

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

In the Matter of the Petition of	)	DOCKET TG-121060
	)	
RABANCO LTD., DBA	)	ORDER 01
LYNNWOOD DISPOSAL, G-12,	)	
	)	
Petitioner,	)	
	)	
	)	
Requesting Authority to Retain 36	)	ORDER AUTHORIZING
Percent of the Revenue Received From	)	REVENUE SHARING FOR
the Sale of Recyclable Materials	)	RECYCLABLE COMMODITIES
Collected in Residential Recycling	)	REVENUE ON A TEMPORARY
Service	)	BASIS, SUBJECT TO REVISION
.....	)	

**BACKGROUND**

- 1     On June 19, 2012, Rabanco Ltd., d/b/a Lynnwood Disposal (Lynnwood or Company), filed a request that the Washington Utilities and Transportation Commission (Commission) allow it to retain up to 36 percent of the revenue received from the sale of recyclable materials during the 2012-13 recycling plan period. The Company serves approximately 17,000 customers in Snohomish County (County).
- 2     The tariff revision filed by the Company includes additional refund monies which were the basis of a settlement agreement that resulted in the lifting of the suspension imposed by the Commission in Order 01, TG-111993.<sup>1</sup>
- 3     RCW 81.77.185 states that the Commission shall allow a solid waste collection company collecting recyclable materials to retain up to fifty percent of the revenue paid to the company for the material if the company submits a plan to the Commission that is certified by the appropriate local government authority as being consistent with the local government solid waste plan and that demonstrates how the revenues will be used to increase recycling. The remaining revenue shall be passed to residential customers.

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<sup>1</sup> Order 02, Docket TG-111991 consolidated dockets:

- TG-111991, Rabanco Ltd., d/b/a Eastside Disposal, Container Hauling, Rabanco Connections and Rabanco Companies;
- TG-111992; Rabanco Ltd., d/b/a Allied Waste Services of Kent, Rabanco Companies and Sea-Tac Disposal; and
- TG-111993 Rabanco Ltd d/b/a Lynnwood Disposal

- 4 On May 30, 2012, the Commission issued its interpretive and policy statement (IPS) in Docket TG-112162 to address issues concerning implementation of recycling revenue sharing plans, including Incentives, Bonuses or Returns in paragraphs 26 through 32. The IPS articulates a policy that incentives should be conditioned upon or tied to achieving performance goals or objectives.
- 5 On June 19, 2012, Lynnwood filed with the Commission a proposed Recycling and Revenue Sharing Plan for Snohomish County (Plan) for the period spanning August 1, 2012, to July 31, 2013. The Company submitted the Plan to meet the requirements for revenue sharing set forth in RCW 81.77.185. Lynnwood also submitted a budget for the 2012-2013 plan period. For Lynnwood, the Plan proposes to retain \$200,839 (37.1 percent) of the forecasted \$540,730 revenue from the sale of recyclable commodities collected from residential customers.
- 6 The Plan calls for the Company to use retained funds for the following activities and budget amounts: External Communication and Outreach (\$53,000), Cart Contamination (\$40,000), Yard and Food Waste (\$15,000), and Project Management and Administration (\$72,965).
- 7 The Company's 2012-2013 budget included an incentive payment of \$19,863 (11.0 percent) of planned expenditures. The Company subsequently, revised its proposed incentive payment to five percent, for the purpose of calculating for the commodity recycling credit. The Plan states in part:
- "Republic Services is eligible for a financial incentive for implementation of this plan as follows:
- For program expenditures, an amount equal to 5% of company expenditures"
- The incentive is not conditioned upon or tied to achieving any performance goals or objectives. The Commission disallows the financial incentive as filed. The Company may file a revised proposed incentive structure.
- 8 On June 18, 2012, the County filed with the Commission a letter, signed by Matthew Zybas, Solid Waste Director, Snohomish County Public Works, which certifies the Company's Plan is consistent with the County's Comprehensive Solid Waste Management Plan. The County recommends that the Commission allow Lynnwood to

retain up to 36 percent of the actual value of recyclable commodity revenues received August 1, 2012, through July 31, 2013, the period of the agreement.

- 9 Staff recommends that the Commission grant Lynwood's request to retain up to 36 percent of the recyclable commodity revenue collected during the period of the plan, August 1, 2012, to July 31, 2013, on a temporary basis subject to revision.

### FINDINGS AND CONCLUSIONS

- 10 (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.*
- 11 (2) This matter came before the Commission at its regularly scheduled open meeting on July 27, 2012.
- 12 (3) Lynnwood 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.
- 13 (4) RCW 81.77.185 states that the Commission shall allow a solid waste collection company collecting recyclable materials to retain up to fifty percent of the revenue paid to the company for the material if the company submits a plan to the Commission that is certified by the appropriate local government authority as being consistent with the local government solid waste management plan and that demonstrates how the revenues will be used to increase recycling. The remaining revenue shall be passed to residential customers.
- 14 (5) Snohomish County is responsible for managing waste through its Comprehensive Solid Waste Management Plan. The Solid Waste Director, Snohomish County Public Works certified that Lynnwood's recycling plan is consistent with the County's Comprehensive Solid Waste Management Plan.
- 15 (6) Included as part of Lynnwood's Plan with the County is a provision for an incentive payment of five percent, or \$9,048, of planned expenditures of

\$180,965. The incentive is not conditioned upon or tied to achieving any performance goals or objectives and therefore shall be rejected. To be approved, such an incentive plan should be tied to performance goals or objectives.

- 16 (7) After reviewing Lynnwood's request to retain up to 36 percent of the revenue it receives from the sale of recyclable materials collected in its single family and multi-family residential recycling programs from August 1, 2012, to July 31, 2013, and giving due consideration, the Commission finds that Lynnwood's request should be granted on a temporary basis, subject to revision.

### ORDER

#### THE COMMISSION ORDERS:

- 17 (1) Rabanco Ltd., d/b/a Lynnwood Disposal, is authorized to retain up to 36 percent of the revenue it receives from the sale of recyclable materials collected in its single family and multi-family residential recycling programs from August 1, 2012, to July 31, 2013.
- 18 (2) Rabanco Ltd., d/b/a Lynnwood Disposal, will make a compliance filing by August 17, 2012, in time for Staff to make its recommendation to the Commission at its regularly scheduled meeting on August 30, 2012. The compliance filing will specify performance criteria and conditions to be met by the Company at the end of the plan period, in order to be eligible for award of the incentive specified in its Plan.
- 19 (3) Rabanco Ltd., d/b/a Lynnwood Disposal, will report to the Commission no later than June 17, 2013, the amount of revenue it retained, the amount of money it spent on the activities identified in Rabanco Ltd., d/b/a Lynnwood Disposal's recycling plan and the effect the activities had on increasing recycling.
- 20 (3) Rabanco Ltd., d/b/a Lynnwood Disposal, shall make its next revenue sharing plan and commodity adjustment effective August 1, 2013, and each August 1 thereafter, and shall make all future revenue sharing plan and commodity adjustment filings forty-five days prior to the proposed effective date.

- 21 (4) The Commission delegates to the Secretary the authority to approve by letter all compliance filings required in this Order.
- 22 (5) The Commission retains jurisdiction over the subject matter and Rabanco Ltd., d/b/a Lynnwood Disposal, to effectuate the provisions of this Order.

DATED at Olympia, Washington, and effective July 30, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



JEFFREY D. GOLTZ, Chairman



PATRICK J. OSHIE, Commissioner



PHILIP B. JONES, Commissioner