

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of:

Petition for Exemption by Yakima Waste Systems, Inc., G-89

Case No. TG-

PETITION FOR EXEMPTION FROM PORTION OF WAC 480-07-520(4)

1 COMES NOW Yakima Waste Systems, Inc., G-89 (“Yakima Waste” or “Petitioner”), PO Box 2830, Yakima, Washington, 98907, by and through its counsel, Williams Kastner & Gibbs PLLC and David W. Wiley, 601 Union Street, Suite 4100, Seattle, Washington, 98101, and hereby files this petition with the Washington Utilities and Transportation Commission (“the Commission”), pursuant to WAC 480-70-051, WAC 480-07-110 and WAC 480-07-370(1)(b), seeking an exemption from certain requirements of the general rate proceeding workpaper filing rule. The exemption is sought as applied to Yakima Waste as the “Company,” in interpretation and application of the rule requirement in light of the revised Commission policy for stricter enforcement of the general rate case rules and in light of the Commission’s decision in Order No. 4, TG-091933, *Washington Utilities and Transportation Commission v. Waste Management of Washington, Inc. d/b/a Waste Management of Sno-King* and Order No. 3, TG-091945 in re the *Petition of Waste Management, Inc. d/b/a Waste Management of Sno-King* (March, 2010), (the “*Sno-King Order*”).

I. PRELIMINARY STATEMENT

2 This filing seeks a limited exemption from WAC 480-07-520(4)(j) in asking that the Commission not require, as a part of the considerable workpapers being filed herewith, that under WAC 480-07-520, an income statement and balance sheet of the non-regulated affiliate, DM Recycling, be produced.

III. FACTUAL AND LEGAL BASES FOR EXEMPTION REQUEST

3 The test period involved in this filing is October 1, 2012 through September 30, 2013.

4 There are a number of reasons for this request. First, the hauling involved in the affiliated
transaction was from the centralized point of collection in Yakima County where recyclables
were transferred to DM Recycling trucks for transport to the affiliated recycling processing
facility in Tacoma, Washington. That affiliated facility, Tacoma Recycling, Inc., is the source
of further disclosure and compliance with WAC 480-07-520(4)(j) herein, and that affiliated
transportation and processing activity has also now ceased as of October, 2013.

5 Secondly, the activity involved is akin to transportation from a transfer station to a disposal
site contained in a county comprehensive solid waste plan, which if this were solid waste as
opposed to recyclables, would be expressly exempt from regulation pursuant to RCW
36.58.060.

6 An analogous rule, WAC 480-70-079(3)(a), in the annual reporting context, requires
disclosure of affiliated entity income statements and balance sheets only when the aggregate
affiliated interest transaction amount exceeds \$100,000. Here, the amount at issue paid by
the Petitioner to the non-regulated affiliate does not meet that threshold standard and again,
analogously, the need for the disclosure would seem less material.

7 Finally, there is the obvious potential competitive harm posed by the disclosure of the
financial statements of the unregulated DM Recycling entity. As the Commission has
recently made clear, no confidentiality is afforded to Title 81 companies from financial
disclosure pursuant to RCW 42.56 and a protective order is apparently not obtainable under
WAC 480-07-160. Hence, because disclosure in the public record would potentially pose the
risk of private gain to unregulated recycling entities and competitive harm to Yakima Waste
affiliates, the Petitioner asks that the Commission find that retention of the income

statement and balance sheet here is fully consistent with the public interest pursuant to WAC 480-07-110 in this limited circumstance.

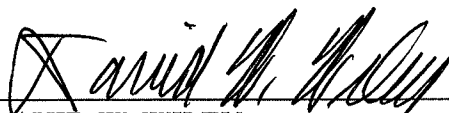
8 Again, except for this isolated circumstance, affiliated interest full disclosures have been made pursuant to rule, and as to the subject transaction, the nature of the transaction and the amount involved is also fully disclosed so that its “direct or indirect” effect on regulated rates can be fully assessed. What Petitioner is asking the Commission to grant here is a limited, isolated exemption from disclosure pursuant to WAC 480-07-520(4)(j), in order to protect disclosure into the public record of information which would be advantageous to unregulated competitors who are not required to produce comparable data to the public and which is wholly unnecessary to the audit of this filing in terms of compliance with the spirit of all other procedural rules and subparts affecting the instant general rate case.

III. PRAYER FOR RELIEF

9 WHEREFORE, based on the foregoing outline of the issue raised by this Petition for Exemption from Rule, Petitioner Yakima Waste Systems, Inc., asks that the Commission permit exemptions of this filing applicable to WAC 480-07-520(4)(j), finding that it is in the public interest and fully consistent with the purposes of evaluating general rate case filings to grant Yakima Waste Systems, Inc. an exemption to the workpapers requirements of WAC 480-07-520(4) for the limited purpose of considering the proposed general rate increase filing in this docket for the applicable tariff at issue.

Dated this 4th day of November, 2013.

Respectfully submitted,



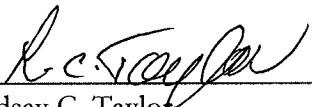
DAVID W. WILEY
Attorney for Yakima Waste Systems, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on November 4, 2013, I caused to be served the original and three (3) copies of the foregoing document to the following address via first class mail, postage prepaid to:

Steven V. King, Executive Director and Secretary
Policy and Legislative Issues
Washington Utilities and Transportation Commission
P.O. Box 47250
1300 S. Evergreen Park Dr. SW
Olympia, WA 98504-7250

I certify I have also provided to the Washington Utilities and Transportation Commission's Secretary an official electronic file containing the foregoing document via email to: records@utc.wa.gov.



Lyndsay C. Taylor