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## Memorandum

**TO:** Cathie Anderson & Interested Parties

**FROM:** Polly L. McNeill & Company

**DATE:** September 11, 2000

**RE:** WUTC Solid Waste Rule Revisions

At the last Stakeholder Meeting, some of us volunteered to provide language for revisions to certain provisions in the most recent draft rules. Submitted on behalf of WRRRA and our respective clients, the following suggestions are the result of input from Jim Sells, Dave Wiley, Bob Schille and me. The relevant provisions are set forth in the order that they appear in the draft.

### **WAC 480-70-026 Definitions** (p. 14)

“Traditional solid waste collection company” means a company engaged in collecting and removing solid waste and recyclable materials from private homes, and removing solid waste from commercial establishments, industrial facilities, and other sites. Solid waste is normally picked up on a daily, weekly, or other regular basis. Drivers are usually assigned designated routes to collect curbside residential solid waste or transport cans or containers for commercial businesses. Unless it elects not to or is otherwise limited by its certificate authority, a traditional solid waste collection company may also perform specialized solid waste collection services.

### **WAC 480-70-111(2)(b) Certificates, temporary, protests, and intervention** (p. 24)

Except for temporary authorities issued authorizing service during an emergency or during a period of suspension for an existing certificate, the commission will normally

~~may limit temporary authority to allow a company to provide service to only those customers whose support statements are submitted with an application. Exceptions to this provision include, but are not limited to temporary authorities issued authorizing service in the territory of an existing certificate during an emergency or during a period of certificate suspension.~~

**WAC 480-70-XXX Certificate Authority Canceled by City Annexation or Incorporation (p. 28)**

(1) **Self-haul or contract city service.** When a city that self-hauls or contracts for solid waste collection service annexes any area contained in a company's certificate, ~~or when an incorporated city elects to take over regulation under RCW 81.77.020,~~ the affected certificate authority is canceled as of the date of 1) the city's written notification to the commission that the solid waste collection operations in the annexed area are exempt as provided for in RCW 81.77.020 or the effective date of any ordinance, resolution, franchise, or contract providing such exemption, whichever is later and 2) the city's commencement of regulatory oversight. ~~The notification shall set forth the date that city services are to commence and whether the city services will be by contract or self-haul; and shall include a copy of the relevant ordinance, resolution, franchise, contract or other legal document.~~

(2) **Commission regulated city service.** When a city that does not self-haul or contract for solid waste collection service annexes or incorporates an area contained in a certificate, the affected certificate authority is not canceled on until the city takes action under subsection (1) above to effective date of a city contract issued for solid waste collection service, or on notice to the commission of a city ordinance or resolution which removes the city service from commission regulation under the provisions of RCW 81.80.020.

(3) **Contract for city service.** Upon entering into a contract with a city to provide solid waste collection services and if the area to be served is contained in the company's certificate authority, a company must provide written notification to the commission within thirty days of the date of the agreement. Notice must include a cover letter, a copy of the executed agreement, and a map of the affected area. The map submitted must meet the standards defined in WAC 480-70-046.

(4) **Compensation for canceled certificate authority.** A company must notify the commission in writing within thirty days of a city purchasing or condemning its certificate authority. Notice must include a cover letter and a copy of any contract or ordinance.

(5) **Self-haul or contract city service discontinued.** When a city notifies the commission of its decision to discontinue self-hauling or contracting for solid waste collection service the original canceled certificate ~~may~~ shall be reinstated and a certificate issued to the previous certificate holder.

(a) Before the commission will reinstate certificate authority, t~~t~~he previous certificate holder or its successor may must petition for reinstatement of original certificate authority canceled by city annexation or incorporation.

(b) If all or a portion of the authority to provide service in the territory that was

~~canceled certificate~~ has been transferred to or acquired by a new company, then the new company ~~current certificate holder~~ may petition for reinstatement of original certificate authority canceled by city annexation or incorporation.

(c) If the previous certificate authority holder was purchased or condemned ~~compensated for the canceled authority~~, the commission will accept application for new certificate authority.

(d) If no previous certificate holder exists, the commission will accept applications for new certificate authority.