

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,)	DOCKET TG-090087
)	
Complainant,)	ORDER 01
)	
v.)	
)	
RUBATINO REFUSE REMOVAL, INC., G-58)	COMPLAINT AND ORDER
)	SUSPENDING TARIFF; ALLOWING
Respondent.)	RATES ON A TEMPORARY BASIS,
.....)	SUBJECT TO REFUND

BACKGROUND

- 1 On January 14, 2009, Rubatino Refuse Removal, Inc., (Rubatino) filed with the Washington Utilities and Transportation Commission (Commission) a revised Tariff No. 7. The stated effective date is March 1, 2009.
- 2 In this filing, Rubatino proposes to increase garbage, recycling and yardwaste collection rates. Rubatino’s proposed rates were designed to increase revenues by \$1,834,000 (11.7 percent) annually. Commission Staff’s review revealed that the proposed rates were excessive. Staff and Rubatino negotiated revised rates that would increase annual revenues by approximately \$1,650,000 (10.5 percent). On February 20, 2009, Rubatino filed revised, lower rates on substitute tariff pages to reflect the lower revenue level.
- 3 The Commission received comments from four customers concerning Rubatino’s original January 14, 2009 filing. The majority of the comments concerned the increase in the rates during tough economic conditions. The customers have not yet had the opportunity to comment on the proposed revised rates filed by Rubatino on February 20, 2009.
- 4 The Commission should consider all information, including any additional customer comments on the revised rates, in deciding whether to conduct an evidentiary hearing on the revised rates. Rubatino, therefore, has not yet demonstrated the revised rates are fair, just, reasonable and sufficient.

5 The proposed revised rates might injuriously affect the rights and interests of the public.
The Commission therefore suspends the tariff filing. The Commission accepts the
proposed revised rates as temporary rates and allows those revised rates to become
effective on March 1, 2009, on a temporary basis, subject to refund.

FINDINGS AND CONCLUSIONS

- 6 (1) The Washington Utilities and Transportation Commission is an agency of the
State of Washington vested by statute with the authority to regulate rates,
regulations, practices, accounts and affiliated interests of public service
companies, including solid waste companies. *RCW 80.01.040, RCW 81.01,*
RCW 81.04, RCW 81.16, RCW 81.28 and RCW 81.77.
- 7 (2) Rubatino is a solid waste company and a public service company subject to
Commission jurisdiction.
- 8 (3) This matter came before the Commission at its regularly scheduled meeting on
February 26, 2009.
- 9 (4) The tariff revisions Rubatino filed on January 14, 2009, and the substitute pages
filed on February 20, 2009, increase rates for garbage, recycling and yardwaste
collection.
- 10 (5) Rubatino has not yet demonstrated that the proposed rates are fair, just, reasonable
and sufficient. The Commission finds it reasonable to allow the revised rates filed
on February 20, 2009, to become effective March 1, 2009, on a temporary basis,
subject to refund.
- 11 (6) In addition, the Commission invokes the rights, remedies and procedures
contained in the reparations statute, RCW 81.04.220, to the extent the
Commission finds that any rate subject to this investigation is excessive or
exorbitant.
- 12 (7) Rubatino may be required to pay the expenses reasonably attributable and
allocable to such an investigation consistent with RCW 81.20.

ORDER

THE COMMISSION ORDERS:

- 13 (1) The tariff revisions Rubatino Refuse Removal, Inc., filed on January 14, 2009, are suspended.
- 14 (2) The proposed revised tariff Rubatino Refuse Removal, Inc., filed on February 20, 2009, shall become effective on March 1, 2009, on a temporary basis, subject to refund if the Commission determines that different rates will be fair, just, reasonable and sufficient.
- 15 (3) The Commission may hold hearings if needed at such times and places as required.
- 16 (4) Rubatino Refuse Removal, Inc., must not change or alter the tariff pages filed in this docket during the suspension period, unless the Commission authorizes the change in this docket.
- 17 (5) The Commission will institute an investigation of Rubatino Refuse Removal, Inc.'s books, accounts, practices, activities, property and operations as necessary and as described above.
- 18 (6) Rubatino Refuse Removal, Inc., shall pay the expenses reasonably attributable and allocable to the Commission's investigation, consistent with RCW 81.20.

DATED at Olympia, Washington, and effective February 26, 2009.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

JEFFREY D. GOLTZ, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner