

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

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,	)	DOCKET TG-090380
	)	
	)	ORDER 01
	)	
Complainant,	)	DOCKET TG-080913 ( <i>consolidated</i> )
	)	DOCKET TG-081089 ( <i>consolidated</i> )
	)	
v.	)	ORDER 10
	)	
	)	DOCKET TG-082129 ( <i>consolidated</i> )
POINTS RECYCLING AND REFUSE, LLC, G-155	)	
	)	ORDER 08
	)	
Respondent.	)	ORDER ALLOWING RATE
	)	REVISIONS FOR SUSPENDED
	)	TARIFF PAGES; ALLOWING
	)	RATES ON A TEMPORARY BASIS,
	)	SUBJECT TO REFUND; AND
	)	COMPLAINT AND ORDER
	)	SUSPENDING TARIFF
.....	)	

**BACKGROUND**

<sup>1</sup> On May 23, 2008, Points Recycling and Refuse, LLC (“Points” or “Company”) filed tariff revisions with the Washington Utilities and Transportation Commission (Commission) that would remove residential curbside recycling from its tariff under Docket TG-080913<sup>1</sup>. The Commission, by Order 01 issued in Docket TG-080913, suspended the proposed tariff revisions, including 8th Revised Page No. 2 and 3rd Revised Page No. 25, and ordered:

Points Recycling and Refuse, LLC, must not change or alter the tariff pages filed in these dockets during the suspension period, unless the Commission authorizes the change in this docket.

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<sup>1</sup>On December 31, 2009, the Commission consolidated Dockets TG-080913, TG-081089 and TG-082129. Docket TG-081089 involves a complaint filed by Whatcom County against Points to revoke the Company’s certification as the designated hauler for Point Roberts, Washington. Docket TG-082129 involves a complaint against Points by Complainants Coe, Damewood, and Tomson. These matters are pending before the Commission.

- 2 On March 11, 2009, Points filed with the Commission revisions, including 9th Revised Page No. 2 and 4th Revised Page No. 25, to its currently effective Tariff No. 1. The stated effective date is May 1, 2009.
- 3 In this filing, Points proposes to increase charges and rates for service it provides by approximately \$4,900 (2.36 percent) annually. Two of the tariff pages affected by this filing are currently under suspension: 8th Revised Page No. 2 and 3rd Revised Page No. 25, filed in Docket TG-080913.
- 4 On April 29, 2009, Points filed 10th Revised Page No. 2 and 5th Revised Page No. 25. These pages contain the proposed increased rates for garbage collection set forth on 9th Revised Page No. 2 and 4th Revised Page No. 25, and they remove the residential curbside recycling that was originally published on 8th Revised Page No. 2 and 3rd Revised Page No. 25, suspended in Docket TG-080913.
- 5 The proposed rates filed on March 11, 2009, might injuriously affect the rights and interests of the public. The Commission therefore suspends the tariff filing. The Commission accepts the proposed rates as temporary rates and allows those revised rates to become effective on May 1, 2009, subject to refund. The Commission also suspends the tariff revisions filed on April 29, 2009. The Commission may hold public hearings to address the suspended rates.

### **FINDINGS AND CONCLUSIONS**

- 6 (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, 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.*
- 7 (2) Points is a solid waste company and a public service company subject to Commission jurisdiction.
- 8 (3) This matter came before the Commission at its regularly scheduled meeting on April 30, 2009.

- 9 (4) The tariff revisions Points filed on March 11, 2009, would increase charges and rates for service provided by Points, and might injuriously affect the rights and interest of the public.
- 10 (5) The proposed tariff revisions affect currently suspended tariff pages. The Commission finds it reasonable to allow Points to file changes to the tariff pages suspended in Docket TG-080913.
- 11 (6) The Commission finds it reasonable to allow the rates filed on March 11, 2009, to become effective, May 1, 2009, on a temporary basis, subject to refund because those rates are filed to recover increased disposal fees. *See* RCW 81.77.160.
- 12 (7) The tariff revisions Points filed on April 29, 2009, remove curbside residential recycling, which the Commission previously suspended in Docket TG-080913.
- 13 (8) Points has not yet demonstrated that the tariff revisions would ultimately result in rates that are fair, just, reasonable and sufficient.
- 14 (9) In order to carry out the duties imposed upon the Commission by law, and as authorized in RCW 81.04.130 and RCW 81.04.220, the Commission believes it is necessary to investigate Points' books, accounts, practices and activities, and to investigate and appraise various phases of Point's operations.
- 15 (10) As required by RCW 81.04.130, Points bears the burden of proof to show that the proposed increases are just, reasonable and sufficient. Nothing in this Order is intended to limit the issues as to the fairness, justness, reasonableness and sufficiency of the proposed increases.
- 16 (11) In addition, the Commission invokes the rights, remedies and procedures contained in the reparations statute, RCW 81.04.220, to the extent the Commission finds that any rate subject to this investigation is excessive or exorbitant.
- 17 (12) Points may be required to pay the expenses reasonably attributable and allocable to such an investigation consistent with the provisions of RCW 81.20.

**ORDER**

**THE COMMISSION ORDERS:**

- 18 (1) Points Recycling and Refuse, LLC, may file changes to the tariff pages suspended  
in Docket TG-080913.
- 19 (2) The tariff revisions Points Recycling and Refuse, LLC, filed on March 11, 2009,  
are suspended in Docket TG-090380.
- 20 (3) The rate increase Points Recycling and Refuse, LLC, filed on March 11, 2009,  
should be allowed to become effective on May 1, 2009, on a temporary basis,  
subject to refund, in Docket TG-090380.
- 21 (4) The tariff revisions Points Recycling and Refuse, LLC, filed on April 29, 2009,  
are suspended in Docket TG-080913.
- 22 (5) The Commission may hold hearings at such times and places as may be required.
- 23 (6) Points Recycling and Refuse, LLC, must not change or alter the tariffs filed in this  
docket during the suspension period, unless authorized by the Commission.
- 24 (7) The Commission will institute an investigation of Points Recycling and Refuse,  
LLC,'s books, accounts, practices, activities and operations as described above.
- 25 (8) Points Recycling and Refuse, LLC, shall pay the expenses reasonably attributable  
and allocable to the Commission's investigation consistent with RCW 81.20.

DATED at Olympia, Washington, and effective April 30, 2009.

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**JEFFREY D. GOLTZ, Chairman**

**PATRICK J. OSHIE, Commissioner**