

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

WASHINGTON UTILITIES AND)	DOCKET TG-081969
TRANSPORTATION COMMISSION,)	
)	ORDER 02
Complainant,)	
)	
v.)	
)	
WASTE MANAGEMENT OF)	ORDER DISMISSING
WASHINGTON, D/B/A VALLEY)	COMPLAINT AND ORDER
GARBAGE ,)	SUSPENDING TARIFF
)	REVISIONS; ALLOWING TARIFF
Respondent.)	REVISIONS
.....)	

BACKGROUND

- 1 On October 30, 2008, Waste Management of Washington, d/b/a Valley Garbage (Valley or Company) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective Tariff No. 15. The stated effective date is January 1, 2009.
- 2 On December 23, 2008, the Commission entered a Complaint and Order Suspending Tariff Revisions pending an investigation to determine whether the revisions are fair, just, reasonable and sufficient.
- 3 Commission Staff’s review of Valley’s filing revealed that the proposed rates were excessive. The Company’s proposed rates were designed to increase revenues by approximately \$2,300,000 (9.8 percent). Staff and Valley negotiated revised rates that would increase annual revenues by approximately \$2,140,000 (9.2 percent). On December 11, 2008, Valley filed revised, lower rates on substitute tariff pages to reflect the lower revenue requirement.
- 4 At the open meeting on December 23, 2008, the Commission allowed the revised rates filed on December 11, 2008, to become effective January 1, 2009, on a temporary basis, subject to refund, to allow customers the opportunity to comment on the Staff recommended revised rates.

- 5 Fifty-nine customers commented on the original filing. Staff summarized comments from thirty-three customers and responded to them in its December 23, 2008, memorandum. The Commission received comments from twenty-six additional customers that raised three new issues. Two customers commented that the Company was making too much money collecting and selling the recyclable materials. One customer wanted to subscribe to recycling service. Consumer Protection Staff advised the two customers that the revenue the company receives from the sale of collected recyclable commodities is passed back to the customers in the form of a recycle commodity credit, currently \$1.32 per month, and advised the other customer to contact the Company to request recycling service.
- 6 On December 23, 2008, Consumer Protection Staff sent all fifty-nine customers who commented on the Company's filing a letter advising them of the Staff's recommended revised rates and that customers could file additional comments. One customer who had previously commented made an additional comment. The customer asked why he is forced to use the Company provided yardwaste container instead of using a container of his choosing, such as those sold by Home Depot. Staff explained the containers provided by the Company are specifically designed for use with the Company's automated collection vehicles.
- 7 The additional customer comment did not provide any new information that causes Staff to change its opinion that the Company's books and records support the revised revenue requirement and the revised, temporary rates are fair, just, reasonable, and sufficient.

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) Valley 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 January 15, 2009.
- 11 (4) The tariff revisions presently under suspension are fair, just, reasonable and sufficient because Valley has demonstrated that it requires additional revenues and has filed revised rates at Staff's recommended levels.
- 12 (5) After reviewing the tariff revisions Valley filed in Docket TG-081969 and giving due consideration, the Commission finds it is consistent with the public interest to dismiss the Complaint and Order Suspending Tariff Revisions in Docket TG-081969, dated December 23, 2008, and allow the tariff revisions filed on December 11, 2008, to become effective on January 16, 2009, on a permanent basis.

ORDER

THE COMMISSION ORDERS:

- 13 (1) The Complaint and Order Suspending Tariff Revisions in Docket TG-081969, entered on December 23, 2008, is dismissed.
- 14 (2) The proposed revised tariff revisions Waste Management of Washington, d/b/a Valley Garbage filed in this docket on December 11, 2008, shall become effective on January 16, 2009, on a permanent basis.

DATED at Olympia, Washington, and effective January 15, 2009.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, Commissioner