

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

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,)	DOCKET TG-091761
)	
Complainant,)	ORDER 02
)	
v.)	ORDER AUTHORIZING TARIFF FILING; AND GRANTING
)	
BASIN DISPOSAL OF YAKIMA, LLC, G-45)	EXEMPTION FROM WAC 480-70- 266, TARIFFS REQUIRING
)	
Respondent.)	FORTY-FIVE-DAY NOTICE TO THE COMMISSION
.....)	

BACKGROUND

- 1 On November 9, 2009, Basin Disposal of Yakima, LLC (“Basin” or Company) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective Tariff No. 5, designated as 23rd revised page 1, 2nd revised page 18, 5th revised page 22, 2nd revised page 23, 2nd revised page 24, 2nd revised page 28, 3rd revised page 29, 6th revised page 31, and 2nd revised page 32. On December 10, 2009, Basin filed substitute pages designated as 2nd revised page 18, 5th revised page 22, 2nd revised page 23, 2nd revised page 24, 2nd revised page 28, 6th revised page 31, and 2nd revised page 32. The purpose of the filing was to increase rates to recover an increase in disposal fees. The stated effective date was January 1, 2010.
- 2 On December 23, 2009, the Commission entered a Complaint and Order Suspending Tariff Revisions pending an investigation to determine whether the proposed rates are fair, just, reasonable and sufficient. The Commission allowed the proposed rates to go into effect on January 1, 2010, on a temporary basis, subject to refund. The order also required the Company to file all documents required for a general rate case as provided in WAC 480-07-520 by March 1, 2010, and directed the Company to not change or alter the tariffs filed in this Docket during the suspension period unless authorized by the Commission.
- 3 Basin filed the documents required for a general rate case on February 24, 2010. Commission Staff has completed its review of Basin’s supporting financial documents, books and records. Staff’s review shows that the expenses are reasonable and required as part of the Company’s operations. Staff’s analysis shows the current, temporary rates are

too low. The current, temporary rates generate approximately \$30,000 (3.9 percent) in additional annual revenue. Staff and the Company agreed to a revised revenue requirement of approximately \$63,000 (8.3 percent). Staff and the Company have also agreed on revised rates.

4 In Order 01 issued in this Docket, the Commission ordered Basin to not change or alter the tariffs filed in this Docket during the suspension period, unless authorized by the Commission. Basin requests the Commission authorize it to file revised tariff pages reflecting the revised rates agreed to by Staff and the Company.

5 Basin also requests an exemption from WAC 480-70-266, which requires the Company to provide at least 45 days' notice to the Commission of any filing that will result in an increase in rates to customers. Basin requests authorization to file tariff pages with a June 1, 2010, effective date. The purpose of the 45 days' notice requirement is to provide sufficient time for Staff to analyze the filing. In this case, Staff has already completed its analysis and Staff recommends that the Commission grant this request.

6 Although Basin used a bill insert, placed in the first bills issued after January 1, 2010, to notify customers of the increases effective January 1, 2010, customers have not received notice of the increases reflected in the revised rates. Basin has advised Staff that, with the requested June 1, 2010, effective date, the Company will be able to comply with the 30 days' customer notice requirements of WAC 480-70-271.

7 In summary, Staff recommends that the Commission grant Basin's request for authorization to file revised tariff pages to publish the revised rates agreed to by Staff and Basin, and grant Basin's request for an exemption from WAC 480-70-266 to allow Basin to file the revised tariff pages with a June 1, 2010, effective date. This will allow customers the opportunity to comment on the revised rates before the May 27, 2010, open meeting, when the Commission will consider whether to allow the revised rates to become effective on June 1, 2010.

FINDINGS AND CONCLUSIONS

8 (1) The Washington Utilities and Transportation 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. *RCW 80.01.040, RCW 81.01, RCW 81.04, RCW 81.16, RCW 81.28 and RCW 81.77.*

- 9 (2) Basin is a solid waste company and a public service company subject to Commission jurisdiction.
- 10 (3) This matter came before the Commission at its regularly scheduled meeting on April 29, 2010.
- 11 (4) Order 01 issued in this Docket ordered Basin to not change or alter the tariffs filed in this Docket during the suspension period, unless authorized by the Commission. Basin requests the Commission authorize it to file revised tariff pages that will publish the revised rates agreed to by Staff and the Company.
- 12 (5) Basin is subject to WAC 480-70-266, which requires solid waste companies to provide at least 45 days' notice to the Commission of any filing that will result in an increase in rates to customers. Basin requests an exemption from WAC 480-70-266 to allow it to file the revised tariff pages, on less than statutory notice, with a June 1, 2010, effective date.
- 13 (6) Under [WAC 480-70-051](#), the Commission may grant an exemption from the provisions of any rule in WAC 480-70, if consistent with the public interest, the purposes underlying regulation and applicable statutes. *See also [WAC 480-07-110](#).*
- 14 (7) This matter came before the Commission at its regularly scheduled meeting on April 29, 2010.
- 15 (8) After reviewing the requests filed in Docket TG-091761 by Basin on April 26, 2010, and giving due consideration, the Commission finds that the request for authorization to file revised tariff pages publishing the revised rates agreed to by Staff and the Company, and the request for an exemption from WAC 480-70-266 to file the revised tariff pages on less than statutory notice with a June 1, 2010, effective date are in the public interest, are consistent with the purposes underlying the regulation and applicable statutes and should be granted. The Commission notes that granting Basin's request for an exemption from WAC

480-70-266 is for tariff filing purposes only and does not reflect any determination as to whether the revised rates will be allowed to become effective.

O R D E R

THE COMMISSION ORDERS:

- 16 (1) Basin Disposal of Yakima, LLC, is authorized to file tariff revisions reflecting the revised rates agreed to by Staff and the Company.
- 17 (2) The Commission grants Basin Disposal of Yakima, LLC's, request for an exemption from WAC 480-70-266, Tariffs requiring forty-five-day notice to the Commission, to allow Basin to file revised tariff pages on less than statutory notice, with a June 1, 2010, effective date.

DATED at Olympia, Washington, and effective April 29, 2010.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

JEFFREY D. GOLTZ, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner