

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Request of  
  
MURREYS DISPOSAL CO., INC.  
  
Petitioner,  
  
Seeking Exemption from the Provisions of  
WAC 480-70-351(2) Relating to  
Recycling Credits or Charges and Less  
Than Statutory Notice in Connection with  
Tariff Revisions

DOCKET TG-190041  
  
ORDER 01  
  
ORDER GRANTING EXEMPTION  
FROM RULE AND GRANTING  
LESS THAN STATUTORY NOTICE;  
ALLOWING TARIFF REVISIONS TO  
BECOME EFFECTIVE BY  
OPERATION OF LAW

**BACKGROUND**

- 1 On January 18, 2019, Murrey’s Disposal Co., Inc. (Murrey’s Disposal or Company) filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting an exemption from WAC 480-70-351(2) Rates, recycling programs, credits, or charges (Petition). The Company also seeks less than statutory notice treatment to allow the commodity adjustment to take effect March 1, 2019.
- 2 WAC 480-70-351(2) states that solid waste companies that estimate the revenue from the sales of recyclable materials collected in residential curbside programs as part of a deferred accounting program to return recycling revenues or charges to customers must use the most recent 12-month historical period to estimate the revenue for the next 12 months.
- 3 In its Petition, the Company asserts that the recycling commodity markets have become more volatile, and a shorter projection period for calculating commodity adjustments would avoid large swings in the credit or debit to customers based on changing commodity values. Due to the decreased value of recyclable commodities, the Company seeks approval to use a 6-month, rather than 12-month, average to calculate its proposed recycling commodity adjustment.
- 4 RCW 81.28.050 and WAC 480-70-266 require 45 days’ notice to the Commission prior to the effective date of the tariff. The tariff sheets bear an effective date of March 4, 2019. This date recognizes statutory notice as required. Murrey’s Disposal requests, however,

less than statutory notice as permitted in WAC 480-70-276, and that the revisions become effective March 1, 2019.

5 Commission staff (Staff) reviewed the Petition and determined that the request for an exemption from the 12-month historical period requirement is reasonable. Staff recommends granting Murrey's Disposal's request for exemption and less than statutory notice.

### **DISCUSSION**

6 We agree with Staff's recommendation and grant Murrey's Disposal's Petition for exemption from WAC 480-70-351(2). Using the most recent 6-month historical period to estimate revenues is reasonable because it reflects a more realistic estimate of recyclable commodity revenue. Accordingly, we find that granting the Company's request for an exemption is consistent with the public interest, the purposes underlying regulation and applicable statutes.<sup>1</sup>

7 The Commission also grants the Company's request for less than statutory notice. Accordingly, we find that the Company demonstrated that its request is consistent with WAC 480-70-276.

### **FINDINGS AND CONCLUSIONS**

- 8 (1) The Commission is an agency of the State of Washington vested by statute with the authority to regulate the rates, regulations, practices, accounts, and affiliated interests of public service companies, including solid waste companies.
- 9 (2) Murrey's Disposal is a solid waste company and a public service company subject to Commission jurisdiction.
- 10 (3) Murrey's Disposal is subject to RCW 81.28.050 and WAC 480-70-266, which require solid waste companies to file changes in any rate or charge with 45 days' notice. For good cause shown, however, the Commission may allow changes without requiring 45 days' notice by order specifying the changes to be made and the time when it shall take effect. See also WAC 480-70-276.

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<sup>1</sup> See WAC 480-70-051 and WAC 480-07-110.

- 11 (4) Staff has reviewed Murrey's Disposal's request in Docket TG-190041 and recommends the Commission grant the Company's request for less than statutory notice.
- 12 (5) Murrey's Disposal is subject to WAC 480-70-351(2), which requires solid waste companies that estimate the revenue from the sales of recyclable materials collected in residential curbside programs as part of a deferred accounting program to return recycling revenues or charges to customers to use the most recent 12-month historical period to estimate the revenue for the next 12 months.
- 13 (6) Under WAC 480-70-051 the Commission may grant an exemption from the provisions of any rule in WAC 480-70, if consistent with the public interest, the purposes underlying regulation and applicable statutes. See also WAC 480-07-110.
- 14 (7) Staff recommends the Commission grant Murrey's Disposal's request for exemption from WAC 480-70-051.
- 15 (8) This matter came before the Commission at its regularly scheduled meeting on February 28, 2019.
- 16 (9) After reviewing Murrey's Disposal's proposed tariff revisions filed on January 18, 2019, in this Docket and giving due consideration to all relevant matters and for good cause shown, the Commission finds that the requested exemptions are in the public interest, are consistent with the purposes underlying the regulation and applicable statutes, and should be granted, and that the proposed tariff revisions should become effective March 1, 2019, by operation of law.

**ORDER**

**THE COMMISSION ORDERS:**

- 17 (1) The Commission grants Murrey's Disposal Co., Inc.'s request for less than statutory notice, as authorized by WAC 480-70-276.
- 18 (2) The Commission grants Murrey's Disposal Co., Inc.'s petition for an exemption from WAC 480-70-351(2). Murrey's Disposal Co., Inc. may use the most recent six months of historical revenues to calculate its recycling commodity adjustment.

- 19 (3) The tariff revisions Murrey's Disposal Co., Inc. filed on January 18, 2019, will become effective on March 1, 2019, by operation of law.

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 February 28, 2019.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON, Executive Director and Secretary