

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

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,)	DOCKET TG-071785
)	
Complainant,)	ORDER 01
)	
v.)	
)	COMPLAINT AND ORDER
WASTE MANAGEMENT OF WASHINGTON, INC., d/b/a BREM- AIR DISPOSAL, G-237)	SUSPENDING TARIFF REVISIONS; ALLOWING REVISED RATES TO BECOME EFFECTIVE OCTOBER 15, 2007, ON A TEMPORARY BASIS,
)	SUBJECT TO REFUND
Respondent)	
.....)	

BACKGROUND

- 1 On August 31, 2007, Waste Management of Washington, Inc., d/b/a Brem-Air Disposal (Brem-Air or Company) filed with the Washington Utilities and Transportation Commission (Commission) a new Tariff No. 20. The stated effective date is October 15, 2007. The filing would increase rates for solid waste service and rates for a new residential curbside recycle service. Kitsap County ordinance 379-2007 has mandated a single stream curbside recycling program be implemented by October 1, 2007. The Company serves approximately 42,000 customers in Kitsap County. The last general rate increase has been in effect since 2001.
- 2 Brem-Air’s proposed rates were designed to increase revenues by \$ 861,700 (6.56 percent) annually. Commission Staff’s review revealed that some proposed rates were excessive. Staff and the Company negotiated revised rates that would increase annual revenues by approximately \$762,218 (5.89 percent). On October 5, 2007, Brem-Air filed lower revised rates on substitute tariff pages to reflect this reduced revenue level.
- 3 The Commission has received 18 comments on this filing. Sixteen objected to the increase with four expressing service related issues. One commenter was undecided and another supports the proposed increase.
- 4 Customers deserve to know about, and comment on, proposed revised rates. 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. Brem-Air, 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 October 15, 2007, on a temporary basis, subject to refund. Public hearings may be held to determine whether the proposed changes are fair, just, reasonable and sufficient.

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, securities, affiliated transactions, and transfers 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) Brem-Air is a solid waste company and is a public service company subject to the jurisdiction of the Commission.
- 8 (3) This matter was brought before the Commission at its regularly scheduled meeting on October 10, 2007.
- 9 (4) The tariff revisions filed by Brem-Air on August 31, 2007, and the substitute pages filed on October 5, 2007, increase solid waste rates and establish rates for a single stream recycling program.
- 10 (5) Brem-Air has not yet demonstrated that the provisions for solid waste and recycling rates are fair, just, reasonable and sufficient. The Commission finds it reasonable to allow the revised rates filed on October 5, 2007, to become effective October 15, 2007, on a temporary basis subject to refund.
- 11 (6) Brem-Air may be required to pay the expenses reasonably attributable and allocable to such an investigation to the extent the requirements for such payment are in accordance with the provisions of RCW 81.20.

ORDER

THE COMMISSION ORDERS:

- 12 (1) The tariff revision(s) filed by Waste Management of Washington, Inc., d/b/a
Brem-Air Disposal on August 31, 2007, are suspended.
- 13 (2) The proposed revised tariff pages filed on October 5, 2007, shall become effective
on October 15, 2007, on a temporary basis, subject to refund if the Commission
determines that different rates will be fair, just, reasonable and sufficient.
- 14 (3) The Commission may hold hearings if needed at such times and places as
required.
- 15 (4) Waste Management of Washington, Inc., d/b/a Brem-Air Disposal, must not
change or alter the tariff filed in this docket during the suspension period, unless
authorized by the Commission in this docket.
- 16 (5) The Commission will institute an investigation of Waste Management of
Washington, Inc., d/b/a Brem-Air Disposal's, books, accounts, practices,
activities, property and operations as necessary and as described above.
- 17 (6) Waste Management of Washington, Inc., d/b/a Brem-Air Disposal, shall pay the
expenses reasonably attributable and allocable to the Commission's investigation
to the extent the requirements for such payment are in accordance with the
provisions of RCW 81.20.

DATED at Olympia, Washington, and effective October 10, 2007.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner