



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
621 Woodland Square Loop S.E. • Lacey, Washington 98503
P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • TTY 1-800-833-6384 or 711

March 11, 2024

NOTICE DECLINING TO INITIATE ADJUDICATIVE PROCEEDING

RE: *In re Formal Complaint of Tony Garana*, Docket TG-231035

On December 20, 2023, Tony Garana filed with the Washington Utilities and Transportation Commission (Commission) a formal complaint (Complaint) against Waste Management of Washington, Inc. (Waste Management).¹ Garana alleges that Waste Management has been overcharging customers for waste removal because Waste Management's rates are triple the rates charged by Republic Services, Inc. (Republic Services).² Garana is a current customer of Republic Services and discovered Waste Management's overcharging when he contacted Waste Management to receive a quote for service in Renton.³

Garana requests the Commission to investigate why Waste Management's rates are three times higher than Republic Services⁴ and for the Commission to not renew its contract with Waste Management unless Waste Management's rates are comparable with its competitors.⁵

Prior to the formal complaint filed by Garana, an informal investigation was conducted by Commission staff (Staff) and a summary of Staff's findings were provided to the Commission on December 29, 2023. Staff found that Waste Management's quoted rates were within the company's commission approved tariff and did not violate any laws, rules, or tariffs.⁶

1 Complaint at 1 ¶ 2.

2 *Id.* at 1 ¶ 3.

3 Staff Memo at 1 ¶ 3.

4 Complaint at 1 ¶ 5.

5 Staff Memo at 1 ¶ 3.

6 Staff Memo at 2 ¶ 6.

Staff informed Garana that a company's rates are determined based on operating expenses.⁷ Since each company has varying operating expenses, the rates for a company will also differ.⁸ Furthermore, Staff explained that the Commission does not contract with solid waste companies, but rather companies apply for and may be granted a public need and necessity certificate to provide solid waste services in Washington state.⁹ While certificates are valid until cancellation by either the commission or the company, the commission will not cancel a permit unless it can determine through a formal hearing process that a company was not providing service to the commission's satisfaction.¹⁰ The law prohibits the allowance of more than one garbage company from providing service in any one area.¹¹ Garbage service may be provided through a municipality providing the service itself, a municipality contracting with a garbage company, or a company providing service on a certificate issued by the commission.¹²

The Administrative Procedure Act and Commission rules authorize the commission to "commence an adjudicative proceeding at any time with respect to any matter within its jurisdiction and within the scope of its authority."¹³ "A person involved in an actual case or controversy subject to the commission's jurisdiction may apply to the commission for an adjudicative proceeding by filing the appropriate form of pleading."¹⁴ A formal complaint is one example of an appropriate form of pleading.¹⁵ The Commission has 90 days to either commence an adjudicative proceeding or choose to deny such proceeding with reason.¹⁶

We deny Garana's request to initiate an adjudication because Garana's complaint does not clearly set forth the grounds for his formal complaint, the basis for the Commission's jurisdiction, or the Commission's authority to grant the relief requested. A formal complaint under Washington Administrative Code (WAC 480-07-370) must "clearly and concisely set forth the grounds for the formal complaint, the relief requested, and the commission's jurisdiction to commence an adjudication and grant the requested relief."¹⁷

While Garana's allegations against Waste Management's overcharging rates fall within the Commission's jurisdiction, Garana does not clearly set forth the grounds for his allegation that Waste Management's rates are not fair, just, or reasonable. Garana does not provide any specific evidence to demonstrate Waste Management's alleged overcharging. The informal investigation completed by Staff indicates that the quoted rates provided by Waste Management were fair,

7 Staff Memo at 1 ¶ 4.

8 Staff Memo at 1 ¶ 4.

9 Staff Memo at 1-2 ¶ 4.

10 Staff Memo at 2 ¶ 4.

11 Staff Memo at 2 ¶ 4.

12 Staff Memo at 2 ¶ 4.

13 WAC 480-07-305(1).

14 WAC 480-07-305(2).

15 WAC 480-07-305(3)(a).

16 WAC 480-07-305(5).

17 WAC 480-07-370(1)(b)

just, and reasonable.¹⁸ Furthermore, Staff also found that the quoted rates were within the company's approved tariff and did not violate any laws, rules, or tariff.¹⁹ Although Garana submits that "the numbers that tell you WM operating expenses are much less and profits are much more,"²⁰ merely providing customer bills or invoices from each company and raising general allegations such as these does not clearly and specifically set forth the grounds for a formal complaint that would warrant an adjudicative proceeding.

For the above reasons, the Commission denies Garana's request to initiate an adjudication.

Dated at Lacey, Washington, and effective March 11, 2024.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION.

/s/ Michael Howard

MICHAEL HOWARD

Director, Administrative Law Division

18 Staff Memo at 2 ¶ 6.

19 Staff Memo at 2 ¶ 6.

20 Complaint at 1 ¶ 3.