

Task	Budget	Retained	Expensed
Labor Costs for implementing tasks in this agreement [Plan] (not allocated to tasks below)	\$ 104,410		\$ 83,134
Data Collection and Reporting	\$ 10,000		\$ 10,000
Cart Conversion to 96 Gallon Recycling	\$ 90,798		\$ 80,148
Carts Contamination Pilot	\$ 57,650		\$ 82,338
Promotion of Food and Yard Waste	\$ 47,548		\$ 39,639
Multifamily Contamination Monitoring and Characterization of Recycling	\$ 41,500		\$ 10,144
Total	\$ 451,906		\$ 305,403
Incentive-1%	\$ 4,519		\$ 3,054
Incentive-4%	\$ 18,076		\$ 12,216
Total	\$ 474,501	\$ 395,328	\$ 320,673
Revenues Returned to customers			\$ 74,655

In its compliance filing, the Company reported that it increased both diversion and organics subscription rates and therefore met the performance standards required to retain four percent and one percent of expenditures respectively, as an incentive. In its June 13, 2014, letter to the Commission, Pat D. McLaughlin, King County Solid Waste Division Director certified that the Company had met both performance goals and was eligible to retain the incentive amounts as outlined in the Plan.

PROPOSED 2014-2015 COMMODITY CREDITS

3 On June 13, 2014, the Company filed tariff pages in which it proposes to decrease recycling rates by \$0.19 (commodity credit increase from \$0.68 to \$0.87) per month for single-family residential customers and to decrease recycling rates by \$0.45 (commodity credit increase from \$0.19 to \$0.64) per yard for multi-family customers for the period August 1, 2014, to July 31, 2015. The proposed commodity credits reflect the Commission-approved deferred accounting treatment and include the additional funds returned to customers in the table set forth above in paragraph two.

PROPOSED 2014-2015 RECYCLING PLAN AND REVENUE SHARING

4 RCW 81.77.185 states that the Commission shall allow a solid waste collection company collecting recyclable materials to retain up to 50 percent of the revenue paid to the

company for the material if the company submits a plan to the Commission that is certified by the appropriate local government authority as being consistent with the local government solid waste plan and that demonstrates how the revenues will be used to increase recycling. The remaining revenue shall be passed to the residential customers.

5 Pursuant to RCW 81.77.185, on June 13, 2014, the Company filed with the Commission a Commodity Revenue Sharing Enhancement Plan for King County (Plan) for the period August 1, 2014, to July 31, 2015. The Plan covers Fiorito Enterprises and two other Rabanco Ltd. business units operating in King County. The Plan forecasts \$1,027,258 revenue from the sale of recyclable commodities collected by the three business units and proposes to retain \$513,450 (50.0 percent), \$305,859 of which is attributed to Fiorito Enterprises, to spend on Plan activities.

6 The Plan includes activities, budgets and performance measures for the three business units combined, not specific to each individual business unit. The Plan identifies the following activities and budget amounts: Data Collection and Reporting (\$11,000), Cart Contamination Mitigation (\$169,500), Mobile and Web App. Implementation (\$56,500), Food and Yard Waste Recycling Education (\$35,000), Multi-family Outreach and Infrastructure Improvements (\$130,000), and Project Management and Administration (\$87,000). The Plan's total budget is \$489,000.

7 The Plan's 2014-2015 budget includes an incentive payment of \$24,450 (five percent of planned expenditures).¹ The Plan states in part:

Rabanco Ltd is eligible for a financial incentive for implementation of this plan as follows:

- For increasing diversion of materials from disposal by regulated residential customers, an amount equal to 4 percent of the total expenditures incurred by Fiorito in implementation of Plan activities.
- For increasing voluntary subscriptions by regulated single-family residential customers for the food and yard waste (organic) collection services an amount equal to 1 percent of the total expenditures incurred by Fiorito in implementation of Plan activities.

¹ On May 30, 2012, the Commission issued its interpretive and policy statement (IPS) in Docket TG-112162 to address issues concerning implementation of recycling revenue sharing plans, including Incentives, Bonuses or Returns in paragraphs 26 through 32. The IPS articulates a policy that incentives should be conditioned upon or tied to achieving performance goals or objectives.

