

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

SOUND DISPOSAL HOLDINGS, INC.,
d/b/a SOUND DISPOSAL,

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
Customer Notice requirements

DOCKET TG 240608

ORDER 01

GRANTING EXEMPTION FROM
RULE; GRANTING LESS THAN
STATUTORY NOTICE

BACKGROUND

- 1 On August 12, 2024, Sound Disposal Holdings, Inc., d/b/a Sound Disposal (Sound Disposal or Company) filed with the Washington Utilities and Transportation Commission (Commission) a request petitioning an exemption from WAC 480-70-351(2), and RCW 81.28.050, (Petition).
- 2 WAC 480-70-351(2) requires solid waste companies that estimate the revenue from the sale 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.
- 3 In its Petition, Sound Disposal explains that due to the volatility in the recycling commodity markets, the Company is respectfully requesting a waiver from WAC 480-70-351(2). The Company submits that its calculation uses the most recent six-month historical period to estimate the recycling commodity processing expense/commodity adjustment. The Company also requests a six-month payback period, expiring March 31, 2024.
- 4 RCW 81.28.050 require 45 days' notice to the public and the Company requests to notify customers of the changes in the next regular billing cycle under the provision of WAC 480-70-271(2)(a)(iii).

5 Commission Staff (Staff) has reviewed the Petition and recommends the Commission issue an order granting the waiver requested from WAC 480-70-351(2) and allow the rates to go into effect on less than statutory notice.

DISCUSSION

5 We agree with Commission Staff (Staff) that because of the volatility in the recycling commodity markets, an exemption from WAC 480-70-315(2) should be allowed. Pursuant to WAC 480-07-110, the Commission may, in response to a request or on its own motion, grant an exemption from its own rules when “consistent with the public interest, the purposes underlying regulation, and applicable statutes.” Granting the exemption will help keep the commodity price adjustment less volatile from year to year. This exemption is subject to the condition that Sound Disposal must file another commodity price adjustment with the Commission, with an effective date of April 1, 2025.

6 We further agree allowing the lower rates into effect on less-than-statutory notice is consistent with the public interest. Pursuant to WAC 480-70-276, the Commission may allow tariff revisions for solid waste collection companies on less than statutory notice when there is an emergency or when merit is shown. Accordingly, we grant Sound Disposal’s Petition.

FINDINGS AND CONCLUSIONS

7 (1) The Commission is an agency of the State of Washington vested by statute with the authority to regulate the rates, rules, regulations, practices, accounts, and affiliated interests of public service companies, including solid waste companies.

8 (2) Sound Disposal is engaged in the business of providing solid waste services within the state of Washington and is a public service company subject to Commission jurisdiction.

9 (3) Sound Disposal is subject to WAC 480-70-351(2), which requires solid waste companies that estimate the revenue from the sale 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.

- 10 (4) Sound Disposal is subject to RCW 81.28.050, which require solid waste companies to notify customers of changes in the tariff 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.
- 11 (5) Under WAC 480-70-051, the Commission may grant an exemption from the provisions of any rule in WAC 480-70 if doing so is consistent with the public interest, the purposes underlying regulation, and applicable statutes. See also WAC 480-07-110.
- 12 (6) Staff has reviewed Sound Disposal's request in Docket TG-240608 and recommends the Commission grant the Company's less than statutory notice request and require Sound Disposal to notify customers in its next billing.
- 13 (7) This matter came before the Commission at its regularly scheduled meeting on September 26, 2024.
- 14 (8) After reviewing the Petition filed in Docket TG-240608 by Sound Disposal on August 12, 2024, and giving due consideration, the Commission finds that the Less than Statutory notice request is in the public interest and is consistent with the purposes underlying the regulation and applicable statutes and should be granted.

ORDER

THE COMMISSION ORDERS:

- 15 (1) Sound Disposal Holdings, Inc., d/b/a Sound Disposal's Petition for exemption from WAC 480-70-351(2) is granted. For the purpose of the revised tariff filed in Docket TG-230706 on August 31, 2023, Sound Disposal Holdings, Inc., d/b/a Sound Disposal may use a six-month historical period to estimate the revenue for the next six months. This exemption expires on March 31, 2024.
- 16 (2) This exemption is subject to the condition that Sound Disposal Holdings, Inc., d/b/a Sound Disposal must file another commodity price adjustment with an effective date of April 1, 2025.

- 17 (3) Sound Disposal Holdings, Inc., d/ b/a Sound Disposal's request for less than
statutory notice is granted.
- 18 (4) Sound Disposal Holdings, Inc., d/ b/a Sound Disposal must provide notice to each
affected customer in the next billing following the entry of this Order.
- 19 (5) The tariff revision Sound Disposal Holdings, Inc., d/ b/a Sound Disposal filed on
August 12, 2024, will be effective on October 1, 2024.
- 20 (6) The Commission retains jurisdiction over the subject matter and Sound Disposal
Holdings, Inc., d/b/a Sound Disposal to effectuate the provisions of this Order.
- 21 The Commissioners, having determined this Order to be consistent with the public
interest, directed the Secretary to enter this Order.

DATED at Lacey, Washington, and effective September 26, 2024.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Jeff Killip
Executive Director and Secretary