



WASHINGTON REFUSE & RECYCLING ASSOCIATION

November 23, 2015

Mr. Steven V. King  
Executive Director and Secretary  
Washington Utilities and  
Transportation Commission  
1200 S. Evergreen Park Dr. SW  
PO Box 47250  
Olympia, WA 98504-7250

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REGIONS MANAGEMENT

**Re: Docket TG-151838**

Dear Mr. King:

Please consider the following to be initial comments by the Washington Refuse and Recycling Association (WRRA) in response to the Notice of Opportunity to File Written Comments issued in this Docket on October 23, 2015.

Please note that WRRA provided extensive comments relative to recycling revenue sharing in correspondence dated February 23, 2012, in Docket TG-112162. We believe that earlier correspondence remains relevant and trust that it will be considered in this Docket. It was, however, drafted before the Commission issued its Interpretive and Policy Statement (IPS) on May 30, 2012, thus, does not directly address the apparent current issue of whether the IPS should be converted to a rule. It is that issue which currently causes WRRA a great deal of concern.

First, WRRA is strongly opposed to conversion of the IPS, as written, to a rule. There is no requirement that the Commission do so, as RCW 34.05.230 only "encourages" the adoption of longstanding policy statements into rules. At this time, WRRA believes that of all the current issues in the solid waste arena faced by the Commission and Industry, revenue sharing is not a priority issue to be singled out at this time. There is no crisis; nor is there a call for greater certainty by the very few companies who are actually engaged in revenue sharing. There certainly has not been a hue and cry from counties, a primary stakeholder here.

WRRA believes the IPS itself is flawed and should not become a rule in its current form. As we have indicated, the industry feels the Commission has

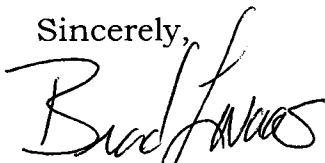
gone beyond its statutory authority in RCW 81.77.185, which we believe only requires counties to submit certified plans which are “consistent with the local government solid waste plan and that demonstrate how the revenues will be used to increase recycling.” RCW 81.77.185(1). Once that has been done, the statute instructs that the Commission “shall allow” the specified retention of revenue. The statutory language is simple and clear and, in our view, does not support the reasoning embedded in the IPS. If the current IPS were to become a rule, that rule would conflict with the letter and intent of the statute.

Second, and of significant importance to the industry, is the time and effort that would be devoted to this rulemaking alone and would come at the expense of other pending rulemakings which should receive the Commission's full attention until resolved. Specifically, WRRRA believes that the Procedural Rules Rulemaking TG-130355, which will deals with general procedural and specific rules related to industry filings with the agency should be the priority of the Commission at this time. This rulemaking has been with us since March of 2013. This issue is of much more significance to the industry and the ratepayer than revenue sharing and should be dealt with before the Commission embarks upon, in WRRRA's opinion, any noncritical new rulemaking.

Finally, WRRRA suggests a simple solution. The Commission should withdraw the Statement of Inquiry (CR-101) in Docket TG-151838 and incorporate this issue into the existing the Procedural Rules rulemaking TG-130355. There is existing precedent for this, see Docket UE-100849, Letter of Withdrawal (June 8, 2011). This suggestion, if accepted, would allow the Commission, the companies and other stakeholders should they choose, to continue to work on the revenue sharing issue as part of a current rulemaking. It also would allow time and effort to be devoted to the procedural rulemaking which are arguably of much more significance to both the Commission and the Industry.

Thank you for the opportunity to comment on this issue. Please feel free to contact me with any questions or comments.

Sincerely,



BRAD LOVAAS  
Executive Director

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