Additionally, as set forth in the Plan, eligibility for the award of an incentive will be determined by King County's satisfaction that expenditures of revenue sharing funds by the Company are consistent with the Plan's activities and budgets and subject to review by the Commission.

8 Pat D. McLaughlin, King County Solid Waste Division Director, signed the Plan and certified that it is consistent with King County's Comprehensive Solid Waste Management Plan. King County recommends that the Commission allow the Company to retain up to 50 percent of the actual value of recyclable commodity revenues received from August 1, 2014, through July 31, 2015, the period of the Plan.

9 Staff recommends that the Commission grant the Company's request to retain up to 50 percent of the recyclable commodity revenue collected during the period of the Plan, and allow the recycling commodity credits filed by the Company on June 13, 2014, to go into effect August 1, 2014, by operation of law.

FINDINGS AND CONCLUSIONS

10 (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.

11 (2) Fiorito Enterprises 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.

12 (3) This matter came before the Commission at its regularly scheduled meeting on July 24, 2014.

13 (4) RCW 81.77.185 states that the Commission shall allow a solid waste collection company collecting recyclable materials to retain up to 50 percent of the revenue paid to the company for the material if the company submits a plan to the Commission that is certified by the appropriate local government authority as being consistent with the local government solid waste plan and that demonstrates

how the revenues will be used to increase recycling. RCW 81.77.185 states that the remaining revenue shall be passed to residential customers.

- 14 (5) King County is responsible for managing waste through its Comprehensive Solid Waste Management Plan. The Director of King County's Solid Waste Division certified that Fiorito Enterprises' recycling plan is consistent with King County's Comprehensive Solid Waste Management Plan.
- 15 (6) The Plan includes a provision for an incentive payment of five percent of the Company's planned expenditure. The Plan conditions the award of the incentive on achieving specific performance goals.
- 16 (7) Fiorito Enterprises' request to retain up to 50 percent of the revenue it receives from the sale of recyclable materials collected in its single-family and multi-family residential recycling programs from August 1, 2014, to July 31, 2015, is consistent with RCW 81.77.185, and the Commission finds that Fiorito Enterprises' request should be granted.

O R D E R

THE COMMISSION ORDERS:

- 17 (1) If Fiorito Enterprises, Inc., & Rabanco Companies dba Kent-Meridian Disposal, Allied Waste Services of Kent, and Republic Services of Kent complies with the Plan as set forth in this order, the Company may retain up to 50 percent of the revenue it receives from the sale of recyclable materials collected in its single-family and multi-family residential recycling programs from August 1, 2014, to July 31, 2015.
- 18 (2) Fiorito Enterprises, Inc., & Rabanco Companies dba Kent-Meridian Disposal, Allied Waste Services of Kent, and Republic Services of Kent shall present its revenue sharing plan and commodity adjustments to the Commission requesting an effective date each August 1 hereafter, and shall make all future revenue sharing plans and commodity adjustment filings 45 days prior to the proposed effective date.
- 19 (3) Fiorito Enterprises, Inc., & Rabanco Companies dba Kent-Meridian Disposal, Allied Waste Services of Kent, and Republic Services of Kent shall make a

compliance filing with the Commission no later than June 17, 2015, in which the Company shall identify the amount of revenue it retained, the amount of money it spent on the activities identified in the Plan, and the effect the activities had on increasing recycling.

- 20 (4) The commodity credits filed by Fiorito Enterprises, Inc., & Rabanco Companies dba Kent-Meridian Disposal, Allied Waste Services of Kent, and Republic Services of Kent on June 13, 2014, are allowed to go into effect by operation of law.
- 21 (5) The Commission delegates to the Secretary the authority to approve by letter all compliance filings required in this Order.
- 22 (6) The Commission retains jurisdiction over the subject matter and Fiorito Enterprises, Inc., & Rabanco Companies dba Kent-Meridian Disposal, Allied Waste Services of Kent, and Republic Services of Kent, to effectuate the provisions of this Order.

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

DATED at Olympia, Washington, and effective July 24, 2014.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING, Executive Director and Secretary