING EXEMPTION
	)	FROM RULE AND ALLOWING
	)	TARIFF TO BECOME EFFECTIVE
	)	BY OPERATION OF LAW
.....	)	

**BACKGROUND**

- 1     On November 9, 2009, Excess Disposal, Inc., d/b/a Excess Disposal Service (Excess Disposal or Company) filed with the Washington Utilities and Transportation Commission (Commission) a new Tariff 14 to increase rates due to a disposal fee increase. On December 17, 2009, Excess Disposal filed a substitute page designated as 1<sup>st</sup> revised page 39. A disposal fee increase falls within the definition of a general rate increase pursuant to WAC 480-07-505.
- 2     WAC 480-07-520 lists the minimum required information the Company must provide in a general rate increase filing. The Company provided information pertinent to the disposal fee increase but did not provide the remainder of the information required by the rule.
- 3     WAC 480-07-110 allows the Commission to grant an exemption from or modify the application of its rules if consistent with the public interest, the purposes underlying regulation, and applicable statutes. *See also WAC 480-70-051.*
- 4     Commission Staff reviewed the tariff request together with other factors and recommended the Commission allow the tariff to become effective by operation of law, and on its own motion, and grant an exemption from the rule for this filing for the following reason(s):
  - (a)    There have not been any significant changes since the last rate case that became effective January 1, 2007. Reviewing the rate case documents, staff notes that Excess Disposal’s customers increased from approximately 920 to 970 customers (5.4 percent), revenue from residential and commercial

customers increased three percent, inflation has been low, and the company has not changed its collection methods.

- (b) The increased disposal fees are set by Pend Oreille County and are required as a part of Excess Disposal's operations.
- (c) The Company's financial information supports the proposed revenue requirement and the proposed rates.
- (d) Staff concluded the proposed rate increase, by reason of the increase in disposal fees, is fair, just, and reasonable.

### FINDINGS AND CONCLUSIONS

- 5 (1) The Washington Utilities and Transportation 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. *RCW 80.01.040, RCW 81.01, RCW 81.04, RCW 81.16, RCW 81.28 and RCW 81.77.*
- 6 (2) Excess 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.
- 7 (3) Excess Disposal is subject to the filing requirements of WAC 480-07-520, for general rate increase proposals.
- 8 (4) Under WAC 480-07-110, 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. *See also WAC 480-70-051.*
- 9 (5) This matter came before the Commission at its regularly scheduled meeting on December 23, 2009.
- 10 (6) After reviewing the tariff revisions Excess Disposal filed in Docket TG-091745 on November 9, 2009, and giving due consideration, the Commission finds:

- (a) An exemption from the general rate increase filing requirements set forth in WAC 480-07-520 is in the public interest and consistent with the purposes underlying regulation, and applicable statutes and should be granted; and
- (b) It is in the public interest to allow Tariff 14 and the substitute page to become effective on January 1, 2010, by operation of law.

**O R D E R**

**THE COMMISSION ORDERS:**

- 11* (1) The Commission retains jurisdiction over the subject matter and Excess Disposal, Inc., d/b/a Excess Disposal Service to effectuate the provisions of this Order.
- 12* (2) On the effective date of this Order, Excess Disposal, Inc., d/b/a Excess Disposal Service is granted an exemption from WAC 480-07-520 for purposes of the tariff filed in Docket TG-091745 on November 9, 2009.
- 13* (3) The Commission takes no action on the tariff implementing the disposal fee increase and allows it to become effective on January 1, 2010, by operation of law.

DATED at Olympia, Washington, and effective December 23, 2009.

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**JEFFREY D. GOLTZ, Chairman**

**PATRICK J. OSHIE, Commissioner**

**PHILIP B. JONES, Commissioner**