

AMENDATORY SECTION (Amending Docket No. TG-990161, General Order No. R-479, filed 3/23/01, effective 4/23/01)

WAC 480-70-036 Rules of practice and procedure.

Commission rules governing administrative practices and procedures are in chapter ((480-09)) 480-07 WAC. If a rule in this chapter conflicts with a rule in chapter ((480-09)) 480-07 WAC, the rule in this chapter applies. Copies of chapter ((480-09)) 480-07 WAC are available on request to the commission records center.

AMENDATORY SECTION (Amending Docket No. TG-990161, General Order No. R-479, filed 3/23/01, effective 4/23/01)

WAC 480-70-051 Exemptions from rules. (1) The commission may grant an exemption of any rule in this chapter, when doing so is consistent with the public interest, the purposes underlying regulation, and applicable statutes.

(2) To request a rule exemption, a person must file with the commission a written request identifying the rule for which an exemption is sought, giving a full explanation of the reason for requesting the exemption.

(3) The commission will assign the request a docket number, if it does not arise in an existing docket, and will schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other interested persons, of the date of the hearing or open meeting when the commission will consider the request.

(4) In determining whether to grant the request, the commission may consider whether application of the rule would impose undue hardship on the petitioner, of a degree or a kind different from hardships imposed on other similarly situated persons, and whether the effect of applying the rule would be contrary to the purpose of the rule.

(5) The commission will issue an order granting or denying the request or setting it for hearing pursuant to chapter ((480-09)) 480-07 WAC.

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WAC 480-70-106 Certificates, application docket, protests, and intervention. (1) **Application docket.** The application docket is a notice of pending certificate applications published by the commission. The application docket is mailed to each existing certificate holder and to any other interested person. It includes notice of certificate applications for:

- (a) New authority;
- (b) Extension of existing authority;
- (c) Transfer of authority;
- (d) Lease of authority; and
- (e) Reinstatement of authority when a city discontinues self-hauling or contracting for solid waste collection.

(2) **Protests.** A certificate holder may file a protest to an application on the docket. A solid waste collection organization, association, or conference may file a protest on behalf of existing certificate holders, specifying the names of the persons or companies in whose interest the protest is filed.

(a) **Form of protests.** Protests must:

- (i) Be filed within thirty days of the date the commission mailed the application docket notice;

- (ii) Be filed according to the provisions of WAC ((480-09-420)) 480-07-370;

- (iii) Specify the reasons for protest; and

- (iv) Specify the protestant's interest in the proceeding.

(b) **Failure to file protest on time.** A person who is eligible to file a protest but fails to do so within the thirty-day protest period may not in any way participate further in the proceeding, unless that person can show that the commission did not provide proper notice of the pending application.

(3) **Intervention.** Any person, other than the applicant and protestants to an application, who desires to appear and participate, and who does not desire to broaden the issues of the proceeding, may petition in writing to be an intervenor. Refer to chapter ((480-09)) 480-07 WAC for information on intervention.

(4) **Applications not subject to the docket and protest provisions of this rule.** This rule does not apply to:

- (a) Applications to reinstate a certificate canceled for cause under the provisions of WAC 480-70-166, when those applications are filed within thirty days of the cancellation date;

- (b) Applications for expedited temporary authority;
- (c) Applications for temporary certificated authority;
- (d) Applications for name change; or
- (e) Applications to mortgage a certificate.

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WAC 480-70-131 Certificates, temporary. (1) Requirements. Temporary certificate applications must meet the requirements of WAC 480-70-091.

(2) **Public interest.** The commission may grant a temporary certificate after determining that granting the requested authority is consistent with the public interest. In determining if the requested temporary authority is consistent with the public interest, the commission will consider factors including, but not limited to:

- (a) The fitness of the applicant.
- (b) The immediate or urgent need for the requested service due to circumstances such as, but not limited to:
 - (i) An emergency rendering it impossible for the existing company to provide service;
 - (ii) Commission action suspending or canceling the authority of the existing company; or
 - (iii) Lack of service.
- (c) Whether the requested service is currently available from an existing company serving the territory; and
- (d) Any other circumstances indicating that a grant of temporary authority is consistent with the public interest.

(3) **Shipper support statements required.** Applicants for temporary certificates must include signed and sworn support statements from one or more potential customers identifying all pertinent facts relating to need for the proposed service.

(4) **Commission investigation of applications.** Before granting or denying an application for temporary authority, the commission will conduct an investigation to examine the facts relating to the need for the proposed service.

(5) **Special terms, conditions, and limitations.** The commission may impose special terms, conditions, and limitations in connection with the grant of any temporary certificate. For example, the commission may limit temporary authority to provide service to only those commercial customers whose support statements are submitted with an application.

