



1 comply with the statutory requirements of RCW 81.77.030 and RCW  
2 70.95.010 in approving tariff revision, Docket No. TG-931585.

3 4. Petitioner King County is a political subdivision of the  
4 State of Washington exercising independent constitutional authority  
5 under its home rule charter. King County is responsible for  
6 administering the King County Comprehensive Solid Waste Management  
7 Plan ("Comp. Plan"), which in accordance with statute, establishes  
8 goals for the reduction of the waste stream and recycling in King  
9 County. The King County Department of Public Works, Solid Waste  
10 Division, is an administrative agency of King County. The Solid  
11 Waste Division is responsible for operating and managing municipal  
12 solid waste landfills owned or operated by King County, including  
13 the Cedar Hills Landfill. Tariffs adopted under Docket No. TG-  
14 931585 will impede King County's ability to reach waste reduction  
15 and recycling goals established by the Comp. Plan and will result in  
16 increased deposit of waste at the Cedar Hills Landfill.

17 FACTS

18 5. On December 28, 1993, Seattle Disposal Co., Rabanco Ltd.,  
19 d/b/a Eastside Disposal and Container Hauling ("Eastside") filed for  
20 increased garbage and residential rates in WUTC Docket No. TG-  
21 931585.

22 6. Upon receiving notice of Eastside's tariff revision  
23 filing, representatives of King County had repeated communications  
24 with WUTC staff regarding Eastside's proposed tariff revision. In  
25 the course of those communications, King County expressed concerns

1 that the proposed tariff revision would create a disincentive for  
2 achievement of the state and local goals of waste reduction and  
3 residential recycling.

4 7. On February 9, 1994, the WUTC held a hearing on the  
5 proposed tariff revision. Rod Hansen, Ph.D., Manager of the King  
6 County Solid Waste Division appeared on behalf of King County at  
7 that hearing and made a statement in opposition to the tariff  
8 revision.

9 8. King County opposed the tariff revision because it  
10 violated RCW 81.77.030, which statutorily mandates the WUTC to  
11 supervise and regulate solid waste collection companies by requiring  
12 certificate holders to use rate structures and billing systems  
13 consistent with the solid waste management priorities set forth  
14 under RCW 70.95.010 and with the minimum levels of solid waste  
15 collection and recycling services pursuant to local comprehensive  
16 solid waste management plans and by requiring compliance with local  
17 solid waste management plans and related implementation ordinances.

18 9. RCW 70.95.010 establishes priorities for solid waste  
19 management in the State of Washington. That statute establishes  
20 waste reduction as the highest priority and recycling, with source  
21 separation of recyclable materials as the preferred method, as the  
22 second highest priority.

23 10. The King County Comprehensive Solid Waste Management Plan  
24 establishes goals for the reduction of the waste stream in King  
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1 County, and King County has adopted ordinances to implement the  
2 achievement of the goals contained in the Comp. Plan.

3 11. King County's goal is to reduce and recycle 65% of its  
4 waste stream by the year 2000 with interim goals of 35% by 1992 and  
5 50% by 1995. King County met its 1992 goal of 35% primarily due to  
6 the expansion of residential curbside recycling programs county wide  
7 during the last few years and the willingness of citizens to  
8 participate in recycling programs and to reduce their level of  
9 garbage service.

10 12. On February 9, 1994, the WUTC adopted the WUTC staff  
11 recommended rate increases, with an effective date of February 15,  
12 1994. The prior and new rates are as follows:

	<u>Prior Rates</u>	<u>New Rates</u>
<u>Residential</u>		
Monthly rate for		
weekly pickup		
Mini can	\$ 5.64	\$ 9.65
One can	9.01	10.90
Two can	12.28	12.75
Three can	15.80	15.80
Yard Waste Component	6.00	N/A
Recycle Component	4.03	4.44

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19 13. The rates adopted by the WUTC create a strong financial  
20 disincentive for customers to reduce waste and to recycle. For  
21 example, a one-can customer with yard waste collection will pay  
22 \$16.90 per month, while a three-can customer who does not have yard  
23 waste collection will pay only 15.80 monthly. The willingness of  
24 customers to increase recycling and to reduce garbage production is  
25 strongly influenced by financial incentives contained in the garbage

1 collection rate structure. The strong financial disincentives  
2 created by tariff revision, Docket No. TG-931585, will result in  
3 increased waste disposal, reduced recycling and increased illegal  
4 disposal of waste. Much of the increased waste will be deposited in  
5 the Cedar Hills Landfill. As a result, King County has been injured  
6 and will continue to be injured by the tariff revision.

7 14. In approving a tariff that is contrary to RCW 81.77.030  
8 and contrary to the priorities for solid waste management contained  
9 in RCW 70.95.010, the WUTC has violated the letter and the intent of  
10 RCW 81.77.030 and RCW 70.95.010 and has acted arbitrarily and  
11 capriciously.

12 15. On February 18, 1994, KCSWD filed with the WUTC a Petition  
13 for Reconsideration and, in the Alternative, Rehearing and Amendment  
14 or Rescission of tariff revision, Docket TG-931585.

15 16. By letter, dated March 9, 1994, the WUTC denied King  
16 County's Petition for Reconsideration and, in the Alternative,  
17 Rehearing and Amendment or Rescission, but noted "that the County  
18 may further pursue the issues raised in its petition by filing a  
19 formal complaint against Eastside Disposal's rates pursuant to RCW  
20 81.04.110 and WAC 480-09-400."

21 RELIEF REQUESTED

22 Wherefore the undersigned pray that the above Commission, after  
23 notice of hearing hereon, conduct a hearing upon the live testimony  
24 of witnesses, and by its order, repeal the tariff revision adopted

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1 in Docket No. TG-931585 and adopt a tariff revision in compliance  
2 with RCW 81.77.030 and RCW 70.95.010.

3 DATED this 22nd day of March, 1993.

4 Respectfully submitted,

5 NORM MALENG  
6 King County Prosecuting Attorney

7  
8 By: Mary F. Perry  
9 MARY F. PERRY, WSBA #15376  
10 Senior Deputy Prosecuting Attorney  
11 Attorneys for King County

12 By: Mary F. Perry  
13 *for* KATHRYN A. KILLINGER, WSBA #16342  
14 Senior Deputy Prosecuting Attorney  
15 Attorneys for King County

14 STATE OF WASHINGTON )  
15 ) ss.  
16 COUNTY OF KING )

17 I, Mary F. Perry, affirm that this complaint is  
18 true and complete to the best of my knowledge and belief.

19 Mary F. Perry  
MARY F. PERRY

