



WASHINGTON REFUSE & RECYCLING ASSOCIATION

October 22, 2014

Mr. Steve King  
Executive Director & Secretary  
Washington Utilities and  
Transportation Commission  
PO Box 47250  
1300 S. Evergreen Park Dr. SW  
Olympia, WA 98504-7250

**Re: Comments: Docket A-130355**

Dear Mr. King:

Thank you for the opportunity to comment on the procedural section proposals in the above-entitled Docket. The following are comments by WRRA, not individual members, although we expect that the comments of members who choose to make comments may well be similar in nature, as this matter has been the subject of discussion within the industry.

Please be reminded that WRRA submitted earlier comments on this issue by letters of November 1, 2013 and December 20, 2013. The following will reflect many of the points presented in that correspondence.

**OFFICE HOURS/SUBMISSION OF DOCUMENTS:** In view of the apparent desire to eliminate paper filing (which, in general, we support), there should be consideration given to "extension" of "office hours," for electronic filing purposes only, to midnight on the due date, rather than 5:00 p.m., as is the case in Federal Court. *see* FRCP (6)(4)(A). The point is that Commission staff will see the electronically filed document at the same time the next morning, whether it is filed a minute before 5:00 p.m. or later in the evening. Our understanding is that the time and date of filing via the web portal is, or can be, noted.

**INFORMAL COMMENTS** (480-07-140): It appears that the Commission will allow paper filing of "informal comments," and perhaps other documents. We do not necessarily have an objection to this, assuming it is the case, but feel it should be further explained and/or reconciled considering the apparent objective of eliminating paper filing altogether. This brings up an issue which also needs clarification; that being whether or not the Commission will accept

service of paper documents directly on the Commission. If that is an option, it should be clearly stated. If not, it should also be clearly stated.

**TECHNICAL TERMS**: The proposal uses what to many may be common terms in the world of electronic communications, but to many of our smaller members the terms are indecipherable at best. We suggest that terms such as "locked," "protected," "hard code" be specifically defined within the rule itself. This would, for example, provide a small company with a roadmap for a simple filing and perhaps avoid the necessity of retaining professional, technical assistance where a simple definition would allow self-filing and considerable savings for the company. The ultimate beneficiary would, of course, be the ratepayer, who always benefits from savings of this nature. Also, we suspect that some, if not all, Administrative Law Judges would appreciate not having to define these sorts of terms "on the fly" during an adjudication.

**FILING COMPLIANCE**: Perhaps the issue we hear about the most from members is that of notification of noncompliance with a rate filing. As we indicated in our November 1, 2013 comment, there seems to be no specific time period when we can expect to be notified of either compliance or noncompliance of a filing. A specific time for notification needs to be in the rules, and if there is a minor or purely technical compliance issue, the filer should be given a reasonable time to correct the error without having to go through the entire process of re-filing. We previously suggested two days as being appropriate, and continue to hold that belief. I do note that in a letter of June 6, 2013, Gene Eckhardt indicated that "within two business days of receiving a general rate filing . . ." staff will notify the company of the assigned auditor and "an expected timeline to complete the audit." That sort of commitment should be in the rule. Once again, the ultimate beneficiaries of any saved time and costs are the ratepayers. There is no reason for a filing to be rejected "at the last moment," a moment that we do not necessarily know when it will be, when a simple phone call or e-mail could solve the problem and save everyone involved, including Commission staff, time and money. This is not a "no waiver" situation, but one where simple common sense should prevail. This should not be a "gotcha" opportunity for staff; nor should the filing company submit seriously defective filings in the hope that staff will do the corrections for them. It should, and can, be an opportunity to improve the process for the benefit of all involved.

**CONCLUSIONS**: As indicated above, our previous comments cover more ground than the "General Provisions" proposals which are subject of this comment, and as further proposals are received we will comment specifically on them. We will be particularly interested in protection of confidential information on payroll records, such as an employee's Social Security number and home address, during an audit or other inspection of company or affiliate records. Also, it appears to us that some "streamlining" of the discovery process would be appropriate, perhaps clarification of the Presiding Officer's

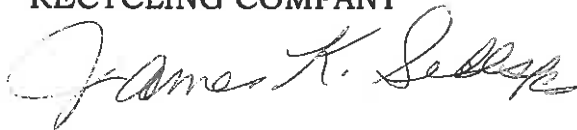
ability to limit discovery, impose (and stick to) deadlines and, in general, take a more active role in the process. CR 26 should be a useful tool in doing so. I have had the opportunity to review drafts of comments which will be submitted by at least two WRRRA members. They are more technical and specific in nature than the above, and will be of substantial assistance to the Commission in its next draft. WRRRA is in agreement with these comments and proposals to be filed by attorneys representing specific companies.

Finally, we have not commented on the "Confidential Information" rules which, of course, are new and, to our knowledge, have yet to be tested. We suspect that all involved will simply have to "wait and see" how they work. There may or may not be some "fine tuning" needed and it may well be at the behest of either the industry or the Commission itself.

Thank you again for the opportunity to comment. We appreciate and understand all the hard work by staff on this very important task.

Very truly yours,

WASHINGTON REFUSE AND  
RECYCLING COMPANY

A handwritten signature in cursive script, appearing to read "James K. Sells".

JAMES K. SELLS  
General Counsel

JKS:cs