

Agenda Date: September 27, 2012  
Item Numbers: B2, B3, B4, B5 and B6

**Dockets: TG-121366, TG-121367, TG-121369, TG-121370 and TG-121371**

Company Name: Rabanco, LTD, G-12  
Fiorito Enterprises, Inc., G-60

Staff: Penny Ingram, Regulatory Analyst

### **Recommendation**

Issue a Complaint and Order Suspending the five Tariff Revisions filed by Rabanco, LTD in Dockets TG-121366, TG-121367, TG-121369 and TG-121371 and Fiorito Enterprises, Inc. and Rabanco Companies, in Docket TG-121370.

### **Discussion**

WAC 480-70-281 requires all solid waste collection companies to file proposed tariffs on forms available from the commission or on comparable forms or templates approved by the commission. The commission adopted the current template and Item 30 - Limitations of Service, in 2001 in Docket TG-010374. However, Item 30 did not contain provisions for service in the event of disruptions due to labor disputes.

On May 18, the commission sent a letter to Rabanco reminding the company that its tariffs do not address labor disputes. Rabanco worked with commission staff to craft proposed tariff language; however the company added a new sentence stating the company may extend credits in the event of a prolonged work stoppage.

On August 17, 2012, Rabanco LTD and Fiorito Enterprises, Inc.<sup>1</sup> (Rabanco or company), filed tariff revisions with the Utilities and Transportation Commission (commission). The proposed filings add language regarding missed pickups due to a labor dispute, to Item 30 - Limitations of Service, in its five separate tariffs. The proposed language is slightly different than what was filed by Waste Management, Inc., in June, 2012. Rabanco added a sentence that states, "...In the event of any more prolonged work stoppage, and the company may extend credit or otherwise appropriately prorate customer invoices as provided in Item 17, above." The company explained to staff that "prolonged" means "residential service disruptions in excess of one calendar week. For instance, if a customer is missed on the 1st of the month but is picked up on the 8th, additional set-outs ("extras") matching the customer's regular service level would be picked up for free. Service disruptions in excess of one calendar week will trigger credits for missed pickups."

The recent labor dispute that affected customers in our state has raised many operational questions that still need to be answered before staff can finish its analysis of these proposed

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<sup>1</sup> Rabanco LTD includes companies d/b/a Container Hauling, Eastside Disposal, Rabanco Companies, Rabanco Connections, Lynnwood Disposal, Allied Waste Services of Lynnwood, Allied Waste Services of Klickitat County, Tri-County Disposal, Allied Services of Kent, and SeaTac Disposal. Fiorito Enterprises, Inc. includes company d/b/a Kent Meridian Disposal Company.

tariffs. Therefore, the company has not demonstrated the proposed tariffs are fair, just, reasonable, or sufficient.

At the August 30, 2012 open meeting, the commission reopened Docket TG-010374 to consider whether to amend Item 30 - Limitations of Service, which the commission adopted as part of the standard tariff template for traditional solid waste collection companies. The issue of missed pickups need to be clarified so affected customers and companies will know what to expect. The commission will discuss these issues with the industry and interested stakeholders in an open forum seeking comment on how missed pickups should be handled during labor disputes and in other circumstances in the near future.

Rabanco provides solid waste collection services in King, Klickitat, Skamania, Snohomish, and Yakima counties and provide service to approximately 62,000 customers.

### **Conclusion**

Issue a Complaint and Order Suspending the five Tariff Revisions filed by Rabanco, LTD in Dockets TG-121366, TG-121367, TG-121369 and TG-121371 and Fiorito Enterprises, Inc. and Rabanco Companies in Docket TG-121370.