



WASHINGTON REFUSE & RECYCLING ASSOCIATION

June 30, 2016

Mr. Steve King
Executive Director
Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Dr. SW
Olympia, WA 98504-7250

STATE OF WASHINGTON
UTILITY AND TRANSPORTATION
COMMISSION
2016 JUN 30 PM 12:00
COMMUNICATIONS SECTION

Re: Comments: Docket A-130355

Please consider the following comments on behalf of the Washington Refuse and Recycling Association (WRRA) regarding the most recent procedural rule draft sections. As you are aware, WRRA filed general comments on the entire rule and more specific comments on each previous draft section. We would like to reiterate those early comments and ask the commission to consider the following comments pertaining to this section.

WAC 480-07-140: WRRA appreciates the commission's steps in modernizing and updating the rules regarding electronic submission, but believes the electronic filing deadline should be extended past 5pm. The rules that address file names, formats, and proper formatting for submission through the commission's online system are necessary and well described, but time consuming. Companies and their representatives working with the commission often face tight filing periods, and the time necessary to properly format and name electronic files is included in this period. Properly formatting and naming documents can be a cumbersome process, particularly in complex rate cases involving numerous documents. As it is unlikely that the majority of documents submitted will be immediately reviewed after the 5pm filing deadline, WRRA urges the commission to consider documents submitted electronically by 7pm or later.

WAC 480-07-160 Confidential information under RCW 80.04.095 or RCW 81.77.210: This section should be updated to specify that the confidentiality provided to 81.77 solid waste collection companies applies only to commission regulated companies, not applicants for a certificate of public convenience and necessity. WRRA actively participated in the legislation which resulted in 81.77.210, which allows regulated solid waste collection companies to mark certain information as confidential in filings. The commission has granted 81.77 confidentiality to applicants for certificates, contrary to the intent of the law. The legislative intent of this bill is clear and WRRA can provide that history if necessary. A portion of this history is present even in this ratemaking docket in the form of comments opposing confidentiality in 81.77 by entities which later invoked the same confidentiality in certificate applications (See *Comments on behalf of the Construction Demolition Recycling Association (CDRA)* dated 10/31/13).

WAC 480-07-175 Inspection and production of documents in commission investigations:

This new WAC section is largely uncontroversial as it reiterates existing law found in 81.04.070. However, the commission should extend and apply this new section to unregulated applicants seeking certificates for public convenience and necessity under RCW 81.77 to make applicant information available. As companies without certificates under 81.77 are receiving confidentiality under 81.77.210, the industry faces difficulties in mounting an effective investigation or protest without some way to evaluate the baseline financial fitness of an applicant.

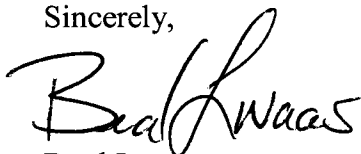
WAC 480-07-310 Ex parte communication: WRRRA appreciates the updates to the ex parte contacts rules, but we believe the rule should go further with regards to advisory staff. After a petition for administrative review is filed in an adjudication, the rule should prohibit contacts with advisory staff involved in developing the initial order. A petition for administrative review should offer the parties a second look at the record by another impartial body, but this is compromised when a proceeding involves the same staff at each stage of consideration.

WAC 480-07-305 Commencement of an adjudicative proceeding: This update to the procedural rules provides an ideal vehicle to address ongoing issues regarding notice to interested entities and industry groups. The rules should contain some mechanism for industry observers, trade associations, etc. to receive ongoing notice of new items taken up by the commission. WRRRA has experienced difficulty in receiving ongoing notice of commission proceedings which are of great interest to the solid waste industry. There are likely several ways to achieve this goal within the rule update. WRRRA offers the following addition to WAC 480-07-305(1) as one possible solution:

All persons on the Commission Listserv and any other person who has filed with the Commission a request to be notified of all adjudicative proceedings shall be given notice of the commencement of an adjudicative proceeding at the same time the Commission gives notice to the party that is subject of the proceeding.

Again, thank you for the opportunity to comment on these updates to the procedural rules. WRRRA has been an active participant throughout and will continue to participate in the future. Please feel free to contact me for any further information or clarification regarding these comments or the legislative history on 81.77 confidentiality.

Sincerely,



Brad Lovaas
Executive Director