(6) **Length of service allowed under temporary certificate.** The commission may issue a temporary certificate effective for a

period:

(a) Of up to one hundred eighty days when the area or service territory is not contained in another company's certificate;

(b) Of up to one hundred twenty days when the area or service territory is contained in another company's certificate; or

(c) That continues until the commission grants, denies, or dismisses a parallel certificate application for permanent authority, or until the temporary certificate is otherwise canceled, whichever happens first. The permanent certificate application must be filed within thirty days of the temporary certificate application or within thirty days of the order granting the temporary certificate.

(7) **Docketing.** The commission will publish the following on its application docket:

(a) Temporary certificates granted, including any terms and conditions attached to the grant of such authorities; and

(b) A list of all applications for temporary certificated authority that the commission considered and denied.

(8) **Protests.** An existing company may file a protest opposing a temporary certificate, if the area or service territory granted is contained in the existing company's certificate. A solid waste collection organization, association, or conference may file a protest on behalf of existing companies, specifying the names of the individuals or companies in whose interests the protest is filed. Protests must:

(a) Be filed with the commission in writing within twenty days after the date the commission mails the application docket;

(b) Contain a statement of the specific grounds on which the protest is made;

(c) Contain a statement of the protestant's interest in the proceeding;

(d) Be served on the applicant; and

(e) Be served on the applicant's representative, if one is stated in the notice.

(9) **Disposition of protests.** The commission may grant or deny a protest without hearing.

(10) **Brief adjudicative proceedings.** The commission may order a brief adjudicative proceeding on its own motion or at the request of a party.

(11) **Intervention.** Any person, other than the applicant and protestants to an application, who desires to appear and participate, and who does not desire to broaden the issues of the proceeding, may petition in writing to be an intervenor. Refer to chapter ((480-09)) 480-07 WAC for information on intervention.

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WAC 480-70-231 Tariffs, general. (1) **Solid waste tariffs no longer subject to chapter 480-149 WAC.** As of the effective date of these rules, solid waste collection companies are not subject to the provisions of the commission's Tariff Circular No. 6 (chapter 480-149 WAC). They are instead subject to the requirements of this chapter.

(2) **Additional regulatory requirements.** Companies are also subject to additional rules regarding rate filings contained in chapter ((~~480-09 WAC, including, but not limited to:~~

(a) ~~WAC 480-09-015 - Submission of "confidential" information;~~

(b) ~~WAC 480-09-101 - When communications are received;~~

(c) ~~WAC 480-09-120 - Filing and service by telefacsimile;~~
and

(d) ~~WAC 480-09-300 through 480-09-335 - Filing requirements~~)) 480-07 WAC.

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WAC 480-70-256 Tariffs, rejection. The commission will reject tariffs that:

(1) Do not contain all required information, including, but not limited to, that required by WAC ((~~480-09-300 through 480-09-335~~)) 480-07-520;

(2) Do not comply with format rules;

(3) Are not accompanied by required maps;

(4) Reflect retroactive rate treatment;

(5) Are not filed in accordance with the notice requirements shown in WAC 480-70-261 through 480-70-276; or

(6) Contain provisions that conflict with state statutes or commission rules.

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WAC 480-70-339 Tariffs, suspension by the commission. (1) The commission may, on receiving a complaint or protest, or on its own motion, suspend tariff rates, tariff charges, or tariff rules as provided in RCW 81.04.130.

(2) The commission will not take action to suspend a tariff, or any part of a tariff, based on a complaint or protest unless the complaint or protest is filed in compliance with the commission's rules of practice and procedure as set out in chapter ((480-09)) 480-07 WAC.

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WAC 480-70-386 Complaints. (1) **Company responsibility.**

(a) **Complaints from customer.** When a company receives a complaint from a customer or an applicant for service, it must:

(i) Acknowledge the complaint;
(ii) Investigate promptly;
(iii) Report the results of the investigation to the complainant;

(iv) Take corrective action, if warranted, as soon as appropriate under the circumstances;

(v) Inform the complainant that the decision may be appealed to a higher level representative of the company, if any;

(vi) Inform the complainant, if still dissatisfied after speaking with the higher level representative, of the commission's availability for review of the complaint; and

(vii) Provide the complainant with the commission's address and toll-free telephone number.

(b) **Complaint referred by commission.** When commission consumer affairs staff refer an informal complaint to the company, the company must:

(i) Investigate and report the results to the commission consumer affairs staff within two business days (the commission consumer affairs staff may grant an extension of time for responding to the complaint if requested and warranted);

(ii) Keep the commission consumer affairs staff informed of

progress toward the solution; and

(iii) Inform the commission consumer affairs staff of the final result.

(c) **Complaint record.** A company must keep a record of all complaints concerning service or rates for at least one year. The record of complaints and rates must be made readily available for commission review. The record must contain:

(i) The complainant's name and address;

(ii) Date and nature of the complaint;

(iii) Action taken; and

(iv) Final result.

(2) **Complaints to commission.** Applicants, customers, or their representatives may file with the commission either:

(a) An informal complaint against the company under the provisions of WAC ((~~480-09-150~~) 480-07-910); or

(b) A formal complaint against the company under the provisions of WAC ((~~480-09-500~~) 480-07-370).